

**Town of Louisa
Monthly Meeting
September 18, 2007**

Present: James S. Artz, Mayor; Mary Jane Clarke, Vice-Mayor; Pamela H. Stone, Warren D. Gehle, Matthew L. Kersey, Council Members; Ronald M. Maupin, Attorney; Brian W. Marks, Town Manager; Donna L. Pinter, Treasurer; Jessica M. Ellis, Clerk; M. Brad Humphrey, Project Manager; Stan Batten, Chief of Police

Also Attending: Pat Wilson, The Central Virginian; Donald Lloyd, Lloyd's Real Estate; Toni Williams, RTW Construction; Will Turnage, VML/VACo; Bar Delk, Louisa County Water Authority; Steve Kevich, VA Dept. of Health; Scott Ehrhardt; Mr. & Mrs. Andrew Kenny, Kenny's Real Estate

Absent: A. Daniel Carter, Council member.

All copies including: reports, handouts, and documents can be found following the minutes.

(Just prior to the start of the meeting, Mayor Artz noted Mr. and Mrs. Kenny's attendance and requested that they be added to the agenda following the New Business section.)

Mayor Artz called the meeting to order at 7:00 p.m.

Council Member Kersey gave the invocation.

BUSINESS FROM THE FLOOR

None.

CONSENT AGENDA

Council member Stone made a motion to approve the consent agenda. Council member Gehle seconded the motion. The vote went as follows: Kersey, for; Clarke, for; Gehle, for; Stone, for with the exception of the C.V.

OLD BUSINESS

A. SUP 2005-01

Mr. Donald Lloyd and RTW Construction request a Special Use Permit to construct a 96 unit town home development on Pine Ridge Drive.

Mr. Marks reintroduced the project explaining that Mr. Lloyd and Mr. Williams first came before Council in 2005. He reported that both the Planning Commission and Council had reviewed the project and informed the gentlemen that the project would have to be tabled to a later date due to the lack of capacity at the WWTP. Mr. Marks then informed Council that Mr. Lloyd and Mr. Williams contacted him again several months ago requesting the status of their application, given that the Town and County had decided to move forward and expand the existing WWTP. Mr. Marks informed Council that the project was referred to the Planning Commission for review as requested by Council member Kersey. Mr. Marks then reported that the Planning Commission made a recommendation to approve the project with 6 conditions.

Mr. Maupin informed Council that they could one of the following options: deny the SUP; grant the SUP with no conditions; or grant the SUP with some or all of the conditions listed by the Planning Commission.

Council member Gehle made the motion to approve SUP 2005-01 with the six conditions as recommended by the Planning Commission. Council member Kersey seconded the motion. The vote went as follows: 4-0 in favor.

B. Presentation

Mr. Will Turnage of VML/VACo will propose financing options for the WWTP expansion.

Mr. Turnage, Deputy Director with the VML/VACo Finance Program, presented financing options for Council to consider during the expansion of the WWTP. Mr. Turnage began with a brief history of the company before moving into the specifics of the two basic types of programs offered: the Pooled Bond Program or the Commercial Paper Program. Mr. Turnage handed out copies of the presentation containing information on each program. (A copy of the presentation can be found following the minutes.)

C. Presentation

Mr. Brad Humphrey, Town of Louisa Project Manager, will speak to the progress of the TEA 21 Grant Route 33 Sidewalk and Pedestrian Safety Improvements Project, and give recommendations.

Mr. Humphrey stood before Council and reported that since the last Council meeting one additional easement has been obtained. He noted that there are still three easements that need to be obtained, and two of the easements are in the principal ownership of one group of people. Mr. Humphrey stated that per Council's request at the last Council meeting, he rescinded the initial offers that were given to property owners, and had issued a new offer and a request for their response. Mr. Humphrey reported that he had received a response from two of the property owners, but not from the third owner. Mr. Humphrey stated that he felt optimistic that two of the easements could be obtained, but that a third easement would most likely not be obtainable under the current ownership. Mr. Humphrey then stated that this situation leaves Council with a decision to make. He recommended that Council either stop their efforts and do away with the project all together; or freeze the project, put it on hold, and use the \$68,000 in funding that the town appropriated for the TEA 21 project this year and use it towards the downtown portion of the

project. Mr. Humphrey stated that Council could revisit this project again at a later date when all the easements have been obtained. Mr. Humphrey added that the state funding for the project must be spent by the end of 2008. He stated that it is his understanding, after talking with VDOT, that if Council decides to do away with the project the state funding can also be used on the downtown revitalization project.

Mr. Marks then stated that what he felt Mr. Humphrey was trying to say was to freeze the Route 33 project, and focus on other aspects of the TEA 21 Grant so that we do not lose any funding while waiting for easements. Mr. Marks suggested getting started on the downtown portion of the project and possibly advertise for RFP's, etc., then come back to the Route 33 project if an easement has been obtained or a piece of property has changed hands between now and July 1 of 2008 when Council would then allocate more funding for the project. Mr. Marks then stated that the town has a lot of funds from the state tied up at the moment, and if they are not used in four years, they are lost.

NEW BUSINESS

Presentation

Mr. Bar Delk, Mr. Steve Kevich, and Mr. Scott Ehrhardt will provide information regarding the Louisa County Water Authority and Town of Louisa water quality issue.

Mr. Steve Kevich, of the VA Department of Health Office of Drinking Water, began the presentation by informing Council that the county and the town had received a letter informing them that they had exceeded HAA5 limits of standards. Mr. Kevich then stated that there was no cause for panic because HAA5's are not acute contaminants, which are microbes and bacteria that cause people to get sick after just one drink of water out of the tap. The HAA5 is chemical contaminant, and is something that would have to be consumed at levels that exceed the regulated amount for years before causing any health risk.

Mr. Kevich then went further to explain how HAA5's are created. He stated that the town's water comes from the Northeast Creek Reservoir which is treated at the Northeast Creek Treatment Plant. In order to kill the microbes and bacteria that can make people sick, the plant is required by the state to use chlorine as a disinfectant to deactivate the bugs and prevent illness. One of the side affects of using chlorine is the creativity of a disinfection byproduct, and HAA5 is one of those byproducts. The byproduct is created when organic material (such as leaves and other vegetation) dies and gets into the surface water and further decays, which is a natural process, but when chlorine is added to the water with the organic materials the chlorine attacks the molecules and breaks them up into smaller pieces and reacts with them creating the byproducts (HAA5's, etc.). Mr. Kevich stated that the more organic material that is in the water, and the more chlorine added to fight the microbes and bacteria, the higher the byproduct levels. Mr. Kevich stated that the byproduct levels tend to be higher in the summer due to warmer temperatures.

Mr. Kevich stated that the water is tested quarterly and results over the allowable limit result in a letter of violation. All the results over a year's time are averaged in together, and due to previous high results being incorporated in the average, the county and town are still in violation. However, Mr. Kevich stated that as long as the county and town are cooperative and show that they working on the matter to lower the levels, no further action will be taken against the county and town. Mr. Kevich stated that this is a common problem and many other localities go through the same situation.

Mr. Bar Delk, of the Louisa County Water Authority, and Mr. Scott Ehrhardt, of Dewberry both stated that they have been looking into the problem a great deal and have been exploring options to resolve the situation. Mr. Humphrey stated that a grant exists that could help with the funding of the solution to the problem.

208 Entrance

Mayor Artz stated that Mr. and Mrs. Kenny were in attendance and would like the opportunity to speak to Council regarding their property located at the corner of Main Street and the 208 Connector.

Mr. Andrew Kenny stood before Council and stated that he and Mr. Kip Killmon own a corner lot at 216 East Main Street and would like to close off the current entrance/exit to the property and move it onto the 208 connector. Mr. Kenny stated that he has spoken with VDOT about the matter and was told that the current entrance/exit is unsafe and that they felt moving the entrance/exit to the 208 connector would be the best solution. Mr. Kenny stated that VDOT informed him that they would provide a letter of approval regarding the move.

Mr. Marks interrupted to inform Council that a plat of the property that Mr. Kenny was referring to was in Council's packet.

Mr. Kenny stated that his original plan was to renovate the existing structure for office use only, but found that the best option would be to level the home and rebuild. He stated that the new building would be a two story colonial brick structure, and would be used as office space.

Mr. Marks then spoke informing Council that he and Mr. Kenny met with VDOT on Thursday, September 13, 2007 to discuss the move. Mr. Marks stated that Mr. Wood and Mr. Mullins approved of closing off the current entrance/exit and moving it onto the 208 connector, and also stated that they would allow the curb cut. Mr. Marks then noted that he asked to have the approval in writing, and while he stated that he had not received it as of yet, it was clear that it was VDOT's intent to express their approval in writing. Mr. Marks added that he informed Mr. Kenny that the approval from VDOT would be required for Council's review.

Council member Stone stated that she would also like to see a letter from VDOT stating their approval for the move and the curb cut. Mrs. Stone also stated that Mr. Kenny's proposal would be an improvement to the use of property, and also to the use of the town, but added that she wanted to make Mr. Kenny aware of the fact that the Council is sensitive to the use of the 208 connector. Mrs. Stone informed Mr. Kenny that Council is trying to keep a very fine balance regarding access on the connector, and that maybe a new cut would be a little contrary to what the premise has been.

Mayor Artz then stated that he felt the proposal adds promise to the corner property.

Council member Kersey stated that he felt Council should take the matter under advisement. Mr. Kersey stated that the proposal merits a good consideration, but was concerned that the item was buried in the packet and that it did not appear as a business item on the agenda. Mr. Kersey stated that the item was moved from the Town Manager's report to the New Business section without any advertising to be considered for action this evening. Mr. Kersey stated that troubled him.

Mr. Maupin then stated that it was his understanding that Council member Stone would prefer not to take any action until the letter from VDOT had been received.

Council then directed Mr. Marks to put the proposal on next month's agenda for action to be taken on the matter, and to also contact VDOT requesting a letter of approval of Mr. Kenny's proposal for next month's meeting.

STANDING COMMITTEE REPORTS

Police Department:

(Please refer to the Police Department report.)

Chief Batten had nothing to add to his report.

Mayor Artz reported that he did a ride along with Officer Smutz.

Water & Sewer Department:

(Please refer to the Water & Sewer Department report.)

Mr. Humphrey stood before Council and read aloud from his report, highlighting areas of interest.

Litter Committee:

No report.

Streets & Sidewalks

No report.

Cemetery

No report.

REPORTS FROM STAFF

Counsel

Mr. Maupin reported that he has been working on the Personnel Grievance Policy and will report back next month.

Clerk

No report.

Treasurer

No report.

Manager

Mr. Marks refreshed Council's memory regarding the MOA that the town entered into with the DHR about the ceilings in the Town Hall building. Mr. Marks stated that he had received the final MOA and requested Council's authorization to sign the document. Mr. Marks added that Council would have to choose one of three actions listed in the MOA as required by DHR. Mr. Marks suggested that Council chose to install a historical marker on site.

Council member Stone made the motion to give Mr. Marks authorization to enter into the MOA. Council member Clarke seconded the motion. The vote went as follows: 4-0 in favor.

Council member Stone then made the motion to authorize Mr. Marks to move forward with what is necessary for the installation of the approved historical marker on site. Council member Gehle seconded the motion. The vote went as follows: 4-0 in favor.

Mr. Marks then revisited a grant that was awarded to the town for the Route 33/Fredericksburg Avenue Pedestrian Safety Program. Mr. Marks stated that due to the costs involved in obtaining right of ways, the town is limited as to what they can do with the funding. He reported having meetings with VDOT on the matter and they have suggested that the town brainstorm as a group to come up with a viable pedestrian safety approved project. Mr. Marks stated that he would look further into the issue and report back at the next meeting.

Mr. Marks then took a moment to clarify that he had no intent to bury Mr. Kenny's 208 connector cut. Mr. Marks stated that he never told Mr. Kenny that any action would be taken on the matter today. He added that he had just met with Mr. Kenny and VDOT on Thursday and came back from the meeting and added the item to his report for Council to review. Mr. Marks again stated it is not his intent to bury items and push them in front of Council at a meeting which is why he had the item appear at the back of the packet in the Manager's briefing. Mr. Marks stated that he had no idea that Mr. Kenny even planned to attend the meeting. Mr. Marks then apologized if he did anything wrong.

Mayor Artz then stated that he added Mr. Kenny to the agenda when he saw him enter the room and take a seat. Mr. Artz stated that he did so as a consideration to Mr. Kenny after sitting through the entire meeting, which is something that they have done for other people in the past.

Mr. Marks stated that due to the VML Conference, Council would need to move the regularly scheduled Town Council Meeting to Wednesday, October 17, at 7:00 p.m.

Council member Clarke made the motion to move hold the Louisa Town Council meeting on Wednesday, October 17, 2007 at 7:00 p.m. Council member Stone seconded the motion. The vote went as follows: 4-0 in favor.

COMMUNICATIONS

Mayor Artz read aloud a thank you card from Doug Straley.

ADJOURNMENT

Council Member Clarke moved to adjourn the September 18, 2007 meeting at 9:07 p.m.

Mayor

Clerk

CERTIFICATION OF CLOSED SESSION

WHEREAS, The Louisa Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 – 3712 (D) of the Code of Virginia requires a certification by this Town Council and such executive meeting was conducted in conformity with Virginia Law;

NOW THEREFORE, BE IT RESOLVED that the Town Council hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion covering the executive meeting were heard, discussed or considered by the Town Council.

VOTE

AYES: Gehle, Kersey, Clarke, Stone.

NAYES: None.

ABSENT DURING VOTE: Carter.

ABSENT DURING MEETING: Carter.