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**Town of Louisa  
Monthly Meeting  
September 16, 2014**

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**Present:** R. Garland Nuckols, Mayor; Mary Jane Clarke, Vice-Mayor; Matthew L. Kersey, Warren D. Gehle, A. Daniel Carter, Andrew G. Wade, Council Members; Brian W. Marks, Town Manager; Jessica M. Ellis, Clerk; Carol A. Brown, Treasurer; M. Brad Humphrey, Project Manager

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**Also Attending:** Kettrina Merkel, Administrative Assistant; John Richie, Bohler Engineering; Laura Mondrick, The Keith Corporation; Jade Lorenzo, owner of Obrigado and Floozie's restaurants; Lisa Shaw, owner of Village Furniture; Virginia Carroll, Claybrooke Farm; Brian Gilbreth, CVA Link

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**Absent:** Jeff Gore, Legal Counsel

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

Mayor Nuckols called the Louisa Town Council meeting to order at 7:00 p.m.

**BUSINESS FROM THE FLOOR**

Mr. Marks read aloud a letter that was received by Mayor Nuckols regarding the care and maintenance of Hillcrest Cemetery.

**CONSENT AGENDA**

Mr. Marks requested that the acceptance of DMV grants be added to the agenda under Old Business as item number five. Mr. Marks also noted that there were two items for discussion during closed session.

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2 Council member Carter made the motion to approve the consent  
3 agenda. Council member Gehle seconded the motion. The vote went  
4 as follows: 5-0 in favor.  
5

6 **PUBLIC HEARINGS**  
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8 **1) SUP 2014-002 Propane Dispensing Operation in Conjunction**  
9 **with an 18,000 sq. ft. Retail Store**

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11 Mr. Marks reported that the public hearing had been advertised as  
12 required and that he had not received any public comments. Mr.  
13 Marks then introduced Mr. John Richie of Bohler Engineering who  
14 stood and spoke at length about the site and location of the propane  
15 tank.  
16

17 Mayor Nuckols then opened the public hearing at 7:10 p.m. asking if  
18 there was anyone present that would like to speak for or against the  
19 propane dispensing operation. Hearing no response, Mayor Nuckols  
20 closed the public hearing at 7:11 p.m.  
21

22 **2) Amendments to Proffers Accepted During RZ 2004-001**  
23

24 Mr. Marks reported that the public hearing had been advertised as  
25 required and that he had not received any public comments. Mr.  
26 Marks then explained at length why Mr. James Allen Poore, of  
27 BYPASS LLC, is requesting that the proffers be amended.  
28

29 Mayor Nuckols opened the public hearing at 7:14 p.m. asking if there  
30 was anyone present that would like to speak for or against the  
31 amendments to proffers accepted during RZ 2004-001. Hearing no  
32 response, Mayor Nuckols closed the public hearing at 7:15 p.m.  
33

34 **3) Amendments to Section 139 of the Louisa Town Code**  
35 **Allowing Sidewalk Seating for Restaurants and Cafes**  
36

37 Mr. Marks reported that the public hearing had been advertised as  
38 required.  
39

1  
2 Mayor Nuckols opened the public hearing at 7:16 p.m. asking if there  
3 was anyone present that would like to speak for or against the public  
4 hearing. Mr. Marks stated that he received a letter in favor of outdoor  
5 seating/dining from Mr. Greg Madison, owner of the property at 121  
6 W. Main Street. Mr. Marks then read the letter aloud for public  
7 record. Jade Lorenzo, owner of Obrigado and Floozie's restaurants  
8 at 109 W. Main Street, then stood and also spoke in favor of outdoor  
9 seating. Lisa Shaw, owner of Village Furniture at 308 W. Main Street,  
10 also commented stating that she felt all the businesses on Main  
11 Street (retail and restaurants) should be treated equally. Mayor  
12 Nuckols then closed the public hearing at 7:17 p.m.

13  
14 **OLD BUSINESS**

15  
16 **1) Discussion/Action: SUP 2014-002 Propane Dispensing**  
17 **Operation in Conjunction with an 18,000 sq. ft. Retail Store**

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19 Mr. Marks reported that the Planning Commission has forwarded this  
20 matter on to Council recommending approval.

21  
22 Council member Wade made the motion to approve the SUP 2014-  
23 002 as presented. Council member Clarke seconded the motion.  
24 The vote went as follows: 5-0 in favor.

25  
26 **2) Discussion/Action: Amendments to Proffers Accepted During**  
27 **RZ 2004-001**

28  
29 Mr. Marks reported that the Planning Commission has forwarded this  
30 matter on to Council recommending approval.

31  
32 Mayor Nuckols asked Council if there was any discussion on the  
33 matter to which Council member Gehle responded stating that he had  
34 several questions. Laura Mondrick, speaking on behalf of the  
35 developer The Keith Corporation, received and answered Mr. Gehle's  
36 questions and concerns as well as those of Council member Wade,  
37 and Council member Kersey.

1  
2 Council member Wade made the motion to approve the amendments  
3 to proffers accepted during RZ 2004-001. Council member Carter  
4 seconded the motion. The vote went as follows: Wade, for; Gehle,  
5 against; Carter, for; Kersey, against; Clarke, for (3-2 in favor).  
6

7 **3) Discussion/Action: Amendments to Section 139 of the Louisa**  
8 **Town Code Allowing Sidewalk Seating for Restaurants and**  
9 **Cafes**

10  
11 Mr. Marks reported that the matter has been through extensive  
12 review by the Planning Commission as well as our attorney. Mr.  
13 Marks stated that the Planning Commission has forwarded this matter  
14 on to Council recommending approval.  
15

16 Council member Kersey questioned if the Planning Commission gave  
17 any consideration to the retail businesses or were the amendments  
18 exclusively for restaurants. Mr. Marks responded that they discussed  
19 retail businesses as well, but restricted these amendments to only  
20 restaurants and cafes at this time. Council member Clarke  
21 questioned if the ordinance could be amended to include retail  
22 businesses in the future to which Mr. Marks replied that Council could  
23 change the ordinance next month if they desired.  
24

25 Council member Gehle made the motion to adopt the amendments to  
26 Section 139 of the Louisa Town Code allowing sidewalk seating for  
27 restaurants and cafes and bring the matter back to the Planning  
28 Commission for retail consideration. Council member Kersey  
29 seconded the motion. During the comments period, prior to the vote  
30 being called, Mayor Nuckols stated that he had two people approach  
31 him with concerns regarding alcohol being consumed on the sidewalk  
32 outside of restaurants. Following his report, Mayor Nuckols motioned  
33 for the Clerk called the roll. The vote went as follows: 5-0 in favor.  
34

35 **4) Discussion/Action: Compensated Absence Accrual**

36  
37 Mr. Marks stated that he included three options in the packet for  
38 Council's consideration.  
39

1  
2 After several minutes of discussion between Council and staff,  
3 Council member Kersey made the motion to have the packet, in its  
4 entirety, placed with budget considerations for 2015-2016. Council  
5 member Carter seconded the motion. The vote went as follows: 5-0  
6 in favor.

7  
8 **5) Acceptance of DMV Grants for Selected Enforcement**

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10 Council member Kersey made the motion to accept the DMV grants  
11 for selected enforcement. Council member Gehle seconded the  
12 motion. The vote went as follows: 5-0 in favor.

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14 **NEW BUSINESS**

15  
16 **1) Discussion/Action: Farmers Market Sub Lease to Mr. John  
17 Carroll**

18  
19 Mrs. Virginia Carroll stood and spoke for her husband, Mr. John  
20 Carroll, as he could not be in attendance. Mrs. Carroll thanked  
21 Council for allowing them to set up and sell pumpkins and Christmas  
22 trees last year stating that they had a very positive experience at the  
23 Farmer's Market location with the exception of some inclement  
24 weather and muddy conditions. Mrs. Carroll stated that they would  
25 again like to lease the space to sell pumpkins and Christmas trees  
26 this fall.

27  
28 Mr. Marks informed Council that our attorney, Mr. Jeff Gore,  
29 recommended a public hearing on the matter. A brief discussion was  
30 held regarding the need for a public hearing and the Carroll's desire  
31 to have stone put down on the property before Council took the  
32 following action:

33  
34 Council member Gehle made the motion to approve the lease to Mr.  
35 John Carroll and to hold a public hearing at the October 21, 2014  
36 Council meeting. Council member Wade seconded the motion. The  
37 vote went as follows: 5-0 in favor.

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2 **2) Discussion/Action: Lease Proposal for an Antenna Site at the**  
3 **Acme Water Tank**

4  
5 Mr. Marks introduced the item and stated that he felt it would be a  
6 positive change, and then noted that Mr. Brian Gilbreth, of CVA Link,  
7 was in attendance answer any questions.

8  
9 Council member Wade spoke in favor of the private and public  
10 relationship.

11  
12 Council member Wade made the motion to accept the CVA Link  
13 Wireless Broad Band Proposal as presented. Council member  
14 Clarke seconded the motion. The vote went as follows: 5-0 in favor.

15  
16 **3) Discussion/Action: Halloween Events**

17  
18 **A) Approval of Louisa Baptist Church's "Trunk of Treats"**

19  
20 **B) Approval of the Central Virginia Assembly of God's "No**  
21 **Fright Fun Night"**

22  
23 **C) Designate Trick or Treating period for October 31, 2014**  
24 **from 6:00 to 9:00 p.m.**

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26 Council member Kersey made a motion to approve items A, B, and C  
27 at the same time. Council member Carter seconded the motion. The  
28 vote went as follows: 5-0 in favor.

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30 **4) Discussion/Action: Appointment of Louisa County Planning**  
31 **Commission Liaison**

32  
33 After several minutes of discussion, Council took the following action:

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35 Council member Carter made the motion nominating Mayor Nuckols  
36 to serve as the liaison on the Louisa County Planning Commission.  
37 Council member Wade seconded the motion. The vote went as  
38 follows: 5-0 in favor.

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2       **STANDING COMMITTEE REPORTS**

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4       Police Department:

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6       (Please refer to the Police Department report.)

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8       In the absence of a Chief of Police, Mr. Marks quickly updated the  
9       Police Department's report and fielded questions from Council.

10  
11       Water & Sewer Department:

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

14  
15       Mr. Humphrey stood before Council and read aloud from his report,  
16       highlighting areas of interest.

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18       Litter Committee:

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20       No report.

21  
22       Streets & Sidewalks

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24       No report.

25  
26       Cemetery

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28       No report.

29  
30       **REPORTS FROM STAFF**

31  
32       Counsel

33  
34       Mr. Gore was not present; however he asked that Mr. Marks report  
35       on his behalf that he is still working diligently with CSX.

36  
37       Clerk

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39       No report.

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Treasurer

No report.

Manager

Mr. Marks reported:

- Three CD's, two with VCB and one with Essex Bank will mature in late September 2014. Due to the timing, Mr. Marks requested authorization to reinvest the funds at the best possible short term rates and report back at the next meeting.

Council member Carter made the motion authorizing the Town Manager to reinvest the funds and report back at the next Council meeting. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

- Mr. Marks reported back on the drainage issue Mr. Stockton mentioned at the meeting in September. Mr. Marks referred to a letter he received from VDOT which he included in the Council packet.
- Mr. Marks made note of the letter that was drafted and sent on behalf of Ms. Elizabeth's Daycare to the Virginia Department of Social Services.
- Mr. Marks made mention of the 7<sup>th</sup> Annual day on the Greens Golf Tournament hosted by the Louisa County Chamber of Commerce.
- Mr. Marks reminded Council that the VML Conference would be held in Roanoke this year if anyone would like to attend. He stated that information on the conference was included in the packet.
- Mr. Marks also gave a very brief WWTP update.

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2 **COMMUNICATIONS**

3  
4 None.

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6 **CLOSED SESSION**

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8 Council Member Wade made the motion to convene in closed  
9 session to discuss the following: as permitted by Virginia Code § 2.2-  
10 3711(A)(1) to interview a potential candidate; and as permitted by  
11 Virginia Code § 2.2-3711(A)(3) to discuss the acquisition of real  
12 property for public purpose. Council member Carter seconded the  
13 motion. The vote went as follows: 5-0 in favor.

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15 Council went into closed session at 8:13 p.m.

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17 **REGULAR SESSION**

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19 Council member Carter made the motion to go back in to open  
20 session. Council member Clarke seconded the motion. The vote  
21 went as follows: 5-0 in favor.

22  
23 Council returned to regular session at 9:05 p.m.

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25 **CERTIFICATION OF CLOSED SESSION**

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27 *Council member Clarke made the motion certifying that, in the closed*  
28 *session just concluded, nothing was discussed except the matter or*  
29 *matters (1) specifically identified in the motion to convene in closed*  
30 *session and (2) lawfully permitted to be discussed under the*  
31 *provisions of the Virginia Freedom of Information act cited in that*  
32 *motion. Council member Gehle seconded the motion. The vote went*  
33 *as follows: Clarke, for; Kersey, for; Carter, for; Wade, for; Gehle, for*  
34 *(5-0 in favor).*

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36 **ACTION**

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38 Council member Wade made the motion to: *(written as submitted by*  
39 *the Town Manager)* offer the Chief of Police position to Mr. Ronnie

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Roberts with a 2 year contract as an exempt employee with: \$59,375 annual salary; take home car; town benefits (VRS, BC/BS, insurance), 15 days vacation per year awarded upon contract signing and on the 1<sup>st</sup> anniversary. Mr. Roberts has the choice of 4 hours per month sick time or 6 days sick time awarded on contract signing. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

**ADJOURNMENT**

At 9:10 p.m., Council Member Clarke made the motion to adjourn the meeting. Council member Kersey seconded the motion.

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Mayor

\_\_\_\_\_  
Clerk