

VIRGINIA: Public Hearing for Proposed 2012-2013 Budget & Regular Monthly Meeting with Joint Public Hearing with Planning Commission for Special Use Permit at the Onley Fire & Rescue Building on the 7th day of May, A.D., 2012:

Members Present: Billye D. Custis, Mayor
Jack Pierson, Vice-Mayor
Billy Chance
Dawn Dize
Lance Eller
Ned Finney
Don Strautz

Staff Present: Walter Marks, Chief of Police
Jamye Salazar, Treasurer
Cela Burge, Town Attorney
David Engelhart, Zoning Administrator

Public Hearing for Proposed 2012-2013 Budget

Call to Order

Mayor Custis called the Public Hearing to order at 6:00pm. Mayor Custis read the Rules for Public Participation & Public Hearings. Ms. Salazar read the highlights of the proposed 2012-2013 budget into the minutes. A copy will be attached. Mayor Custis noted that the budget does balance and there is no proposed tax increase.

Public Comments

No one signed up to speak. Mayor Custis asked if anyone wished too. There was no response.

Adjourn Public Hearing

Mayor Custis adjourned the Public Hearing at 6:05pm.

Regular Monthly Meeting

Call to Order

The Regular Monthly Town Council Meeting was called to order by Mayor Custis at 6:05pm. The invocation was given by Dawn Dize. The Pledge of Allegiance to the Flag was led by Lance Eller.

Adoption of Agenda

Mayor Custis asked to add (C) Mosquito Spraying under New Business and to change (11) to Adjourn/Recess.

Motion: To adopt the agenda with changes by Don Strautz and seconded by Lance Eller. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Consideration of Minutes

Motion: To approve the Minutes of the April 2, 2012 Regular Monthly Council Meeting by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Motion: To approve the Minutes of the April 12, 2012 Recessed Council Meeting by Dawn Dize and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Motion: To approve the Minutes of the April 27, 2012 Work Session/Mandatory RFP for Public Works by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Department Reports

Police Report & Schedule

Motion: To accept the June 2012 schedule by Lance Eller and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Treasurer's Report

Ms. Salazar pointed out that the automatic payment for the new police vehicle was taken for the first time on the 26th.

Motion: To pay the April 2012 Payables by Lance Eller and seconded by Ned Finney. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Zoning

Town Council & Planning Commission Joint Public Hearing for Special Use Permit

Call to Order & Establishment of Quorum for Both Bodies

Mayor Custis called the Public Hearing to order at 6:10pm and established that the Town Council had a quorum. Commissioner Siglin called the Planning Commission Public Hearing to order and established that they too had a quorum.

Statement of Facts on Special Use Permit

Mr. Engelhart stated that there is a special use permit before the Planning Commission in Joint Session with the Town Council from Four Corner Plaza LLC & Royal Farms as their lessee at the Plaza. The request is because the sign that they would like to erect is in excess of the size of signs that are allowed in the business general district. They are asking for a sign that is a total of 64 square feet and we allow 32 square feet.

Public Comments

Patrick Morrison spoke against the allowance of the special use permit stating that the Town has a perfectly good zoning ordinance that clearly states what the residents want and they do not want large signs.

Randy Bendler spoke as a representative of Royal Farms in favor of allowing the special use permit. He stated that they need to be able to advertise their gas pricing to be competitive as well as for legal

purposes. He added that he looks forward to maintaining a good relationship with the Town for many years.

Jeff Bainbridge also spoke on behalf of Royal Farms in favor of allowing the special use permit. He reiterated Mr. Bendler's comments.

Mayor Custis asked if Council or the Planning Commission had questions. Mr. Strautz asked if the picture of the sign is the one that they are proposing. Mr. Bowling asked if Royal Farms has considered putting the gas prices on a canopy. Mr. Bainbridge stated that the canopy will have the Royal Farms name on it but not gas prices and that the canopy will not run perpendicular to the highway. Mayor Custis added that the zoning ordinance pertaining to signage is not new – it has been the sign regulation for many years. Mr. Bainbridge felt that the current Burger King sign is much bigger than what Royal Farms is proposing. Mayor Custis stated that she believes that sign went up before there were zoning regulations in place. She added that the Town has not always had people that were good stewards of the zoning ordinances. Ms. Siglin stated that the recent changes in the zoning ordinance had nothing to do with the type of sign that they are putting up. Those changes were implemented in 2005.

Adjourn Public Hearing – Both Bodies

Mayor Custis adjourned the Public Hearing at 6:22pm. The Planning Commission moved to another room for discussion.

Zoning (cont'd)

Mr. Engelhart stated that he had nothing else to add at this time.

Attorney's Report

Ms. Burge stated that notice was sent to Mr. Nicolls advising him that the Town was going to have his property cleaned up. Mr. Engelhart stated that he has been unable find anyone willing to bid on such a job. Ms. Burge has passed along a name of someone that she knows to Mr. Engelhart and asked if Council knew of anyone that they may want to do the same. She added that her concern is that the Town has issued the letter and should now follow through in a timely manner.

She added that she has made the final revisions in the personnel policy that Council asked for and they should find those pages in their blue folders.

After reading the minutes from the recessed meeting, she stated that her understanding is that Council wishes to place \$150,000.00 in the Rainy Day Fund so she has created a resolution to do so and will discuss it further when it is reached on the agenda.

Old Business

Mayor Custis asked Mr. Higgins if he had anything to add to the discussion about the property at 25571 East Main Street. He did not. Mayor Custis stated that she did finally speak with Suntrust Bank. They estimate it to be 8 weeks or more to close. Mr. Finney stated that he feels we still need some answers from the health department. Mr. Strautz was planning to contact Tori Bloxom but backed off since Mr. Engelhart stated that he is planning to meet with Cathy Plant. Council agreed that the next step is to gather information from the health department about the location of the building and septic system before they move forward. Mr. Engelhart & Mr. Strautz will have some answers at next month's meeting.

There was no grant coordinator's report.

Mayor Custis read a letter of resignation from Jason Campbell and stated that there is once again a vacancy on the Planning Commission.

Mayor Custis stated that the holiday decorations are here and have been placed in the pod for storage. Mayor Custis stated that the clean-up of the garage and pod is ongoing.

Mayor Custis stated that at last month's meeting Council asked for a quote from Chesapeake Outdoor on the same type of sign proposed by Phillip's Sign Company. Ms. Salazar stated that the new quote from Chesapeake is \$2,300.00 for two signs but this does not include routed letters - they do not use routed letters. Mayor Custis read a letter and quote from Phillip's Sign Company and reiterated their quote of \$3,850.00 for two signs. She presented Council with pictures of both signs for comparison. Mr. Finney stated that he thinks the routed letters look better.

Motion: To accept the quote from Phillip's Sign Company and purchase two town signs in the amount of \$3,850.00 by Ned Finney and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Ms. Burge reiterated the three changes that Council wished to make to the personnel policy and stated that Council has the updated pages in their folders. She added the salary administration plan that she compiled earlier in the year as well.

Motion: To accept the personnel policy as presented by Lance Eller and seconded by Don Strautz.

Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Mayor Custis passed around an email that she thought Council ought to see while the RFP's were being discussed. Mayor Custis stated that she will open the RFP's for Public Works, read the bids aloud and then Council will have to set a date to come back and make a decision once verifications of insurance and licenses have been covered as well as the scope of work. The first opened was received May 4th at 8:25am from Simpson's Tree & Bobcat services with each individual job billed separately varying in amounts from \$100.00 to \$3,200.00. The second was received on May 4th at 2:30pm from Best Ever Lawn Care in the amount of \$9,980.00. The next was received on May 4th at 3:15pm from Advantage Lawn Care in the amount of \$14,950.00. The final RFP was received on May 4th at 3:25pm from Crutchley Enterprises Inc. in the amount of \$22,959.00. A copy of the RFP's will be attached.

Mayor Custis stated that at the last meeting Council agreed to move \$150,000.00 into a Rainy Day Fund but needs to pass a resolution to do so. Ms. Burge stated that the \$150,000.00 that Council wants to put into a Rainy Day Fund may not be enough to reach the goal that the auditors recommended. She suggested that Council set a goal to work towards. Mr. Eller thinks that this issue should be visited every quarter or at least every six months. Ms. Burge will get back to Council at the next meeting with a resolution containing a goal of no less than \$250,000 to be reached within three years.

Council agreed to wait on the Spring Clean-Up and consider having one in the Fall once a public works contract is in place.

Ms. Salazar stated that she sent six letters soliciting RFP's for the 2011-2012 Town Audit and received only two responses. The first was from Ginsberg Nottingham & Mapp stating that they no longer perform those services and the second from Robinson Farmer Cox Associates in the amount of \$7,500.00. She added that Robinson Farmer Cox is the same company that has performed our audits for the last three years.

Motion: To accept the proposal from Robinson Farmer Cox Associates in the amount of \$7,500.00 to perform our 2011-2012 audit by Don Strautz and seconded by Dawn Dize. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

New Business

Mayor Custis asked Commissioner Siglin if the Planning Commission had a recommendation to Council in the matter of the Special Use Permit Sign for Royal Farms. Commissioner Siglin stated that by motion they have rejected the proposal but will offer a compromise of a 54 square foot sign. Mr. Eller stated the Planning Commission will have to reject since the written permit has not been modified and it states the request for two signs. Mr. Engelhart stated that he has had communication with Royal Farms about the second drawing and has verbally relayed that to the Planning Commission. Ms. Burge advised that Council may either act on the permit by accepting it or rejecting it or they may also refrain from taking

action. She added if there is a modification made it will need to have a new application submitted and go before the Planning Commission again. She agreed that Mr. Eller is correct and the application needs to be complete and accurate.

Motion: To take no action at this time based on the possibility of having another negotiation with Royal Farms by Don Strautz and seconded by Jack Pierson. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Motion: To hold a recessed meeting on May 14th at 6:00pm at the Fire Company to adopt the 2012-2013 Proposed Budget by Lance Eller and seconded by Don Strautz. Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Ms. Burge stated that other items discussed tonight may be on that agenda as well if Council is prepared to discuss them at that time.

Public Participation

Laura Belle Gordy and Fred Gardner signed up to speak. Both stated they signed up in error. Mayor Custis asked if anyone else wished to speak. No one did.

Council Comments

Mr. Pierson asked about the email that he read earlier in the night. Mayor Custis stated that the email was covered under FOIA and she felt that Council should be aware of it.

Mr. Finney thanked everyone for coming and added that he hopes that something can be worked out with Royal Farms.

Mr. Eller had no comment.

Ms. Dize thanked the Planning Commission and agreed with Mr. Finney about Royal Farms but added that Council does feel committed to stand by the zoning ordinances.

Mr. Strautz thanked everyone for coming and agreed that there is a good zoning ordinance in place for a reason.

Mr. Chance thanked everyone for coming.

Motion: To recess at 7:09pm until May 14th at 6:00pm by Lance Eller and seconded by Don Strautz.

Vote: Chance-yes; Dize-yes; Eller-yes; Finney-yes; Pierson-yes; Strautz-yes. MOTION PASSED

Jamye Salazar, Treasurer

Billye D. Custis, Mayor