

TOWN OF BOWLING GREEN

TOWN COUNCIL MEETING

MINUTES

03-04-2010

MEMBERS PRESENT: Mayor David W. Storke, Eric Hinson, Otis Wright, Bobby Ketterman, Glenn McDearmon, Jason Satterwhite, Daniel Webb and Mark Mallin.

MEMBERS ABSENT:

OTHERS PRESENT: Town Manager Stephen Manster, Treasurer Kathy McVay, Town Clerk Virginia Brooks, Police Chief Steve Hoskins and Town Attorney Jean Kelly.

The Mayor called the meeting to order at 7:30 P.M. and led the group in the Pledge of Allegiance to the Flag of the United States of America. Council Member Wright followed with the invocation.

DELEGATIONS/PUBLIC COMMENTS:

Boy Scout Troop 273 – The Mayor said he would like to recognize Boy Scout Troop 273 members Forest Norris, Nick Teague and their Assistant Scoutmaster Daniel Schiebel. He said the scouts were working on a merit badge that involved attending a Council meeting to take notes and observe.

Arlene Mills – Caroline Humane Society Representative – Mrs. Arlene Mills was present at the Council meeting to request a parade permit for the Caroline Humane Society to hold a “dog walk” in the Town of Bowling Green. Mrs. Mills stated they would like to advertise in local papers and make this an annual event with the Mayor and Chairman of the Board of Supervisors leading the parade. She said they would also like to have crafters/events on the Courthouse Lawn and sell t-shirts with a logo and the sponsor’s names. Mrs. Mills said this was a fundraiser for them and she also hoped restaurants would stay open with outside seating; and hopefully they too, would increase their revenue that day. Mrs. Mills said they were looking at a date of June 5th from 11:00 A.M. to 2:00 P.M. and would need a portion of Main Street closed during the parade. The TM said they had experienced some problems in Town with owners walking their dogs and not taking care of the dog’s excrement. He asked if there was something the Humane Society could do at the event to make people more aware of this problem. Mrs. Mills said they could stress the importance of people picking up after their dogs and

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indicated that if the permit was approved, the Humane Society would clean up after the parade. In answer to a question from Mr. Mallin, Mrs. Mills said they would, for safety reasons, try to limit pit bulls, etc. from participating in the parade. Mr. Hinson said, if approved, he could put registration forms and information on the Town's web site. Mr. McDearmon said he thought the parade was a good idea. The Mayor said he also thought it was a good idea and they would take it up later in the meeting. It was noted that that June 5th was the Relay for Life event so Mrs. Mills said they could look at another date for the parade.

Susan Sili – Relay for Life/Arts Commission – Mrs. Sili said she was present on behalf of the Town Arts Commission. She noted that Trish Hill would make a presentation to Council on the Arts Commission a little later in the meeting. Mrs. Sili said she was also present on behalf of the Relay for Life, a part of the Caroline American Cancer Society Chapter. She said she would like to remind Council that the Cancer Society helps people get well, stay well and find cures. Mrs. Sili said the Relay for Life event starts on June 5, 2010 at Caroline High School from 12:00 noon and ends at 12:00 midnight. She said they have a children's activity tent where children can stay while the parents walk the laps in the Relay. Mrs. Sili said she was requesting that the Town Council pay \$175.00 for the rental of a moon bounce for the kids.

Patricia Hill – Bowling Green Arts Commission Member - Mrs. Hill said they hope to apply for a Local Government Challenge Grant in the amount of up to \$5,000.00 which requires a match of an equal amount by the local government. She said they are hoping to use the money to start up a gallery and studio. Mrs. Hill said they hope to rent out spaces in the studio for artists and have a display area for which the Commission would receive a fee on any items sold. Mrs. Hill said they could also rent out classroom space for people who wish to teach classes. She said they have means of raising revenue but just need assistance in getting started. The Mayor said they appreciate the Arts Commission's work and he thought they would be successful. In answer to a question from the Mayor, Mrs. Hill said they felt sure they could offset expenses by the rentals and commission. She said she had looked at two spaces in Town and had estimated they would need approximately \$18,000.00 per year on one of the buildings. She said she also estimated the revenue from the rentals which amounted to \$24,000.00, at capacity. Mrs. Hill said they would probably not reach capacity at the beginning but they would also receive a commission on art pieces that are sold. Mrs. Sili said they had always had interest when they held the three shows at Town Hall. In answer to a question from the Mayor, Mrs. Hill said when they apply for the grant, they must have a letter from the local government stating how much they will match and if not \$5,000.00 then maybe \$4,000.00. She said they would need to apply for the grant by April 1st. Mr. Mallin said

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he had a list of artists he could share with the Commission. The Mayor said these issues would be brought up under new business later in the meeting.

CONSENT AGENDA: Mr. Ketterman and Mr. Wright questioned a bill from Rinker Motors Company in the amount \$1,637.55. The Public Works Director was working on a water line break and was not available to answer questions regarding the bill. The Town Manager (TM) said he would follow up with the Public Works Director and have the information available at the next meeting. **On motion by Mr. Wright, seconded by Mr. Ketterman, Council voted to approve the Consent Agenda, as presented:**

- A. Minutes – Regular Meeting – 2-4-10
- B. Bills – February, 2010

A & M Home Center	139.58	Amerigas Fredericksburg	1,461.62
Bennett, Deborah T	300.00	Bowling Green Auto Parts	73.16
C W Warthen Company	20.15	Caroline Sheriff's Office	480.69
CINTA'S of Richmond	345.22	Colonial Scientific Inc.	267.00
ComputerPlus	181.50	Doug's Septic Service	9,600.00
G & G Milford Farm Ser.	167.66	HD Supply Waterworks	4,088.01
Johnson's Exterminating	190.00	Kelly, Jean	1,250.00
Lakeway Publishing of VA	424.81	M & W Printers	145.60
Martin Marietta Aggregate	3,156.90	Mid-Atlantic Lab	60.00
On Site PC	110.00	Power & Flow Solutions	618.27
REC	522.84	Rinker Motors Inc.	1,637.55
The Supply Room Co.	318.01	Verizon	266.23
Verizon Wireless	186.06	VA Utility Protection Ser.	219.00
VISA	1,809.06	Waste Management	8,035.83
*Sensus Metering Sys.	1,320.00	*Treasurer of VA (VITA)	764.51
*Dominion VA Power	5,649.23	*Treasurer of VA (VDOT)	70.00
*Treasurer of VA (VDOT)	70.00	*Radio Shack	1,378.00
*Shell Fleet Plus	1,145.26		

*Bills previously or separately authorized by Council.

Voting Aye: Hinson, Wright, Ketterman, McDearmon, Satterwhite, Webb and Mallin.

INFORMATIONAL ITEMS: The following informational items were noted.

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- A. Town Hall Rentals – February 2010
- B. Police Department Report – February 2010
- C. Public Works Director’s Report - February 2010

NEW BUSINESS:

- A. Town Manager’s Report

Permitting Bed and Breakfast and Special Event Facility in A-1 – Agriculture Zoning District – Referral from Town Council to Planning Commission - The Town Manager stated that the Town Council had received in their packets, the Planning Commission’s recommended language for addition to the Zoning Ordinance and it was recommended by a 5-0 vote of the Planning Commission. He said it would now be appropriate for the Council to accept the recommendation of Planning Commission and set their public hearing for the next meeting and hopefully take action at that time. **On motion by Hinson, seconded by Ketterman, Council voted to accept the recommendation of Planning Commission and authorize the Town Manager to advertise to hold a public hearing at the April 1, 2010 meeting on the permitting of a Bed & Breakfast/Special Event Facility in A-1 and Standards for Special Use Permits. Voting Aye: McDearmon, Wright, Hinson, Ketterman, Satterwhite, Mallin, Webb.**

Special Use Permit Application – Day Care Center in Suite 200, Caroline Square Shopping Center – Ms Alyson Beverly – The TM said they had received an application for a Special Use Permit from Alyson Beverly to operate a Day Care Center at the Caroline Square Shopping Center in Suite 200. The TM said the Planning Commission has scheduled its public hearing on March 15th. He said they had discussed helping to get the day care operational by April and for that to happen, he would suggest that the Council schedule their public hearing for the April 1st meeting. He said at that meeting they would receive the Planning Commission’s recommendation and then having scheduled their public hearing for that meeting, Council could take action on April 1st. He said if it is Council’s decision to issue the permit, the day care could be operational shortly thereafter. **On motion by Hinson, seconded by Mallin, Council voted to advertise to hold a public hearing at the Council’s April 1, 2010 meeting on the Special Use Permit Application ZP-02-2010 by Alyson Beverly for a Day Care Center in the Caroline Square Shopping Center in Suite 200. Voting Aye: McDearmon, Wright, Hinson, Ketterman, Satterwhite, Mallin, and Webb.**

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John Cephas – Marker in Bowling Green – The TM said they had received a request from VDOT to place a diversity marker in the Town of Bowling Green honoring John Cephas who was a blues singer with many award winning albums. He said Mr. Cephas is now deceased but has strong connections to Caroline County and Bowling Green. Mr. Manster stated that the proposed text for the marker was included in their packet. He said if Council would like to see that marker in the Town, they would look for an appropriate location. **On motion by Mallin, seconded by Hinson, Council voted to adopt the proposal by the Virginia Department of Transportation to place a diversity marker in the Town of Bowling Green with proposed wording by VDOT, honoring Blues Singer John Cephas, with a location to be determined. Voting Aye: McDearmon, Wright, Hinson, Ketterman, Satterwhite, Mallin, and Webb.**

Washington-Rochambeau Victory Park – The TM said Council's feelings regarding the creation of the Washington-Rochambeau Victory Park were relayed to the County Board of Supervisors and the Board agreed to enter into discussions with the Town. He said he met with Mr. Ashcraft and County Staff and they will be moving forward with the grant proposal and Council will be involved in that process. The TM said the Town would be contributing to the match if they do go forward with the project with some possible minimal contribution by the County toward that match. He said they hope to bring back a proposal for Council's further review. In answer to a question from Mr. McDearmon, the TM said the project needs to be started this year.

New Recycling Containers – The TM said that tomorrow on each trash toter there would be a flyer from Waste Management informing residents of a new recycling system that will start the following week. He said the location will be the same but residents will no longer be asked to separate recyclables but will place their recyclables in either of the two container's one opening and the recyclables will be sorted by Waste Management. The TM said they would be dumped once a week and if recycling becomes very popular, a third container will be brought in to Town at no additional cost to the Town. Mr. Hinson suggested that because the present containers are always full they should request the third container without delay. The TM said they would request the third container right away.

Special Town Council Work Session – The TM said they talked in previous meetings about holding a special session to review with the Town Attorney and the Ordinance Committee the proposed changes to the Town Code in their recodification process. He said the date of March 27th has been selected as a day for that session and they would like to know how many members would be present. He said they plan for

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lunch to be brought in and that is why they would need a count as soon as possible. The TM said the meeting would likely start at 9:30 A.M. and end at 2:00 P.M. with lunch provided. Mr. Satterwhite said they plan to have the proposed code available before the meeting so everyone could review it and save time at the meeting.

Bypass Advertising Signs – The TM said they are moving toward the conclusion of placing of the signs on the bypass. He said one of the signs is in the County and therefore must receive the approval of the Board of Supervisors so he had sent them a letter to request their approval. He said the property in the County is located on the Hylton property on the northbound side of Route 207. The TM said they would need the permits from VDOT in hand before the signs are constructed. He said the other sign is in Town and will be placed on the 301 Corridor on the Hansen property across from Rinker Motors. Mr. Webb suggested they prepare the sites and if only one sign permit is ready, move ahead with that one.

Citizen Comments - Dogs in Town/Snow Removal – The TM said several issues had been brought to his attention recently regarding dog excrement and snow removal in Town. He said these items had been talked about in Committee and the responsibility for snow removal is not addressed in the Code. The TM said they will hold meetings with Committees to look into these issues. The Town Attorney noted that the matter of snow removal will be addressed in the recodification project.

Free Vehicle Decals – The TM said the County had adopted an ordinance to give free vehicle decals to all of their deputies who live in the County. He said Town Staff had been asked by a deputy who lives in Town, if the Town would be giving free decals to deputies who live in Bowling Green. It was noted that the Town gives free decals to Fire and Rescue volunteers who live in Town. After some discussion, it was decided that there was not enough time this year to prepare an ordinance and hold public hearings on the vehicle decal issue so they would look at it for next year as part of the recodification process.

Dog Parade Permit – The TM said that earlier in the meeting they had received a request for a parade permit by the Humane Society to hold a dog parade in the Town of Bowling Green. **On motion by Ketterman, seconded by Satterwhite, Council voted to issue a dog parade permit (to be created) to the Caroline Humane Society and deny participation of certain types of dogs for safety reasons and allow the Town Manager to work with the Humane Society to make it happen. Voting Aye: McDearmon, Wright, Hinson, Ketterman, Satterwhite, Mallin, Webb.**

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Relay for Life – There was a motion made by Wright, seconded by Webb, to donate \$175.00 for a moon bounce tent for the children’s activities at the Relay for Life Cancer Fundraiser. After some discussion by Council, Mr. Hinson proposed there was another way to handle this matter without using Town funds. He proposed that the \$175.00 be split eight ways which would amount to each Council Member giving \$22.00 to the Relay for Life Cancer Fundraiser and Council Members agreed. **Mr. Wright withdrew his motion and Mr. Webb concurred.**

Bowling Green Arts Commission – Mr. Ketterman noted that the Town of Bowling Green Arts Commission had requested a grant match of up to \$5,000.00 and he questioned if their renting out spaces, would that fall under spending of government funds for starting a business. Town Attorney Jean Kelly stated that there is a provision under the Code that allows the Council to make donations to economic development and she would suggest that it falls under those parameters. She said the Arts Commission is a group formed by the Town Council for the purpose of encouraging and supporting artists for economic development in this community. Ms. Kelly stated that in the Code, there are some provisions they can review before the meeting on the 27th that they may want to expand on related to the Arts. She said when the Council formed the Arts Commission; their purpose was to apply for these grants. In answer to a question from the Mayor, regarding who would be the lease holder, Mrs. Sili said the Arts Commission was a committee of the Town and, therefore, she would like to use the word “cooperative” in referring to the Commission. Mr. Ketterman said if the public perceives this as a business promoted by the Town, others may want to do the same thing. He said it may be different if Council gives the grant match to the Arts Commission as a part of the Town. Ms Kelly said the Arts Commission was established for the purpose of finding the mechanisms to get these grants and then granting that money to a cooperative or other entity. She said it is this local working group that is a conduit for grant monies for artists and groups to apply for. In answer to a question from Mr. Ketterman, Ms. Kelly stated that this allows for public funds to be used for matching grants. She said the grant money would be placed in the Town account. Ms. Kelly said it was not a smooth process and they may want to receive some further advice on that process. Mr. Ketterman said he still did not completely understand the process. **On motion by Wright, seconded by Hinson, Council voted to request the Town Manager to provide a letter to the Arts Commission to authorize the Commission to move ahead with the grant application process with that letter guaranteeing that the Town will match the \$5,000.00, if the grant is approved.** Mr. Mallin suggested this was a good thing for the Council to do. Mr. Hinson asked the people involved to provide information regarding their progress for him to post on the web site. Mr. McDearmon proposed this project as a challenge to the Caroline County Board of Supervisors to step up to the plate. **Voting Aye:**

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McDearmon, Wright, Hinson, Ketterman, Satterwhite, Mallin, Webb. Mrs. Sili expressed appreciation to the Council and Mrs. Kelly for their help and a special thanks to Town Manager Stephen Manster for working with the Arts Commission, staying late to attend meetings and helping them with creative ideas.

REPORT OF COUNCIL COMMITTEES/MEMBER COMMENTS:

A. Public Health, Safety/Personnel - Mr. McDearmon noted the Council had received their Personnel Manual in a binder. He expressed appreciation to the Committee, Town Manager and the great editing by Mr. Hinson.

B. Streets and Sidewalks

Complaints on Snow Removal/Sidewalk Issues – Mr. Ketterman said he and Mr. Satterwhite had met with the Town Manager regarding street closures, snow removal, and trees down. The TM said the Committee discussed reconstruction on Courthouse Lane and the possibility of including Courthouse Lane in the Washington/Rochambeau Victory Park Project. He said they also talked about rebuilding and extending the sidewalk on Courthouse Lane. The TM said they are getting some estimates on the costs of that project and would have on-going reports. In answer to a question from Mr. Hinson, the TM said making Courthouse Lane a one way street had not been discussed in the Committee but that certainly was an option that should be looked at. There was an extended discussion of the pros and cons of closing or making Courthouse Lane a one way street. Also discussed was the safety issue with the Street because it is so narrow, especially for the Fire Department who uses that street frequently. Mr. Webb said they need to look at pricing to mill and pave the street.

The TM said the Committee had discussed who is responsible for snow removal in Town. The TM said this had become quite an issue for local governments with the amount of snow that had occurred recently. He said they had received varying information about what other localities are doing. The TM said there is no statement in the Town Code of who is responsible for removal of snow in Town. He said what he would like Town Council to consider is if the Town of Bowling Green has any responsibility for cleaning sidewalks. Mr. Hinson said he thought the three important things are making sure the fire hydrants are accessible, no ponding on the roadway and clear intersections. Mr. Webb said he thought the Town should clean the sidewalks/parking areas in the downtown business district. He said when they have a foot or more of snow, it needs to be moved and most of the business owners do not have the ability to do that. Mr. Ketterman suggested that it was an issue that needed to be addressed. The TM said if they were

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going to obligate themselves, they would need to define the area. It was decided that the Committee would come back with some recommendations. Ms. Kelly stated that under Virginia State Code Section 15.2-1115 they have the authority to require property owners to remove the snow from the paved sidewalk in front of his or her property within 24 hours and if the property is rented, the tenant shall remove the snow. Mr. Mallin said he had a problem with the Town directing the public to clean sidewalks. The consensus of Council was that they discuss the snow issue at the work session on the 27th.

C. Budget

FY2011 Budget - Mr. Hinson said they are still on track with the Budget.

Web Site - Mr. Hinson said the Metrocast information has been placed on the web site. He also said the new candidates running for Town Council are also on the web site.

D. Ordinance, Licenses, Permits – Mr. Satterwhite said they had a work session scheduled for March 27th on the recodification of the Code. He said they would be getting the drafts out in plenty of time for Council to review them.

E. Economic Development/Activities/Tourism - There was no report from the Economic Development Committee.

F. Water, Sewer and Trash – Mr. Webb said the PPEA Committee was working on the development of a final proposal for the Route 301 Corridor Utility Extension Project.

G. Building and Grounds - There was no report from the Building and Grounds Committee.

PLANNING COMMISSION MEMBER LEAVING: The TM reported that Planning Commission Member Mark Devita would be leaving the area August 1, 2010 and they needed to think about a replacement.

WASHINGTON/ROCHAMBEAU PARK: The Mayor reported that the County Administrator had arranged a meeting last Monday, and he and the Town Manager had received some information on how the original Grant cost estimates were broken down from the beginning. He said it was a \$500,000.00 project and in the original figures there was \$215,000.00 allotted for the parking lot. He said if they take that element and the engineering out, there might be a lot they can do.

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CLOSED SESSION: On motion by Webb, seconded by Satterwhite, Council voted to go into Closed Session in accordance with State Code Section 2.2-3705.6.11b concerning PPEA matters dealing with records provided by a private entity to a responsible public entity or affected local jurisdiction pursuant to the PPEA, to the extent that such records contain trade secrets or other information submitted by the private entity where if such records were made public prior to the execution of an interim or comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected: and,

Section 2.2-3711A6, discussion or consideration of the investment of public funds whether competition or bargaining is involved; and,

Section 202-37711A29, discussion of award of public contract involving expenditure of public funds. Voting Aye: McDearmon, Hinson, Ketterman, Wright, Satterwhite, Webb, and Mallin.

OPEN SESSION: On motion by Webb, seconded by Wright, Council voted to reconvene in Open Session and certify that to the best of (their) knowledge, only public business matters lawfully exempted from open meeting requirements under Chapter 37 of the Code of Virginia, as amended, and only such public business matters as were identified in the motion by which the Closed meeting was convened were heard, discussed or considered in the closed meeting by Town Council and that no action was taken by Town Council in closed session on any matters discussed. Such motion and corresponding certification passed by 7-0 vote. Voting Aye: McDearmon, Wright, Hinson, Mallin, Ketterman, Satterwhite, and Webb.

ADJOURNMENT: On motion by McDearmon, seconded by Satterwhite, Council voted to continue the meeting until 7:00 PM, Thursday, March 25, 2010 in Town Hall for the purpose of meeting with owners of property along the U. S. 301 Corridor to discuss the proposed water and sewer extension project. Voting Aye: McDearmon, Hinson, Wright, Ketterman, Mallin, Webb, and Satterwhite.

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