

TOWN OF BOWLING GREEN

TOWN COUNCIL MEETING

MINUTES

06-23-2010

MEMBERS PRESENT: Vice-Mayor Glenn McDearmon, Eric Hinson, Otis Wright (arrived at 7:15 PM), Jason Satterwhite, Daniel Webb and Mark Mallin.

MEMBERS ABSENT: Mayor David Storke, Bobby Ketterman.

OTHERS PRESENT: Town Manager Stephen Manster, Town Clerk Virginia Brooks, Public Works Director William Stanley, and Town Attorney Jean Kelly.

The Vice-Mayor called the meeting to order at 7:10 P.M.

DELEGATIONS/PUBLIC COMMENTS: There were no public comments.

PUBLIC HEARING:

A. Proposed Recodification of the Town Code – The Town Manager (TM) said this recodification of the Town Code represents the culmination of a year or two of hard work by the Ordinances, Licenses and Permits Committee, Staff, Council Members and the Town Attorney. He noted this public hearing was advertised in the Caroline Progress on June 17, 2010. The TM stated that in their packets was a proposed ordinance for their consideration after the public hearing. The Vice Mayor called for comments from the public on the proposed recodification of the Town Code. He called a second and third time for comments. Hearing none, he declared the public hearing closed at 7:14 PM. Town Attorney Jean Kelly said the Code had been presented to the Town Manager and the Committee Members. Ms. Kelly stated that she had found an Erosion and Sediment Control Ordinance that she had drafted in 2008 that is more complete and she is asking that Council, when they adopt the Ordinance recodifying the Code that they include that updated version of the E&S Ordinance.

Mr. Wright arrived at this point in the meeting during the discussion of the recodification.

**On motion by Satterwhite, seconded by Hinson, Council voted to adopt an Ordinance to enact a new Code for the Town of Bowling Green, Virginia; Establishing the Same; Providing for the Repeal of Certain Ordinances not included therein; Providing for the manner of amending and supplementing such Code; and providing when such code and this ordinance shall become effective, including the change noted in the Erosion and Sediment Control portion.** In answer to a question from Mr. Webb, Ms. Kelly stated there was no new language in the E&S Ordinance. She also noted that the County enforces this Ordinance. Ms. Kelly said there were no revisions that Mr. Webb has not seen and none that have not been voted on by Town Council. Ms. Kelly said the Council would continue to have revisions to the Code and she would send anything that she thinks is useful to the Town Manager and Chairman of the Committee. **Voting Aye: McDearmon, Hinson, Wright, Satterwhite, Webb, Mallin.** Vice Mayor McDearmon thanked the Committee and everyone who worked on the recodification of the Town Code.

2011 BUDGET RESOLUTION: The TM said the Council has a copy of the proposed 2011 Budget Resolution. He said if this resolution is adopted, the Council is adopting a \$1,404,528 Budget. He said it was the same document they had received at the last meeting when the public hearing was held. The TM said he proposed several changes at

Mayor \_\_\_\_\_ Clerk \_\_\_\_\_

the public hearing, primarily for the payment to the retirement system for Town employees. He said other than that, there were no changes. **On motion by Mr. Hinson, seconded by Mr. Wright, Council voted to adopt the FY2011 Budget Resolution in the amount of \$1,404,528., with adjustments, as noted. Voting Aye: McDearmon, Hinson, Wright, Satterwhite, Webb, Mallin.**

**RESOLUTION – PROPOSED INCREASE IN TOWN HALL RENTAL FEES:** The TM said as part of their budget process, they have talked about the need to replace the furniture in Town Hall and purchase some items that would be beneficial for the use of Town Hall. He said this resolution increases the fee for the use of the ballroom from \$400.00 to \$500.00 per day. The TM said the additional \$100.00 would go into a fund for the replacement and purchase of furniture for the use of Town Hall. He said they would be looking at upgrades to the Lobby before they propose changes to those rates. **On motion by Mr. Wright, seconded by Mr. Mallin, Council voted to approve the proposed increase in the Town Hall Ballroom Rental fees from \$400.00 per day to \$500.00 per day. Voting Aye: McDearmon, Hinson, Wright, Satterwhite, Webb, Mallin.**

**RESOLUTION – ADOPTION OF TAX RATES:** **On motion by Mr. Hinson, seconded by Wright, Council voted to adopt the proposed resolution and approve the tax rates for the Town of Bowling Green, as advertised and which are the same as the current rate. Voting Aye: McDearmon, Hinson, Wright, Satterwhite, Webb, Mallin.**

**RESOLUTION – VIRGINIA RETIREMENT SYSTEM:** The TM said the Virginia Retirement System requires the employer and employee to each make contributions to the Retirement System. He said the employer has the option of paying the employee's 5% contribution. The TM said the Town of Bowling Green, as do most other localities in the Commonwealth pay the 5% contribution for the employee. The TM said, based on legislation adopted at the last session, localities now have the option of requiring new employees hired after July 1, 2010 and have not been in the retirement system before, to pay their own 5% contribution. Based on a directive from the last meeting, the TM said he had met with the Public Health, Safety/personnel Committee and the recommendation from that Committee is to continue to pay the 5% employee share into the retirement system. He said the primary rationale for the recommendation, is that they think it is not in the best interest of all the employees if some of the employees have a certain package of benefits and others do not have the same coverage. The TM said the Town does not have a large staff so he did not expect this to affect hundreds of people. He said they did not have the option to change that for the current employees. **On motion by Mr. Mallin, seconded by Mr. Webb, Council voted to pay the full member contribution to the Virginia Retirement System (VRS) for new employees hired after July 1, 2010. Voting Aye: McDearmon, Hinson, Wright, Satterwhite, Webb, Mallin.**

**CARRY OVER FUNDS** - The TM the Council had carried over funds in the past from a given budget to the next year's budget. He noted that at the end of the fiscal year, if there are funds left in different accounts, those go into the overall fund balance. The TM said if there are certain projects that the Town would like to fund and there are not sufficient funds in the adopted budget for the next year, they can carry over funds from their current budget. The TM stated that at their last meeting, there was some discussion on the need to market the Town of Bowling Green, Main Street and the 301 corridor for an economic benefit for the future benefit of the Town. He said he has developed a program that calls for the creation of certain publications, however, he does not think they have the resources allocated at this time to provide for the full program that they need. He said there are funds remaining in the Economic Development and Tourism line items which amount to \$5,000.00 in each of those line items. He asked if Council would consider carrying those funds over to next year's budget to be used strictly for this marketing

Mayor \_\_\_\_\_ Clerk \_\_\_\_\_

program which Council would have to approve. The TM said this program would be developed with the Economic Development Committee. In answer to an inquiry from Mr. Hinson, the TM noted that without a public hearing; only up to 1% of the budget could be amended. **On motion by Mr. Hinson, seconded by Mr. Satterwhite, Council voted to carry over \$10,000.00 from the current year Budget to the FY2010 Budget from the Economic Development and the Tourism Line Item funds for use in the Economic Development Marketing Program for the 301 Corridor and the Town, including downtown. Voting Aye: McDearmon, Wright, Satterwhite, Webb, Mallin, Hinson.**

DEPARTURE OF THE TOWN ATTORNEY: The Town Manager stated “for the record” that he would like to express his appreciation to Town Attorney Jean Kelly for her years of service, friendship, advice, consultation and support during her tenure. This was the last meeting Ms. Kelly would have with the Town Council, as Town Attorney, since she has tendered her resignation. The Vice Mayor also expressed his appreciation for her guidance.

CLOSED SESSION: **On motion by Mr. Webb, seconded by Mr. 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 2.2-37711A29, discussion of award of public contract involving expenditure of public funds.**

**Also request to go into Closed Session under the Code of Virginia, Section 2.2-3711.A1 under Personnel, to discuss and consider the evaluation, performance, assignment, appointment, promotion, demotion, salaries, disciplining or resignation of specific public officers, appointees and employees of the Town to include Town Attorney.**

**Town Council would like to include the three new Council Members elect Mary F. Coleman, Jean M. Davis, and Glen Lanford into the Closed Session.**

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

OPEN SESSION: **On motion by Mr. Satterwhite, seconded by Mr. Mallin, 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 6-0 vote. Voting Aye: McDearmon, Hinson, Mallin, Wright, Satterwhite, and Webb.**

Mr. Manster presented a draft of an ordinance to create a Tax District along Route 301 corridor. The draft had been prepared by an Attorney hired by the town for this purpose. In briefly reviewing the proposal, Town Council made several changes to the draft.

Mayor \_\_\_\_\_ Clerk \_\_\_\_\_

Council noted that changes in the draft should include a rewording a #3 dealing with “plan for Improvements”, removing “residents” from the Tax District and noting that there are no “public” water or sewer services along the corridor. In addition, any reference to “Board” should be removed from the proposed ordinance. Mr. Manster noted that he will advise the Attorney of the changes and present a revised drat to Town Council at their July 1st meeting. There was discussion about the need to set a date for a meeting with the Route 301 corridor property owners. Council felt that this should be discussed a July 1<sup>st</sup> meeting.

**ADJOURNMENT: On motion by Mr. Hinson, seconded by Mr. Mallin, Council voted to continue the meeting until July 1, 2010 at 6:00 P.M. Voting Aye: McDearmon, Hinson, Satterwhite, Wright, Webb, and Mallin.**

UNOFFICIAL

Mayor \_\_\_\_\_ Clerk \_\_\_\_\_