

**Town of Louisa
Monthly Meeting
February 20, 2007**

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

Also Attending: Pat Wilson, The Central Virginian; Officer Robert Rigsby, Louisa Police Department; Mr. and Mrs. Robert Rigsby, Gordonsville, VA; Mr. Graven W. Craig, PLLC; J. F. "Chip" Rogers, V.P. Buxton Inc.; Michael Spain, Territory Business Manager, Buxton Inc.

Absent: Ronald M. Maupin, Attorney; Donna L. Pinter, Treasurer

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

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

Council Member Kersey gave the invocation.

BUSINESS FROM THE FLOOR

None.

Mayor Artz stated that he would like to have item number three, Bid Results: Louisa Town Park, moved from the Old Business section to be discussed during the Standing Committee reports. Mayor Artz also noted that Council Member Gehle requested that the

Litter Committee be able to give a report under the Standing Committees' reports.

Mr. Marks then took a moment to inform Council that a letter had been placed at each Council Member's seat that contained itemized charges from Loudin Building Systems in regards to the Art Center. Mr. Marks briefly spoke of the bill explaining the Town of Louisa and Louisa Downtown Development Corporation's responsibilities. Mr. Marks stated that the bill was included in the consent agenda and that Council would be voting on this evening under Accounts and Appropriations.

CONSENT AGENDA

Council Member Clarke 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.; Carter, for.

OLD BUSINESS

Proposal for Regional Sewer System Inflow and Infiltration study

Mr. Marks began by stating that the Town of Louisa has been fighting problems with inflow and infiltration for several years, and just recently another significant problem came to the surface in Tanyard Subdivision. Mr. Marks stated that this particular area is the lowest part of the sewer system, therefore, when a back up occurs the manholes in that neighborhood over flow. Mr. Marks continued saying that since the problem first occurred in September; the Town has been working with Dewberry, the County of Louisa, and the Town of Mineral to figure out where the water is coming from. Mr. Marks then stated that the three parties involved have worked out an agreement where each would share the expense of doing a study performed by Dewberry that would take place during the month of March. Mr. Marks stated that the project cost would be approximately \$21,000 and that the Town of Louisa's share would be \$7,000 which Mr. Marks noted would come from Capital Expenditures. Mr. Marks also noted that DEQ has been informed of the study.

Council Member Kersey made the motion to approve the necessary funding for the sewer flow investigation. Council Member Stone seconded the motion. The vote went as follows: 5-0 in favor.

Update on Wastewater Treatment Plant Expansion

Mr. Marks informed Council that he met with Dewberry and a Louisa County financial representative a few weeks ago to discuss the WTP expansion. Mr. Marks stated that a permit is currently being drafted in regards to copper levels found in fresh water that is being discharged into Beaver Creek. Currently, the copper levels are too stringent; therefore, they are working with DEQ in order to resolve the problem. Mr. Marks stated that right now they are doing a background study on Beaver Creek's copper levels; Maguire Woods is arguing limits of technology with DEQ on behalf of the county; and in the future it may be necessary to have an ordinance banning the use of copper plumbing in any new construction in the town.

Mr. Marks stated the timeline for the expansion of the plant is as follows: start design in April, depending on copper resolution; begin construction in December of 2007; and construction should be completed in December 2008. Mr. Marks continued by informing Council that our costs will still be approximately 4.5 million dollars. There is a possibility that a 1.75 million dollar grant would be available through DEQ which would be shared between the town and county, however, the grant is competitive and is deemed "first come first serve."

NEW BUSINESS

Presentation: Mr. Chip Rogers, Buxton Inc.

Mayor Artz introduced Mr. Chip Rogers to the members of Council.

Mr. Rogers, Assistant Vice President of Buxton Inc., began by giving a brief history of his company and how it operates; explained

how the market place works through a presentation; and finally, informed Council how his company could help the Town of Louisa bring new retail businesses, restaurants, etc. to our location based on the wants and needs of our community.

Town of Louisa – LDDC Operating Agreement

Mr. Marks stated that there were a couple of small changes made, and unless there was something substantial that needed to be discussed, he asked that Council authorize him to finalize the operating agreement through Mr. Maupin, and have the Mayor sign the document. The document would then go before the LDDC to be signed in March.

Council Member Carter made the motion authorizing Mr. Marks to finalize the operating agreement through Mr. Maupin, and have the Mayor sign the agreement.

Council Member Stone took a moment to recognize and thank Mr. Graven Craig for his assistance to the LDDC.

Council Member Kersey commented that while he felt the document was in order, he had reservations about selling or having ABC products available in a family-type environment, and in a government facility. Mr. Kersey stated that he is not a sponsor for or against alcoholic beverages, but feels that it would be best if they were not served or sold in this facility. Mr. Kersey then made a motion to amend the document striking item number 23 from the agreement as it was presented.

Council Member Stone responded to Mr. Kersey's comment by stating that it is very common to find alcoholic beverages served at similar facilities. Mrs. Stone stated that having the license to serve/sell would also benefit the general public's use in terms of a rental situation, and went further to explain that there are no intentions of having alcoholic beverages appear as a feature of business. Mrs. Stone stated that there would be times when the consumption of such beverages would be appropriate, such as an adult evening, but alcohol most certainly would not be appropriate during a family show or event. Mrs. Stone then stated that she

can see both sides of the situation, but feels that people have expectations in such scenarios, and that alcohol is a matter of choice. Mrs. Stone finished in saying that she was respectful of Mr. Kersey's concerns.

Council Member Carter responded by stating that many facilities do offer alcoholic beverages and feels that it is appropriate in the proper setting.

Council Member Clarke responded by stating that taking the ability to serve alcoholic beverages out of the agreement limits the scope of people who may use the facility on a rental or lease basis. Mrs. Clarke noted that it would not be something that would be served at every event, and that alcohol is certainly a choice and is an obligation of the parents to educate their children regarding alcohol.

Council Member Kersey then stated that he sees a difference between what privately owned businesses offer versus what public facilities offer, however, he informed Council that he did not want to argue about the matter. Mr. Kersey stated that he had personal convictions, but would certainly part ways and move forward.

Council Member Gehle seconded the motion made by Council Member Carter authorizing Mr. Marks to finalize the agreement through Mr. Maupin, and have the Mayor sign the agreement. The vote went as follows: Carter, for; Gehle, for; Stone, for; Kersey, against; Clarke, for.

STANDING COMMITTEE REPORTS

Police Department:

Please refer to the Police Department report.

Mayor Artz asked if Chief Batten had anything further to add to his report. Chief Batten stated that there we no additional comments.

Water & Sewer Department:

Please refer to the Water & Sewer Department report.

Mayor Artz asked if Mr. Humphrey had anything further to add to his report. Mr. Humphrey stated that he wanted to inform Council that the two police cars that were put up for auction have been sold. The first car, a 1998 Chevrolet Lumina, sold for \$1710; and the second car, a 1999 Chevrolet Lumina, sold for \$1701.

Mr. Humphrey then informed Council that advertisements for RFP's for on-call engineering services have been placed in the local newspapers. Mr. Humphrey stated that our contracts with the current on-call engineers expire on the 28th of February, and would like to continue a contractual relationship with two firms that would provide consulting and design services for the town.

Council Member Kersey made a motion to give Mr. Marks and Mr. Humphrey authorization to review the RFP bids received for on-call engineering services, and to negotiate contracts with no more than three engineering firms. Council Member Stone seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Humphrey also informed Council that the apparent low bidder for the Louisa Town Park project is Loudin Building Systems with a base bid of \$121,000 and \$51,750 for alternate landscaping. Mr. Humphrey stated that the two amounts combined are 14% over the 2004 cost projection of \$150,000. Mr. Humphrey informed Council that he believes the town has three options:

1. Award the project, including the alternate landscaping bid to Loudin Building Systems at a cost of \$172, 750.
2. Award the base bid to Loudin Building Systems at a cost of \$121,000 and perform the installation of the landscaping with our own forces.
3. Award the base bid to Loudin Building Systems at a cost of \$121,000; install 55 trees with our own forces at an estimated cost of \$16,500 for equipment, labor, and materials; and negotiate a price with Loudin Building Systems for the installation of the shrubs, spring bulbs, perennials, and groundcovers.

After discussing the matter at length, Council Member Kersey made a motion to proceed with option three, based on the Town staff's recommendation. Council Member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Litter Committee:

Council Member Gehle reported that over the past several years, members of Tanyard Country Club have been picking up trash around Beaver Creek two and sometimes three times a year, which has proven to be a waste of time. Mr. Gehle stated that when the Town gets upwards of an inch of rain, the creek fills up with trash again. Mr. Gehle continued stating that until the Town of Louisa can clean up the drainage system and address the sources of pollution; this matter will be a continual problem. Mr. Gehle passed around pictures that he had taken last month behind the shopping centers at the east end of town, noting that people are dumping unwanted items behind the buildings, and that much of the litter problem is coming from dumpsters that do not have proper enclosures.

Mr. Gehle requested that Mr. Maupin look at the proposed ordinances that were drafted, and report back at the next Council meeting. Mr. Gehle also requested that the property owners of the shopping centers be contacted about the dumping of items behind the buildings.

Streets & Sidewalks

No report.

Cemetery

No report.

REPORTS FROM STAFF

Counsel

No report.

Clerk

No report.

Treasurer

No report.

Manager

Mr. Marks mentioned that he had included a letter in Council's packet from the Virginia Employment Commission regarding a former employee of the Town of Louisa. Mr. Marks stated that he is seeking Mr. Maupin's interpretation and recommendation.

Mr. Marks also noted that he included a copy of the letter he sent to Mr. Jim Allen, of USDA Rural Development, for additional funding for the Louisa Town Hall and Community Arts Center project. Mr. Marks stated that since the historical tax credits are no longer available, the additional funds are necessary to complete the project as we are drawing near the closure date of two pre-approved loans. Mr. Marks added that if we are unable to obtain the additional funds, we may have to negotiate with Suntrust Bank to extend the loan.

Mr. Marks mentioned correspondence with DHR regarding the ceiling in the auditorium. Mr. Marks informed Council that DHR caught an error in the plans for the auditorium which was made during the transition from one office to another in order to be properly reviewed under Section 106 of the Environmental Protection Act Compliance. DHR stated that the original ceiling should not have been removed. Mr. Marks noted that the entire process: what we have done, what we have gone through, why it was removed, etc. is being documented in hopes to help resolve the issue very soon.

Mr. Marks reported that he met with Tommy Mullins and Mark Wood of VDOT to discuss the drainage problem on School Street. Mr. Marks stated that water is spilling out onto the street and freezing

due to the cold temperatures causing problems for motorists. Mr. Marks informed Council that they are working towards a resolution by contracting out someone to bore under the road and install the necessary drainage pipe.

Mr. Marks mentioned that he would like to attend the Virginia Certified Planning Commissioners Program, and that he had included the application in Council's packet for their review and approval.

Council Member Stone made a motion to give Mr. Marks authorization to attend the Virginia Certified Planning Commissioners Program. Council Member Carter seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Marks also reported that he had received an email from VDOT informing him that the Town of Louisa had been awarded \$150,000 for downtown improvements.

COMMUNICATIONS

Mayor Artz stated that Council needed to go into Executive Session to discuss three Personnel Matters.

CLOSED SESSION

Council Member Clarke made the motion to go into Executive Session to discuss three Personnel Matters under section 2.2-3711A of the Code of Virginia. Council Member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

Council went into Executive Session at 9:00 p.m.

REGULAR SESSION

Council Member Clarke made the motion to go back in to Regular Session. Council Member Stone seconded the motion. The vote went as follows: 5-0 in favor.

Council returned to regular session at 10:55 p.m.

CERTIFICATION OF CLOSED SESSION

Council Member Kersey made the motion to certify the closed session. Council Member Stone seconded the motion. The vote went as follows: 5-0 in favor.

ADJOURNMENT

Council Member Kersey moved to continue the February 20, 2007 Louisa Town Council meeting to Friday, February 23, 2007 at 3:00 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, Carter.

NAYES: None.

ABSENT DURING VOTE: None.

ABSENT DURING MEETING: None.

Continuation of February 20, 2007

Present: James S. Artz, Mayor; A. Daniel Carter, Pamela H. Stone, Warren D. Gehle, Matthew L. Kersey, Council Members; Ronald M. Maupin, Attorney; Brian W. Marks, Town Manager; Jessica M. Ellis, Clerk; Stan Batten, Chief of Police

Also Attending: Pat Wilson, The Central Virginian; Officer Robert Rigsby, Louisa Police Department; Mr. and Mrs. Robert Rigsby, Gordonsville, VA; Mr. Graven W. Craig, PLLC

Absent: Mary Jane Clarke, Vice-Mayor; Donna L. Pinter, Treasurer; Brad Humphrey, Project Manager

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Mayor Artz called the meeting back to order at 3:03 p.m.

COMMUNICATIONS

Mr. Maupin informed the Mayor and Council that a motion was necessary to go into Executive Session pursuant to Section 2.2-3711 A1 to discuss three Personnel Matters.

CLOSED SESSION

Council Member Kersey made the motion to go into Executive Session to discuss three Personnel Matters pursuant to section 2.2-3711A of the Code of Virginia. Council Member Stone seconded the motion. The vote went as follows: 4-0 in favor.

Council went into Executive Session at 3:04 p.m.

REGULAR SESSION

Council Member Stone made the motion to go back in to Regular Session. Council Member Kersey seconded the motion. The vote went as follows: 4-0 in favor.

Council returned to regular session at 5:58 p.m.

CERTIFICATION OF CLOSED SESSION

Council Member Stone made the motion to certify the closed session. Council Member Gehle seconded the motion. The vote went as follows: 4-0 in favor.

COMMUNICATIONS

Council Member Kersey made a motion to accept the resignation of Officer Kendall W. Robinson effective Friday, February 23, 2007 at 6:00 p.m. Council Member Carter seconded the motion. The vote went as follows: 4-0 in favor.

Council Member Gehle made the following motion of disciplinary action for Officer Robert Rigsby for deviation from proper police procedures:

- 1 Officer Rigsby is to be placed on probationary status for a period of one year beginning on February 23, 2007 and ending on February 22, 2008;
- 2 A reduction in salary is effective February 23, 2007 – salary is reduced to the FY 05-06 annual salary level;
- 3 The Police Committee will evaluate Officer Rigsby's performance as a Town Police Officer each 60 days during the one year probationary period; and

- 4 Officer Rigsby will be reinstated to full duty at or following the Police Committee meeting scheduled for Monday, February 26, 2007 at 1:00 p.m.

Council Member Kersey seconded the motion. The vote went as follows: 4-0 in favor.

Council Member Kersey made the following motion of disciplinary action for Chief of Police Stan Batten for deviation from proper police procedures:

- 1 Chief Batten is to be demoted to Acting Chief of Police;
- 2 A reduction in salary is effective February 23, 2007 – salary is reduced to the FY 05-06 annual salary level;
- 3 Due to the Council's loss of confidence in the Acting Chief's leadership abilities, the Police Committee acting with and through the Town Manager is tasked to provide close oversight of the Police Department operations and Acting Chief Batten's performance; and
- 4 Acting Chief Batten will be reinstated to full duty at or following the Police Committee meeting scheduled for Monday, February 26, 2007 at 1:00 p.m.

Council Member Gehle seconded the motion. The vote went as follows: 4-0 in favor.

ADJOURNMENT

Council Member Stone moved to adjourn the continuation of the February 20, 2007 Louisa Town Council meeting at 6:15 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, Stone, Carter.

NAYES: None.

ABSENT DURING VOTE: Clarke.

ABSENT DURING MEETING: None.

