

# TOWN COUNCIL MEETING MINUTES

May 21, 2013

## Call to Order

The Clarksville Town Council met in regular session on May 21, 2013, at 7:30 p.m. Mayor Kevin Allgood called the meeting to order and Vice-Mayor Connie Torres provided the invocation. Council members present were Mayor Kevin Allgood, Vice-Mayor Connie Torres, Chris Clarke, Carolyn Hite, Bill Nunn, and Mike Sizemore. Council member Glenn Jurczyk was absent. Staff members present were Town Manager Jeff Jones, Treasurer/Clerk Tara Murphy, Town Clerk Wendy Feild, Town Operations Director Richard Elliott, and Acting Chief Bobby Boring.

## Approval of Minutes

The minutes of the April 16<sup>th</sup>, 2013 meeting were approved with no additions, deletions, or corrections with a motion by Council member Sizemore, seconded by Council member Hite, and approved by all.

The minutes of the May 7<sup>th</sup>, 2013 Special meeting were approved with no additions, deletions, or corrections with a motion by Council member Clarke, seconded by Vice-Mayor Torres, and approved by all

The minutes of the May 7<sup>th</sup>, 2013 Council Workshop were approved with no additions, deletions, or corrections with a motion by Vice-Mayor Torres, seconded by Council member Clarke, and approved by all.

## Presentation of List of Vendors Paid

The list of vendors paid for April 2013 was presented to Council. Council member Nunn motioned to approve the list of vendors paid for April 2013, seconded by Vice-Mayor Torres, and approved by all.

## Presentation of Financial Statements

The Financial Statements for April 2013 were presented to Council. Council member Sizemore motioned to approve the April 2013 financial statements, seconded by Council member Clarke, and approved by all.

## Presentation of Town Operation Reports

The Town Operations reports were presented to Council.

Town Operations Director Richard Elliott stated that they are working to take one of the Waste Plant digesters down for cleaning to get ready for inspection by the end of the month. Director Elliott stated that the Southwest Downtown Project is complete overall. He stated that there are some punch list and cosmetic items still to be done. Director Elliott stated that they have been busy cutting grass downtown and getting the Veteran's Memorial ready for the weekend and the service. Director Elliott stated that he talked with B & B Consultants on the next phase of the Streetscape Project from 7<sup>th</sup> to 8<sup>th</sup> Street. He stated that they are waiting on approval from VDOT to go to bid on the project.

## Presentation of Police Activity Report

The Police Activity report was presented to Council.

Acting Chief Bobby Boring stated that the Wine Festival was a success with no major problems. He stated that this month's Cruisin only had 12-15 cars that set up on the United Country VA Realty lot and the street was not closed. He stated that the Big Lake Flea Market worked well with the vendors set up in the parking spaces. He informed Council that the officers had to go to the VFW over the weekend to assist with fights and other problems over there because the Deputies were out of the area on other calls. He informed Council that the department plans to hold a Highway Safety checkpoint in the next couple of weeks. Acting Chief Bobby Boring informed Council that he and Carol Newcomb will be attending a meeting to get more information on the National Night Out that Clarksville is to host later in the year. He informed the Council that the buzzard problem at the ballpark is diminishing since they have been working to keep the dumpster lids closed.

Vice-Mayor Torres questioned the dog complaints on the activity report. Acting Chief Bobby Boring stated that the calls were for stray dogs mostly. He stated that they call Mecklenburg County animal control to locate and pick up the stray dogs.

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## **UNFINISHED BUSINESS**

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### **Robbins Park – Flag Poles**

Town Manager Jeff Jones stated that at the last meeting, Council member Jurczyk requested flag poles from the Woodmen of the World organization for Robbins Park. He stated that the Woodmen of the World graciously donated 3 flag poles and the flags to Robbins Park. He stated that the foundation has been started for the poles, and that he sent a letter thanking the Woodmen of the World for the generous donation. Vice-Mayor Torres thanked Council member Jurczyk for making the request.

### **First Reading 2013-2014 Budget**

Town Manager Jeff Jones thanked the Budget Committee for the help formulating the 2013-2014 Budget. Town Manager Jones discussed the highlights of the proposed budget. He stated that the Budget Committee has to account for a 5.7% increase in the employee health care cost this year and also fund the 1% increase for the VRS State mandated salary adjustment as part of the phase in for the employee contribution deduction. He stated that the budget is proposing a 3% salary increase in an effort to reward the employees. Town Manager Jones stated that another element of the budget this year pertains to the upcoming Rural Development sewer improvement project. He stated that the Rural Development letter of conditions for the project directs that the Water funded operations and the Sewer funded operations have to be separated into a Water Fund and a Sewer Fund in order to prove that the operations are self funding. Town Manager Jones stated that the proposed budget provides adjustments for fuel and utility increases. He complimented the Town and the Council for being very conservative in past years and using the taxpayer's money wisely. Town Manager Jones stated that by being conservative, the budgets did not allow for capital improvements and cash reserves were utilized. He stated that beginning with this budget, the committee strategically tried to institute some capital improvements back into the budget to begin to invest in the Town's infrastructure and to attempt to build back some of the cash reserves. Town Manager Jones stated that the General Fund budget proposes a 3 cent increase in the Real Estate tax rate from \$.24 to \$.27 per \$100 of assessed value. He explained that for an average property value of \$150,000, the increase equates to an increase of \$45 per year or \$3.75 per month. Town Manager Jones reiterated that the Water operations and the Sewer operations have to be separated. He stated that in working with the Water Fund budget, the Water operations and reserves look good. He stated that the Sewer Fund budget is not funding expenses and the budget proposes a 9% increase in the sewer rates. Town Manager Jones explained that the 9% increase will change the in-town sewer rate from \$59.50 to \$65.00 bi-monthly and the out-of-town rate from \$135.50 to \$147.70 bi-monthly. He stated that the increase is needed because the Town has to fund the \$75,000 match for the sewer upgrades needed for the Kinderton Technology Park. Town Manager Jones stated that the Town also has to meet the requirements for the sewer upgrade loan/grant from Rural Development by making sure that the sewer fund is fully self funded and building in the required \$16,000 capital contingency reserve.

Town Manager Jones stated that one measure to help the sewer fund be more self-funded is that the transfer from the General fund has been reduced again this year to only \$20,000. He informed the public that if other budgets within the county are approved as proposed, Clarksville's sewer rate will be the next from the lowest sewer rate.

Town Manager Jones asked Treasurer Murphy to discuss more details of the proposed 2013-2014 budget. Treasurer Murphy stated that the total proposed revenues for the General Fund are \$1,519,617.49. She stated that this includes the proposed Real Estate tax rate increase from \$.24 to \$.27 per \$100 of assessed value. She stated that the changes to the other revenue line items are based on receipts throughout the year. She stated that some line items increased and some decreased such as the bank franchise tax. She stated that the total proposed expenditures for the General Fund are \$1,490,420.60 with a proposed contingency of \$29,196.89. She stated that the budget includes \$15,000 for Streets repairs/maintenance, \$4,000 for sidewalk improvements, \$8,800 to purchase dumpsters and the \$20,000 reduction in the transfer to the sewer fund. Treasurer Murphy stated that the Water and Sewer revenues were split into two separate funds and budgets. She stated that the total proposed Water fund revenues are \$558,417 and the total proposed Sewer Fund revenues are \$580,250 for a total of \$1,138,667. She stated that the Water Fund expenditures include only water line and water meter maintenance and the Water Plant and tank operations. She stated that the Sewer fund budget includes sewer line maintenance, manhole maintenance, the Sewer Treatment Plant operations and lift station maintenance. She stated that the Water Fund budget includes \$35,000 for maintenance on the water tanks. Treasurer Murphy explained that the debt service was also separated and the Water Fund budget includes the debt for the Water Plant upgrade and the waterline improvement project that was recently completed. She stated that the total proposed Water fund expenditures is \$517,794.68. Treasurer Murphy stated that the Sewer fund expenditures include \$10,000 for the replacement of a pump in the event that one fails, and \$8,800 for additional alarms needed for lift stations. Treasurer Murphy stated that the debt service includes the additional financing for the \$75,000 match on the sewer upgrades needed for the Kinderton Technology Park and the changes for the refinanced VRA debt. She stated that the total proposed sewer expenditures are \$556,752.86. Treasurer Murphy stated that this yields a proposed Water Fund contingency of \$40,622.32 and a proposed Sewer Fund contingency of \$23,497.14 for a total of \$64,119.46.

Town Manager Jones stated that the budget will be advertised next week. He stated that if it pleases the Council, he would like to change the Council workshop to June 11<sup>th</sup> so that the proposed Budget public hearing can be held that same night and the final approval of the budget will still be during the regular June 18<sup>th</sup> Council meeting.

Vice-Mayor Torres questioned the last time the Town increased the Real Estate tax rate. Town Manager Jones stated that the Town of Clarksville increased its Real Estate tax rate in 1999. He stated that other times the rate was adjusted up or down due to reassessments made.

Mayor Allgood stated that the Council is agreeable to moving the date of the Council workshop to coincide with the 2013-2014 Budget public hearing on June 11<sup>th</sup>, 2013 at 7:30 p.m.

## Noise Ordinance

Mayor Allgood stated that the proposed Noise Ordinance has been discussed for a while, but the Council is not ready to vote on the proposed ordinance at this meeting. He stated that the Council can decide how to proceed on the issue; if the Council wants to change the proposed ordinance or use this draft and take it to public hearing. Vice-Mayor Torres questioned if the proposed ordinance had been reviewed by the Town's legal counsel. Council member Clarke said that Dr. Lee had the legal counsel review this proposed ordinance previously. Town Manager Jeff Jones stated that a Council member approached him about rewording Item 15 of the proposed ordinance regarding the times listed. Council member Sizemore stated that he feels the main issue regarding noise has come from Community Center rentals. Vice-Mayor Torres stated that she knows of complaints from other areas. Council member Nunn questions whether the Town needs additional ordinances and why can't the Town use the laws and ordinances already on the books for these situations? Council member Clarke stated that he feels the law enforcement needs an additional tool for these situations. Council member Sizemore questioned would a meter have to be used to measure the noise? Vice-Mayor Torres feels that a meter would be needed because quoting distance as a measurement could still be subjective.

Mayor Allgood stated that the Council needs to decide how to proceed with the proposed ordinance. Council member Hite stated that the current version should be used. Council member Clarke stated that he feels the three page document is necessary to be passable according to Commonwealth standards.

Mayor Allgood asked Tim Meyer to speak on behalf of the SPCA. Mr. Tim Meyer, President of the SPCA, addressed Council regarding sections of the proposed noise ordinance that pertains to barking dogs and the associated fines. He stated that he feels the fines should be reduced and that a warning should be issued on the first offence. He stated that when a dog is barking, there should be some investigation to make sure there is no problem or nothing wrong. Mr. Meyer feels that investigation is important before fines are charged. He asked the Council to work on the ordinance before charging fines and don't punish animal lovers.

Council member Clarke was thankful for the citizen input. Vice-Mayor Torres feels that the Council should study the proposed ordinance to better understand it so law enforcement can have a tool to use to take care of the few that do not respond to warnings. Vice-Mayor Torres suggested putting the proposed noise ordinance on the Workshop agenda to be discussed. Town Manager Jones stated that he would work to firm up the Community Center application to help with the problems there.

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## NEW BUSINESS

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### Library Expansion

Charles Lee, Chair of the Library Expansion Steering Committee, briefed the Council on the status of the library expansion and requested an in-kind contribution towards the library expansion in lieu of a monetary contribution. He stated that the Library Expansion Committee respectfully requests that the Clarksville Town Council participate in the expansion of the Library by providing in-kind labor and equipment necessary to complete the site preparation for the expansion and removal of the present infrastructure in the "new" facility, at an estimated cost of less than \$25,000. He stated that the Council will be credited with a contribution and permanently recognized as a donor for the project. Mr. Lee stated that if anything occurs during the work that goes outside of the in-kind category, the committee would step in to help.

Vice-Mayor Torres stated that the in-kind contribution is a great way for the Town to help with the Library Expansion without having to appropriate budget dollars. She motioned to grant the request from the Library Expansion Steering Committee to provide in-kind labor and equipment necessary to complete the site preparation for the expansion and removal of the present infrastructure in the "new" facility, seconded by Council member Clarke, and approved by all

### Resolution – Community Improvement Grant

Town Manager Jones stated that the attached resolution is for Council to appropriate the remaining balance of \$421,111 of the Community Improvement Grant from DHCD for the work on the Southwest Downtown Improvement Project.

Council member Sizemore motioned to adopt the resolution to appropriate the balance of the Community Improvement Grant, seconded by Vice-Mayor Torres, and approved by all.

### Resolution – Hazard Mitigation Plan Update

Town Manager Jones stated that the attached resolution asks Council to adopt the Southside Planning District Natural Hazard Mitigation Plan which allows the area to qualify for any federal grants and funds in the event of a natural disaster.

Council member Nunn motioned to approve the resolution for the Southside Planning District Natural Hazard Mitigation Plan, seconded by Council member Hite, and approved by all.

## Other Issues

Council member Clarke informed Council that the Clarksville Police Department was recognized at the school board meeting for all they do at Clarksville Elementary School.

## Opportunity for Public Comment

Bob Miller of 409 Rose Hill Avenue informed Council that he has a cat problem, about 30 cats in his neighborhood. He asked Council what can be done because animal control will not take them and the SPCA is full. He is concerned about this due to the diseases they can cause.

Mayor Allgood questioned if the cats are strays or pets. Mr. Miller stated that he is not sure if all the cats are strays or feral cats. Mr. Tim Meyer of the SPCA stated the citizens need to go before the County because no regulations exist regarding cats. Mayor Allgood stated the Town Council would have to look into this issue.

Dean Liken of 105 6<sup>th</sup> Street stated that he has had a cat problem for 10 years and emphasized that there is a problem. He asked the Council to look into the matter to try to find a solution.

Lucy McCall of 164 Buffalo Road feels something needs to change in the area regarding the noise. She stated that the Commonwealth Attorney has confirmed that not all laws were struck down, but Towns were advised that vague laws should be rewritten. She stated that the noise from the Community Center gets to a point where the lights vibrate in their house. She stated that she does not feel the Community Center is being used properly. She feels that the rental agreement should be altered. Mrs. McCall thanked Mr. Jones for listening to them and being receptive to their calls.

Bernard Rose of 163 Buffalo Road has issues with the noise from the Community Center and also the disturbances that occur in the parking lot after the parties. He stated that the noise carries on until 1 – 2:30 in the morning. He feels that the rental agreement needs to be changed to address music being stopped at a decent hour. Mr. Rose informed Council that he has problems with profanity and sexual behavior coming from the Ruritan Park and something needs to be done to address this. Mr. Rose also expressed to Council that the procedure being used to deal with the buzzards needs to be addressed and he is upset with the level of privileges given to the law enforcement to deal with the buzzards. He asked if there was not another way to dispose of the buzzards.

Council member Hite stated that in the past the Police have used explosive devices like fire crackers to make noise to drive the buzzards away. Town Manager Jones stated that the officer was attempting to scare the birds, not shoot them. He stated that they are researching other ways to handle the problem.

Lynn Smith of 104 Staunton Terrace suggested the Town contact the Virginia Department of Game and Inland Fisheries for their help with the buzzards.

## Closed Session

Mayor Allgood received a motion from Vice-Mayor Torres that Clarksville Town Council convene in Closed Session pursuant to Virginia State Code Section 2.2-3711(A)(7) to discuss legal matters pertaining to annexation, seconded by Council member Sizemore, and approved by all.

After ending the Closed Session, Mayor Allgood took a roll call vote, as follows, verifying that Council only considered items that are lawfully exempt from the Freedom of Information Act and only items identified in the motion for the closed session.

Council member Clarke	Aye
Vice-Mayor Torres	Aye
Council member Hite	Aye
Council member Nunn	Aye
Council member Sizemore	Aye

Mayor Allgood received a motion from Vice-Mayor Torres that Clarksville Town Council convene in Closed Session pursuant to Virginia State Code section 2.2-3711(A)(1) to discuss matters pertaining to personnel, seconded by Council member Nunn, and approved by all.

After ending the Closed Session, Mayor Allgood took a roll call vote, as follows, verifying that Council only considered items that are lawfully exempt from the Freedom of Information Act and only items identified in the motion for the closed session.

Council member Clarke	Aye
Vice-Mayor Torres	Aye
Council member Hite	Aye
Council member Nunn	Aye
Council member Sizemore	Aye

## Adjournment

With no further business, the meeting was adjourned.

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Kevin Allgood, Mayor

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Tara Murphy, Treasurer/Clerk