

TOWN COUNCIL MEETING MINUTES

August 21, 2012

Call to Order

The Clarksville Town Council met in regular session on August 21, 2012, at 7:30 p.m. Mayor Kevin Allgood called the meeting to order and provided the invocation. Council members present were Mayor Kevin Allgood, Chris Clarke, Carolyn Hite, Glenn Jurczyk, Bill Nunn, Mike Sizemore, and Connie Torres. Staff members present were Interim Town Manager Charles Lee, Treasurer/Clerk Tara Murphy, Town Operations Director Richard Elliott, and Police Chief Ricky Wilkinson.

Approval of Minutes

The minutes of the July 17th, 2012 meeting were approved with no additions, deletions, or corrections with a motion by Council member Hite, seconded by Vice-Mayor Torres, and approved by all.

The minutes of the August 7th, 2012 Council Workshop were approved with no additions, deletions, or corrections with a motion by Council member Nunn, seconded by Council member Clarke, and approved by all.

The minutes of the August 7th, 2012 Special Council meeting were approved with the correction of the spelling of Council member Jurczyk's name with a motion by Council member Sizemore, seconded by Vice-Mayor Torres, and approved by all.

Presentation of List of Vendors Paid

The list of vendors paid for July 2012 was presented to Council. Vice-Mayor Torres motioned to approve the list of vendors paid for July 2012, seconded by Council member Clarke, and approved by all.

Presentation of Financial Statements

The Financial Statements for July 2012 were presented to Council. Vice-Mayor Torres motioned to approve the July 2012 financial statements, seconded by Council member Nunn, and approved by all.

Presentation of Town Operation Reports

The Town Operations reports were presented to Council.

Director Richard Elliott reported to Council that the waterline project is progressing smoothly. He stated that the sections of Virginia Avenue are going to be patched, and they anticipate being done on Virginia Avenue by the middle of September. Director Elliott reported that the 7th Street pump station is down due to a pump being out of service. He does not have an estimate on that at this time.

Presentation of Police Activity Report

The Police Activity report was presented to Council.

Chief Ricky Wilkinson informed Council that the department received an award through the Highway Safety Grant program for the most improved safety belt use in Clarksville. Interim Town Manager Lee informed Council that the Police Department has been participating in the Town clean-up campaign.

UNFINISHED BUSINESS

Correction on Amendment of Code to Establish Residency Requirements for Town Manager

Interim Town Manager Lee stated that last month Council decided that the Town Manager's position should have a residency requirement. He stated that in order to establish that requirement, the Town Code section 31.02 needs to be amended to state that residency is required. He stated that since then, the Town Attorney has advised that the Town Charter states that town officials and employees shall not be prohibited from holding positions based on place of residence. Interim Town Manager Lee stated that if the Council wishes to have the residency requirement for the Town Manager, the matter will have to go before the General Assembly to amend the Charter. Council member Jurczyk stated that he feels the Personnel Committee should encourage the candidate to live in Town, but he feels the residency requirement places a restriction on them. Vice-Mayor Torres stated since the General Assembly will not hear any requests until January; the committee will have to proceed with encouraging the candidate to live in the Town. She feels that the Town should proceed as previously decided with the Town Manager being required to live in the Town limits. Vice-Mayor Torres motioned to present an amendment to the Town Charter to the General Assembly stating that the Town Manager is required to live in the Town limits, seconded by Council member Nunn. The motion carried with a vote of three in favor (Vice-Mayor Torres, Council member Nunn, and Council member Sizemore), a vote of three opposed (Council member Clarke, Council member Hite, and Council member Jurczyk), and Mayor Allgood voting in favor of the motion to break the tie vote.

NEW BUSINESS

Notice of Public Hearing Regarding Condemnation of Interests in Property in Town of Clarksville, Virginia for Public Purposes

Interim Town Manager Charles Lee stated that as part of the waterline improvement project, there is a need to extend water lines along Russell Street and this requires easements from the Hardees Corporation and Clarksville Crossings Shopping Center. He stated that he spoke with representatives from both organizations about the need to have access to their property to install the waterlines and the benefits to their property as far as increased fire protection some time ago. He stated that after repeated efforts to contact them by email and voicemail, the Town still has not received any response to the request. Interim Town Manager Charles Lee stated that as a consequence last week the Town Attorney sent them a letter stating formally what the need was and the offer for the easement being \$1,291 determined by an independent appraiser and gave them a deadline to respond of August 28th, 2012. Interim Town Manager Lee stated that the attorney's letter emphasized that if no response was received by the deadline, the Town would have to proceed another way to cross the property for purposes of the public good. Interim Town Manager Lee stated that the ordinance proposed by the Town Attorney allows the Town to proceed to condemnation if it is necessary to be able to cross the property, and this would constitute a public hearing on the ordinance, and it would be adopted tonight if Council approves it under the emergency provisions. He stated that if Council approves the ordinance and if the Town has to invoke the provisions of the ordinance, the Town could in order to keep the project moving along. He stated that the contractor is not set to work in that area until around the middle of September, so there is time to continue to work with the representatives from both organizations. Interim Town Manager Lee stated that the Town and the Attorney will do everything possible to avoid proceeding with condemnation unless it is absolutely necessary. Interim Town Manager Lee read the proposed ordinance to the public, and he stated that it is proposed that the ordinance be adopted under the emergency provisions.

Mayor Allgood opened the public hearing on the ordinance authorizing the acquisition of easement interests in real property for the Town of Clarksville public water system purposes and asked for any public comment. There was no public comment. Mayor Allgood closed the public hearing.

Council member Nunn motioned to adopt the ordinance authorizing the acquisition of easement interests in real property for the Town of Clarksville public water system purposes, seconded by Council member Sizemore, and approved by all.

Approval of Bid for Sewer, Sidewalk, and Street Improvements on 8th, 9th, Market and Carolina Streets as part of Southwest Downtown Community Improvement Project

Interim Town Manager Charles Lee stated that bids were received for sewer, sidewalk, and street improvements on 8th, 9th, Market, and Carolina Streets as part of the Southwest Downtown Community Improvement Project. He stated that 5 bids were received that ranged from \$544,317 to \$704,291. Interim Town Manager Lee stated that the low bidder was J. Harman Saunders at \$544,317.50. He stated that Randy Jones of Dewberry & Davis, Inc., the Project Manager recommends awarding the contract to J. Harman Saunders Construction, Inc.

Council member Jurczyk motioned to award the bid for the sewer, sidewalk, and street improvements on 8th, 9th, Market, and Carolina Streets as part of the Southwest Downtown Community Improvement Project to J. Harman Saunders Construction, Inc., seconded by Council member Nunn, and approved by all.

Appointment of Clarksville Representative to Lake Country Regional Airport Advisory Commission for Term Beginning July 1, 2012 to June 30, 2015

Interim Town Manager Charles Lee stated that the Commission recommends that Mr. Lou Zarelli be re-appointed to the Commission for a three year term from July 1, 2012 to June 30, 2015.

Vice-Mayor Torres motioned to accept the request for appointment of Lou Zarelli to the Airport Commission for a three year term from July 1, 2012 to June 30, 2015, seconded by Council member Clarke, and approved by all.

Zoning Issues

Council member Jurczyk addressed Council as the Interim Zoning Administrator. He stated that he and the Town have received complaints regarding a metal garage being placed in Town. He stated that the individual acquired the required permits, and the metal garage is allowed on his property based on the requirements of the zoning ordinance. He stated that with the Town looking at expanding the boundaries, he feels the Planning Commission should look at addressing architectural design and make a recommendation to the Council if any changes need to be made to the zoning ordinance. Council member Jurczyk stated that he feels a person should have the right to place what they want on their personal property as long as it conforms to the zoning ordinance requirements, but he thinks it may not be a bad idea to run some of this stuff by an architectural committee of the Planning Commission. Vice-Mayor Torres questioned under what criteria? Council member Jurczyk stated that he did not know that is why he felt the Planning Commission could look at it. Mayor Allgood stated that outside of housing developments that have certain criteria, how does the Town Council have any authority to decide what someone does with their property? Council member Jurczyk stated that he did not know, but he thought it could be examined as well as some old forms. Vice-Mayor Torres stated that why the zoning administrator couldn't make some recommendations on changes to the zoning forms, and discuss them with the Planning Commission. Council member Jurczyk also mentioned a memo he received regarding the sign ordinance and the question whether some art painted on buildings is public art or signs. He stated that this issue needs to be looked at also.

Opportunity for Public Comment

Virginia Bowers Fenty of 7th Street addressed Council about the property of 7th and Commerce Street. She stated that she received a letter from the Corps of Engineers, but the areas referenced in the letter are not near the property in question. Council member Jurczyk stated that he looked further into the matter and the property at 7th and Commerce Street is designated a red line area by the Corps of Engineers as part of the shoreline management plan. He stated that under this designation, no clearing or docks are allowed, so there is nothing that can be done about the underbrush at this time. He stated that if the Corps of Engineers changes the shoreline management plan for that area something could be done then. He stated that they will have to watch the papers for when the Corps of Engineers proposes to make changes to the shoreline management plan, and their concerns can be presented to the Corps of Engineers at that time and petition for a change to the plan.

Rita Powell of 308 7th Street questioned how the Corps marks their property. Council member Jurczyk stated that the Corps marks their property with trees and place three orange circles on the trees. He stated that is how the shoreline management area is marked. Interim Town Manager Charles Lee stated that the Corps of Engineers will advertise public hearings in the newspaper.

Consideration of Request for Closed Meeting

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 to discuss a potential real estate transaction, seconded by Council member Clarke, and approve 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 Jurczyk	Aye
Council member Clarke	Aye
Vice-Mayor Torres	Aye
Council member Hite	Aye
Council member Nunn	Aye
Council member Sizemore	Aye

Vice-Mayor Torres motioned that the Clarksville Town Council approve the purchase of the modular office facility from Benchmark Community Bank for an amount not to exceed \$25,000 subject to approval by the Mayor of the sales contract with the seller that defines the property, ownership transfer date, and terms of payment; when vacated by the seller, the facility will be relocated to Town property adjacent to the library annex; following relocation and minor modifications, the facility is to be occupied by the Police Department which will maintain approximately 700 sq. ft. of space in its current location for storage and emergency showers. Council member Nunn seconded the motion. The motion carried with a vote of four in favor and two opposed (Council members Hite and Jurczyk).

Vice-Mayor Torres motioned to proceed in purchasing the Benchmark Bank building for purposes of using it for a Police Department by moving it to the Town property next to the old YMCA building at an amount not to exceed \$25,000. Interim Town Manager Charles Lee stated that the next step would be to formulate a sales contract between the Town and Benchmark Bank with the Mayor being authorized to sign the contract.

Adjournment

With no further business, the meeting was adjourned.

Kevin Allgood, Mayor

Tara Murphy, Treasurer/Clerk