

MINUTES
REGULAR MEETING – WARSAW TOWN COUNCIL
COUNCIL CHAMBERS – 78 BELLE VILLE LANE
SEPTEMBER 09, 2010 – 7:00 P.M.

Mayor Williams called the regular meeting of Warsaw Town Council to order at 7:00 pm and led in the Pledge of Allegiance. Council Members present were Mayor R. Wayne Williams, Mark E. Milstead, Cheryl B. “Sherry” Pierson, Carol M. Smith and Ogle E. Forrest, Sr. Councilman Paul G. Yackel arrived a little late. Councilman Ralph W. Self was absent.

Town staff present was John M. Slusser, A.J. Panebianco, and Linda S. Holsinger. William L. Lewis, Town Attorney was also present.

Others present were Randy Phelps, John Haynes, Darleen Nichols, Jackie Nichols, Katherine Stout, Betty Delano, Barbara Scott, Sedonia Wilson, Carolyn H. Loritsch, Shirley W. Williams, Rudolph Brodersen, Everett Balderson, Marion VanLandingham, Aubrey L. Mihalcoe, Teresa Davis, Mary Beth Bryant, William Lee Washington, Waverly D. Veney, Virginia Fitch, Joseph H. Gaines, Virginia B. Pickering, DeWitt Cooper, Cindy Lloyd, and Dianne Saison of the Northern Neck News.

Councilman Forrest moved to name Linda S. Holsinger as Acting Clerk in the Clerks absence. Councilman Milstead seconded and the motion carried with the following votes:

R. Wayne Williams	Aye	Ogle E. Forrest, Sr.	Aye
Cheryl B. Pierson	Aye	Mark E. Milstead	Aye
Carol M. Smith	Aye		

APPROVAL OF MINUTES - July 29, 2010, August 12, 2010 and August 26, 2010

Mayor Williams stated everyone should have received their copies of the minutes and asked if there were any additions or corrections. Councilwoman Smith moved to approve the minutes of July 29, August 12 and August 26, 2010, as presented. Councilman Forrest seconded and the motion carried with the following votes:

R. Wayne Williams	Aye	Ogle E. Forrest, Sr.	Aye
Cheryl B. Pierson	Aye	Mark E. Milstead	Aye
Carol M. Smith	Aye		

FINANCIAL REPORT – August 2010

Mayor Williams asked if anyone had any questions on the Financial Report. Councilman Milstead moved to accept the Financial Report for August 2010 as presented. Councilwoman Pierson seconded and the motion carried with the following votes.

R. Wayne Williams	Aye	Ogle E. Forrest, Sr.	Aye
Cheryl B. Pierson	Aye	Mark E. Milstead	Aye
Carol M. Smith	Aye		

MAYOR'S REPORT

Mayor Williams stated he had attended the Richmond County Fair opening and appreciated all Council Members who attended as well. He will also be attending a Northern Neck Planning District Commission Meeting in Montross on September 28.

MANAGER'S REPORT

*The Town Manager reported the new treatment plant has been in operation a little less than two weeks. The initial test results have been favorable. There was one unpleasant surprise when the generators kicked on and one of the blower motors kicked off and did not reset. This caused a loss of some bacteria due to lack of oxygen so the SBR had to be reseeded. This is somewhat of a setback as it has now has to run thirty consecutive days from the date reseeded.

He is still trying to get the contractor to complete the things they agreed to do in the contract. The Town is holding their money until these things have been done so they are not very happy. We are inching toward the finish line to completion. Once it has operated successfully for thirty days we can get the Certificate to Operate from DEQ. We will not take over the operation of the plant until the contractor has finished all the work specified.

Councilman Yackel questioned what would happen if we have to call in the bonding company to complete the job. The Town Manager assured him the Town is no financial jeopardy if it should come to that. Councilman Milstead asked if the Town has a plan to protect our equipment if the contractor fails to complete the job. The Manager reported the Town has a Completion Bond so someone will be sent in for training to fill the contract requirement. He further noted David has some experience operating an SBR system so we are prepared to handle it.

*The Manager asked if the Utility Committee could meet Wednesday, September 15, at 7:00 pm. Committee Members Mark Milstead, Paul Yackel and Ogle Forrest said that was OK.

*The Town Manager reported there are two amendments in KCI's contract Council needs to authorize the Mayor to sign. First, to extend the contract for engineering services from July 2009 to January 8, 2010, to continue work as a result of weather days for inspector services. This will come out of contingency so we have the money to pay for it. Second, to extend the contract from January 8, 2010, to the present. This will come out of liquidated damages to pay the contractor. The amendment numbers are 4 and 4A that Council needs to authorize the Mayor to sign. Councilman Forrest moved to extend the engineering agreement in KCI's contract as noted in Amendments 4 and 4a and authorize the Mayor to sign them. Councilman Yackel seconded and the motion carried with the following votes:

R. Wayne Williams	Aye	Ogle E. Forrest, Sr.	Aye
Cheryl B. Pierson	Aye	Paul G. Yackel	Aye
Carol M. Smith	Aye	Mark E. Milstead	Aye

*The Manager reported the Economic Development Committee met last night. They are working to move from the Committee to the Main Street Organization in preparation of the border plate documents for the C-3 application. The committee hopes Council will agree to assist with the legal aspect and allow the Town Attorney to work with them on these documents. The EDC also asked if this could extend to financial assistance as well. There was some concern as to where the money would come from and to what extent we would be able to assist financially. The Town Attorney asked to meet with them first and see what scope they are looking for from the Town and report to Council at the October meeting.

The Town Manager advised there will be a joint meeting with the Richmond County Board of Supervisors September 28 at 7:30 am at River Meadows to hear presentation on Public Housing Community Development application, endorsement and resolution. The discussion will include what the program entails, what it is about and the commitment level expected. The BACD will come to Warsaw and brief you before signing resolution. The Town Attorney advised there are different levels of involvement local governments can play in Main Street Programs. We need to understand the distinction between encourages and encourages while being directly involved.

*The Town Manager reported there was a problem at the green water tower. The well started pumping sand and gravel. There was a hole in the casing and sand and gravel got inside and messed up the pump. They pulled the pump and found the casing to be corroded. To fix it they have to build an 8" casing with 6" PVC inside of that to reline the well. The pump will be smaller and will not pump as many GPM but should not affect the overall system as this is one of four wells.

Mayor Williams asked the Manager where we are with Recodification. The Manager deferred to the Town Attorney who advised he has spoken with American Legal regarding the revisions and hopes to have it done by the end of the month.

*The Manager noted we have with us our Interim Police Chief. He then introduced A.J. Panebianco who comes to us from Buena Vista, VA. The Chief thanked him and said he is happy to be in Warsaw and things have gone well so far.

POLICE REPORT

The Chief reported there were three adult arrests in August. There were two domestic incidents, three suspicious persons reports, two burglaries and one shoplifting incident. There were a total of seventy-eight law enforcement calls in the Town In August with the WPD responding to forty-four. There were two calls assisting other jurisdictions. There were twenty-four summons written in August, of which eighteen were speeding. The Chief noted the majority were for sixteen mph and over. Other offenses were; one defective equipment, one expired registration, one drinking while driving, one driving with no lights on and two drunk in public.

He noted the Richmond County Fair was a success. There was a fight the WPD and RCSD had to respond to that involved two fair employees. No locals were involved.

He advised one of his first duties as Chief was to prepare a Policy Manual for the Police Department. This has now been completed. Mayor Williams asked him to meet with the Health & Safety Committee to go over the manual. The Chief agreed.

NORTHERN NECK REGIONAL JAIL REPORT

Mayor Williams advised the NNRJ report was in Council Packet. The full report is in the town office if anyone would like to review it.

WARSAW PLANNING COMMISSION

The Town Manager reported the Planning Commission met last Thursday night. The primary discussion was signage, especially electronic message boards. The Commission is inclined to reconsider current restrictions and add language in the DMO that would allow electronic message board signs. There was also a brief discussion regarding allowing chickens in town. Most of the Commission felt this would not be appropriate.

COMMITTEE REPORTS – None

UNFINISHED BUSINESS

- Town Lot Clearing

The Town Manager advised we received eight bids on clearing the lot across from the end of this street. It is the .8 acre behind N.N. Transmission and N.N. Gourmet up to Verizon on South and Pinehurst Subdivision on North. The bid includes clearing locust and scrub bushes from the lot, remove all trash and debris and seeding with grass. This will improve the lot and incorporate it for the long term goal of possibly a park or community center, although we don't really know yet what the final plans for the lot will be. He asked for Council approval to expend the \$4,850 and accept the bid of Barrack Excavation. Councilwoman Pierson asked if this was something town employees could not do. The Manager replied they could do it but we don't have the equipment to handle the job. It will take a contractor three to four days versus six weeks for town employees. Councilman Milstead moved to authorize the Town Manager to expend \$4,850 and accept the bid of Barack Excavation to clear the lot. Councilman Forrest seconded and the motion carried with the following votes:

R. Wayne Williams	Aye	Ogle E. Forrest, Sr.	Aye
Cheryl B. Pierson	Aye	Paul G. Yackel	Aye
Carol M. Smith	Aye	Mark E. Milstead	Aye

- Council Vacancy

Mayor Williams advised we had six persons interested in filling the vacant seat on Town Council. These were Katherine I. Stout, Christina M. Powers, W.D. Powers, Deborah R. Frazier, Darleen R. Nichols and William Lee Washington, IV. The Mayor asked if Council wished to appoint one of these individuals to fill the vacant seat due to the resignation of R.M. "Mac" Lowery. Councilman Forrest moved to appoint William Lee Washington, IV to fill the unexpired term of R.M. "Mac" Lowery on Town Council. Councilman Yackel seconded and the motion carried with the following votes.

R. Wayne Williams	Aye	Ogle E. Forrest, Sr.	Aye
Cheryl B. Pierson	Aye	Paul G. Yackel	Aye
Carol M. Smith	Aye	Mark E. Milstead	Aye

NEW BUSINESS

Mayor Williams read from the attached Resolution from Town Council expressing their regret and sorrow over the death of Francene Barber. Council recognizes her many achievements and efforts on behalf of the Town of Warsaw and expresses their deepest sympathies to her husband, John C. Barber, Sr. The Mayor asked that a framed copy of this Resolution be presented to her husband and asked for Council approval. Council approved as noted below.

R. Wayne Williams	Aye	Ogle E. Forrest, Sr.	Aye
Cheryl B. Pierson	Aye	Paul G. Yackel	Aye
Carol M. Smith	Aye	Mark E. Milstead	Aye

The Mayor also requested the Northern Neck News to run a copy of the Resolution in next week's paper.

The Mayor read from the attached Proclamation of the Town of Warsaw Designating the Week of September 17-23 as Constitution Week in Warsaw, Virginia. Now, therefore, I, R. Wayne Williams, Mayor of the Town of Warsaw, VA, do proclaim the week of September 17 through 23, 2010, as "Constitution Week" in the Town of Warsaw and ask our citizens to reaffirm the ideals the framers of the Constitution incorporated within it by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

COMMENTS FROM PUBLIC

The Mayor recognized Darleen Nichols. Mrs. Nichols stated she would like to address Council in regard to amending the Town Charter to allow for a recall if town citizens feel a member of the Council is not performing his/her duties in the best interest of the Town of Warsaw. It would have no impact on the current situation but would be in place in the future. The procedure would be to get a petition signed to have that person removed. It would require at least 51% of the registered voters to be successful. She asked for a poll of Council as to whether they would support such an amendment. Cheryl B. Pierson-yes, Mark E. Milstead-no, R. Wayne Williams-declined to answer, Ogle E. Forrest, Sr.-yes, Carol M. Smith-Yes, and Paul G. Yackel-yes.

Mayor Williams then recognized Randy Phelps. Mr. Phelps stated it had been a good day at the Board of Supervisors meeting. There were several pending issues that were taken care of. He noted Councilman Milstead was in attendance. The proposed park is now a real possibility as the Board committed three quarters of a million dollars to get the park property ready. This includes a road to state specs half way back and, water and sewer structured to property.

There is a good chance VDOT will help with grant money for half of that so the Little League, Richmond County Fair and the YMCA can start to make plans. He encourages everyone to attend the meeting Tuesday, September 28 at @2:00 pm. Lt. Governor Bill Bolling will be there to answer some questions. Mr. Bolling stated he will give more attention to the request of the locality whose representatives actually shows up and tells him what they want. The board realizes they have to do something to move this project forward and would like the Town to consider what they can do also.

The Mayor recognized John Haynes. Mr. Haynes brought up a personnel issue. At this point the Town Attorney intervened to advise Mr. Haynes that as this is a personnel issue, tonight's meeting is not the appropriate time to discuss it. He further advised personnel issues should never be discussed in a public meeting.

The Mayor then recognized Virginia Fitch. Mrs. Fitch stated she wanted to hold her comments until later.

Mayor Williams recognized Joseph Gaines. Mr. Gaines congratulated Council on selecting William Washington to fill the Council vacancy. Mr. Washington has taught his grandchildren and they are very fond of him. Mr. Gaines then expressed his concern on having the Interim Chief go to the schools and meet the children as he will only be here four months. The children are already confused and hurt because they do not understand why Chief Cooper, a man they were very fond of, doesn't come there anymore. He asked if Council has considered the damage this could cause to the children. Why don't you send one of the two officers that are still here and will continue to be a presence in the community? He asked that they do some serious thinking about this.

Mayor Williams then recognized Virginia Fitch. Mrs. Fitch concurs with Mr. Gaines regarding the new officer and the impact it could have on the children to send someone in who will only be here a few months and then someone else will be sent in again. She also asked if it is true the new guy left his last job for the same reason it is believed Chief Cooper was not reappointed. There was no comment.

As there was no one else that wished to speak, the Mayor closed the floor to public comments.

COUNCIL COMMENTS

Councilman Forrest welcomed William Washington to Council and stated he was looking forward to working with him.

Councilman Milstead welcomed William Washington to Council. He noted he and the Mayor are both on the Park Committee. Council needs to give some hard thought to what we can do. There has been some good progress made but a lot more needs to be done on such things as the fairgrounds, lighting and bike trails. The Town has some obligation on this project as well as the county. We just need to decide what we can do.

Cheryl B. Pierson wished to welcome Mr. Washington and thank the public for being here.

Mayor Williams noted there is an empty seat on the Warsaw Planning Commission. Councilman Milstead moved to appoint R.M. "Mac" Lowery to fill the vacant seat on the Commission to fill the unexpired term of William Washington. Councilman Forrest seconded and the motion carried with the following votes.

R. Wayne Williams	Aye	Ogle E. Forrest, Sr.	Aye
Cheryl B. Pierson	Aye	Paul G. Yackel	Aye
Carol M. Smith	Aye	Mark E. Milstead	Aye

Mayor Williams advised there will be no work session this month. The next meeting will be at River Meadows, September 28 at 7:30 am. He reminded the Utilities Committee they are to meet September 15 at 7:00 pm.

Mayor Williams welcomed William Washington to the Warsaw Town Council and asked Mr. Washington if he will serve on the Warsaw Planning Commission as Council Representative. Mr. Washington agreed.

Cindy Lloyd, Chairperson of the Warsaw Planning Commission stated she is looking for to working with both Mr. Washington and Mr. Lowery on the Commission.

William Washington thanked Council and said he is looking forward to serving.

There being no further business, the meeting adjourned at 8:09 pm.

By: Linda S. Holsinger, Acting Clerk

