

PUBLIC HEARING and TOWN COUNCIL MEETING

May 28, 2019

The public hearing and regular meeting of the Montross Town Council was held on Tuesday, May 28, 2019 at 7:30 p.m.

Council Members Present: Joseph P. King, Terry A. Cosgrove, Clinton A. Watson, Jr.,
Jesse R. Ault, Carolyn Carlson, Bobby D. Greene,
Robert L. Barker

Council Members Absent:

Town Manager: Patricia K. Lewis

Water Works Operator:

REGULAR MEETING

Mayor King called the Council meeting to order at 7:30 p.m.

INTRODUCTION OF SPECIAL GUESTS

Mayor King introduced Jack Lahey and his father, Richard Lahey. Jack Lahey is working towards his Citizen Merit Badge and chose the meeting of the Montross Town Council to be the first meeting he attends.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited and a moment of silence was observed.

PUBLIC HEARING

Mayor King called the public hearing on the Budget for FY 2019-2020 to order. Mr. Watson, seconded by Mr. Ault, made a motion to dispense with the reading of the public notice since copies were made available to the public. The motion was unanimously carried. A copy of the notice is attached to these minutes.

Mayor King asked for public comments. Mrs. Brenda Reamy asked why there was an increase of \$7500 under repairs of the General Fund. Mrs. Lewis stated that it was suggested that the office be painted or touched up.

Mrs. Reamy asked if the \$25,000 line item under Economic Development meant good news that something was coming to town. Mrs. Lewis stated that it was decided to add to that line item with the hope that the town would grow a little bit.

Mr. Larry Wheaton asked if money was going to be allocated to the Revitalization line item to support landscaping maintenance. Mayor King stated that different families from the community take care of the landscaping. Mrs. Lewis stated that we did use the funds last year to pay for help with maintaining the gardens. Mr. Wheaton asked why nothing was planned for this year. Mayor King said he didn't have an answer why.

Mr. Wheaton said he had the same the question that Mrs. Reamy had for Economic Development. He stated that without that being articulated in some way either in the minutes or in the budget it is just a placeholder. Mr. Wheaton asked if that can be spent at the discretion of the Town or how will it be disbursed. Mrs. Lewis stated that when the time comes it will be there for the Town to use. Mayor King stated that we wanted to have monies available in case something came up. Mr. Ault stated that we talked about how we allocated funds for a preliminary engineering report and thought it would be a good idea to have funds available for those kinds of things and as the Town grows we can help with economic development. Mr. Wheaton stated he understood what Mr. Ault was saying, but it is unfortunate that the value is not able to be allocated specifically in general terms. Mr. Ault stated council didn't know what might come up. Mr. Ault stated council knew that things were coming down the line that council needed to be prepared for and help with economic development. Mr. Wheaton said he hoped to see a little more detail. Mr. Ault said some of it was outlined in the comprehensive plan.

Mayor King asked if there were any comments from Council. There were no comments from Council.

There being no comments, Mayor King closed the public hearing at 7:40 p.m.

Mayor King called the public hearing to consider an amendment to Town Code Sec. 54-31 – Real Property Tax. A copy of the notice is attached to these minutes.

Mayor King asked for public comments. Mrs. Brenda Reamy said that when she read the ad, she thought it was misleading and she thought it had something to do with the budget. She stated it was just for that particular code section and not about taking away the cap. She stated she thought more people would be at the meeting from the comments she was getting. She stated property owners would have been better informed if the ad had said what the amendment was going to be. She stated she knew the law does not require that, but that it was just kind of putting it out there and people don't realize that it is not part of the five cents in the budget. She stated she would like to see Council not take any action at this meeting, but to re-advertise with a hearing that says they are going to remove the cap. She stated that, because Council is considering removing the cap and also talking about economic development, they would be raising taxes sometime in the future. She asked if anyone looked at any other taxes that other small towns in Virginia have like the meals tax that does not cost the property owners anything. She stated that the lodging tax was the same way. She stated she looked up information and just about every town in Virginia assesses the meals tax, lodging tax, personal property tax, machinery and tools tax, and a business license tax. She asked if other avenues were looked into so everybody could share and that it not all be put on the property owner. She stated she opposes removing the cap and hoped that Council would consider the comments she made. She said if Council decided to move forward and take action then she would like Council to at least consider raising the cap and not getting rid of it.

Mr. Larry Wheaton stated he would like to echo everything the Mrs. Reamy said. He stated that she is more circumspect on these issues, especially the way this issue was presented. Mr. Wheaton asked Mayor King if he could have permission to speak for about four minutes and twenty-two seconds. Mayor King said the limit is three minutes. Mr. Wheaton stated he had his comments in writing and proceeded to read his comments. Mayor King allowed Mr. Wheaton to speak past the three minute limit. Mr. Wheaton's comments are attached to these minutes.

Mrs. Peggy Burner stated she agreed with Mrs. Reamy in that, if Council decides to move forward, the cap should be raised. Mrs. Burner said they all trust Council, but who knows who is going to be on Council thirty years from now. She stated that they didn't know if future councilmembers are going to care about the town as much as this Council does. If the future councilmembers feel like

they need to raise the percentage, they can have another meeting thirty years from now.

Mrs. Betty Lou McGinness said she wanted to know how much the Town collects in real estate taxes each year and if everybody in Montross is paying their taxes. Mrs. Lewis replied that the landowners in town are good about paying their taxes and, with the five cents tax rate, the Town collects almost \$22,000 a year.

Mayor King stated that he appreciated each and every person that made public comments. He stated that Council takes their comments seriously.

Mayor King asked if there were any comments from the Council.

Mr. Greene stated that when they were working on the comprehensive plan, which took quite a bit of effort, the Planning Commission was also involved. He stated that, in their discussions at the joint work session, the tax code situation was brought out. The Council and Planning Commission looked at it, not to arbitrarily raise taxes, and that it was something towns across Virginia had already done. They would put themselves in some kind of position that they would advance the economic development of their towns. The idea was that, if the taxes were too high, the Town could lower them. As it related to the possibilities with the Blue & Gray property, the water system, and other things, the Town would be able to supply the citizens with good water, a good system, and also invite people to start businesses in the area. That is when changing the code was talked about. It is possible that if Council wanted to raise taxes then we should have a public hearing and allow people to speak at that time. In other words, the citizens would be our cap. Otherwise, we're going to be under the county until we die.

Mr. Watson stated that, based on the comments and what he heard from the citizens of the Town, he doesn't see a problem with giving the citizens another opportunity to voice their opinions. Mr. Watson, seconded by Mr. Ault, made a motion to table the topic and decision until the June meeting and to re-advertise for a public hearing and include more detailed information regarding the proposed amendment to remove the cap on the real estate tax rate, Town Code Sec. 54-31 – Real Property Tax. Mayor King asked for a roll call vote: Mrs. Carlson, aye; Mr. Watson, aye; Mr. Cosgrove, nay; Mr. Ault, aye; Mr. Barker, aye; Mr. Greene, aye. The motion carried.

Mayor King told guest, Jack Lahey, that what he witnessed was the citizens speaking and the Town Council calling a vote to decide what to do and that he just saw how it supposed to work.

Mayor King closed the public meeting at 8:00 p.m.

APPROVAL PRIOR MINUTES

Mayor King asked if there were any additions or corrections to the minutes from the April 28, 2019 regular meeting. Mr. Ault, seconded by Mr. Cosgrove, made a motion to approve the minutes from the April 28, 2019 meeting. The motion was unanimously carried.

APPROVAL FINANCIAL REPORTS

Mayor King asked if there were any additions or corrections to the financial reports for April 30, 2019. Mrs. Carlson, seconded by Mr. Cosgrove, made a motion to approve the financial reports for April 30, 2019. The motion was unanimously carried.

REPORTS

TOWN MANAGER

Mrs. Lewis reported that on May 10, 2019 she attended the VML Annual Meeting in Richmond. The Town

of Montross was on the Honor Roll Members list again this year for achieving a five year loss ratio of less than 50% and maintaining 100 percent of the applicable Risk Management Guidelines. She won a \$50 Amazon gift card for making the closest guess on their "count the gumballs" game.

Mrs. Lewis reported that a water break at 149 Rectory Road was repaired on May 16, 2019.

Mrs. Lewis reported that VDOT was in Town on Friday, May 17, 2019 to fix road issues in the subdivision (Alma, Rectory, etc.). They ran out of asphalt and will be back to finish up in the next week or so.

OLD BUSINESS

Mayor King presented Bobby N. Reamy with a framed resolution of appreciation for his years of service on the Planning Commission. Mayor King asked each member of Council and Mrs. Lewis for their comments. A copy of the resolution is attached to these minutes.

Mrs. Lewis informed Council that the next Fall Festival meeting will be June 20, 2019 at 7:00 p.m.

Mrs. Lewis informed Council members that a new law passed this year. Section 2.2-3704.3 requires local officials to complete a training session within two months after assuming the local elected office and thereafter at least once during the consecutive period of two calendar years commencing with the date on which he/she last completed a training session, for as long as he/she holds office. No penalty shall be imposed on the elected official for failing to complete a training session. The local elected official holding office on July 1, 2020, shall complete the required training no later than December 31, 2020.

Mrs. Lewis presented the new town website. She stated she needed to add a few more things to it and hopes to go live with it very soon.

Mrs. Lewis stated that she spoke to Ray Costa who had purchased the townofmontross.com, townofmontross.net, and townofmontross.org domains in 2003. He said he would sell the domains for townofmontross.net and townofmontross.org to the town for what he has paid for them over the past 16 years, which is a total of \$446.40. Mr. Costa told Mrs. Lewis he would still like to keep townofmontross.com. Mr. Cosgrove, seconded by Mrs. Carlson, made a motion that the Town purchase both townofmontross.net and townofmontross.org for \$446.40 from Mr. Costa. The motion unanimously carried.

Mr. Cosgrove stated that, just before the Council meeting, we received the draft Preliminary Engineering Report for the replacement of our water system, which was part of the GO Virginia Grant that the Northern Neck Planning District Commission received. He stated it will be emailed to all Council members. He stated he thought in the near term we should invite Resource International and have a Q&A session. He stated everyone will default to funding. Some advice that we received was initially that the residents in the Town of Montross, according to the 2010 Census, makes too much money to obtain grant money and very low interest loans. The 2010 Census says our average income is \$60,536. He stated he wasn't sure if that is accurate. It was suggested by Charlie Riedlinger with Resource International to do an independent income survey to hopefully come up with a figure that may be more accurate. We would share that information with Resource International so they can clean up the dollar figures in the draft Preliminary Engineering Report. The rest of the decision process will be up to the Town Council and the citizens of the Town as to whether to move ahead to replace the water system. He stated it has been a topic ever since he has been on Town Council and he personally thinks it is time to move forward.

Mr. Leonard Carlson stated that the Planning Commission will be glad to help in the review effort. He encouraged Town Council to give this priority attention because we have a dying water system.

NEW BUSINESS

Mayor King presented the Law Enforcement Agreement to the Town Council. Mr. Cosgrove, seconded by Mr. Watson, made a motion that the Town sign the Agreement. The motion was unanimously carried.

COUNCIL MEMBER COMMENTS

Mr. Cosgrove stated that the next First Friday Music Series event will be June 7, 2019. The featured band is Slice of Bred, with Aaron Saunders as the special guest.

PUBLIC COMMENTS

Mr. Reamy suggested that smaller banners on ground level be put up throughout Town to advertise the First Friday events.

Mr. Reamy stated that he didn't think the Council was listening when it was suggested to raise the cap instead of doing away with it.

Mr. Reamy stated that the wells were a priority with DEQ. Mr. Cosgrove stated the entire water system is being reviewed.

There being no further business, the meeting was adjourned at 8:35 p.m.

Patricia K. Lewis
Town Manager

Joseph P. King
Mayor

Lakeway Publishers of Virginia

P. O. Box 8
Warsaw, VA 22572
804-333-6397
Fax 804-333-0033

TOWN OF MONTROSS PUBLIC HEARING

The Town of Montross Town Council hereby gives notice of a public hearing to be held on the Town's proposed FY 2019-2020 budgets on May 28, 2019 at 7:30 p.m. in the Town Hall, Montross, Virginia, at which time citizens of the Town of Montross shall have the right to attend and state their views.

PROPOSED REVENUES PROPOSED EXPENDITURES

General Fund Budget	\$231,530.00	\$231,530.00
Water Fund Budget	\$105,050.00	\$105,050.00
Sanitation Fund Budget	\$ 80,475.00	\$ 80,475.00
Festival Fund Budget	\$ 5,000.00	\$ 5,000.00

The Council proposes a FY 2019-2020 real estate tax rate at \$.05 per \$100.00 of assessed property value.

The Council further proposes to set water rates per month at \$18.00 in town and \$27.00 out of town; minimum trash removal fees at \$12.50 in town and \$14.75 out of town. Schedules for fees over the minimum are available in the Town office.

Copies of the proposed FY 2019-2020 budgets are available in the Town office.

Patricia K. Lewis
Town Manager

I have examined a copy of the
Westmoreland News, a
Newspaper published in
Montross and having a general
Circulation in the County of
Westmoreland, State of Virginia,
and do hereby certify that this
Legal Advertisement/
Notice of Sale/
Trustee Sale was published for

one successive week(s)
In the issue(s) of

5-15-19

Given under my hand this
15th day of
May, 2019.

Cassandra Lerner
Legal Advertising Department

Lakeway Publishers of Virginia

P. O. Box 8
Warsaw, VA 22572
804-333-6397
Fax 804-333-0033

I have examined a copy of the
Westmoreland News, a
Newspaper published in
Montross and having a general
Circulation in the County of
Westmoreland, State of Virginia,
and do hereby certify that this
Legal Advertisement/
Notice of Sale/
Trustee Sale was published for

two successive week(s)
In the issue(s) of

5-15 & 5-22

Given under my hand this
22nd day of
May, 2019.

Cassandra Louie
Legal Advertising Department

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town of Montross Town Council will hold a public hearing at 7:30 p.m. on Tuesday, May 28, 2019 at the Town Hall, Montross Virginia for the following purpose:

To adopt an amendment to the Town Code Chapter 54, Article II, Real Property Tax, Sec. 54-31 Establishment of tax rate, tax assessment.

A copy of the proposed amendment may be examined at the Town Office. Interested persons may appear and present their views at the time shown above. It is anticipated that the Town Council will take action immediately following the public hearing.

Patricia K. Lewis
Town Manager

TOWN HALL
15869 KINGS HIGHWAY
P.O. BOX 126
MONTROSS, VA 22520
t: (804)493-9623
x: (804)493-9036
mail: townofmontross@verizon.net



Mayor
JOSEPH P. KING

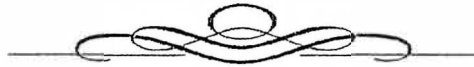
Vice Mayor
TERRY A. COSGROVE

Council
CLINTON A. WATSON, JR.
JESSE R. AULT
CAROLYN K. CARLSON
BOBBY D. GREENE
ROBERT L. BARKER

Town Manager
PATRICIA K. LEWIS

Town of Montross

RESOLUTION



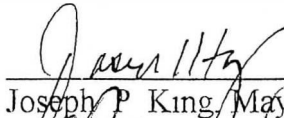
WHEREAS, Bobby N. Reamy has faithfully served the citizens of the Town of Montross;
and;

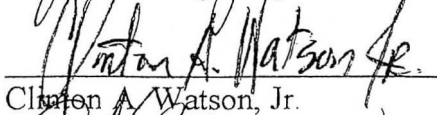
WHEREAS, the citizens of the Town have benefitted greatly from the efforts that Mr. Reamy has put forth during his incumbency as a member of Town of Montross Planning Commission;
and;

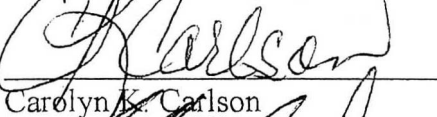
WHEREAS, Mr. Reamy has enhanced the quality of life within the Town and has contributed selflessly to the welfare of the Town;

THEREFORE BE IT RESOLVED, that the Town Council wishes to express its gratitude to Bobby N. Reamy for his devoted service to the Town of Montross during his incumbency as a Planning Commission member

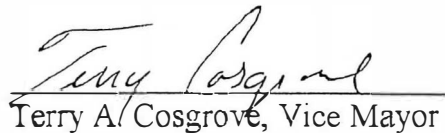
Signed this 28th day of May 2019

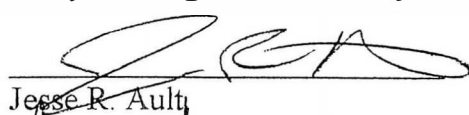

Joseph P. King, Mayor

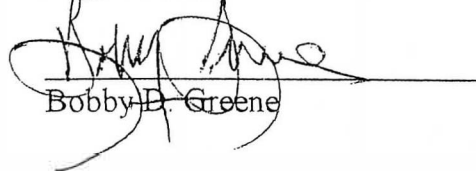

Clinton A. Watson, Jr.


Carolyn K. Carlson


Robert L. Barker


Terry A. Cosgrove, Vice Mayor


Jesse R. Ault


Bobby D. Greene

County Seat of Historic Westmoreland County

28 May 2019
Larry Wheaton
23 Dingley Road
Montross, VA 22520

Mayor, Town of Montross
Town Council of Montross
Town Manager, Town of Montross

Dear Mayor King Council Members, and Manager Lewis:

Regarding the proposed total elimination of the 10% cap or any cap on the real estate property tax proposed by the Council, I am adamantly opposed. This move would allow the Town Council now and in perpetuity to raise taxes on real estate without any oversight. In my opinion there is a very poor stewardship atmosphere by the leadership of the Town.

1. Recently we have learned that \$25,000 was given to the County government to support the engineering of the new high school. It has been disclosed that the County intends to install a 12" pipeline from the superfund site near O'Gara's to the new high school to support water requirements. What will the people of the Town have to show for this expense?
2. Not long ago the Town paid the County another large sum of money for "economic development" to develop the old Blue & Gray property into a state-of-the-art tele-commuter work location. What has become of that project? Is this a subject brought up by the Town at County Board of Directors meetings? What will the people of the Town have to show for this expense?
3. Recently the Town agreed to pay for half of the cost to construct a bus stop for Bay Transit. How much is "half"? According to the Assistant County Administrator that cost is yet to be determined.
4. It was stated in the Council meeting minutes for last month that this tax proposal is based in some way on the Comprehensive Plan, yet there is nothing in that Plan nor in the Citizen Survey for the Comprehensive Plan that suggests anything remotely associated with raising taxes or removing the 10% cap. Yet, in the Council meeting minutes of April regarding this proposal by the Mayor, Councilman Greene asked the Mayor if "the amendment was generated from the Comprehensive Plan goals and objectives. Mayor King said that it was."
5. In the last census 386 persons lived in the Town. The survey supporting the Comprehensive Plan revealed that 81% were over 55 yrs of age, and that 91% were homeowners. This tax measure is a complete disregard for any control on the spending in the Town and leaves those who are on a fixed income no mercy at all except to hope the Town Council will be gentle.

It was told to me today by a lifetime resident of the Town who very strongly opposes this measure that if it passes the property taxes in the Town could easily exceed those paid to the County. This is very nearly the case in Colonial Beach.

It seems that I cannot trust the leadership of the Council unless I attend every Town Council meeting, listen in illegally to every Closed Session, read every reference, and listen to every sidebar discussion. All I know is what I read in the paper. What does the newspaper say about this proposal? Quoting Mayor King: "We are not raising taxes", King explained, "We are just putting the council in a position to be prepared to do this on our own if we want to. So, again, this is not us raising taxes, just a preliminary step to make it easier if it comes to that." (If "they want to"? And "make it easier"?) And then further in the same article after citing the subject came up in a meeting between the Town Council and the Planning Commission: "Ultimately" Mayor King commented, "this is one of our goals and objectives in the Montross Comprehensive Plan to put the Council in a position to make its own decisions going down the line if we have to lower or raise taxes, this will allow us to do that on our own." ("have to lower taxes", really? And, "to do that on our own"?)

This significant increase in power by the leadership of the Council to remove all oversight should not be managed in a Public Hearing where only 5-minutes are allowed and which there is also a Public Hearing on the Budget where only 5-minutes are allowed, and which the very distinguished service of one of our Citizens is to be recognized. At the very least this issue should be brought before the Town by inclusion on the next Ballot. It is a far too important issue to be left up to the whims of Council leadership following a Public Hearing.

I am especially disappointed in and cannot trust the leadership of the Town to be good stewards of the Town's very limited resources for the reasons I have articulated, and I very strongly recommend that the Council vote "NO" on this measure.

Respectfully,

Larry Wheaton,
Montross

Copy:
Westmoreland News
Town Council
Mayor King
Town Manager
file

AGREEMENT BETWEEN THE TOWN OF MONTROSS AND THE WESTMORELAND COUNTY SHERIFF'S OFFICE

The Westmoreland County Sheriff's Office will offer the Town of Montross at least the same general level of law enforcement service provided to the unincorporated limits of the County. In addition, the Sheriff's Office agrees to the following:

1. Will provide deputies for all Special Events held within the Town limits sponsored by the Town.
2. Will respond to all complaints within the Town limits and investigate all crimes.
3. Will maintain all records relating to criminal complaints, arrests, and other official law enforcement actions.
3. Will enforce the Code of Ordinances of the Town of Montross.
4. Will work specialized enforcement when manpower is available.
5. Will maintain control over all Westmoreland County Sheriff's Office personnel. All liability for salaries, wages and other compensation of law enforcement officers shall be that of the Sheriff's Office.
6. Will provide facilities and office equipment.
7. Will assume all liabilities associated with performing duties for the Town.
8. Will be responsible for defending itself, its officers, and employees in any civil action brought against the Sheriff, its officers, and employees by any person claiming injury and damages as a result of the performance of this Agreement. The Town, its officers and employees shall not be deemed to assume any liability for intentional or negligent acts, errors or omissions of the Sheriff, or any officer or employee thereof, arising out of the performance of this Agreement.

In return, the Town of Montross shall pay to the Westmoreland County Sheriff's Office the quarterly proceeds of the Virginia Law Enforcement Grant (599 Funding) received by the Town. Either party desiring to terminate or modify this agreement shall provide written notice to the other party at least sixty (60) days prior to the effective date of termination or modification.

The terms of this agreement shall commence on July 1, 2019 and shall continue through June 30, 2020. The first payment is due September 30, 2019.

Joseph P. King
Mayor

Date

C. O. Balderson
Sheriff

Date

Norm Risavi
Westmoreland County Administrator

Date