

Regular Meeting

County Board Room
January 13, 2009

The Council of the Town of Culpeper convened in regular session at 6:00 p.m. with Vice Mayor William M. Yowell presiding: **Present:** Calvin L. Coleman, Duke M. duFrane, F. Steve Jenkins, Michael T. Olinger (arrived at 6:20 p.m.), James C. Risner, Robert M. Ryan, and Christopher H. Snider, Council members; Jeffrey B. Muzzy, Town Manager; Chuck Stephenson, Town Engineer; Kimberly D. Allen, Town Clerk; Robert W. Bendall, Town Attorney; Lisa D. Hutcherson, Deputy Town Clerk. **Also Present for the 7 p.m. Session:** Tonya Estes, Information Technology Manager; Beth Burns, Tourism Director; Robert H. Thornhill, Jr., Public Works Director; and Mark Bly, Light & Power Director. Mayor Pranas A. Rimeikis was absent.

AGENDA APPROVAL

Council Member Jenkins requested the addition of Discussion on Economic Development to the agenda as Item 9.03E and the removal of Item 5.02 R/R Re: Parking at the Depot—Issuance of Parking Passes, from the consent agenda for discussion. Vice Mayor Yowell designated this item as 9.03D.

Town Manager Muzzy requested Item 9.03B2, R/R Re: New Police Station Architectural Services. be removed from the agenda for further consideration by the Public Safety, Public Works, Planning & Community Development Committee.

Council Member Coleman moved, Council Member Ryan seconded, approval of the amended agenda. The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Rimeikis (1).

CLOSED SESSION

Council Member Risner moved, Council Member duFrane seconded, to discuss and consult with staff and/or legal counsel regarding negotiating issues which may become subject to review by the Commission on Local Government relating to interjurisdictional cooperation, a possible boundary adjustment with Culpeper County, and water and sewer agreements generally pursuant to Code of Virginia Sections 2.2-3711(A)(7) and 15.2-2907(D).

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Olinger, Risner, Ryan, Snider, Yowell (7); Nay: Jenkins (1); Absent: Rimeikis (1). Council entered closed session at 6:05 p.m. Staff attending: Town Attorney Robert Bendall, Town Engineer Stephenson and Public Information Officer Wally Bunker.

Council reconvened in open session at 6:27 p.m.

Certificate of Closed Session:

Pursuant to Code of Virginia Section 2.2-3712, the Clerk polled the members for approval of the certificate of closed session that to the best of each member's knowledge only business matters lawfully exempted from open meeting requirements under Code of Virginia Sections 2.2-3711 and 15.2-2907 and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body.

The following roll call was taken: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Rimeikis (1).

Council recessed at 6:28 p.m. and reconvened in open session at 7:00 p.m.

PLEDGE OF ALLEGIANCE: Council Member Risner led the Pledge of Allegiance.

CONSENT AGENDA

Council Member Ryan moved, Council Member Risner seconded, that Council approve the items listed below. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Rimeikis (1).

a. **R/R Re: Easement for Greg Yates—249 East Davis Street:** Council authorized the town attorney to create an easement for construction of a balcony.

b. **R/R Re: Parking at the Depot—Issuance of Parking Passes:** Removed from the consent agenda for discussion.

c. **R/R Re: Sale & Removal of 205 South West Street—Blair House:** Council rejected the bid received for the sale, removal, and relocation of 205 South West Street.

d. **Treasurer's Report & Line Item Transfers:** Council approved the treasurer's report reflecting a balance of \$37,329,743, bills paid listing, and line item transfers.

e. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of December 9 and special meeting of December 13, 2008.

SPECIAL ITEMS AND RECOGNITIONS

a. **Employee of the Month Recognition:** Part-time Customer Service Representative Patricia Lloyd-Soley in the Treasurer's Office was selected as Employee of the Month for November 2008.

COMMENTS & CORRESPONDENCE FROM CITIZENS, VISITORS & DELEGATIONS IN THE AUDIENCE

George Bryson addressed council on a letter he had received from the town attorney in October 2008 and stated he did not receive a response on information he provided to council in October. He spoke from prepared remarks on Joe Daniel's quest for One Government (copy of comments in the meeting packet of this date) and discussed issues between the Museum and Culpeper Historical Society.

UNFINISHED BUSINESS – None

NEW BUSINESS - PUBLIC HEARING - None

REPORTS & RECOMMENDATIONS FROM AUTHORITIES, BOARDS & COMMISSIONS

a. **Quarterly Reports from Council Representatives:** Council received written reports from the following: Planning Commission, Rappahannock-Rapidan Regional Commission, Culpeper Parking Authority, Parks & Recreation Commission, Culpeper Cable Commission, and Veterans Recognition Committee. Verbal reports were given from Culpeper Renaissance Inc. and the Veteran's Recognition Committee.

b. **Quarterly Reports from Authorities, Boards, & Commissions:** Council received written reports from the Tourism Advisory Committee and Public Transportation Advisory Committee.

c. **Coalition on Illegal Immigration—Proposed General Assembly Bills:** Town Manager Muzzy presented the proposed General Assembly bills that were discussed and considered by the Virginia Local Government Coalition on Illegal Aliens. The Bills will require all employers in Virginia to use the federal E-Verify program or a similar program as part of the hiring process and contractors and subcontractors doing business with the Commonwealth of Virginia to use the federal E-Verify program as part of the hiring process. It was noted the County of Culpeper had authorized a letter be sent in support of the legislative agenda to Senator Houck and Delegate Scott.

Council Member Jenkins moved approval of council taking the same action as the County in dispatching a letter of support. The motion died for lack of a second.

Vice Mayor Yowell stated he understood this item was currently under discussion with an expected disposition date of February 20; perhaps council should wait to take action.

Council Member Jenkins stated the only thing he knew about the E-verify program was that it was 99.6% accurate and the United States Chamber of Commerce among other groups favor this program and the Culpeper County Board of Supervisors approved the proposed legislation at their last meeting.

Councilmember Risner stated this issue was currently in litigation in U S Federal Court in Maryland and the Department of Homeland Security was not implementing the E-verify program at least until February therefore, he did not believe council should take action until the Federal District Court decision is known.

Council took no action on this item.

REPORTS & RECOMMENDATIONS FROM COUNCIL COMMITTEES

LIGHT & POWER AND WATER & WASTEWATER COMMITTEE

R/R Re: Automated Meter Reading Project--Rejection of Bids

Town Manager Muzzy presented the report and recommendation that stated the Light & Power department developed a Request For Proposals (RFP) for a Two-way Fixed Network Automated Meter Reading (AMR) system. After very careful scrutiny of the bids the vendor chosen was Corix Utilities, the lowest responsible bidder, at \$1,642,109 for equipment only, utilizing the Hexagram-Star wireless meter reading system, Neptune water meters and Landis & Gyr electric meters. Town Council approved this recommendation at their May 2008 regular meeting.

After many months of negotiating with Corix Utilities it has not been possible to come to a satisfactory agreement that would allow the Town to utilize its' own forces to manage the project and install the electric and water meters and associated equipment. Corix insists on a \$16,000 per month project management fee, above and beyond the quoted price for equipment only for the duration of the project which we feel is not necessary and a waste of money.

The intent of requesting the cost for the installation of meters and equipment be presented separately was to determine what savings if any could be had by doing the installations using Town personnel. We understand that this method may extend the overall length of the installation project but in this case will save the Town in excess of \$357,000 on the project. Using our own personnel will also allow us to physically inspect each and every water and electric meter location for any possible repairs needed as well as utilize the engineering departments' GIS equipment to map an exact location for all Town facilities.

The Hexagram-Star system is wireless style equipment using a licensed radio frequency and the Neptune water meter and Landis & Gyr electric meter are the Towns' meters of choice. Therefore we recommend the rejection of all of the AMR bids received and the submittal of an updated RFP directly to the equipment manufacturers.

The financial impact for the project is continues to be estimated at \$1,642,109 which is presently funded among the Water, Wastewater and Electric Enterprise funds. The project is funded by a combination of debt and reserves and paid back by user fees in year eight.

It was recommended that Council authorize the Town Manager to proceed with issuing a new RFP for the AMR project.

Council Member Olinger moved, Council Member Ryan seconded, approval of the report and recommendation as presented.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

PUBLIC SAFETY, PUBLIC WORKS, & PLANNING & COMMUNITY DEVELOPMENT COMMITTEE

R/R Re: Donations to Wine Street Memorial Park

Town Manager Muzzy presented the report and recommendation that stated continuing with the gifting program for Wine Street Memorial Park, these individuals and groups wish to donate the following items:

Donor:	In Honor/Memory Of:	Donated Item:	Donated Amount:
Senator Edd Houck	Veterans of World War II and the Korean Conflict	1 – 12”x12” paver	\$ 100.00
Jo Ann Colvin	Veterans of World War II and the Korean Conflict	Funds toward a central monument	\$ 50.00
<u>Wise Services & Recycling LLC</u>	<u>In memory of John F. Wise (1915-1997) and Austin E. Anderson (1920-2000)</u>	<u>1 - Flagpole</u>	<u>\$ 2000.00</u>
Totals:			<u>\$150 \$ 2150</u>

The cost for each engraved paver is as follows: a 4” x 8” brick--\$50 (with up to three horizontal lines with a maximum of 11 characters per line); an 8” x 8” paver--\$75 (with up to three lines with a maximum of 11 characters per line); and a 12” x 12” square paver--\$100 (with up to three diagonally engraved lines). For donations of \$1,000.00, donors may choose to donate a memorial bench (eight currently available) or one of two picnic tables. Plaques will adorn each bench or table, which staff will coordinate with the donor to personalize.

In the design of the memorial pad, there are 24 - 12” x 12” square pavers programmed. With the popularity and flexibility of engraved messages, staff has made an additional 36-12” x 12” pavers available for donation by changing the existing paver configuration. This will continue making available a popular donate-able item, and increase the amount of funds to offset expenses for the park.

The current donations and requests will offset the total cost of the project by ~~\$150~~ **\$2150**. To date, the Town has accepted ~~\$55,199.28~~ **\$57,199.28** in donations for this park.

It was recommended that Council accept the donation from Jo Ann Colvin for funds toward a central monument; ~~and~~ a 12” x 12” paver from Senator and Mrs. Edd Houck, and a flagpole from Wise Services & Recycling LLC.

Council Member Olinger moved, seconded by Council Member Snider, to approve the report and recommendation as presented.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

R/R Re: New Police Station Architectural Services

This item was removed from the agenda for further consideration by the Public Safety, Public Works, Planning & Community Development Committee prior to resubmission to council in February.

R/R Re: Amendments to Town Code Section 26-1, Discharge of Firearms (second reading)

Town Manager Muzzy presented the report and recommendation stating the Town Code Section 26-1, Discharge of Firearms, currently reads:

No person shall discharge, shoot or set off firearms of any description within the town, except pursuant to a written permit issued by the town manager or his designee. If the person applying for such permit desires to discharge firearms on any land other than his own, he shall present to the town manager or his designee written permission from the owner of the land on which the firearms will be discharged.

The Culpeper Police Department is currently designated by the Town Manager to issue shooting permits as allowed by Town Ordinance 26-1. During the past years, the issuance of these permits were restricted to the shooting of varmints and were issued without any defined and consistent criteria. Based on the town's urban densities and the desire to protect the public safety, staff brought forward a proposal to Town Council which would have prohibited the discharging of firearms within the Town limits. Council declined to take action on the proposal and directed staff to confer with the Town Attorney regarding the ability to regulate the discharge of firearms.

The Town Attorney has provided his opinion that the Town does have the legal authority to either prohibit, or to set forth conditions which regulate or limit discharging of firearms. The Town Attorney cited the Code of Virginia, Section § 15.2-1113 which states that " Dangerous, etc., business or employment; transportation of offensive substances; explosive or inflammable substances; fireworks. — A municipal corporation may regulate or prohibit the conduct of any dangerous, offensive or unhealthful business, trade or employment; the transportation of any offensive substance; the manufacture, storage, transportation, possession and use of any explosive or inflammable substance; and the use and exhibition of fireworks and the discharge of firearms. A municipal corporation may also require the maintenance of safety devices on storage equipment for such substances or items." The code further states that "Any municipal corporation that regulates or prohibits the discharge of firearms shall provide an exemption for the killing of deer pursuant to § 29.1-529. Such exemption shall apply on land of at least five acres that is zoned for agricultural use".

Staff carefully reviewed this issue and in keeping with the Council's direction, considered a variety of approaches to regulate (as opposed to prohibit) the discharge of firearms within the boundaries of the Town of Culpeper. Staff considered such limiting criteria as restrictions on the size of the parcel, the caliber of the firearm, the distance to a property line, etc. but have come to the conclusion that there are so many variables and variations that a "one size approach definitely does not fit all" situations. To this end, and to bring forth a proposal for Council's consideration, staff drafted the following proposed ordinance that we feel simplifies the process considerably. Essentially what is presented is an ordinance which will do away with the arbitrary permit process and put total responsibility on the person who wishes to discharge a firearm in the Town of Culpeper.

The intent of the ordinance is to allow discharging of firearms in Town for the sole purpose of varmint control. The ordinance does not address criteria for discharging the firearm nor will a permit be required. The intent of the ordinance is to allow the discharge of a firearm by right, but places the legal responsibility onto the shooter for the result of his/her decision to discharge the firearm.

One thing that staff does want to make very clear is that at no time, either in the original or the revised proposals, has staff proposed any regulation that would infringe on a citizen's right to purchase, own, carry, or defend themselves with a firearm. These areas are regulated by entirely different state and federal laws.

There will be costs incurred to provide the Code amendment to Municipal Code for inclusion in the next supplement.

Council held the first reading of the proposed amendment to Section 26-1, Discharge of Firearms, at its December 9 regular council meeting. The second reading was being held at this meeting. It is recommended that upon adoption, council authorizes the mayor to sign the ordinance implementing the amendment to Section 26-1 to read as follows and become effective immediately:

Section 26-1, Discharge of Firearms.

No person shall discharge, shoot, or set off firearms of any description within the town, except ~~pursuant to a written permit issued by the town manager or his designee for the control of varmints (vermin unprotected by game law).~~ If the person ~~applying for such permit~~ desires to discharge firearms on any land other than his own, he ~~shall present to the town manager or his designee~~ must have written permission from the owner of the land on which the firearm will be discharged. The person discharging the firearm is responsible for the projectile staying within the curtilage of the property they are authorized to shoot on, and they must comply with all other applicable state, and local laws. The person discharging the firearm is required to notify those on adjoining properties and the police department prior to discharging the firearm when feasible or immediately after the discharge.

Council Member Jenkins moved, Council Member Risner seconded to authorize the mayor to sign the ordinance implementing the amendment to Section 26-1 to become effective immediately.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

R/R Re: Reorganization & Renaming of Public Transportation Advisory Committee to Public Transportation Board

Town Manager Muzzy presented the report and recommendation that stated the Public Transportation Advisory Committee served as an advisory oversight body since public transportation services began in Culpeper on November 19, 2001. The 11-member committee discusses the day-to-day operations of public transportation services and provides policy direction to VRT. Since July 1, 2005, the Culpeper Connector provided 204,833 rides to its customers and consistently provides nearly 5,000 rides per month. The ADA bus, initiated in September 2007, has consistently increased its ridership currently averaging 300 rides per month.

At the August Council meeting, staff was instructed to develop a plan for the reorganization of the Public Transportation Advisory Committee (PTAC). This proposed change would make the PTAC a permanent advisory committee of Council and alleviate the need for periodic reauthorization. Following this meeting, staff discussed the proposed changes with the PTAC, which noted the following items they wish to change:

- Rename the Public Transportation Advisory Committee as Public Transportation Board
- Decrease membership from 11 to 7 members (eliminating representatives from Culpeper Renaissance Inc., Culpeper Parking Authority, one town resident, and one county resident) to help achieve a quorum.
- Four voting members shall constitute a quorum
- Establish a permanent line item in the operational budget for public transportation services
- The current terms of all PTAC members expire March 10, 2009; therefore, staggered terms will need to be established.

Based on the overall success of the public transportation program, and the fact that the Committee is planning for improved services, it is staff's recommendation that the PTAC be renamed the Public Transportation Board with the revised bylaws as presented, establish a permanent line item in the operational budget for public transportation services, and appoint the members listed below to the newly formed Public Transportation Board.

Currently, funding for the PTAC is classified in the annual budget under "Outside Agencies." In order to have greater flexibility and accountability with funding for current and future transportation systems, staff plans to establish a separate budget for this service during the FY2010 budget preparations.

It was recommended that Town Council change the name of the Public Transportation Advisory Committee to the Public Transportation Board, adopt the revised bylaws, create a separate budget for this service in the FY2010 budget dedicated to the provision of public transportation services, and appoints the following members whose terms will begin March 10, 2009:

PUBLIC TRANSPORTATION BOARD

Originally

<u>Name</u>	<u>Representing</u>	<u>Appointed</u>	<u>Term Expires</u>
Doris Clatterbuck	County Human Services	07/09/2002	03/09/2013
Elana Clements (vc)	Parking Authority	08/17/2005	03/09/2012
Ray Parks	RRCSB	06/12/2007	03/09/2011
Caroline Graham	Disability Services Bd.	12/09/2008	03/09/2010
Vacant	County Member		03/09/2013
John Morris	Town Member	04/08/2003	03/09/2012
Lanny Horton (c)	Faith Community	09/13/2005	03/09/2011
Michael Socha	VA Regional Transit		Ex-officio
Jeff Muzzy	Town Manager		Ex-officio
Scott Barlow	Police Chief		Ex-officio

Council Member Risner moved, Council Member Snider seconded, approval of the report and recommendation as presented.

Council Member Coleman noted the Town and the Department of Human Services currently fund this program at \$66,000 each per year.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

Presentation of Certificate of Appreciation

Vice Mayor Yowell suspended the rules and presented a certificate of appreciation to Tad Butler as the winner of the design competition of a central monument at Wine Street Memorial Park.

R/R Re: Gang Graffiti

Town Manager Muzzy presented the report and recommendation that stated the Town of Culpeper, like many other communities, has been experiencing an increase of gang presence, activity and tagging (graffiti). To deal effectively with the increased tagging, we need to write and implement a Town Ordinance dealing with the prompt removal of the gang graffiti. This ordinance should: a) require the property owner to remove the graffiti, or be held financially responsible if the Town must remove the graffiti based on non-compliance of the property owner, or b) require the property owner to remove the graffiti, or to allow the Town to remove the graffiti based on non-compliance of the property owner where the Town assumes the cost of the removal.

Detective Sergeant Andrew Terrill researched those entities that have graffiti codes/ordinances and found the following:

Jurisdiction	Gov't Pays	Property Owner Pays
City of Alexandria		X*
Fairfax County	X	
City of Harrisonburg	X	
Town of Herndon	X	
City of Manassas Park		X
Prince William County	X **	

*While not stated explicitly, it is implied that the property owner pays for the removal.

**While not stated explicitly, it is implied that the county pays for the removal.

Initial costs will be incurred by the Town for the Town Attorney to craft an ordinance.

The cost for the actual removal of graffiti/defacements to the Town is approximately \$65 per hour, which is the current cost being incurred by Public Works for one employee to perform the task. This expense, if written into the ordinance, can be recovered by the Town from the property owner for non-compliance.

It was recommended that Council direct the Chief of Police and Town Attorney to create for Council's review and adoption an ordinance to remove defacements from buildings, walls, fences, or other structures within the Town limits on property that is privately owned. This ordinance should be crafted utilizing one of the above-referenced sample ordinances to require the property owner to remove the graffiti within a specified time-frame, or be held financially responsible if the Town must remove the graffiti based on non-compliance of the property owner.

Council Member Ryan stated property owners should not be held responsible for removing graffiti.

Council Member Risner moved, Council Member Snider seconded, approval of the report and recommendation as presented. It was clarified the proposed ordinance will be submitted to the Public Safety, Public Works, Planning & Community Development Committee for consideration prior to submission to council.

Council Member duFrane requested the committee members consider what other localities are doing to address this issue.

Council Member Jenkins agreed with Mr. Ryan and believed Town citizens should not be "victimized twice" by having their property vandalized and then being fined for not removing it. He suggested the Planning Commission look into other local program that may be able to remove the graffiti for a lesser cost, for example, Options.

Council Member Risner referenced the sample ordinances provided but stated the proposed ordinance should provide the tools to remove the graffiti, not tell how to correct the problem or what mechanisms to use. He noted who pays for the removal will be the main issue.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

R/R Re: Ordinance Designating Streets in Southridge Subdivision as Highways for Police Enforcement (first reading)

Town Manager Muzzy presented the report and recommendation that stated the Southridge Community requested that the Town Police enforce motor vehicle laws within the neighborhood as authorized by the Code of Virginia 46.2-100. They have specifically requested enforcement of speeding, stop signs, and parking. A copy of the letter is filed with the meeting packet material.

There is no financial impact to police the streets of Southridge as the funding is already provided through general taxes as they are in other portions of Town.

It was recommended that Council conduct a first reading on January 13, 2009, conduct a second reading on February 10, 2009, and then adopt the Ordinance designating the streets within Southridge as “highways” for the enforcement of motor vehicle and traffic laws.

In response to questions from Councilmember duFrane, Public Works Director Thornhill stated there were no specific issues with Southridge that he was aware of. In 1988, Southridge requested carts for trash pickup and has used them since that time. On occasion, some carts are left out at the pick-up point but the Homeowners Association was working through that issue.

Council Member Jenkins clarified if this ordinance was strictly dealing with enforcement of traffic. His concern was that when enforcement begins complaints begin.

Council Member duFrane suggested the Homeowners Association be involved in this process so they would know what ramifications there may be.

Town Manager Muzzy replied that it was the Homeowners Association requesting council consider this request.

Council held the first reading of the ordinance designating streets in Southridge subdivision as highways for police enforcement; second reading will be at the February 10, 2009 meeting.

R/R Re: Lafayette Ridge Service District

Town Manager Muzzy presented the report and recommendation that stated staff and the Town Attorney had worked with representatives of the Lafayette Ridge Home Owners Association (HOA) to plan for the implementation of the special tax district to fund the Town’s assumption of street maintenance. The proposed tax rate of 07¢/\$100 in assessed valuation will generate approximately \$6,576 in annual tax revenue at the 2008 assessment. This is the target levy proposed for the Special Tax District. Council will set the tax rate annually according to the current assessed valuation of the properties in the District.

The Town will achieve a positive cash flow after five years with the proposed annual levy (\$6,576) less the initial capital improvement (\$28,607.32) and annual maintenance expenditure. The analysis also proposes the continuation of the levy through year nine to build a modest reserve balance for future capital improvements, after which the levy will be reduced to the hypothetical equivalent of a VDOT maintenance payment.

The Lafayette Ridge Special Tax District will generate an additional \$6,576 in the FY10 General Fund Revenue account: General Property Tax – Current Real Estate (10-0000-4010). The tax rate shall be set annually by Council. The FY10 Streets - R&M Infrastructure (10- 4102-5238) will include \$28,607.32 for capital improvements costs.

It was recommended that council direct the Town Attorney to develop an uncodified ordinance establishing the Lafayette Ridge Special Tax District for public hearing at the regular February 10, 2009, council meeting, at which time the ordinance may be adopted.

Council Member Snider moved, Council Member duFrane seconded, approval of the report and recommendation as presented.

Council Member duFrane asked if there was a clause in the ordinance when either the Southridge Homeowners Association or council could decide there was no longer an agreement, the deal could be undone since members of homeowners associations change over time.

Vice Mayor Yowell indicated there seemed to be two issues to address: 1) trash carts and 2) road maintenance issues.

Council Member Risner read from the letter in the packet, which stated the Homeowners Association requested the town take over their road system.

Town Attorney Bendall explained that at this time, 100% of the property owners requested a special taxing district to be created to cover private streets and the obligation to maintain for a municipal purpose. That was an advantage to those property owners in that the homeowner's dues were not going to be collected to maintain the roads; taxes were collected for that purpose with the Town maintaining the streets. The significant importance to the homeowner is the resale value of their home; the Homeowners Association has a vested interest in not reassuming those costs. He offered to review the State Code but did not believe there was an "escape valve" for requests such as these, because it is added value to the property so that future property owners know those municipal services would be provided because of the extra taxes they pay.

Council Member duFrane stated he was concerned about having an ongoing agreement and asked if the seven cents proposed was cast in stone or if option of council has the option to change it from time to time or levy a different tax rate on Lafayette Ridge than Southridge if it were appropriate.

Town Attorney Bendall stated council would set a different tax rate annually to cover the costs associated with municipally supplied services.

Council Member Jenkins asked if this proposal was discussed with the Finance, Personnel, Technology and Ordinance Committee.

Council Member Risner pointed out the proposed ordinance was included in the packet and it had been through the committee process.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

R/R Re: Design Competition for a Central Monument at Wine Street Memorial Park

Town Manager Muzzy presented the report and recommendation stating at the November 19 Regular Meeting, the Veterans Recognition Committee, in accordance with their bylaws, held a design competition facilitated by staff that sought a design for a central monument at Wine Street Memorial Park dedicated to residents of Culpeper, VA who were killed in World War II and the Korean Conflict.

Staff issued a Call for Submissions, using various media outlets to publicize and get a greater response (website, art/architecture schools, etc.). As of the closing date for the CFS, November 18, 2008, staff had received five (5) submissions from four (4) individual respondents.

The submissions, numbered #1 through #5 were submitted by the following individuals:

#1 – Gary Colson

#2 – Bob Clore and Tommy Landis

#3 – Clint Howard

#4 – Bob Clore and Tommy Landis

#5 – Tad Butler

After reviewing each submission and holding a public hearing for comments on each, the VRC recommended Submission #5 by Tad Butler.

At a special meeting of the Parks and Recreation Commission in November, the Commission reviewed the same five submissions, concluded the same, and endorsed the VRC's recommendation as winner of the design competition.

There is no financial impact with the awarding of a winner of the design competition.

It was recommended that Town Council recognize Tad Butler as the winner of the design competition of a central monument at Wine Street Memorial Park, presents him with a certificate of appreciation, and will incorporate his name as the designer of the monument, once constructed.

Earlier in the meeting, Vice Mayor Yowell presented Tad Butler with a certificate of appreciation as the winner of the design competition of a central monument at Wine Street Memorial Park. No further action was taken by council.

FINANCE, PERSONNEL, TECHNOLOGY, & ORDINANCE COMMITTEE

R/R Re: Software Purchase

At the regular December 9, 2008 meeting, Council tabled this item for 30 days for further review by the Finance, Personnel, Technology, and Ordinance Committee at its January 6, 2009, meeting.

Town Manager Muzzy presented the report and recommendation that stated IT is in the process of performing internal software audits to determine if all licensing is in compliance and to determine the current utilization of existing software. The status of the findings and recommendations are as follows:

Microsoft requires a separate license of Office on each computer before an upgrade qualifies. On several computers, an upgrade was performed from one original license that was installed on all other computers instead of an individual license per machine. As a result, by Microsoft's Licensing Agreement, this is not in compliance with their existing agreement.

Microsoft offers several Volume Licensing options for government organizations.

Option #1

Subscription License:

- 36 mo. Contract
- Pay yearly
- Town does not own software
- Includes updates and upgrades
- 1st year: \$18,630, 2nd year: \$21,122, 3rd year: \$21,122

Option #1 Total: \$60,874.00

Option #2

Office Pro Plus with Software Assurance

- 1 time cost
- Town owns software
- Includes updates and upgrades to new software.
- Note: Software Assurance is often criticized for its expense and the lack of "free" software upgrades within the contract period. The development period between Microsoft operating systems often exceeds the three year contract.

Option #2 Total: \$57,054.72

Option #3

Office Pro Plus without Software Assurance

- One-time cost
- Town owns software
- Includes updates

Option #3 Total: \$32,842.58

As part of our audit, it was determined that the town's backup software had expired and does not meet the town's current network configurations. An upgrade and additional licenses are needed to backup the additional servers that have been added to the network: mail, Great Plains/MainStreet (Treasurer), and file servers for Municipal, Light and Power, Public Works and Police Department.

To avoid possible copyright infringements, IT recommends that all computers and servers be upgraded and that council authorizes standardizing software application packages that will decrease cost in software purchases and greater efficiency throughout the organization.

Further, IT recommends the purchase of Option #3, Office Pro Plus without Software Assurance, in the amount of \$32,842.58. Attached is the quote from SHI.

The total cost to purchase all software licenses is \$32,842.58. There is \$10,700 budgeted in this fiscal year for software upgrades in line item 1220-7650 (Computer Software). The remaining funds in the amount of \$25,168 are available at this time in the general fund contingency account (9990-9990) that can be used for this purpose and then repaid from the respective departmental budgets (based on the number of computers in each department).

It was recommended that Council authorize the Town Manager or his designee to purchase Option #3, Office Pro Plus without Software Assurance from SHI in the amount of \$32,842.58. The IT Budget (1220-7650) will bear the cost of the software upgrades (\$10,700); the remaining \$25,168 will initially be paid with funds from the general fund contingency (9990-9990) with each affected department being charged its share of the cost (based on their respective number of computers) and these amounts repaid to the general fund.

Council Member Jenkins moved, Council Member Ryan seconded, approval of the report and recommendation as presented.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

R/R Re: Parking at the Depot--Issuance of Parking Passes

This item was removed from the consent agenda for discussion.

Council Member Jenkins asked for clarification on how the recommendation was arrived to only issuing parking passes to the Town Council members, Board of Supervisors members, and our Delegates and Representatives that may occasionally have business in Culpeper rather than offering the spaces to employees.

Town Manager Muzzy presented the report and recommendation that stated pursuant to the request of the Public Safety, Public Works, and Planning and Community Development Committee, staff has evaluated the employee parking needs at the Depot.

The primary purpose of the depot parking spaces is to provide parking for visitors and patrons of the immediate area rather than employee parking. Given the proximity of the 3 hour Davis/Commerce parking lot and the all day Triangle parking lot, it is not recommended that parking passes be given to employees. However, staff recommends issuing parking passes to the Town Council members, Board of Supervisors members, and our Delegates and Representatives that may occasionally have business in Culpeper.

There is no financial impact to issue parking passes as described.

It was recommended that Council authorize the Town Manager to issue parking passes to the Town Council members, Board of Supervisor members, and Delegates and Representatives.

Council Member Ryan moved, Council Member Snider seconded, approval of the report and recommendation as presented.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

Economic Development

A discussion on economic development was added at the request of Council Member Jenkins.

Questions were raised on what benefits the Town receives from the County Economic Development Department vs. what the County receives. Council requested its representative on the Economic Development Advisory Committee, Chip Coleman, to relay council's concerns to the Committee for a report back to the Finance, Personnel, Technology & Ordinance Committee along with Council in February.

Council member duFrane recalled that approximately fifteen (15) years ago, the County took over Economic Development and the Town took over Tourism.

REPORTS & RECOMMENATIONS FROM TOWN ADMINISTRATION

R/R Re: Resolution Re: Supporting Stimulus Package that Funds Local Government's Infrastructure Improvements

The ICMA, National Association of Counties (NACO), and National League of Cities strongly believe that a Main Street stimulus package should provide funds for investment in our nation's infrastructure, provide support to individuals, and ensure that local and state governments have access to financial markets.

As Congress and the Administration prepare to take action on a new national economic recovery package, local governments are poised to play a vital role in the implementation of a practical plan that will help America's hometowns and families by stimulating the economy, creating jobs for our residents, and providing meaningful, long-lasting benefits to our communities.

Since the Town has set aside many projects critical in nature due to the economic picture, we would like to request our congressional delegation support a stimulus package that would fund local governments directly for infrastructure improvements. Staff has prepared the attached table of potential projects to be funded through a national stimulus package for our delegations information.

There will be no financial impact to adopt the resolution.

It was recommended that Council adopt and authorize the vice mayor and clerk to execute the resolution requesting our congressional delegation support a stimulus package that would fund local governments directly for infrastructure improvements as outlined in the policy position submitted to the Presidential Transition Team by ICMA, NACO and National League of Cities.

Council Member Snider moved, Council Member Risner seconded, approval of the report and recommendation as presented.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: Rimeikis (1).

TOWN MANAGER'S MONTHLY REPORT: Council received the monthly report.

COMMUNICATION & CORRESPONDENCE: There was none.

ADJOURNMENT: Council adjourned at 8:13 p.m.

Clerk

Mayor