

Regular Meeting

County Board Room
March 10, 2009

The Council of the Town of Culpeper convened in regular session at 6:00 p.m. with Mayor Pranas A. Rimeikis presiding: **Present:** Calvin L. Coleman, Duke M. duFrane, F. Steve Jenkins, Michael T. Olinger (arrived at 6:05 p.m.), James C. Risner, Robert M. Ryan, Christopher H. Snider, Council Members and Vice Mayor William M. Yowell; 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 Wally Bunker, Public Information Officer.

AGENDA APPROVAL

Council Member Snider requested the addition of Purchase of "Homage" Monument model for Wine Street Memorial Park (Item 9.03A4).

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

CLOSED SESSION

Vice Mayor Yowell moved, Council Member Snider seconded, council enter closed session to discuss or consider specifically named individuals who have applied for the position of Town Treasurer/Finance Director, the six-month review of the Town Manager, and specifically named individuals being considered for appointment to the 250th Anniversary Oversight Committee pursuant to Code of Virginia Section 2.2-3711(A)(1), 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, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Olinger (1). Council entered closed session at 6:04 p.m. Staff attending: Town Attorney Bendall, Town Engineer Stephenson, and Public Information Officer Bunker.

Council Member Olinger arrived and joined closed session.

Council reconvened in open session at 7:00 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, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: (0); Absent: (0).

Council recessed at 7:00 p.m. and reconvened in open session at 7:05 p.m.

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

CONSENT AGENDA

Council Member Olinger moved, Council Member Snider seconded, that Council approve the items listed below. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: (0); Absent: (0).

a. **R/R Re: 2009 Triathlon:** Council authorized the exemption of Town Code Section 15-4(9) for Set-Up Inc. to hold its August 2, 2009 triathlon events at Mountain Run Lake Park, including swimming in the lake.

b. **R/R Re: Culpeper County Volunteer Fire Department—Annual parade May 21, 2009:** Council approved the fire department's request to hold its annual parade on Thursday, May 21, 2009, and authorized the town manager to ensure the event is coordinated with the Public Works and Police Departments for traffic and crowd control.

c. **R/R Re: Culpeper Fiesta:** Council authorized the use of the tent and stage for the Culpeper Fiesta and closing Commerce Street from Davis to Culpeper Streets and Waters Place to Commerce Street from 6 p.m. to 10 p.m. on Friday, May 1, 2009. The event organizers must provide the Town proof of insurance in the amount of \$2 million and name the Town as an additional insured.

d. **R/R Re: SCADA Replacement:** Council approved the purchase of the QEI SCADA replacement at a cost of \$35,595 and authorized the town manager to execute a purchase order to QEI Inc for this purchase on behalf of the Town of Culpeper.

e. **R/R Re: Culpeper Day—May 2009:** Council authorized the use of the tent and stage and use of electrical outlets for Culpeper Day and closing the following streets from 6 a.m. to 6 p.m. on Saturday, May 2, 2009: Davis Street from West to Commerce; Commerce Street from Davis to Culpeper; and Culpeper Street from Commerce Street to Waters Place. The event organizers must provide the Town proof of insurance in the amount of \$3 million and name the Town as an additional insured for the event.

f. **R/R Re: Closing West Davis Street for Fireman's Annual Banquet:** Council authorized the closing of Davis Street from Main to West Streets from 4 p.m. to 12 a.m. on Saturday, March 14, 2009, for the annual fireman's banquet parking.

g. **R/R Re: Expiration of Commerce-Hill CDBG Program Contract:** Council authorized the town manager to notify the Department of Housing & Community Development with the intention of allowing CIG Contract #06-14 for the Commerce-Hill Streets Neighborhood Improvement Project to expire and instructed the acting treasurer to reassign funds in Department 9104 (Block Grant—CDBG Improvements) of the capital budget to the neighborhood stabilization program.

h. **R/R Re: Telephone System Upgrade for Police Department:** Council authorized the town manager to enter a contract with Advanced Network Systems Inc. (ANS) to complete the VoIP phone installation for the police department at a cost of \$27,035 utilizing funds in 12-9209-7600.

i. **Treasurer's Report & Line Item Transfers:** Council approved the treasurer's report, bills paid listing, and line item transfers reflecting a balance of \$36,960,110.

j. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of February 10, 2009.

SPECIAL ITEMS AND RECOGNITIONS

Line Tech 2nd Class Bill Peters in the Light & Power Department was selected as Employee of the Month for January 2009.

Mr. Peters was nominated and selected based on his response to a call from the police department on January 19 to help free an individual stuck in a tree and being electrocuted. He provided the requested bucket truck from the Light & Power Department to bring the man down to safety after the firefighters removed the tree branch. His actions demonstrated the strong spirit of cooperation our Town fosters in its employees.

American Red Cross Month Proclamation—March 2009

Mayor Rimeikis presented a proclamation to Ms. Chavez and Mr. Jim Branch designating March 2009 as American Red Cross month.

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

Anthony Thacker, resident of Piccadilly Circus, addressed council on the town's decision to cease trash service at Westminster beginning in July. He questioned any change this would have in the status of their property (multi-family to single family), if trash containers could be provided, or if the homeowners association could continue trash service at the subdivision at the Town's cost but with the homeowners association paying the cost. Mayor Rimeikis requested Mr. Thacker discuss his concerns with staff for resolution.

George Bryson addressed council on his expectation to have received a letter from the town manager on his concerns mentioned at the last council meeting and no letter being received to date. He also questioned why the Museum's request for the Town to donate their building (the former library) to the Museum was not on the agenda. Mayor Rimeikis noted the Museum had withdrawn its request.

Brian Blanton from Thrower, Blanton & Associates PC gave a brief overview of the FY2008 CAFR. (complete CAFR filed with the meeting packet)

UNFINISHED BUSINESS

Vice Mayor Yowell moved, Council Member Snider seconded, to appoint Eastern View High School student Jenna Godfrey to the 250th Anniversary Oversight Committee. The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: (0); Absent: (0).

NEW BUSINESS - PUBLIC HEARING

Case AMD-001-2009: Amendment to Town Code Section 27-453, Home Occupations

Please take notice that on *Tuesday, March 10, 2009*, in the Culpeper County Administration Building, Board of Supervisor's Room, 302 N. Main Street, at 7:00 p.m., the Town Council will consider the following ordinance amendment:

PUBLIC HEARING - In order to promote the general health, safety and welfare of the citizens of the Town of Culpeper, the Town Council will consider the following ordinance amendment to the Culpeper Town Code, Chapter 27, Zoning:

Case AMD-001-2009 Amendment to Chapter 27, Zoning, Section 27-453 Home Occupations (#3) as follows:

§ Removes the following language, "Only one business activity per residence is allowed."

Documents relative to the above case may be examined at the Town of Culpeper Municipal Building, Planning & Community Development Department, 400 S. Main Street, Suite 301, Culpeper, Va. 22701, (540) 829-8260. Persons interested in the above case are invited to attend the meeting and express their views.

The public hearing is being held at a facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility should contact the Town of Culpeper Planning & Community Development Department, 400 S. Main Street, Suite 301, Culpeper, Virginia 22701.

Maxie Brown, CZA/AICP, Zoning Administrator

Mayor Rimeikis opened the public hearing. There being no one to address council, the public hearing was closed.

R/R Re: Case AMD-001-2009 Re: Amendment to Town Code Section 27-453, Home Occupations

Town Manager Muzzy presented the report and recommendation stating the Planning Commission held a public hearing on February 17, 2009 and recommended an amendment to the existing home occupation ordinance as follows:

Remove Section 27-453 (3), which allows only one business activity per residence.

There would be minimal costs will be incurred to publish the ordinance amendments.

Following its public hearing on February 17, 2009, the Planning Commission voted 3-0 (Mr. Dunn and Ms. Thornton absent) to recommend approval of the ordinance amendment.

There were no public comments during the Planning Commission’s public hearing.

Council Member Snider moved, Council Member Coleman seconded, to adopt the amendment to Section 27-453, which removed the language “only one business activity per residence is allowed” under the home occupation ordinance.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: (0); Absent: (0).

REPORTS & RECOMMENDATIONS FROM AUTHORITIES, BOARDS & COMMISSIONS - None

REPORTS & RECOMMENDATIONS FROM COUNCIL COMMITTEES

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: 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:
Mr. & Mrs. Larry R. Alexander	Capt. Julian M. Moore	1 – 12”x12” paver	\$ 100.00
Warren Deal	Cpl. Frazier Deal	1 – 12”x12” paver	\$ 100.00
Totals:			\$ 200.00

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 \$200.00. To date, the Town has accepted \$57,449.28 in donations for this park.

It is recommended that Council accept the donation from Mr. and Mrs. Larry R. Alexander for \$100 and Warren Deal for \$100 for a 12” x 12” paver.

Council Member Snider 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, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nays: (0); Absent: (0).

R/R Re: Addition of Town Code Section 16-56, Graffiti Prevention and Removal (first reading)

Town Manager Muzzy presented the report and recommendation stating 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, the Town Attorney has crafted a Town Ordinance dealing with the prompt removal of the gang graffiti. This ordinance allows for the Town to remove the graffiti based on non-compliance of the property owner where the Town assumes the cost of the removal.

There may be opportunities to partner with local churches for cost-free removal.

Detective Sergeant Andrew Terrill researched those entities that have graffiti codes/ordinances (attached) 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. This is the current cost being incurred by Public Works for one employee to perform the task. This expense, as the ordinance is written will not be recovered by the Town from the property owner for non-compliance.

Additional costs will be incurred to include the new ordinance in the next supplement of the Town Code.

It was recommended that council hold the first reading of Ordinance 2009-003, adding Town Code Section 16-56, Graffiti Prevention & Removal, at its regular meeting on March 10, and the second reading at its regular meeting on April 14, 2009. Following the second reading, council may approve the ordinance to become effective upon adoption.

Town Attorney Bendall reported that the General Assembly passed House Bill HB2138 pertaining to this matter allowing 15 days for a property owner to remove graffiti before the Town takes action to remove it. He anticipated the Governor would sign the bill to become effective July 1, therefore, he recommended Section 16-56(e)(2)(a) of the proposed ordinance be changed from 7 days to 15 days.

Council Member Risner moved, Mayor Ryan seconded, for Section 16-56(e)(2)(a) to be amended to 15 days. The motion carried unanimously.

R/R Re: Journey Through Hallowed Ground--Resolution Re: Designating Route 15/20/231/22 as an All American Road

Town Manager Muzzy presented the report and recommendation stating the President of the Journey Through Hallowed Ground Partnership, Cate Magennis Wyatt, approached Council on February 10 requesting approval of a resolution recommending the U.S. Department of Transportation's Federal Highway Administration "All American Road" designation for U.S. Route 15/20/231/22. As stated in the resolution provided by Ms. Wyatt, the designation will help support the four-state public/private partnership that has been developed to promote and celebrate the historical and cultural resources along the route. The designation will also make federal funds available to government entities located along this corridor for the purposes of developing tourism, preservation and enhancement of historical sites and battlefields.

The Public Safety, Public Works, Planning & Community Development Committee considered this item and approved forwarding it to council for action.

There is no financial impact associated with approving the resolution.

It is recommended that council authorize the mayor and clerk to execute the resolution endorsing the designation of the Journey Through Hallowed Ground Byway (Route 15/20/231/22) as an All American Road within the National Scenic Byways Program and resolving to utilize federal funds available for such purposes to encourage tourism, preservation, and enhancement of the region's historic sites and battlefields.

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, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nays: (0); Absent: (0).

Purchase of "Homage" Monument Model for Wine Street Memorial Park:

Council Member Snider requested council proceed with purchasing the two-foot miniature "Homage" model of the statue for the Wine Street Memorial Park pending approval of the design and purchase by the Veteran's Recognition Committee. The committee will meet on March 18 to vote on this item.

Mayor Rimeikis asked why council needed to address this item now when the committee had not taken the appropriate action.

Council Member Snider stated the project would be delayed by having to wait to go through the normal council committee process and he would like to recommend proceeding with purchasing the miniature homage monument pending approval by the committee. It will take approximately three weeks to construct the model that will be used for fundraising purposes. The Veteran's Recognition Committee has raised approximately \$41,000 to date and they were hoping to meet their goal by the end of this year.

Discussion ensued regarding this item being handled through the council committee process and Council Member Risner asked for clarification on what council was being asked to approve at this time.

Council Member duFrane asked who would be responsible for maintaining the funds received for this project and Mr. Stephenson clarified that ultimately council would make the final decision.

Council Member Coleman moved, Council Member Ryan seconded to authorize the purchase of the two-foot miniature "Homage" model of the statue in the amount of \$4,250, for the Wine Street Memorial Park pending approval of the design and purchase by the Veteran's Recognition Committee at its meeting on March 18.

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nays: (0); Absent: (0).

FINANCE, PERSONNEL, TECHNOLOGY, & ORDINANCE COMMITTEE

R/R Re: Line Item Transfer--Architectural Services for New Police Station

Town Manager Muzzy presented the report and recommendation stating additional funding for the design contract and construction manager salary for the new police station was necessary.

The concept was to borrow the additional funds from the Water fund, then pay back the total borrowed (purchase of building and design) when we obtain the bank loan. It was anticipated that this would occur after signing the design contract which was approved by Council at the February 10, 2009 meeting. We have determined that sufficient funding does not currently exist to fund the \$275,000 design expenditure and \$25,000 anticipated fiscal year construction management expense; therefore, the contract cannot be signed until the additional appropriation is made.

Staff is requesting approval for the transfer of funds to cover the \$50,000 that is not available in the Building and Improvements account for the new Police Station.

Funding in the amount of \$50,000 is being requested to be transferred from the General Fund Contingency account (100-9990-9990) to the Police Station Engineering Services Capital account (120-9280-5216) and a line item transfer for \$250,041 (the balance remaining) in the Police Station Building & Improvements Capital account (120-9280-7100) to the Police Station Engineering Services Capital account (120-9280-5216).

It was recommended that Council approve the transfer of the following funds to fund the police station architectural services: \$50,000 from the General Fund Contingency account (100-9990-9990) to the Police Station Engineering Services Capital account (120-9280-5216) and a line item transfer for \$250,041 (the balance remaining) from the Police Station Building & Improvements Capital account (120-9280-7100) to the Police Station Engineering Services Capital account (120-9280-5216).

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

The motion carried by the following voice vote: Ayes: Coleman, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (7); Nays: duFrane, Jenkins (2); Absent: (0).

TOWN & COUNTY INTERACTION COMMITTEE

Consolidating Town & County Parks & Recreation and Planning & Zoning Offices

Town Manager Muzzy stated at the February 25, 2009 meeting, the committee discussed having staff look at the potential pros and cons of combining a few Town/County services for citizens during this economic crisis. Mr. Underwood referenced a 2005 functional consolidation report that was discussed during a recent Economic Development Advisory Committee meeting.

The committee discussed ways to combine or streamline Town/County services for the following:
Parks and Recreation
Planning and Zoning

It was the consensus of the committee to recommend that council and the boards of supervisors look at consolidating Parks and Recreation as well as Planning and Zoning to determine if it would make services more efficient for citizens.

There will be minimal impact for staff to compile the information.

It is recommended that council direct the Town Manager or his designee to report back to council the feasibility of consolidating Parks and Recreation and the Planning and Zoning Department with the County to streamline services for citizens.

Council Member Coleman 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, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nays: (0); Absent: (0).

REPORTS & RECOMMENATIONS FROM TOWN ADMINISTRATION – none.

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

COMMUNICATION & CORRESPONDENCE: There was none.

ADJOURNMENT: Council adjourned at 7:52 p.m.

Clerk

Mayor