

Regular Meeting

County Board Room
April 14, 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, F. Steve Jenkins, Michael T. Olinger (arrived at 6:04 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. Council Member Duke M. duFrane was absent.

AGENDA APPROVAL

Town Manager Muzzy requested Item 5.13 be removed from the agenda and requested Items 5.17 and 5.18 be removed from the consent agenda and added as Items 9.03B3 and B4 of the agenda.

Council Member Jenkins moved, Council Member Coleman seconded, approval of the amended agenda. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (7); Nay: (0); Absent: duFrane, Olinger (2).

CLOSED SESSION

Vice Mayor Yowell moved, Council Member Risner seconded, council enter closed session to discuss or consider specifically named individuals being considered for the position of Environmental Services Director pursuant to Code of Virginia Section 2.2-3711(A)(1); to discuss and consult with staff and/or legal counsel regarding actual litigation with the County of Culpeper pursuant to Code of Virginia Section 2.2-3711(A)(7); and 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, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (7); Nay: (0); Absent: duFrane, Olinger (2). Council entered closed session at 6:04 p.m. Staff attending: Town Attorney Bendall and Acting Environmental Services Director Dan Boring.

Council Member Olinger arrived at 6:04 p. m. 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, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: duFrane (1).

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

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

CONSENT AGENDA

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

a. **R/R Re: FY10 Paving Bids:** Council accepted the low bid from Finley Asphalt & Sealing Inc. of \$512,255.85 for paving of 12 streets and authorized the town manager to execute the necessary documents to complete this work.

b. **R/R Re: Pavement Marking Bids:** Council accepted the bid of R.J. Merkel Inc. of \$11,180 for approximately 260,000 linear feet of 4" wide hot paint pavement markings, contingent upon the completion of a contract, and authorized the town manager to execute the necessary documents and proceed with the work annually as needed.

c. **R/R Re: Seventh VA Infantry Regiment Company A—Fairview Cemetery Vigil May 2009:** Council granted the request of the Seventh Virginia Infantry Regiment Company A to hold their 17th annual 24-hour vigil at Fairview cemetery beginning at 10 a.m., Saturday, May 30, and concluding on Sunday, May 31, 2009.

d. **R/R Re: July 4 Celebration—Street Closing Requests:** Council authorized the town manager to close the requested streets as requested, waiver of fees as requested for park reservations and licenses for vendors, the commitment of town forces for the preparation, traffic control, law enforcement, and clean-up of the July 4 activities.

e. **R/R Re: Bike Virginia Tour—June 22, 2009:** Council approved the reservation of two spots on Main Street, one on the side of the theatre and one on the side of the post office for school buses to pick up and discharge passengers; the closing of the parking lot at the corner of Culpeper and Main Street from 1 p.m. until 9 p.m. for the dining area for the pre-paid meal plan participants; closing of the public parking lot on East Davis Street at 2 p.m., use of the event tent and stage, and the closing of the following streets: East Davis from 254 E. Davis to Commerce Street beginning at 2 p.m., East Culpeper Street from East Street to Commerce Street beginning at 7 a.m., and S. Commerce Street at the depot area beginning at 7 a.m.

f. **R/R Re: Third Thursday Concert Series:** Council approved the following: closing of East Culpeper Street (from East Street to Commerce Street) and South Commerce Street (at the depot area) from 7 a.m. until the end of the event; closing East Davis Street from 254 E. Davis Street to Commerce Street beginning at 3 p.m.; closing the public parking lot on East Davis Street beginning at 2 p.m.; placing a tent and stage on Commerce Street at the depot, using the electrical outlets, permitting the Public Works Department to handle trash pick-up and clean-up before and after the events and assisting with set-up; and providing police department presence during the events.

g. **R/R Re: Taste of Culpeper—October 11, 2009:** Council approved Culpeper Renaissance Inc.'s request to hold the fourth annual Taste of Culpeper on Sunday, October 11, 2009 from 12 to 5 p.m. along with the following: closing East Davis Street and East Culpeper Street (from East Street to Commerce Street), Commerce Street in front of the depot, and the East Davis Street public parking lot from 8 a.m. until the end of the event; placing a tent and stage on Commerce Street at the depot, use of electrical outlets, the Public Works Department to handle trash pick-up and clean-up before and after the event and to assist with set-up; and providing police department presence during the event.

h. **R/R Re: Autism Awareness Run & Walk—April 19, 2009:** Council authorized the closing of Blue Ridge Avenue from Yowell Meadow Park to Oaklawn Boulevard from 8 a.m. to 9 a.m. on Sunday, April 19, 2009, for the Autism Awareness 5K Run and 1-Mile Fun Walk.

i. **R/R Re: Epiphany Catholic School 5K Run, May 9, 2009:** Council authorized the closing of Blue Ridge Avenue and affected intersections from Yowell Meadow Park to Oaklawn Boulevard from 8 a.m. to 10 a.m. (time adjusted by the committee) on Saturday, May 9, for the Epiphany Catholic School's annual 5K Run.

j. **R/R Re: Multiple Sclerosis Walk—April 18, 2009:** Council authorized the police department to provide a police escort from 10 a.m. to 12 Noon from Yowell Meadow park to Oaklawn Boulevard on Saturday, April 18, for participants in the 2009 MS Walk.

k. **R/R Re: Fine & Fee Schedule Amendments—Capital Improvements Plan:** Council approved the changes to the Fine & Fee Schedule and authorized the town manager or his designee to assure that the above-referenced items are available to the public and authorized the town clerk to execute the revised fine and fee schedule.

l. **R/R Re: Change Order for Use of Digester Gas in WWTP Boilers:** Council approved the change order to expend \$275,113 of the funds available in line item 9057-7040, authorized the town manager to direct that Adams Robinson Enterprise Inc. reconfigure the WWTP boilers to utilize the digester gas produced by the plant and Varec Biogas to correct the identified safety concerns, and authorized the mayor and town clerk to sign the sole source procurement resolution.

m. **R/R Re: Change Order—WWTP Upgrade Phase II—Re-Assembly of Disk Filter Building:** This item was removed from the agenda for further consideration by the Light & Power and Water & Wastewater Committee.

n. **R/R Re: Replacement of WWTP Sedimentation Basin #2 Gear Box:** Council authorized the town manager to approve expending \$18,000 of the funds available in line item 9065-7200 to be used for the replacement of the sedimentation basin #2 gear box.

o. **R/R Re: Wastewater Treatment Plant Control Room & Lab Renovation Project:** Council authorized the town manager to approve the utilization of \$60,000 of the funds available in line item 9066-7200, wastewater capital fund, for the purpose of upgrading the WWTP control room and expanding its laboratory capability and authorized the engineering department staff to oversee this project with a tentative completion date of June 30, 2009.

p. **R/R Re: Replacement of Unit #954:** Council accepted the purchase price of \$53,026.24 from Capitol GMC for a 2009 GMC 36,200 lb. cab and chassis and the purchase and installation price of \$17,893 for a 10' dump body from Godwin Manufacturing all under the state contract and authorized the town manager to make the necessary accounting adjustments and purchases.

q. **R/R Re: One Year Extension of Auditor's Contract—Thrower, Blanton & Associates PC:** This item was removed from the consent agenda and placed under R/Rs from Council Committees.

r. **R/R Re: One Year Extension of Contract with Town's Financial Advisor:** This item was removed from the consent agenda and placed under R/Rs from Council Committees.

s. **Treasurer's Report & Line Item Transfers:** Council approved the treasurer's report, bills paid listing, and line item transfers.

t. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of March 10, and special meeting of April 1, 2009.

SPECIAL ITEMS AND RECOGNITIONS

a. **Employee of the Month Recognition:** Wastewater Treatment Plant Lab Supervisor John Morgan of the Environmental Services Department was selected as Employee of the Month for February 2009.

b. Mayor Rimeikis recognized and congratulated Town Clerk Kim Allen on receiving her Master Municipal Clerk designation on March 30.

c. **Proclamation—Arbor Day, April 24, 2009:** Town Manager Muzzy read the proclamation designating April 24 as Arbor Day.

d. **Proclamation—Volunteer Recognition Week, April 19-25, 2009:** Town Manager Muzzy read the proclamation designating April 19-25 as Volunteer Recognition Week.

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

a. George Bryson addressed council on the 250th Anniversary Oversight Committee and questioned how the committee members were selected, why he was not selected after being asked to serve in this capacity by a specific council member, and why he had not received a response to his previous questions on this subject.

b. Jack Rhoades, resident of 710 South East Street, stated council owns the water rights at Lake Catalpa and he would like to see the Town and County expand the lake. He also encouraged the town to increase its greenways possibly by planting appropriate screening trees around the light and power facility on East Chandler Street and the Culpeper Pregnancy Center sign on the north end of town.

UNFINISHED BUSINESS – No action taken.

NEW BUSINESS

Receipt of Bids for Telecommunications/Fiber Conduit Construction Agreement Franchises:

TOWN OF CULPEPER, VIRGINIA

INVITATION TO BID ON A TELECOMMUNICATION/FIBER CONDUIT CONSTRUCTION AGREEMENT FRANCHISE

Pursuant to § 15.2-2101 of the Code of Virginia (1950), as amended, and in the mode prescribed by the laws of the Commonwealth of Virginia, that the Council of the Town of Culpeper, Virginia, A Municipal Corporation of the Commonwealth of Virginia, accepted bids on one or more telecommunication/fiber conduit construction agreement franchises to permit for a term of thirty years the use of public rights of way within its corporate limits for conduit construction and occupancy for fiber optics installation.

The proposed Franchise would grant the successful telecommunication service provider or providers a franchise, privilege, lease or right to use certain public property located within the corporate limits of the Town of Culpeper for a term of thirty years to permit conduit construction for the construction, installation, maintenance, and operation of one or more conduits, including necessary equipment and facilities, for fiber optic use, upon the securing of a Permit from the Director of Public Works. The proposed Franchise requires the successful bidder to post a performance bond, provide the Town with certain insurance, provide the Town with one inner-duct to be used for municipal purposes and/or pay certain fees of no less than \$1.00 per linear conduit foot or make certain in kind contributions.

Council received and opened bids from the following: Ntelos, Mid Atlantic Broadband Cooperative, and Fiber Light of VA Inc.

Mayor Rimeikis closed receipt of bids.

Council Member Olinger moved, Council Member Risner seconded, to suspend the rules and act on the items following the receipt of the bids. The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: duFrane (1).

R/R Re: Telecommunications/Fiber Optics Franchise—Ntelos:

Town Attorney Bendall stated the proposed Franchise would grant the successful telecommunication service provider or providers a franchise, privilege, lease or right to use certain public property located within the corporate limits of the Town of Culpeper for a term of thirty years to permit conduit construction for the construction, installation, maintenance, and operation of one or more conduits, including necessary equipment and facilities, for fiber optic use, upon the securing of a Permit from the Director of Public Works. The proposed Franchise requires the successful bidder to post a performance bond, provide the Town with certain insurance, provide the Town with one inner-duct to be used for municipal purposes and/or pay certain fees of no less than \$1.00 per linear conduit foot or make certain in kind contributions.

Council Member Olinger moved, Council Member Risner seconded, to award the franchise to Ntelos in the amount of 285 linear feet for \$1 per l.f. and authorized the town manager to execute the agreement for a period of thirty (30) years. The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: duFrane (1).

R/R Re: Telecommunications/Fiber Optics Franchise—Fiber Light of VA:

Town Attorney Bendall stated the proposed Franchise would grant the successful telecommunication service provider or providers a franchise, privilege, lease or right to use certain public property located within the corporate limits of the Town of Culpeper for a term of thirty years to permit conduit construction for the construction, installation, maintenance, and operation of one or more conduits, including necessary equipment and facilities, for fiber optic use, upon the securing of a Permit from the Director of Public Works. The proposed Franchise requires the successful bidder to post a performance bond, provide the Town with certain insurance, provide the Town with one inner-duct to be used for municipal purposes and/or pay certain fees of no less than \$1.00 per linear conduit foot or make certain in kind contributions.

Council Member Olinger moved, Council Member Snider seconded, to award the franchise to Fiber Light of Virginia in the amount of 18,344 linear feet for \$1 per l.f. and authorized the town manager to execute the agreement for a period of thirty (30) years. The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: duFrane (1).

R/R Re: Telecommunications/Fiber Optics Franchise—Mid-Atlantic Broadband Cooperative:

Town Attorney Bendall stated the proposed Franchise would grant the successful telecommunication service provider or providers a franchise, privilege, lease or right to use certain public property located within the corporate limits of the Town of Culpeper for a term of thirty years to permit conduit construction for the construction, installation, maintenance, and operation of one or more conduits, including necessary equipment and facilities, for fiber optic use, upon the securing of a Permit from the Director of Public Works. The proposed Franchise requires the successful bidder to post a performance bond, provide the Town with certain insurance, provide the Town with one inner-duct to be used for municipal purposes and/or pay certain fees of no less than \$1.00 per linear conduit foot or make certain in kind contributions.

Council Member Olinger moved, Council Member Snider seconded, to award the franchise to Mid-Atlantic Broadband Cooperative in the amount of 5,761 linear feet for \$1 per l.f. and authorized the town manager to execute the agreement for a period of thirty (30) years. The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: duFrane (1).

PUBLIC HEARINGS - There were none.

REPORTS & RECOMMENDATIONS FROM AUTHORITIES, BOARDS & COMMISSIONS

a. Quarterly Reports from Authorities, Boards, & Commissions

Council received written reports from the following: Planning Commission, Rappahannock-Rapidan Regional Commission, Culpeper Parking Authority, Parks & Recreation Commission, Culpeper Cable Commission, Veterans Recognition Committee, Tourism Advisory Committee, and Public Transportation Board. A verbal report was given by County Economic Development Director Carl Sachs who requested council consider adopting the Employee Free Choice Act resolution he provided with this quarterly report.

Planning Commission—R/R Re: Capital Improvements Plan FY2010-2014

Town Manager Muzzy presented the report and recommendation and stated the CIP establishes priorities, estimates costs for providing programs and facilities, and identifies the means of financing these projects. Although the first year, the Capital Budget Year, is the only one that is adopted and appropriated with the FY 2010 Budget, the four future years are just as important for planning financing strategies and projecting available fund balances. Throughout the process, the Planning Commission has consulted with the Town Manager and department heads. Consistency with the Town's Comprehensive Plan was an important component of our review. The Planning Commission notes that as the Town has an adopted proffer policy, the CIP must be adopted by Town Council (Code of Virginia, Section 15.2-2298). A resolution for adoption of the Capital Improvements Plan is attached. Please note that the resolution gives the current budget year (FY 2010) standing (like the adopted Capital Budget), but subsequent fiscal years are advisory in nature.

The CIP is categorized in accordance with the Town's proffer policy. The categories are: 1) Administrative Facilities; 2) Parks and Recreation; 3) Police Facilities; and 4) Transportation. The Town's electric, water, and wastewater utilities are included. As these operate as enterprise funds, they do not factor into the Town's proffer system. Capital projects of the Library Board, the School Board, and the 8 fire and/or rescue companies are also included. Please note that the Town bears no fiduciary responsibility for County and fire and/or rescue projects. These are included to satisfy a specific State Code reference. If these were not included in the Town's CIP, the Town could not accept and distribute proffers on behalf of these agencies.

At its May meeting, council will be presented with the proposal for FY 2010 proffer rates. The rates are derived from specific capital needs from the adopted FY 2010-2014 CIP.

The Capital Improvements Plan: FY 2010-2014 details expenditures which may occur within the period between July 1, 2009 and June 30, 2014.

It is recommended that Town Council adopt the Capital Improvements Plan: FY2010-2014 and authorizes the mayor and town clerk to execute the resolution.

Council Member Jenkins moved, Council Member Risner seconded, to adopt the Capital Improvements Plan: FY2010-2014 and authorize the mayor and town clerk to execute the resolution.

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

REPORTS & RECOMMENDATIONS FROM COUNCIL COMMITTEES

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

R/R Re: Donations to Wine Street Memorial Park

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: |
|---|--|---------------------------------|------------------------|
| Kathleen Seeber | F.J. Seeber | 1 – 12”x12” paver | \$ 100.00 |
| Mrs. John E. Perryman, John E. Perryman, Jr., and William H. Perryman | John E. Perryman, Sr. | 1 – 12”x12” paver | \$ 100.00 |
| Edd H. Perryman, Laura P. Brown, Dale T. Hook, Nancy T. Burdette, Debbie P. Frye, and Maude P. Taylor | George W. Perryman | 1 – 12”x12” paver | \$ 100.00 |
| Lorraine T. Kaufman, Madeline T. Fogerty, Ann T. Moran, Faye T. Shaw, Maude P. Taylor, Bernard V. Taylor, Dale T. Hook, and Connie H. Gooch | John C. Taylor | 1 – 12”x12” paver | \$ 100.00 |
| The Ladies Auxiliary VFW Burton-Hammond Post 2524 | All veterans of World War II and the Korean Conflict | 1 – 12”x12” paver | \$ 100.00 |
| D. French Slaughter, III and Marcie M. Slaughter | D. French Slaughter | 1 – 12”x12” paver | \$ 100.00 |
| Burton-Hammond VFW Post 2524 | All veterans of World War II and the Korean Conflict | Funds toward a central monument | \$ 5,000.00 |
| Marie B. Smith | Harry L. Smith | 1 – 12”x12” paver | \$ 100.00 |
| Totals: | | | \$ 5,700.00 |

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 \$5,700. To date, the Town has accepted \$57,649.28 in donations for this park.

It is recommended that Council accept the donations from Ms. Kathleen Seeber; Mrs. John E. Perryman, John E. Perryman, Jr., and William H. Perryman; Edd H. Perryman, Laura P. Brown, Dale T. Hook, Nancy T. Burdette, Debbie P. Frye, and Maude P. Taylor; Lorraine T. Kaufman, Madeline T. Fogerty, Ann T. Moran, Faye T. Shaw, Maude P. Taylor, Bernard V. Taylor, Dale T. Hook, and Connie H. Gooch; The Ladies Auxiliary VFW Burton-Hammond Post 2524; D. French Slaughter, III and Marcie M. Slaughter; and Marie B. Smith for 12" x 12" pavers. In addition, it is recommended that Council accepts the \$5,000 donation from the Burton-Hammond VFW Post 2524 for funds for a central monument in Wine Street Memorial Park.

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

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

R/R Re: Selection of Consultants--CDBG Neighborhood Stabilization Program

Town Manager Muzzy presented the report and recommendation stating that council adopted a resolution, in February 2009 authorizing the filing and initiation of a Planning Grant for the Community Development Block Grant (CDBG) Neighborhood Stabilization Program (NSP). The major objective of the grant is to conduct a comprehensive study of the target neighborhoods and to ultimately develop an application for a competitive NSP grant for those neighborhoods. Following a required Planning Grant workshop attended by staff, the Virginia Department of Housing and Community Development (DHCD) now expects the Town to procure professional services for the performance of the Planning Grant.

Following the selection of management consultants, DHCD has required the following items of the Town:

1. A public meeting to announce the goals of this project and to solicit public input;
2. Development of a Management Team to oversee the project;
3. Identification of neighborhoods to be served by the project;
4. A strategy for the acquisition and rehabilitation of vacant, abandoned, and foreclosed housing;
5. Strategies for leveraging funding through a variety of public and private partnerships/sources;
6. The development of a list of qualified homebuyers; and
7. A strategy for the transfer of properties to perspective purchasers.

In the development of a contract with management consultants, the services provided under the Planning Grant are categorized as *Phase I* services and *Phase II* services are the administration of a competitive NSP grant (if awarded and if services in Phase I are satisfactory). The competitive grant application is due to DHCD by June 1, 2009.

Two firms responded to the RFQ: K.W. Poore and Associates, Inc., and LMW, P.C. In addition to Management related services, DHCD has required rehabilitation technical services through a Housing Rehabilitation Specialist. Both respondents have indicated that they subcontract or have an on-staff Rehab Specialist.

For purposes of expediency, staff recommends the selection of a Council representative to the Management Team. The Management Team will be formed from required persons/positions mandated by DHCD (financial representative, project administrator, Town Manager, Building Official, etc.). This team will be assembled in-house as the Commerce-Hill CDBG project was and will be ready to provide input and guidance shortly following consultant selection.

Funds for the Planning Grant are available in the FY 2009 Capital Budget as Line Item #9105-5214 (CDBG Consulting Services). The project will commence immediately upon consultant selection. Council approved seeking the \$25,000 Planning Grant and authorized \$10,000 in funds to supplement costs associated with the study. The Town has reached an agreement with the selected consultants for the following not-to-exceed amount:

| Professional Service | Firm | Price |
|--|------------------------------------|-----------------|
| Planning and Management Services Rehabilitation Technical Services (subcontracted) | K.W. Poore and Associates, Inc. | \$35,000 |
| Total Professional Services | | \$35,000 |

It is recommended that Council authorize the Town Manager to enter into a contract with K.W. Poore and Associates, Inc. in the total amount of \$35,000 for Planning and Management Services relative to the administration of a Planning Grant and Phase II NSP services and to expend funds from Line Item #9105-5214 for the project. The Town Manager will be the Contract Administrator and the Town Planner will coordinate with the consultants.

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

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

R/R Re: Addition of Town Code Section 16-56, Graffiti Prevention & Removal (second 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.

Council held the first reading of Ordinance 2009-003, adding Town Code Section 16-56, Graffiti Prevention & Removal, at its regular meeting on March 10, and this evening we are holding the second reading. Following the second reading, council may approve the ordinance to become effective upon adoption.

Council Member Ryan moved, Council Member Snider seconded to adopt the ordinance to become effective immediately. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: duFrane (1).

FINANCE, PERSONNEL, TECHNOLOGY, & ORDINANCE COMMITTEE

R/R Re: Donations for Town of Culpeper 250th Anniversary Celebration

Town Manager Muzzy presented the report and recommendation stating that these individuals and groups wish to donate the following items to offset the costs of the Town's 250th Anniversary Celebration:

| Donor: | Donated Item: | Donated Amount: |
|--|--------------------------------------|------------------------|
| John Gwynn | | \$ 200.00 |
| Jannette Voorneveld/Web Weaver Web Design, LLC | Web design; www.culpeper250th.org | |
| W.W. Burton & Co., LLC | Logo Design | |
| | | |
| Totals: | | \$200.00 |

The current donations will offset the total cost of the project by \$200. To date, the Town has accepted \$200 in donations for this event.

The 250th Anniversary Department 8107 has been established for the purpose of 250th anniversary expenses and donations.

It is recommended that Council accept the donations from Mr. John Gwynn, W.W. Burton & Co., and Web Weaver Web Design toward the 250th Anniversary Celebration.

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, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: duFrane (1).

R/R Re: General Fund Debt Refinancing/Restructuring

Town Manager Muzzy presented the report and recommendation stating he and the Acting Town Treasurer met with Davenport & Co. LLC, the Town's financial advisors, on the possibility of refinancing/ Restructuring of the General Fund Debt to avoid a debt service "spike" in FY10. It has been determined that with a strategic restructuring of the Town's General Fund Debt, the Town will free a rough total of \$260,000 of cash-flow in FY09 and \$160,000 of cash-flow in FY10. This creates a total savings of debt service payments over the next two years of approximately \$420,000. This money will be transferred to a revenue account as a Debt Service – Reserve account. With this debt service – reserve account, this money will be used to help shave off future year debt service spikes.

Davenport & Co. LLC would be sending out RFP's to the banks once this has been approved by Council and will have them back with a recommendation by the May 5, 2009 Finance, Personnel, Technology and Ordinance Committee meeting.

The financial impact will be processing a line item transfer from the General Fund Debt Service expenditure account to a new General Fund Debt Service – Reserve revenue account that will account for the savings in FY09 debt service due to the restructuring.

It is recommended that Council authorize the Town Manager to move forward with Davenport & Co LLC to strategically restructure the existing General Fund debt to meet the deadline to take advantage of this cash-flow savings for FY09. Further, it is recommended that Council authorize the transfer of funds from the General Fund Debt Service expenditure account to the new General Fund Debt Service – Reserve revenue account.

Council Member Coleman moved, Vice Mayor Yowell seconded, to approve the report and recommendation as presented. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: duFrane (1).

R/R Re: One Year Extension of Auditor's Contract--Thrower, Blanton & Associates PC

Town Manager Muzzy presented the report and recommendation stating that the contract between the Town's auditors Thrower, Blanton & Associates, P.C. expired after the FY2008 Audit / CAFR was prepared. We would like to extend the contract for one year based on the fact that it would be beneficial and in the best interest of the town to continue with the same auditors we have used for the past 8+ years. During this time where we have a new Town Manager, the loss of a Treasurer, and a new Deputy Treasurer, using our prior Audit team that is more familiar with the financials and aspects of the town makes the most sense. Since this is only a one year contract extension, we will have to issue an RFP for Audit Services in January of 2010.

The financial impact would be the cost of the services that Thrower, Blanton & Associates, P.C. will be providing. The amount that has been quoted on the contract extension is \$26,000 to \$32,000 depending on the scope of the work and additional services needed for the preparation of the FY09 annual audit and CAFR. This is the same amount that was in the previous contract.

It is recommended that Council authorize the Mayor and Town Clerk to execute the sole source resolution authorizing Town Manager to enter into a contract extension with Thrower, Blanton & Associates, P.C. for the term of one year at a cost of between \$26,000 and \$32,000.

Council Member Coleman moved, Council Member Olinger seconded, to approve the report and recommendation. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: duFrane (1).

R/R Re: One Year Extension of Contract with Town's Financial Advisor

Town Manager Muzzy presented the report and recommendation stating the contract between the Town's financial advisors Davenport & Company LLC has expired. We would like to extend the contract for one year based on the fact that it would be beneficial and in the best interest of the town to continue with the same financial advisors that are very familiar with our budget, fund balances, and our debt service. During this time where we have a new Town Manager, the loss of a Treasurer, and a new Deputy Treasurer, using our prior financial advisors that are more familiar with the financials and aspects of the town makes the most sense. After this is only a one year contract extension, we will have to issue an RFP for Financial Advisory Services.

The financial impact will be the cost of the services that Davenport & Company will be providing. The amount that has been quoted on the contract extension is \$25,000. This is the same amount that was in the previous contract.

It is recommended that Council authorize the Mayor and Town Clerk to execute the sole source resolution authorizing the Town Manager to enter into a contract extension with Davenport & Company LLC for the term of one year at a cost of \$25,000.

Council Member Coleman moved, Council Member Ryan seconded, to approve the report and recommendation. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: (0); Absent: duFrane (1).

TOWN & COUNTY INTERACTION COMMITTEE

R/R Re: Joint Meeting with County on Water & Sewer Issues

Town Manager Muzzy stated the Town & County Interaction Committee approved a motion recommending the two full governing bodies (Town Council and Board of Supervisors) hold a meeting to discuss in detail the Memorandum of Understanding of July 2008 regarding a Regional Water & Sewer Authority and Town Boundary Adjustment and any new implications that have transpired over the last nine (9) months.

Council Member Jenkins moved, Council Member Coleman seconded, to extend to the County a desire to meet to discuss the Memorandum of Understanding (MOU).

Vice Mayor Yowell moved, Council Member Snider seconded, to amend the motion by adding at such time as the Town has received resolution or direction on the litigation between the Town and County.

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

The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (7); Nays: Rimeikis (1); Absent: duFrane (1).

Combination/Joining of Town and County Planning & Zoning and Parks & Recreation

It was the consensus of Council to discuss at its next retreat the combining/joining of town and county planning and zoning and parks & recreation. The date and time to be determined, possibly at the next annual VML conference.

REPORTS & RECOMMENATIONS FROM TOWN ADMINISTRATION

R/R Re: WWTP Upgrade, Phase II--Change Order to Replace Piping to Digesters

Town Manager Muzzy presented the report and recommendation stating as a part of the Phase II (6 MGD) Upgrade to the WWTP, the contract called for tying a portion of new pipe work into several hundred feet of existing piping running to the digesters. Unfortunately, when the existing pipeline was excavated, it was found to be in very poor condition and could not be used. To further compound the problem, it was discovered that some of the pipe that would need to be replaced runs under concrete slabs at both the sludge process building and the building between the primary and secondary digesters.

Hazen and Sawyer, working with Adams Robinson Enterprises have developed a change order for the replacement of three existing 8" lines between the sludge process building and the primary and secondary digesters, removing the existing piping where it interferes with construction and sealing and abandoning those sections that do not. The change order also includes the costs for excavation, materials, backfill stone and labor for a total cost to the Town of \$140,540.

The total sum for this Change Order is \$140,540. Funding is available in the contingency portion of Line Item 9057-7040. A listing of all change orders for this project, both completed and pending, is attached.

It is recommended that Council approves the Change Order to expend \$140,540 of the funds available in Line Item 9057-7040 and authorizes the Town Manager to direct Adams Robinson Enterprise to replace the piping running from the sludge processing building to the primary and secondary digesters.

Council Member Jenkins moved, Council Member Olinger seconded, to approve the report and recommendation. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: none (0); Absent: duFrane (1).

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

Town Manager Muzzy noted the upcoming Red Flag requirements of the Federal Trade Commission and other federal agencies concerning security issues becoming effective May 1. He stated staff would be submitting its recommendations to the Light & Power and Water & Wastewater Committee on April 27 and requested council hold a special council meeting on April 29 prior to its budget work session to act on the proposed policies.

COMMUNICATION & CORRESPONDENCE: There was none.

ADJOURNMENT: Council adjourned at 8:15 p.m.

Clerk

Mayor