

Regular Meeting

County Board of
Supervisors Room
June 9, 2009

The Council of the Town of Culpeper convened in regular session at 6 p.m. with Mayor Pranas A. Rimeikis presiding. **Present:** Calvin L. Coleman, Duke M. duFrane, F. Steve Jenkins, Michael T. Olinger, James C. Risner, Robert M. Ryan, Christopher H. Snider, William M. Yowell, Council Members; Jeffrey B. Muzzy, Town Manager; 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; Maxie Brown, Zoning Administrator; Robert H. Thornhill, Jr., Public Works Director; Mark Bly, Light & Power Director; Christopher D. Hively, Environmental Services Director; Scott Barlow, Police Chief; Jennifer K. Landreth, Acting Treasurer; Wally Bunker, Public Information Officer.

AGENDA APPROVAL

Council Member duFrane requested the addition of a discussion on the northwest portion of the loop road.

Vice Mayor Yowell moved, Councilmember Risner seconded, approval of the amended agenda. The motion carried by unanimous voice vote (8-0—Aye-Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None; Absent-Olinger).

Mayor Rimeikis added the discussion to the agenda as Item 9.03A4.

CLOSED SESSION

Vice Mayor Yowell moved, Council Member Coleman seconded, council enter closed session 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, water and sewer agreements generally, and actual litigation with the County of Culpeper pursuant to Code of Virginia Section 2.2-3711(A)(7) and 15.2-2907(D).

The motion carried by unanimous voice vote (8-0—Aye-Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None; Absent-Olinger).

Council entered closed session at 6:04 p.m. Council Member Olinger arrived at 6:18 p.m. and joined the closed session. Council entered open session at 7 p.m.

Certificate of Closed Session: Pursuant to Code of Virginia Section 2.2-3712, Mayor Rimeikis polled council 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(D) 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 motion carried by the following roll call vote: Aye: Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: None (0).

RECESS: Council recessed at 7:01 p.m.

OPEN SESSION

Council convened in open session at 7:10 p.m.

Vice Mayor Yowell lead the Pledge of Allegiance.

CONSENT AGENDA

On motion of Council Member Olinger, seconded by Council Member Risner, the items listed below were approved by the following roll call vote: Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay-None (0).

a. **R/R Re: Purchase of Mini Camera for TV in Wastewater Collection Van:** Council accepted the low proposal of \$39,000 from MSC Equipment Inc. for the purchase of an Aires Saturn III mini camera and authorized the town manager to make the purchase.

b. **R/R Re: I & I Rehabilitation of Sewer Lines:** Council accepted the price of \$425,111 from Aaron J. Connor General Contractor Inc. for the cleaning and lining of 8,014 linear feet of 6", 8", and 12" sanitary sewer lines, contingent upon the completion of the contract and authorized the town manager to make the necessary accounting adjustments and to execute the necessary documents to complete the project.

c. **R/R Re: Engineering Services Contract Extension—Timmons Group:** Council authorized the town manager to execute a one-year extension to the existing contract with the Timmons Group to provide the Town with professional engineering services not to exceed \$30,000.

d. **R/R Re: Mountain Run Lake Reservoir Rehabilitation:** Council accepted the base bid only of Mid Eastern Builders (MEB) in the amount of \$72,000 and directed the town manager to contract for the Mountain Run reservoir overflow structure rehabilitation.

e. **R/R Re: Water Connection to WWTP/Public Works Maintenance Facilities:** Council authorized the town manager to approve transferring \$30,000 of the funds available in 42-9990-9990 wastewater capital contingency unreserved into operations (4700-5238) R&M—Infrastructure to complete the connection of the wastewater treatment plant and Public Works Maintenance Facility to the Town's water supply system.

f. **R/R Re: Rehabilitation of 18" Storm Sewer:** Council accepted the price of \$13,500 from Aaron J. Connor General Contractor Inc. for cleaning and lining of 90 linear feet of 18" storm sewer and authorized the town manager to execute the necessary documents to complete this project.

g. **R/R Re: Maintenance Payments for Streets in Town—First Street:** Council authorized the mayor and town clerk to execute the resolution for submission to VDOT requesting that this street be accepted by VDOT for maintenance payments.

h. **R/R Re: Maintenance Payments for Streets in Town—Meadows Subdivision—Golden Rod:** Council authorized the mayor and town clerk to execute the resolution for submission to VDOT requesting that this street be accepted by VDOT for maintenance payments.

i. **R/R Re: Allowing Utility & Tax Customers to Donate to Wine Street Central Monument:** Council authorized the town manager to direct the treasurer's department to design and implement the additional text on utility and tax bills for a one-year period after the Town is able to put this on the utility bills and transfer all funds of the line item for donations to the veteran's monument at Wine Street Memorial Park.

j. **Treasurer's Report:** Council approved the treasurer's report reflecting a balance of \$35,785,988 and bills paid listings; there were no line item transfers.

k. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of May 12 and special meeting of May 27, 2009.

SPECIAL ITEMS & RECOGNITIONS

Employee of the Month: Town Manager Muzzy reported that Police Department Administrative Secretary Bethany Sullivan was selected as Employee of the Month for April 2009.

VML Risk Management Performance Award

Virginia Municipal League Member Services Director Greg Dickie presented the award to Mayor Rimeikis, Town Manager Muzzy, and Executive Secretary/Benefits Specialist Donna Wise on behalf of the Town. Mr. Dickie noted VML annually selects three of its property and liability non-profit, self-insurance program members to receive this special recognition. He stated the Town of Culpeper's loss ratio over the years has been 22% compared to an average of 65% for the program; he cited the Town for maintaining a good safety program and volunteering to assist other localities to make their work environments safe.

COMMENTS & CORRESPONDENCE...FROM THE AUDIENCE

Mr. John Dodson, representing Cedar Mountain Youth, requested a waiver of the pavilion reservation fee for Mountain Run Lake Park for their free fishing classes that will be given to 4-H children and youth June 29 through July 1. Mayor Rimeikis directed the town manager to work with Mr. Dodson on this matter.

Mr. Matt Halsey, representing Culpeper Rescue Squad (Company 11) stated Company 11 did not submit its \$125,000 funding request for FY10 by the application deadline; therefore, he requested the Town provide the requested funding, or any portion thereof, for the upcoming year.

Mayor Rimeikis informed Mr. Halsey that the budget discussions would be held later in the meeting in case he wished to remain in the audience until that time.

Note: No funding was appropriated for Culpeper Rescue Squad (Company 11) for FY2010; however, Council agreed to revisit the funding request at its fall retreat or during mid-yea budget review.

Ms. Jonita Henshaw, resident of 605 Laurel Street, offered comments on rezoning Case TZ-002-2009. Mayor Rimeikis requested Ms. Henshaw hold her comments until the public hearing portion of the meeting.

Mrs. Teresa Lann, resident of 1800 Soho Court, addressed Council on the planned discontinuation of trash removal services for residents on Soho Court and Piccacyll Circus, also known as Westminster Square townhouses. She requested other residents of Westminster Square in the audience to stand (approximately eight individuals stood). Mrs. Lann stated Westminster Square community, which contains 56 townhomes, was established in 1981 with the condition a homeowner's association (HOA) would be established to manage snow removal and street light maintenance; the HOA would also provide dumpsters the Town would service. Four years ago, council discontinued dumpster service for businesses within the town and also discussed discontinuing trash removal service on their streets. Trash removal service has continued for her neighborhood since that time. Mrs. Lann requested assurance that the Town will continue to provide dumpster service as it has done for the past 28 years.

Mr. Anthony Lann, resident of 1800 Soho Court, requested council consider the residents of the townhouse development as taxpayers who want the Town to continue to provide trash removal services at Westminster Square. He provided petitions containing 25 signatures of residents (filed in the meeting packet of this date) requesting the Town "continue to provide trash removal service to Westminster Square."

Mayor Rimeikis questioned if there was a written, formal agreement between Westminster Square HOA and the Town on trash service. Mrs. Lann responded no but noted the precedent has been set for the last 28 years with the Town providing the dumpster service. She referenced her conversation with a lawyer on this matter, who indicated they are still taxpaying citizens who have certain rights as other citizens in town.

Mayor Rimeikis summarized the Town's actions by highlighting the following: In March 2004, Council authorized the discontinuance of dumpster service for businesses, townhouse developments, and apartment complexes effective April 1, 2005. In June 2005, Council authorized the continuation of dumpster service for Westminster and Lafayette Ridge. In November 2008, Council re-affirmed its decision to discontinue providing this service to Lafayette Ridge and Westminster Square; each homeowner's association was notified in December that the Town would discontinue this service effective July 1, 2009, giving them six months to make arrangements for private service. He questioned if the Westminster HOA had made arrangements to have their dumpsters serviced beginning July 1.

Mrs. Lann responded she was not on the homeowner's association board and could not answer that question.

Council Member Jenkins stated he supported council's decision in November 2008 to discontinue the dumpster service but questioned if it could be continued for an additional 30 or 60 days to allow council and staff to discuss plans for trash removal beginning July 1 with members of the homeowners association.

Council Member Risner questioned what communication staff has had with the HOA. Town Manager Muzzy responded he met with the homeowner's association and presented them with council's previous actions and information Public Works Director Thornhill had provided on the number of units providing their owner trash collection. Several weeks ago, he stated, he contacted Mr. Thacker, who had addressed council on this matter in March, and asked if arrangements had been made for trash collection starting July. Mr. Thacker responded this action was pending the resident's appearance before council at this meeting.

Mayor Rimeikis noted two councils had made the same decision—to discontinue trash collection service to Lafayette Ridge & Westminster Square; therefore, he could not rescind action or refer it back to a committee.

Council Member Jenkins moved that this item be referred to a committee for reconsideration.

Mayor Rimeikis clarified there was a motion to reconsider the issue. Council Member Coleman provided the second.

Council Member Risner disagreed with the motion to reconsider as he believed council had already deliberated on this matter and made a decision to notify the HOA that the Town would continue providing this service through June 30. This gave the HOA ample time to make other arrangements for its residents. He noted it was one thing for the Town to continue providing this service for one or two months while the HOA made other plans; however, he believed council made the right decision to discontinue the service and now the HOA does not have plans in place to ensure there are not health issues beginning July 1 in the subdivision.

Mayor Rimeikis questioned Mr. Thornhill if the Town's existing dumpster service contract can be extended one or two months for Lafayette and Westminster. Public Works Director Thornhill offered to call the service provider the following day on extending the contract for 60 days. He clarified the letters to the HOAs on discontinuing trash service at these two developments were mailed on November 25.

Council Member duFrane noted council deliberated a great deal on this matter and to rescind its action would have ramifications on other neighborhoods. If council approves extending the contract for 60 days, he believed the homeowners association should be aware the Town is doing this until the HOA can get organized and make other arrangements. He clarified the importance of speaking with the HOA board members.

Mrs. Lann noted Mr. Thacker was unable to attend this meeting due to his work schedule, but he was aware of the comments she made. She stated she was not a member of the HOA Board, was not aware of the meeting the town manager had with the HOA Board, was not notified until later of council's decision to cease providing this service, and was representing herself and neighborhood members. Mrs. Lann believed this was the last Town service she was paying taxes on and was now losing. She stated the HOA has received quotes on providing trash service, and it would be expensive. She believed it was fundamentally wrong, after 28 years of setting this precedent for trash removal, that the town would discontinue this service.

Discussion ensued on the annual cost to the town for this service being approximately \$250,000 and referring this matter to a committee for consideration. Council Member Risner noted it sounds like the HOA has plans in place to provide its own trash service beginning July 1; therefore, there should not be an emergency situation.

Vice Mayor Yowell questioned for clarification if these are private streets and the town ordinance on trash collection. Public Works Director Thornhill stated because this is a private street, by Town Code he is not allowed to traverse it with any trucks or vehicles because the streets have not been accepted into the Town's system. Trash service is required of all townhouse and apartment complexes by ordinance in town. He recalled council's decision five years ago to discontinue providing dumpster service to businesses and apartment and townhouse developments in town; after the decision was made, these two projects petitioned council to continue service, which council approved doing. In November 2008, he sought council's guidance on whether to continue the contract with the service provider, re-bid the contract, or discontinue the service; council approved discontinuing the service and notifying the HOAs of its action.

Council Member Jenkins called for the question.

As Parliamentarian, Mayor Rimeikis stated the motion to reconsider was not applicable because it applies to motions made in the same meeting; however, council could rescind its previous action if it desired to do so.

Council Member Coleman believed the intent of Mr. Jenkins' motion was to send the issue back to the committee, which he agreed with doing. He questioned why roll-out trash carts could not be used at Westminster Square & Lafayette Ridge.

Mayor Rimeikis stated the intent of the motion was not to immediately reconsider the action but to re-look at the issue at the committee level to see if there is some other resolution that can be reached.

The motion carried by voice vote (Aye-Coleman, Jenkins, Olinger, Ryan, Snider, Yowell; Nay-duFrane, Risner, Rimeikis).

Mayor Rimeikis stated the item would be considered by the Public Safety, Public Works, Planning & Community Development Committee on June 30. He requested Mr. Thornhill contact the Town's current trash service contractor to determine if the contract can be extended beyond June 30.

UNFINISHED BUSINESS/GENERAL ORDERS

Closed Session Items: No action items.

NEW BUSINESS—PUBLIC HEARINGS

Case TZ-002-2009: Request by Mountain View of Culpeper, LLC, Property Owner, to rezone 43,582 sq. ft., from Residential-1 to Residential-3, located at 600 Jayne's Lane. The subject property is located adjacent to the existing Mountain View Apartments. The applicants intend to construct 11 multifamily units. The applicants have offered a revised proffer statement dated May 20, 2009, which includes, but is not limited to, land use limitations, a concept development plan, building elevation drawings, and other amenities. The property is identified as Tax parcel 50, parcel 13C, located in East Fairfax Magisterial District. Under the existing Residential-1 Zoning District Classification, single family dwellings are allowed with a minimum lot area of 10,000 sq. ft. Under the Residential-3 Zoning District Classification, high density residential, multifamily densities are allowed with a maximum of up to 20 units per acre.

The applicant seeks to construct eleven (11) multi-family apartment units, utilizing an existing single family dwelling to be converted into three (3) apartments and constructing a new, eight (8) unit apartment building. The applicant has offered a Proffer Statement, which restricts inappropriate land uses, includes construction of a tot lot, and offers building elevation drawings. No cash proffers are offered with the rezoning proposal, as the applicant has offered other amenities in lieu of cash proffers.

If approved, the Town would receive zoning fees, tap fees and utility fees generated from the new development.

Following its public hearing on May 19, 2009, the Planning Commission voted 3-0 (Mr. Carithers and Mr. Risner absent) to recommend approval of this request, subject to revising the Proffer Statement to address comments raised by the Assistant Town Attorney, to include:

Add language to the Proffer Statement, page 2, item #7, as follows: and (4) does not increase the density of the development over the density shown on the Original Concept.

A revised Proffer Statement, dated May 20, 2009, which is contained in the case file, addresses the comment noted above.

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

Zoning Administrator Brown gave an overview of the case and noted the requested rezoning is consistent with the Comprehensive Plan and Future Land Use map and also meets the Town's zoning ordinance requirements. Mrs. Brown noted the rezoning request does not require a traffic analysis because the case does not meet VDOT Chapter 527's new requirements threshold.

Zoning Administrator Brown stated Mrs. Nancy Cannon was in the audience to answer any questions Council may have on the rezoning request.

Council Member Snider questioned what accommodations the property owners have made for trash collection. Zoning Administrator Brown responded the development will utilize the same trash collection contractor the owners use for both Mountain View Apartments and Southridge.

Mayor Rimeikis opened the public hearing.

Ms. Jonita Kilby Henshaw, resident of 605 Laurel Street, spoke in opposition to the rezoning request. She stated she purchased her property in 1998 when the area was zoned R-1; Mountain View Apartments abut the back of her property, but she does have privacy. She noted her concerns with the additional individuals traffic that the units will generate and the issue of declining property values.

There being no one else to address council on Case TZ-002-2009, Mayor Rimeikis closed the public hearing.

Case TZ-002-2009: Request by Mountain View of Culpeper, LLC, Property Owner, to rezone 43,582 sq. ft., from Residential-1 to Residential-3, located at 600 Jayne's Lane

The Planning Commission recommended approval of Case TZ-002-2009 subject to the proffer statement dated May 20, 2009.

Council Member Snider referenced the privacy fence that was proffered and questioned if it would be between Ms. Henshaw's property and the rezoned property. Zoning Administrator Brown referenced a prepared map and illustrated the screening that would be between the two parcels.

Council Member Snider also questioned the location of the new tot lot. Zoning Administrator Brown explained the layout of the area but noted the exact location of the tot lot was now shown on the map.

Council Member Coleman moved, Council Member Risner seconded, approval of Case TZ-002-2009 as presented subject to the proffer statement dated May 20, 2009.

Council Member Jenkins stated he was opposed to the rezoning request because he believed R-1 property owners would have a hard time adjusting to an R-3 housing structure abutting their property. He referenced a recent editorial in the Star Exponent, which advocated rezoning to boost the economy; however, he did not want to see more houses built in Culpeper.

The motion carried by voice vote (8-1—Aye-Coleman, duFrane, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-Jenkins).

REPORTS & RECOMMENDATIONS FROM AUTHORITIES, BOARDS, & COMMISSIONS -

There were none

REPORTS & RECOMMENDATIONS FROM COUNCIL COMMITTEES

PUBLIC SAFETY, PUBLIC WORKS, PLANNING & COMMUNITY DEVELOPMENT COMMITTEE

R/R Re: Donation from WalMart for Child Safety Seats

Town Manager Muzzy presented the report and recommendation that stated the Culpeper Police Department has several officers trained as certified child safety seat technicians and installers available to assist citizens with seat installation at the Police Department. In addition, the Department participates in local community events providing educational materials for parents as well as installation services.

The month of September has been designated as National Child Passenger Safety Month. As part of the national campaign, the Culpeper Police Department organizes safety seat inspections at local day care facilities and other appropriate locations to emphasize the correct use of seats through inspection of current usage and distribution of educational literature.

The Culpeper Police Department maintains a small number of child safety seats at the Department. These have been purchased through grants and/or donations. Upon inspecting a seat, if the technician/installer determines that a seat needs to be replaced due to recall or the child outgrowing the seat, one of the available seats can be used.

To assist in continuing this program, Wal-Mart has donated \$1,000 to help purchase car safety seats for the Police Department.

The Police Department does not have funds allotted to purchase car safety seats within its budget. It is recommended that this donation be accepted to be used to purchase car safety seats for the Police Department so that the car safety seat program be continued in the Culpeper community.

It was recommended that Council authorizes the Town Manager to accept the \$1,000 donation from Wal-Mart for purchasing car safety seats for the Police Department.

Council Member Coleman moved, Council Member Risner seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

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:
Anonymous donations from the Museum of Culpeper History, Remembrance Days events, and Culpeper Days	All Veterans of World War II and the Korean Conflict	Funds toward a central veteran's monument	\$ 254.00
Culpeper Host Lions Club	All Veterans of World War II and the Korean Conflict	Funds toward a central veteran's monument	\$ 300.00
W.M. Bunker	All Veterans of World War II and the Korean Conflict	Funds toward a central veteran's monument (with stipulations)	\$1,000.00
Totals:			\$1,554.00

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, 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. The Parks and Recreation Commission has considered additional placement of pavers in the four planter beds (in the circular memorial site). This will offset the continued demand for the 12" x 12" pavers. Once these spaces are filled, 12" x 12" pavers will no longer be available for donation.

Among the current donations listed above for funds for the central veteran's monument, W.M. Bunker has made a request that the funds he intends to donate are applied only toward the purchase and construction of the monument (statue and base), not advertising or any other administrative expenses (letter is attached).

The current donations and requests will offset the total cost of the project by \$1,554. To date, the Town has accepted \$63,549.28 in donations for this park.

It was recommended that Council accepts the \$254 in anonymous donations received from the Museum of Culpeper History, Remembrance Days, Culpeper Days, the Culpeper Host Lions Club donation of \$300 and the \$1000 donation from W.M. Bunker for funds toward a central veteran's monument at Wine Street Memorial Park with Mr. Bunker's donation to be specifically used for the monument, not toward advertising or other costs.

Council Member Coleman moved, Council Member Risner seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: Neighborhood Stabilization Program—Pre-Contract Items

Town Manager Muzzy presented the report and recommendation that stated in March 2009, Town Council adopted a Resolution of Support and an Authorization to Proceed with an application to the Virginia Department of Housing and Community Development (DHCD) for a Planning Grant to study the housing needs of vacant, abandoned, and foreclosed homes in Culpeper's residential subdivisions. As part of the pre-application and contract process (anticipating an award of a competitive grant in the summer of 2009 for the acquisition of properties), there are several pre-contract items the Town must fulfill and execute prior to the competitive grant submittal on July 1. The items Council must adopt are the following:

- A Local Business and Employment Plan, wherein Culpeper County is the Project Area. The Plan states that the Town shall use utilize businesses, contractors, and low-income individuals in carrying out all activities of the grant, to the greatest extent possible;
- A Non-Discrimination Policy stating that the Town shall not discriminate against anyone on the basis of age, sex, handicap, creed, religion, color, or national origin; and
- A Fair Housing Certification, which states that the Town must agree to take at least one action to affirmatively further fair housing during each year of the grant project; and
- A Residential Anti-Displacement and Relocation Assistance Plan, stating that the Town will replace all occupied and vacant occupy-able low-to-moderate income (LMI) dwelling units demolished or converted to a use other than as LMI dwelling unit as a result of any CDBG activities (as applicable).

There is no financial impact associated with the adoption of these pre-contract items.

It was recommended that Council adopts and authorizes the mayor or town manager and town clerk to execute the four (4) Neighborhood Stabilization Program's pre-contract items listed above in accordance with Virginia Department of Housing and Community Development requirements in anticipation of a positive grant award for the Town of Culpeper's program.

Council Member Snider moved, Council Member Risner seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (8-1—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Snider, Yowell; Nay-Ryan).

Northwest Portion of Loop Road

Council Member duFrane stated he requested this item be added for discussion in hopes council can come to a conclusion on the loop road; he hoped the Town would notify the County of its decision so the County can decide whether or not to move forward with the loop road with or without the Town's participation.

Council Member Risner stated at the next Public Safety, Public Works, Planning & Community Development Committee meeting, staff will be providing the members with specific information on the funding issue for the outer loop. He stated he would like time to review this information before further discussing the loop road at the council level.

Vice Mayor Yowell questioned if the Town had committed funds, possibly a million dollars or more, to the inner loop road.

Engineer II Alderman responded the revenue sharing money the Town set aside was not for the inner loop road and that the Town has never applied for this to be a VDOT project under the revenue sharing program; however, funds were committed to the Route 229 widening project.

Council Member Risner noted this is why staff's report to the committee is important.

Vice Mayor Yowell agreed with Mr. duFrane that the Town should support this road, even though it will not be located in town, since it will alleviate some of the traffic congestion at the Route 522/Main Street intersection, which will benefit town residents.

Mayor Rimeikis clarified the committee members are the ones questioning this matter, not staff. He questioned if Council agreed to let the Committee further review the figures at its next meeting as planned to determine what has and has not been funded.

Councilmember duFrane stated he did not wish to further confuse the issue by referring the matter back to the Committee without specific direction; however, he requested clarification of what the committee would be determining in its review.

After the Committee's review, Councilmember Risner believed the members would be able to present a spreadsheet to Council showing exactly where the monies are and how much is committed to each project, not a recommendation on whether or not to move forward.

Councilmember duFrane stated Council has made a commitment to the loop road and is interested in working on the Route 229 project. He did not want the projects to become "either or" situations, because the money for Route 229 is not as significant as the money for the outer loop project. He requested Council make a definite decision on how it will proceed and notify the County as soon as possible.

Councilmember Risner agreed this should be done after the numbers are clarified.

Mayor Rimeikis agreed and stated the Public Safety, Public Works, Planning & Community Development Committee will further consider the funding issues associated with the loop road at its June 30 meeting.

FINANCE, PERSONNEL, TECHNOLOGY, & ORDINANCE COMMITTEE

R/R Re: Donations to 250th Anniversary Celebration

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

Donor:	Donated Amount:
Thomas Letts	\$100
Duke duFrane	\$250
Totals:	\$350

The current donations will offset the total cost of the project by \$350.00. To date, the Town has accepted \$650 in donations for this event.

Cash donations will be deposited into a separate bank account established for the 250th Anniversary Committee. General Fund department 8107 has been established for the purpose of 250th anniversary expenses and donations.

It was recommended that Council accepts the \$100 donation from Thomas Letts and the \$250 donation from Duke duFrane towards the 250th anniversary celebration.

Council Member Coleman moved, Council Member Ryan seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: Fee Increases for Depot Conference Facility

Town Manager Muzzy presented the report and recommendation that stated the Depot Conference facility fees had not changed since the conference center was established. During that time, expenses of managing and maintaining the facility have exceeded the income resulting in a deficit rather than a break-even situation. When Windmore vacated the building, the Town had to begin paying a booking manager. In addition, heavy usage of the facility has increased wear and tear resulting in increased repair costs and cleaning expenses.

We have attempted to clarify and streamline the Fee schedule as follows:

- The old categories of “Meeting/Seminar/Training” and “All Other Non-meeting Uses” have been reclassified as Non-profit, Business, and Social.
- Under the old agreement, renters were charged for use of 1 room, 2 rooms, or 3 rooms. Under the new fee schedule, renters may still choose 1 room, 2 rooms or 3 rooms, given that Room 3 (the large room at the far end) is considerably larger than the other two, it will be charged at a slightly higher rate. Rental rates for 2 rooms and 3 rooms remain an option as well.
- Kitchen Rental – The old agreement charged 3 different rates for cold catering, hot catering, and cooking/food preparation. Since there is little distinction between hot catering and cooking/food prep in regard to use of stove, equipment, etc., the new fee schedule specifies a flat fee for Cold Catering (essentially use of the refrigerator) and Full Use (essentially the whole kitchen and all equipment). Full Use is charged one rate for 0-4 hours and a higher rate for 4-8 hours (essentially a whole day.)
- A \$25 charge per hour has been established for anything over 8 hours to recoup additional utility and cleaning costs.

In revising the fee schedule for Depot rentals, the following points were considered:

- The Chamber of Commerce and Government have traditionally not been charged for use of the facility. That has not changed under the new guidelines.
- Non-profits in the past were not charged a rental fee for the rooms, but were charged a \$25 cleaning fee per room per day. Thus, under the old agreement, a non-profit would pay \$75 to use all 3 rooms. Under the new agreement, a non-profit would still pay \$75 for 2-4 hours of use, and a maximum of \$100 for all day. Also, non-profits would now be required to pay a \$100 refundable deposit. (Note: damage has occurred to tables, floors, etc., as the result of art projects, candles, etc. during non-profit functions. Non-profits should be held to the same standard of responsibility for damage as anyone else using the facility.)
- Business groups will see a slight increase of about \$25 for each rental category.
- Social - This category will have the highest rates since they typically require the most cleaning and cause a higher level of wear and tear and risk of damage than business uses. In order to recoup costs, these rates have increased the most. This category also has the highest security deposit so that the Town may recoup any losses.

Any functions that include alcohol will be considered Social contracts. (This does not apply to non-profits, government, and Chamber functions serving alcohol at mixers and fund-raisers.)

It is hoped that the increased fees will be sufficient to cover the increased costs of regular maintenance and management of the building, but also the following needs that have been identified:

- The building needs to be cleaned more thoroughly and frequently. The kitchen in particular requires a regular professional cleaning in order to maintain it. (Currently, renters generally leave it in the condition in which they found it, which is less than acceptable. They will clean it to the point that they can use it, but no better. This has resulted in a cumulative effect of filth in the kitchen and inspires no obligation to leave it better than they found it.
- Revised job description for booking manager that will require professionalism, strong organizational and communication skills. Strong computer skills will improve record keeping, analysis of rental income and expenses, and management of an online calendar. The booking manager must be truly responsible for managing the facility rather than just someone who shows up to move the walls and unlock the doors.

Since the establishment of the Conference Center, fees have not risen although the costs to run the center have. The increase in fees recommended here will offset the increased cost of cleaning, maintenance, and utilities.

It was recommended that Council approves the new fee increases as discussed above (and shown on the list provided) for users of the Depot Conference Facility along with the revised contract document to become effective immediately and that the town clerk be authorized to execute a revised fine and fee schedule to reflect the changes.

Council Member Snider moved, Council Member Risner seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

REPORTS & RECOMMENDATIONS FROM TOWN ADMINISTRATION

R/R Re: Ordinance Adopting the FY2010 Budget

Town Manager Muzzy presented the report and recommendation that stated the ordinances that follow in items 9.04.a through 9.04.i are presented for Council's consideration in order to adopt the FY10 Budget. The final draft of the FY10 budget following the May 27, 2009 public hearing proposes:

- a 2¢ increase to the equalized real estate tax rate (increasing it to 11¢/\$100 valuation);
- Personal Property Tax Relief from the Commonwealth of 32%;
- a 5% increase to water use rates, plus a \$1/month basic charge to all water customers, and meter service fees for all meters set after June 30, 2009 as follows:

5/8" meter size – \$173

1" meter size – \$232

1 ½" meter size – \$332

2" meter size – \$424

3" meter size - \$1,357

4" meter size - \$1,806

- an 5% increase to wastewater use rates, plus a \$1/month basic charge to all wastewater customers;
- a 5% increase to all electric rates plus a \$1.50/month special assessment for each basic customer charge for all electric customers, and meter service fee for all electric meters set after June 30, 2009 as follows:

Residential - \$100.80

Small general service and medium general service - \$333.90

Large general service - \$580.65

The first ordinance for consideration is the Budget Ordinance.

The budget ordinance establishes the revenues and expenditures for all funds for the period of July 1, 2009 through June 30, 2010.

It was recommended that Council adopts the Ordinance Adopting the FY2010 Budget.

Vice Mayor Yowell moved, Council Member Coleman seconded, approval of the report and recommendation as submitted.

Council Member Jenkins stated he opposed the budget ordinance citing his concern for senior citizens trying to keep their houses and single parents working multiple jobs to cover expenses. He noted his appreciation for staff's work on the budget but believed it was created to increase revenues so expenditures can be increased.

Council Member Risner noted this was an extremely tight budget with cost of living adjustments or merit increases for employees. He was concerned that deferring maintenance on property owned by the Town and its citizens would cost more in future years; however, he would support the proposed budget.

Mayor Rimeikis stated overall, the general fund is four (4) percent less than FY2009 and explained how most property owners would pay less in real estate taxes in FY2010 than they did in FY2009 with the equalized real estate tax rate.

The motion carried by voice vote (8-1—Aye-Coleman, duFrane, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: FY2010 Appropriations Ordinance

Town Manager Muzzy presented the report and recommendation that stated the Appropriations Ordinance was presented for Council's consideration.

The appropriations ordinance authorizes the collection of revenue and expenditure of funds for all funds for the period of July 1, 2009 through June 30, 2010.

It was recommended that Council adopts the FY10 Appropriations Ordinance.

Council Member Coleman moved, Council Member Olinger seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: FY2010 Employee Classification Plan Ordinance

Town Manager Muzzy presented the report and recommendation that stated the FY10 Employee Classification Ordinance was presented for Council's consideration.

The Employee Classification Ordinance establishes the classification of all employee positions and authorizes the ranges of pay rates for each position for the period of July 1, 2009 through June 30, 2010.

It was recommended that Council adopts the FY10 Ordinance approving the Employee Classification Plan.

Council Member Coleman moved, Council Member Olinger seconded, approval of the report and recommendation as submitted.

Vice Mayor Yowell questioned if the Employee Classification Plan was the same as the one adopted in FY2009. Town Manager Muzzy responded yes.

The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: FY2010 Ordinance Imposing & Levying Taxes

Town Manager Muzzy presented the report and recommendation that stated the Tax Ordinance was presented for Council's consideration.

The Tax Ordinance establishes the categories and rates of General Government Taxes to be levied during the period of July 1, 2009 through June 30, 2010. It includes the following tax categories:

- Real Estate
- Public Service Corporations
- Tangible Personal Property
- Machinery & Tools
- Southridge Service District—Special Tax
- Lafayette Ridge Service District—Special Tax
- Bank Stock Tax
- Business, Professional & Occupational Licenses
- Cigarette Tax
- Utility License
- All Others

It was recommended that Council adopts the FY10 Tax Levy Ordinance.

Council Member Olinger moved, Council Member Coleman seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: FY2010 Personal Property Tax Relief Ordinance

Town Manager Muzzy presented the report and recommendation that stated the implementation of the Personal Property Tax Relief Act of 1998 is presented for Council's consideration.

Implementation of the Personal Property Tax Relief Act of 1998 will result in the following: 1) Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief; 2) Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 32% tax relief; 3) Personal use vehicles valued at \$20,001 or more will be eligible for 32% tax relief on the first \$20,000 of value; 4) All other vehicles which do not meet the definition of "qualifying" (business use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program; 5) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the entitlement to state PPTRA relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed "non-qualifying" for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

It was recommended that council adopts the Personal Property Tax Relief Implementation Ordinance for FY10 implementing the Personal Property Tax Relief Act of 1998.

Council Member Olinger moved, Vice Mayor Yowell seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

COMPANY 11/CULPEPER RESCUE SQUAD FUNDING REQUEST

Mayor Rimeikis addressed Mr. Matt Halsey, Company 11 representative, who was still in the audience, by stating if council wished to make any changes to the proposed budget ordinance, it would have been done prior to adoption of the first report and recommendation adopting the budget ordinance. Since no changes were made, no funding was being provided to Company 11 in FY2010.

Mr. Halsey thanked council for its consideration and left the meeting at this time.

Council Member Snider requested council revisit the funding request for Culpeper Rescue Squad/Company 11 later in the year, possibly during council's fall retreat, closer to mid-year review time.

Mayor Rimeikis requested the town manager notify Mr. Halsey that council will revisit the request at its fall retreat or during mid-year budget review.

R/R Re: FY2010 Water & Sewer Rate Ordinance & FY2010 Meter Service Fee Ordinance

Town Manager Muzzy presented the report and recommendation that stated the Water & Sewer Rate Ordinance and Water Meter Service Fee Ordinance are presented for Council's consideration.

The FY09 Water & Sewer Rate Ordinance increases the water rate by 3% and the sewer rate by 8%. The revenue from water sales is projected to be \$2,900,052 and \$3,103,391 for wastewater sales for the period of July 1, 2008 through June 30, 2009. This includes a 75¢/mo. basic charge to all water and wastewater customers for the Automated Meter Reading (AMR) system conversion.

Meter service fees for all meters set after June 30, 2008 as follows:

- 5/8" meter size – \$173
- 1" meter size – \$232
- 1 ½" meter size – \$332
- 2" meter size – \$424
- 3" meter size - \$1,357
- 4" meter size - \$1,806

For the average household consuming 5,000 gallons water per month, the consumption rate increases equate to an additional \$.75 for water and an additional \$2.05 for sewer per month.

It was recommended that Council adopts the FY09 Water & Sewer Rate Ordinance and the Water Meter Service Fee Ordinance.

Council Member Olinger moved, Council Member Coleman seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: FY2010 Electric Rate Ordinance

Town Manager Muzzy presented the report and recommendation that stated the Electric Rate Ordinance for FY10 is presented for Council's consideration.

The electric sales revenue generated from the proposed 5% rate increase is projected to be \$522,000 for the period of July 1, 2009 through June 30, 2010. The new rate continues to include a \$1.50/month special assessment to the basic charge to all electric customers for the Automated Meter Reading (AMR) system conversion.

It was recommended that Council adopts the FY10 Electric Rate Ordinance.

Council Member Coleman moved, Council Member Olinger seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: Amendments to Fine & Fee Schedule—Light & Power Departmental Charges

Town Manager Muzzy presented the report and recommendation that stated as part of the continuing effort to increase revenue to the Light & Power department and to cover actual costs associated with doing business we propose the attached changes to the Utilities section of the Schedule of Fines and Fees.

The changes suggested to the Utilities-General section include: adding an Application fee, adding language to returned check fee, increasing the delinquent fee for unpaid bills and adding a theft of service charge.

The changes suggested to the Utilities-Electric section include: increasing the reconnect fees and adding a fee if a second trip is required to a meter location, adding a meter re-read fee, changing the residential security deposit to a flat fee, increasing the charges for meter testing, changing the hours that reconnects will be done and the major change to this section is implementing fees for electric service installations.

These changes are to better reflect the actual costs of supplying the stated services. These charges have not been updated in many years.

The financial impact is recovering the actual costs of doing business. The Light and Power fund projects a \$50,000 increase in revenue for the FY10 budget year.

It was recommended that Council approves the changes to the Fine & Fee Schedule and authorizes the town manager or his designee to assure that the above-referenced items are available to the public and authorizes the town clerk to execute the revised fine and fee schedule.

Council Member Olinger moved, Council Member Risner seconded, approval of the report and recommendation as submitted. The motion carried by voice vote (7-2—Aye-Coleman, duFrane, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-Jenkins, Olinger).

R/R Re: FY2010 Fund Balance Policy

Town Manager Muzzy presented the report and recommendation that stated in 2008, the Town's financial advisors, Davenport & Company, recommend the Town's reserve policy represent percentages versus stated months plus reduce the optimum balance of the General Fund down from 50% of annual operating expenditures to 40%. Based on historical balances and expenditure projections, staff believed that 40% of the General Fund operating expenditures would suffice as an optimal level.

The reserve policy was established by Council at its regular meeting on June 12, 2007. The policy was established for the purpose of ensuring 1) continued orderly operation of the government and the services provided to our residents and 2) continued stability of the revenue structure.

The reserve policy is included for your reference.

The FY10 budget reflects the following reserve balances:

- General Fund: \$3,692,834 or 29% of operating expenditures
- Water Fund: \$15,154,450 or 498% of operating expenditures
- Wastewater Fund: \$8,781,745 or 214% of operating expenditures
- Electric Fund: \$550,000 or 5.1% of operating expenditures

It was recommended that Council approves the reserve policy as highlighted above, approves the reserve balances as budgeted for FY10, and includes the reserve policy in the FY10 budget document.

Council member Coleman moved, Council Member Risner seconded, approval of the report and recommendation as submitted. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None).

R/R Re: Amendments to Fine & Fee Schedule

Town Manager Muzzy presented the report and recommendation that stated in conjunction with the adoption of the FY2010, the town manager recommends that the fine and fee schedule be amended to include all fines and fees charged by town departments not specifically listed in the Code of the Town of Culpeper.

The revised list of Town fines and fees is presented to council for consideration and adoption.

The Town will continue to receive revenue from the items listed in the revised fine and fee schedule with new rates becoming effective July 1, 2009.

It was recommended that Council approves the changes to the Fine & Fee Schedule effective July 1, 2009, and authorizes the town clerk to execute the schedule.

Council Member Risner moved, Council Member Coleman seconded, approval of the report and recommendation as submitted. The motion carried by voice vote (7-2—Aye-Coleman, duFrane, Olinger, Risner, Ryan, Snider, Yowell; Nay-Jenkins, Rimeikis).

Council Member Coleman thanked Mr. Mabry, Town Manager Muzzy, and other staff members who participated in the budget process. Vice Mayor Yowell and Council Member Coleman noted this was the best budget process they have been through. Town Manager Muzzy also recognized Acting Treasurer Jennifer Landreth for her assistance in preparing the FY2010 budget.

TOWN MANAGER'S MONTHLY REPORT: Council received the report

COMMUNICATION & CORRESPONDENCE

Columbia Gas: Council received the Order for Notice & Comment on the amendments to the enrollment provisions of the Budget Payment Plan of Columbia Gas.

ADJOURNMENT: Council adjourned at 8:42 p.m.

Deputy Clerk

Mayor