

## Special Meeting

Municipal Building  
September 1, 2009

The Council of the Town of Culpeper convened in special session at 6 p.m. with Mayor Pranas A. Rimeikis presiding. Present: Calvin L. Coleman, F. Steve Jenkins, Michael T. Olinger, James C. Risner, Christopher H. Snider, William M. Yowell, Council Members. Also present: Jeffrey B. Muzzy, Town Manager; Kimberly D. Allen, Town Clerk; Christopher D. Hively, Environmental Services Director; Robert W. Bendall, Town Attorney. Absent: Duke M. duFrane, Robert M. Ryan, Council Members.

### AGENDA APPROVAL

By general consensus, Council adopted the agenda as presented.

### CLOSED SESSION

Council Member Risner moved, Councilmember Olinger seconded, council enter closed session to discuss or 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).

Council Member Risner commented council should address the pros and cons before having an open session with the county.

Council Member Jenkins stated he felt receiving the information in open session would be of value to citizens.

Council Member Coleman commented he attended the briefing on this item by the County Administrator to the Board of Supervisors on this date and felt it was time for citizens to know and understand what the discussions were about.

Council Member Risner stated he felt the Public Information Officer was a good source for providing information to the public about the issues both bodies are addressing.

The motion failed by voice vote: Ayes: Rimeikis, Risner (2); Nays: Coleman, Jenkins, Olinger, Snider, Yowell (5); Absent: duFrane, Ryan (2). Council held discussion in open session.

Town Manager Muzzy proceeded by stating he and the County Administrator have continued to work towards a solution after the last joint meeting of the Council and Board of Supervisors to negotiate the transfer of utility-related assets, presented an overview, and requested feedback from council on the following:

#### **Transfer of utility-related assets (both Town and County) done by:**

- Long term operating agreement
- Charter change
- Referendum

Vice Mayor Yowell commented that a charter change was not an option and believed a referendum should be considered to allow citizen input.

Town Manager Muzzy asked if a long term agreement was still an option for council to consider. Council agreed it was; however, Town Attorney Bendall replied that he had discussed this option with Carter Glass and the County Attorney who agreed that a long term agreement could not be done.

It was the consensus of Council to hold a referendum regarding the transfer of utility related assets.

### **Boundary Adjustments:**

Town Manager Muzzy reviewed issues regarding boundary adjustments. Council Member Risner requested the Town Manager provide a copy of the list to each member in order to discuss each issue in greater detail and determine whether or not the majority agrees with each premise.

#### ***1. Culpeper will stay a town and in exchange for a boundary adjustment plan, take overt actions to preclude incorporation.***

Town Manager Muzzy stated there was concern that the town would incorporate into a city.

Town Attorney Bendall discussed incorporation into a city:

- Reasonable time limits should be set rather than a commitment that Culpeper would remain a town in perpetuity.
- Culpeper could negotiate to remain a town in exchange for certain things.
- Typically, smaller towns that incorporate into cities look for interjurisdictional agreements for services.

Council discussion ensued and members agreed that the town would stay a town; the intent was not to become a city at this time, but there should be a timeframe negotiated.

#### ***2. Culpeper remains small to medium small town and takes overt actions to set future boundaries.***

Council Member Risner stated the town would provide an urban environment for county residents rather than take away opportunities for growth in the county; all county residents would benefit from the town's growth.

Council Member Jenkins stated he was pleased to see the town's commitment to remaining a smaller community.

Council discussion ensued and agreed with Item #2.

#### ***3. Town's desire to diversify economy, less dependent on residential tax base with greater contributions from businesses.***

Mayor Rimeikis disagreed with the language and stated the economy should be mixed. Council Member Risner concurred and stated it appeared as if the town wanted more businesses to generate more revenue; he recommended striking the language after the comma.

Council discussion ensued and agreed the language needed to be "Town's desire to diversify economy."

#### ***4. Town/County development and growth goals:***

- *Retail uses, hotels and motels, individual to small office complexes, less intensive business uses in town*
- *Larger office parks, industrial parks, more intensive types of businesses in County*

Council Member Risner and Council Member Snider stated the definition of "less intensive business" was unclear. Vice Mayor Yowell noted the terms could be interpreted differently.

Council discussion ensued and agreed with "retail uses, hotels and motels, individual to small office complexes, less intensive land use in town and larger office parks, industrial parks, more intensive land use in County".

**5. Town's boundary adjustments to be regulated and guided by set of criteria as opposed to preset geographic area.**

Town Manager Muzzy stated the town could plan and zone, however, businesses may not locate in preset areas.

Council Members Coleman and Risner stated both governing bodies should plan growth jointly.

Council discussion ensued and agreed with "Town's future boundary adjustments to be regulated and guided by set of criteria as opposed to preset geographic area."

**6. Areas to be boundary adjusted to remain flexible as impossible to set criteria today to dictate appropriate areas to come into Town in future.**

Vice Mayor Yowell noted that Item #5 and Item #6 were similar.

Council discussion ensued and agreed with "areas to be boundary adjusted to remain flexible as it is impossible to set criteria today to dictate appropriate areas to come into Town in future. "

**7. Areas available for boundary adjustments to be represented as a band surrounding the Town, guided by agreed upon criteria:**

**- "ameba approach"**

The following comments were made regarding the issue:

- Town Manager Muzzy stated a band could encircle the town in which boundary adjustments can occur upon meeting certain specifications.
- Council Member Snider indicated that in the worst case scenario, the county would develop areas outside the "ring" which would result in a "demilitarized zone" of undeveloped land surrounding the town.
- Council Member Coleman stated the "ring" or "band" analogy should not be used because it could give the perception of either pre-determining or limiting where growth should occur.

Council discussion ensued and agreed with "ameba" approach to allow the town to grow as certain criteria are met; however, the terminology should not be defined as a "ring" or "band" around the town.

**8. Tools to regulate maximum area to be boundary adjusted could include maximum amount of land to be boundary adjusted, defined by future revenue opportunities or agreement on desired future size of the Town.**

The following comments were made regarding the issue:

- Vice Mayor Yowell stated Items #5, #6, and #8 were similar and could be combined.
- Mayor Rimeikis stated the county would benefit immediately when the asset has been turned over to the authority; however, the town would see a benefit after areas have been developed. He noted the town should not wait until the county has developed land.
- Vice Mayor Yowell stated council had an idea of areas that should immediately become part of the town.
- Council Member Snider questioned whether or not there would be an initial boundary adjustment with triggers to follow. Town Manager Muzzy replied it had not yet been determined.
- Council Member Snider stated the county had designated a water/sewer service district around town, which would be developed according to the county's plans and noted after boundary adjustments, the businesses would receive town services as well as lower rates on water and sewer.

- Town Manager Muzzy stated the town would have discretion to determine whether or not an area would be added to the town.
- Council Member Coleman stated triggers would allow certain areas to evolve. Vice Mayor Yowell concurred and noted planning and zoning priorities could change in the future; areas that seem unattractive at the present time may become more desirable.
- Council Member Risner stated triggers should be defined because there should be limited growth in order for Culpeper to remain a small to medium-sized town.

Council discussion ensued and agreed that “trigger mechanisms” need to be defined.

**9. *Tools to regulate boundary adjustments could include minimum size of area to be taken into Town, density of areas to be taken into the Town, timing of allowed adjustments, etc.***

Council discussed and agreed.

**10. *Town growth and redevelopment prime goal’(s) of Town and County with benefits accruing for both.***

The following comments were made regarding the issue:

- Town Manager Muzzy stated if one of the town’s shopping centers were renovated, the county would receive as much benefit from it as the town.
- Mayor Rimeikis stated the concept of town growth as a primary goal appeared to be a departure from the previous discussion; however, he agreed that redevelopment was a prime goal.
- Council Member Risner stated the term “growth” connoted grabbing land in the context of the discussions and suggested changing the language to “economic growth.”

Council discussion ensued and agreed with “Town economic growth and redevelopment prime goal(s) of Town and County with benefits accruing for both.”

**11. *Future of Town and County entwined and health of the Town of major importance for the County and healthy County of equal importance to the Town.***

Council discussion ensued and agreed.

**12. *Utilities must be controlled by service districts, tiered rate structures or other means.***

Town Manager Muzzy stated this issue was inadvertently omitted from the list and noted it was necessary to prevent “leap frog” development away from the town in order to keep the town in a compact format and maintain a healthy utility system.

Vice Mayor Yowell stated there should be some constraints on the future water authority.

Council discussion ensued and agreed.

**Town Manager’s Summary:**

Town Manager Muzzy reviewed the discussion in order to ensure council’s direction and expectations when meeting with Town and County staff and made the following comments:

- Council will address issues regarding incorporation and does not want Culpeper to become a large town or city.
- Council believed the economy should diversify with certain uses being more appropriate for the town or county.
- Council agreed that the economic health of the town and county are entwined and that the two public bodies should work together to plan development; the town’s economic growth benefits the county equally.

- Council agreed that boundary adjustments should be appropriately regulated and criteria should be determined rather than a preset line; boundary adjustments should remain flexible and can occur around town.
- Council agreed the town should have discretion as to whether or not a developed area will be added to the town; service districts and a tiered-rate structure will be incentives to use the utilities.

Town Manager Muzzy stated he was unclear on council's direction on whether or not it wants to decide upfront that the town will be eligible for a certain timeframe to adjust boundaries a set amount, i.e. 5 to 10 miles.

Vice Mayor Yowell stated that was an unnecessary constraint. Council Member Risner stated the focus should be on triggers in order to manage growth, remaining as small as possible, and alleviating the Board of Supervisors' concern that boundary adjustments are a land grab. Council Member Coleman stated that using a line or ring to determine boundary adjustments would detract from the issue of appropriate growth.

Vice Mayor Yowell noted the authority and referendum would be the next hurdles to be addressed.

**ADJOURNMENT**

There being no further business to discuss, a motion was made to adjourn. The meeting adjourned at 7:22 p.m.

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Clerk

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Mayor



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