

## Regular Meeting

Culpeper County  
Board of Supervisors Room  
December 8, 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, Laurel Care Gravatte, Michael T. Olinger (arrived 6:15 p.m.), James C. Risner, Robert M. Ryan, Christopher H. Snider, William M. Yowell, Council Members; Jeffrey B. Muzzy, Town Manager; Robert W. Bendall, Town Attorney; Kimberly D. Allen, Town Clerk; Lisa D. Hutcherson, Deputy Town Clerk. **Also Present for the 7 p.m. Session:** Tonya Estes, Information Technology Director; Robert H. Thornhill, Jr., Public Works Director; Christopher D. Hively, Environmental Services Director; Scott Barlow, Police Chief; Ron Mabry, Treasurer; Wally Bunker, Public Information Officer; Patrick Mulhern, Planning Director.

### AGENDA APPROVAL

Council Member Coleman requested the addition of a discussion on the Christmas schedule for town employees and Council Member duFrane requested Item 5.03 Signalization of Golf Drive & Madison Road Intersection be removed from the consent agenda for discussion. Mayor Rimeikis moved this item to 9.03A4 of the agenda.

Council Member Risner moved, Council Member Gravatte seconded approval of the agenda as amended. The motion carried by unanimous voice vote (9-0—Aye-Coleman, duFrane, Gravatte, Rimeikis, Risner, Ryan, Snider, Yowell; Nay-None; Absent-Olinger).

### CLOSED SESSION

Vice Mayor Yowell moved, Council Member Snider seconded, council enter closed session to discuss the following: as permitted by Virginia Code § 2.2-3711(A)(1), a personnel matter involving consideration or interviews of candidates for employment or appointment, specifically the Culpeper Cable Commission and Parks & Recreation Commission, and the performance evaluation or job assignments of specific employees (the town manager).

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

Council entered closed session at 6:05 p.m. and open session at 6:25 p.m.

Council Member Olinger arrived at 6:15 p.m. and joined the closed session.

**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 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, Gravatte, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: None (0).

**RECESS:** Council recessed at 6:26 p.m.

### OPEN SESSION

Council convened in open session at 7:00 p.m.

Council Member Gravatte lead the Pledge of Allegiance.

## **CONSENT AGENDA**

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

- a. **R/R Re: Water Storage Tank Refurbishment:** Council authorized the town manager to execute the contract with Marziano & McGougan, PA to provide the engineering services to perform additional inspection design and construction administration to repair and paint the 500,000 gallon elevated tank and 1,000,000 gallon ground storage at a cost not to exceed \$58,000.
- b. **R/R Re: Miscellaneous Concrete Bids for FY2010:** Council accepted the lowest complete bid submitted by Toro Concrete, Inc. for \$20,503 for miscellaneous concrete work and authorized the town manager to execute the necessary documents to complete this work.
- c. **R/R Re: Signalization of Golf Drive & Madison Road Intersection:** This item was removed from the consent agenda for discussion as Item 9.03A4.
- d. **R/R Re: Lake Pelham Boat Channel Cleaning:** Council approved moving the Lake Pelham boat channel cleaning project from the FY2009 to the FY2010 budget and authorized the town manager to make the budget transfer of \$22,470 from the FY09 Parks & Recreation—Repair & Maintenance Infrastructure (100-7103-5238) to the General Fund Capital budget (120-9115-7040) for FY10.
- e. **R/R Re: Amendments to the Joint Board of Building Code Appeals Bylaws:** Council approved the proposed amendments to the Joint Board of Building Code Appeals to become effective immediately.
- f. **Treasurer's Report:** Council approved the treasurer's report reflecting a balance of 36,097,092.89, and bills paid listings.
- g. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of November 10, 2009.

## **SPECIAL ITEMS AND RECOGNITIONS**

### **Employee of the Month Recognition**

Police Lieutenant Scott Roy was selected as Employee of the Month for October 2009.

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

**Tom Grady** requested council support the proposed Town Code amendments to Chapter 20 pertaining to the weeds ordinance and that council enforce the ordinance to ensure trash is removed from properties, grass is mowed, and properties are properly maintained. He discussed the home his parents own across from Gardner Street that they have been unable to rent since April 2009 due to the "dilapidated and run-down condition" of the adjoining property. He noted the property owner, Richard Dwyer, had been approached and asked to improve the units on the adjoining properties; however, he had been "difficult to work with." Mr. Grady requested council make property owners take care of their properties.

## **UNFINISHED BUSINESS**

### **Closed Session Items**

Vice Mayor Yowell moved, Council Member Snider seconded, to appoint Jim Charapich to fill an unexpired term on the Culpeper Cable Commission, which will expire on February 28, 2010, and re-appoint Marty Williamson to another four-year term on Parks & Recreation Commission beginning January 1, 2010, and ending December 31, 2013.

The motion carried by the following roll call vote: Aye: Coleman, duFrane, Gravatte, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: None (0).

**NEW BUSINESS**

**PUBLIC HEARINGS** - There were none

**REPORTS AND RECOMMENDATIONS FROM AUTHORITIES, BOARDS, AND COMMISSIONS**

None

**REPORTS AND RECOMMENDATIONS FROM COUNCIL COMMITTEES**  
**PUBLIC SAFETY, PUBLIC WORKS, & PLANNING & COMMUNITY DEVELOPMENT COMMITTEE**

**R/R Re: Town Code Amendments--Chapter 20, Refuse, Weeds, & Inoperable Motor Vehicles (first reading)**

Town Manager Muzzy presented the report and recommendation stating that over the past few months, staff and the committee has discussed possible improvements to the Town’s enforcement capabilities. Following discussion, the committee authorized staff to undertake ordinance amendments to provide improved response to tall grass and weed complaints. Currently, Section 20-1 defines “unsightly” conditions, to include tall grass and weeds in excess of 18” in height. The proposed amendments reduce the threshold for violation from 18” in height to 12” in height, which is consistent with other surrounding communities, including the City of Manassas and the City of Fredericksburg. In addition, the proposed amendments would enact civil penalties for code violations. Therefore, each violation of this chapter, including a tall grass and weed violation, may result in a \$50 civil penalty or fine mailed to the property owner and greater fines for subsequent violations. If civil penalties remain unpaid, they may be collected as taxes or by a civil suit brought in the name of the Town in General District Court.

There is no imminent financial impact as a result of adoption of the proposed ordinance amendments.

It is recommended that Council hold the first reading of the proposed ordinance amendments to Town Code Chapter 20, Refuse, Weeds, & Inoperable Motor Vehicles, Sections 20-1, 20-2, and 20-116 on December 8, 2009 regular council meeting and the second reading and approval be held at the January 12, 2010 regular council meeting.

Council held first reading.

**R/R Re: Donations to Wine Street Memorial Park**

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

<b>Donor:</b>	<b>In Honor/Memory Of:</b>	<b>Donated Item:</b>	<b>Donated Amount:</b>
Nancy and Jerry Getz	All veterans of WWII and the Korean Conflict	Funds toward a central veteran’s monument	\$50.00
Col. and Mrs. Albert C. Constanzo	All veterans of WWII and the Korean Conflict	Funds toward a central veteran’s monument	\$50.00
William D. Cannon	All veterans of WWII and the Korean Conflict	Funds toward a central veteran’s monument	\$100.00
Liz and Greg Yates	All veterans of WWII and the Korean Conflict	Funds toward a central veteran’s monument	\$500.00

Mike & Mary Dale	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$200.00
Aeneas, Inc.	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$250.00
Joann H. Langston	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$250.00
John Lee Durant	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$1,000.00
Rosson & Troilo Motor Company	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$500.00
David M. Koogler	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$100.00
Christopher H. Snider	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$1,000.00
Charles & Brenda Crist	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$500.00
Jo Ann Colvin	All veterans of WWII and the Korean Conflict	Funds toward a central veteran's monument	\$50.00
Marty Moon and Butch Davies	John A.B. "Pete" Davies	Funds toward a central veteran's monument	\$200.00
<b>Totals:</b>			<b>\$ 4,750.00</b>

The current donations and requests will offset the total cost of the project by \$4,750. To date, the Town has accepted \$74,434.28 in donations for this park.

It is recommended that Council accept the donations (totaling \$4,750) for the central monument.

Council Member Risner moved, Council Member Ryan seconded, to accept the donations (totaling \$4,750) for the central monument.

The motion carried by the following roll call vote: Aye: Coleman, duFrane, Gravatte, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: None (0).

### **Christmas Schedule for Town Employees**

Council Member Coleman requested this item be added to the agenda to discuss giving town employees Christmas Eve as a holiday since it was a holiday for County and State employees as well.

Council Member Coleman moved, Council Member Risner seconded, to grant employees a full day on Christmas Eve 2009.

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

### **R/R Re: Signalization of Golf Drive & Madison Road Intersection**

Town Manager Muzzy presented the report and recommendation stating when the Powell Wellness Center was constructed at the intersection of Golf Drive and Madison Rd. the Town Engineering department made the decision that a traffic signal should be installed at that intersection and the Madison Rd. crossover from Country Club Drive be closed. The Light & Power department advertised and directly contacted vendors with an Invitation for Bid for the installation of traffic signalization for the intersection of Golf Drive and Madison Rd. The Towns' Public Works department has already extended the turn lanes at the new signal location as part of the recent paving operations of Madison Road and will coordinate with the signal installation to make the closure of the Country Club Drive crossover.

On November 16, 2009, five sealed bids were received. The bids ranged from a high of \$154,640.60 to a low of \$125,990.00 with one bid being rejected for being incomplete.

The lowest responsible bidder is Phillip C. Clarke Electrical Contractor, Inc. of Dumfries, VA. with a bid of \$125,990.

The General Fund – Capital budget line item 120-9380-7040 is funded in the amount of \$150,000 to cover the costs of the new traffic signalization project.

It is recommended that Council approves the bid from Phillip C. Clarke Electrical Contractor, Inc. and authorizes the Town Manager to execute the contract for the installation of the traffic signal at Golf Drive and Madison Road at a cost of \$125,990.

Council Member duFrane requested this item be removed from the consent agenda for discussion and stated he was concerned about expending funding for this project at this time.

Light and Power Director Mark Bly gave a brief overview of the history of the project.

Council Member duFrane asked if staff could provide information on 1) any safety issues (accidents that had occurred at the intersection) that would require the project to be completed this year and 2) why it was initially requested to be installed (why wasn't property owner responsible).

Council Member duFrane asked if the project needed to be done at this time or could it be put off until a genuine need is found.

Council Member duFrane moved, Council Member Coleman seconded, to send this item back to the committee for more discussion (specifically the number of accidents that had occurred at the intersection) that would require the project to be completed this year; and 2) why it was initially requested to be installed (why wasn't property owner responsible).

The motion carried by the following roll call vote: Aye: Coleman, duFrane, Gravatte, Olinger, Rimeikis, Risner, Ryan, Snider, Yowell (9); Nay: None (0).

## **REPORTS AND RECOMMENDATIONS FROM TOWN ADMINISTRATION**

### **Joint Council & Board of Supervisors Meeting--December 10, 2009**

In preparation for the combined Town Council/Board of Supervisors meeting on December 10, 2009, Town Manager Muzzy made the following Power Point presentation which contained the following:

- a brief review of the items discussed at the September Town Council / Board of Supervisors meeting, which included a boundary adjustment proposal and the method for transfer of the Town's water / wastewater utility assets
- requested that Council identify any concerns or "issues" with the proposal, so they may be discussed with the Board of Supervisors at the upcoming meeting on December 10
- reviewed the "issues" regarding the proposal, that the Board of Supervisors wants to discuss with Council at the upcoming meeting
- reviewed the financial implications to the Town of creating and transferring the existing water and wastewater utilities to a regional authority
- made a recommendation to consider hiring an independent financial / utility consultant
- reviewed the agenda for the upcoming combined meeting with the Board of Supervisors

(A copy of the presentation is on file with the meeting packet)

Discussion ensued on removing any description as to size or square mileage from the presentation and clarifying subsidies.

## **TOWN MANAGER'S MONTHLY REPORT**

Council received the monthly report.

## **COMMUNICATION AND CORRESPONDENCE** -None

**ADJOURNMENT** Council adjourned at 8:25 p.m.

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Clerk

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Mayor