

## Regular Meeting

County Board Room  
January 8, 2008

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 6:35 p.m.), Emma F. Richards, James C. Risner, Christopher H. Snider, William M. Yowell, Councilmembers; Thomas E. Huggard, Interim Town Manager; Scott Barlow, Chief of Police; Kristi Caturano, Assistant Town Attorney. **Also Present for the 7 p.m. Session:** Neal Deane, Town Treasurer; Beth Bunch, Tourism Director; Tonya Estes, Information Technology Manager; Robert H. Thornhill, Jr., Public Works Director; Mark Bly, Light & Power Director; and Maxie Brown, Zoning Administrator; Bryan Hill, Town Planner (part of the meeting); **Absent:** Duke duFrane, Councilmember; Robert W. Bendall, Town Attorney; Chuck Stephenson, Town Engineer.

### AGENDA APPROVAL

Councilmember Coleman moved, Councilmember Richards seconded, to approve the agenda as presented.

The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Rimeikis, Richards, Risner, Snider, Yowell (8); Nay: (0); Absent: duFrane, Olinger (2).

Councilmember Coleman noted Allison Brophy-Champion had asked him to update her on the actions taken at this meeting since she was unable to attend.

### CLOSED SESSION

Vice Mayor Yowell moved, Councilmember Coleman seconded, to enter closed session to discuss or consider a specifically named individual regarding an employment issue pursuant to Code of Virginia Section 2.2-3711(A)(1), and to discuss or consider acquisition and/or disposition of property specifically related to public safety pursuant to Code of Virginia Section 2.2-3711(A)(3).

The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Rimeikis, Richards, Risner, Snider, Yowell (8); Nay: (0); Absent: duFrane, Olinger (2).

Staff invited into closed session: Assistant Town Attorney Caturano, Chief Barlow (part of the meeting) and Town Clerk Foster (part of the meeting).

Council entered closed session at 6:04 p.m.

Recess: Council recessed at 6:40 p.m.

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

**Certificate of Closed Session:** Mayor Rimeikis requested the Clerk poll 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 Section 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 following roll call was taken: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Richards, Risner, Snider, Yowell (8); Nay: None (0); Absent: duFrane (1)

**PLEDGE OF ALLEGIANCE:** Councilmember Olinger led the Pledge of Allegiance.

Mayor Rimeikis wished everyone present a happy new year, the year of the rat, and recognized the new Interim Town Manager Thomas E. Huggard. He also recognized Mr. Steve Nixon, Mr. Robert M. Ryan and County Economic Development Director Carl Sachs, who would be providing a presentation later in the meeting.

### **CONSENT AGENDA**

Councilmember Olinger moved, Councilmember Risner seconded, that Council approve the following items. The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Richards, Rimeikis, Risner, Snider, Yowell (8); Nay: None (0); Absent: duFrane (1).

a. **R/R Re: Police Department Mobile Computers:** Council authorized the expenditure of up to \$60,000 for the purchase of computer equipment for the next phase of the MCT project.

b. **R/R Re: CDBG Project Loan:** Council authorized the town manager and town treasurer to transfer \$50,000 from general fund capital contingency (12-9990-9990) to block grant—CDBG improvements—CDBG buildings and improvements (12-9104-7100) to issue a forgivable loan payment to Gregory and Liz Yates.

c. **Treasurer's Report & Line Item Transfers:** Council approved the treasurer's report reflecting a balance of \$34,914,997.72, bills paid listing, and line item transfers.

d. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of December 11, 2007

### **SPECIAL ITEMS AND RECOGNITIONS**

a. **Employee of the Month Recognition:** Mary Ellen Jarosh, CIS Administrative Clerk for the Police Department, was selected as Employee of the Month for November 2007.

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

Mayor Rimeikis opened the public forum noting it was time for individuals to address items that were not on the agenda. He requested that speakers state their name and place of residence and adhere to the three-minute time limit.

George Bryson, 10103 Rixeyville Road, noted he is a life long resident of Culpeper and expressed his objection with the proposed Town and County consolidation and encouraged Council to take an immediate proactive stand to try to prohibit the dissolution of the Town government. Mr. Bryson discussed his concerns noting the Town and County have their separate functions and place. He noted had the County continued the village center school concept, they would have saved a lot of money and eliminated extra busing requirements. He noted getting onto the highway from his driveway is becoming more of a problem. He stated he would like to know where to go to get all the information on the various things that are affecting the Town and County, because he believed many of the petition signers did not know how the consolidation would affect them. Mr. Bryson stated information on what is really involved and how it will be done needs to be made available.

Mayor Rimeikis explained that Council does not know what the consolidation effort will involve; however, in the end the citizens will have to vote. Mr. Bryson suggested since this was a unique situation that possibly there is a way to have the whole issue set aside the by the judge or through General Assembly action.

Wayne Steadman, county resident, presented a letter dated January 8, 2008 (a copy is on file) in which he referenced his previous letter dated December 6, 2007. Mr. Steadman indicated he did not receive a response to the December letter. His second letter contained five various requests for information and/or records pertaining to the Town potentially allowing the employment of illegal aliens by contractors working for the Town.

Councilmember Jenkins expressed his views on how he thought Council should be working on better protecting the Town from potential risks. He suggested the Ordinance Committee consider developing a procurement policy similar to what the State and County have requiring contractors and subcontractors to certify that that are not and will not employ illegal aliens.

Mayor Rimeikis, not wishing to debate the issue, pointed out that enforcement of the employment laws rests with the Federal Government. Discussion ensued following which Assistant Town Attorney Caturano discussed her understanding of how the local government can place this requirement in their documents; however, it is a Federal government enforcement issue. She noted at Council's direction, she would be willing to work on addressing the requests made in Mr. Steadman's letter.

Councilmember Risner stated under the Freedom of Information requirements the Town should reply to the information requests; however, it was not the Town's responsibility to compare its policy with the County's.

Council, by general consensus, agreed the Town Attorney would assist in responding to Mr. Steadman's requests under the State Freedom of Information Act and Town policy.

Councilmember Jenkins stated if the Town had an adopted policy, it should help the Federal government from an enforcement standpoint. Assistant Town Attorney Caturano reiterated that the local government does not have enforcement authority and that with the many varied issues the Federal government is dealing with, she was not certain what priority level this type issue held.

Patricia Baker, 2101 Cypress Drive, related to Council a situation involving a tree service contractor (whose employees did not communicate well in English) who indicated they were working as a subcontractor for Dominion Power and then damaged a Comcast cable service line. She noted that Comcast responded quickly even though they may not have been dispatched through a local exchange number. She was concerned because the Comcast service representative informed her that this particular contractor had caused similar problems across the county. Ms. Baker was concerned that these types of service call expenses being incurred by Comcast at no fault of their own were in a round about way causing the Comcast rates to increase.

Mayor Rimeikis noted that Comcast operates under a franchise with the Town and briefly discussed that he too had concerns with the way the costs keep increasing.

Robert M. Ryan, 102 N. West Street, expressed his concern regarding the possible negative affect the consolidation effort may have on hiring a new town manager.

#### **UNFINISHED BUSINESS**

**Closed Session Items:** None

**NEW BUSINESS - PUBLIC HEARINGS** - None

## **REPORTS & RECOMMENDATIONS FROM AUTHORITIES, BOARDS & COMMISSIONS**

Quarterly Reports from Council Representatives: Council received written and oral reports from representatives on the Planning Commission, Rappahannock-Rapidan Regional Commission, Culpeper Parking Authority, Parks & Recreation Commission, Culpeper Renaissance, Economic Development Advisory Committee, Museum of Culpeper History, Coalition on Immigration, and Piedmont Rail Coalition

Councilmember Risner stated the Rappahannock/Rapidan Regional Commission is setting up a meeting with the George Washington Regional Commission and VACo on January 29 to look at HB 3202 and its impacts on comprehensive planning and land use issues; one member of each jurisdiction has been invited to attend. He noted he planned to attend this meeting and would update the Council at the February meeting if there is any relevant information to report.

Councilmember Snider reported that CRI Director Logan was ill and unable to attend the council meeting. He noted the following: CRI Board is working on locating information kiosks at various locations; a couple downtown businesses have expanded; CRI prepared and presented their 990 financial report for non-profits as requested by Council; the Museum had increases in visitations and admissions and retail revenues; State funding was considerably less than requested so the Museum Director has been working extremely hard to raise funds. He requested the Clerk scan and distribute the report to Council.

Coalition on Immigration: Councilmember Snider stated the Coalition met on October 25 and November 29, and the RRO were adopted at the second meeting. The next meeting is scheduled for January 31 at DCAT and the committee chairman is contacting members to serve on each committee; Chief Barlow is chairing one of the committees, which he (Mr. Snider) offered to serve on.

Piedmont Rail Coalition: Councilmember Snider reported the Charlottesville Rail sponsored the Coalition's four-hour meeting in Charlottesville on November 15; approximately 15 jurisdictions were represented along with individuals from the private sector. He noted Piedmont Rail is trying to expand passenger rail options along the corridor from Route 29 to Washington. He said approximately 37 jurisdictions and/or elected officials that are current members, and the Chairman has requested that the Town officially appoint a representative.

Mayor Rimeikis suggested the appointment of a representative be forwarded to the Personnel Committee and noted he was unsure of what action Council had taken on participating in the Piedmont Rail Coalition.

Economic Development Director Carl Sachs noted that he would like to resume making the quarterly economic development reports, a practice that had ceased a couple years ago. He noted 2007 had been the most exciting year of his five and one-half years as director. The year included the following projects: Terremark, completion of Phase I of the Library of Congress, \$13 million expansion of Merillat, seeing Daniel Center for Advanced Technology up and running, construction of Microtel and Holiday Inn Express, County implemented the purchase of development right program to assist the agriculture interests in the community to preserve land, major industrial expansions at Euro-Composites and Continental Teves, the County's implementation of five technology zones that aided in attracting Terremark, airport terminal improvements under design, the industrial facilities that American Manufacturing and CP Johnson built in the industrial park. Mr. Sachs also noted the last building on East Davis Street is almost completely renovated. He stated he could not take credit for all of it; however, it made his job easier when these activities are going on in a community.

Councilmember Jenkins stated that small business owners are of a concern to him and he asked if anything is being done to also help keep them operable and successful. Economic Development Director Sachs discussed his bi-weekly luncheons with small business owners to ensure they know that the Town and County care about them. He also noted there is a small business development center connected with the Daniel Center for Advanced Technology and Lord Fairfax Community College.

Councilmember Richards asked if the centers worked with forming new small businesses.

Quarterly Reports from Authorities, Boards, & Commissions: Council received a report from the Public Transportation Advisory Committee. Economic Development Director Sachs stated yes, they help the individuals develop business plans, etc.

## **REPORTS & RECOMMENDATIONS FROM COUNCIL COMMITTEES**

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

#### **R/R Re: Donations for Wine Street Memorial Park**

Interim Town Manager Huggard presented the report and recommendation that recommended that Council accept the donations for a memorial bench from the Culpeper Ruritans; 12" x 12" pavers from Shirley Opocensky, Kathi Walker, Roy & Joyce Jamison (2), Chris and Martha Snider, Effie I. Foster, Keith Price, Ben and Kim Phillips, Sarah McNemar (4), Harriet G. Scott (2), Diane Stacy-Kennon and Timothy Bawkey, Annette Aluzas et. Al.; a 4" x 8" paver from Willis Wood; an 8" x 8" paver from Charlie Keith; \$150 from Precious Blood Catholic Church and \$50 from the Troilo family to offset engraving costs for four (4) 4" x 8" brick pavers dedicated to all those killed in action in World War II and the Korean Conflict; and permits staff to continue to solicit donations for 12" x 12" square pavers with future plans to develop the existing trails to accommodate such.

Councilmember Olinger moved, Councilmember Risner seconded, approval of the report and recommendation. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Richards, Rimeikis, Risner, Snider, Yowell (8); Nay: None (0); Absent: duFrane, (1).

#### **R/R Re: Amendment to September 1, 2006, Yates Purchase Exchange Agreement**

Interim Town Manager Huggard presented the report and recommendation that stated in September 2006, the Town executed an Agreement with Greg Yates to trade East Stevens Street parking lot to Greg Yates for the house and property on the corner of West and Culpeper Streets. The purpose was to enable the Town to assemble ownership of the entire 200 block between Main and West Streets behind the Regal Theater (with the exception of the office at 206 S. main) for which it could accept redevelopment proposals. In exchange, Mr. Yates would grant a portion of the Stevens Street parking lot to the State Theater Foundation (STF) for its performing arts facility and redevelop the remainder with a revenue-generating mixed use project plus structure parking.

Article VIII of that Agreement prescribes specific redevelopment requirements of Mr. Yates. One of the requirements was that Mr. Yates would convey a strip "no wider than 25 feet" to the State Theater (article VIII, ¶ 7). The current STF design calls for 38 feet of area needed. Therefore Mr. Yates requests an amendment the Agreement for the additional area. Both parties (Town and Yates) may mutually agree to amend the Agreement. The proposed change is on p. 8 of the attached revised Agreement.

While a greater portion of the parking lot is requested to be used for a non-profit entity, Mr. Yates states in his letter that he will increase the size of the revenue-generating mixed use building on the remaining parking lot. He intends to construct a 4-story building for restaurant, retail, office and residential on the residual parking lot site, where originally he proposed only three stories.

There is no direct financial impact in amending the Agreement. The completed project will result in a larger performing arts facility that will have a positive economic impact on downtown. An additional area of approximately 2,185 s.f. will be non-taxable for real estate purposes. Event admissions, concessions sales, and other business activities on the STF property will remain taxable. The proposed increase in the size of the mixed use building will result in an increase in taxable real property and revenue-generating space.

It was recommended that Council approve the proposed amendment to the Agreement with Greg Yates.

Interim Town Manager Huggard noted Raven Yates and Chris Hamilton were present representing Mr. Yates and would be glad to answer any questions. Mr. Hamilton distributed copies of the plan.

Councilmember Risner moved, Councilmember Coleman seconded, approval of the report and recommendation. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Richards, Rimeikis, Risner, Snider, Yowell (8); Nay: None (0); Absent: duFrane (1).

#### **R/R Re: Lions Club Donation for AEDs**

Interim Town Manager Huggard presented the report and recommendation that stated the Culpeper Mid-Day Lions proposes the donation of \$5,000 to purchase new AEDs to equip Town vehicles for field use. The Club has specifically identified that one of the units go to the Light & Power Department. These devices have proven to save lives by promptly and accurately diagnosing heart condition and can be used safely by persons with no medical training. Town crews are frequently at work in inaccessible locations, and access to an AED could spare valuable, life-saving minutes.

There is no additional cost to the Town and no matching funds are required. The donation will enable the Town to purchase three AED units.

It was recommended that the Council accept the donations from the Culpeper Mid-Day Lions Club in the amount of \$5,000 and authorize the Town Manager to expend such funds to purchase new AEDs.

Vice Mayor Yowell moved, Councilmember Olinger seconded, approval of the report and recommendation. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Richards, Rimeikis, Risner, Snider, Yowell (8); Nay: None (0); Absent: duFrane (1).

#### **FINANCE, PERSONNEL, TECHNOLOGY & ORDINANCE COMMITTEE**

##### **R/R Re: Financial Assistance for Yowell Elementary School**

Interim Town Manager Huggard presented the report and recommendation that stated at its June 12, 2007 meeting, Council considered a resolution from the Culpeper County School Board requesting financial support from the Town for Yowell Elementary School.

Council declined approving the requested support at that time.

At the January 2, Finance, Personnel, Technology and Ordinance Committee meeting, Councilmember Coleman requested consideration for refunding the \$64,300 which will be paid by the School Board for water and wastewater taps for Yowell Elementary School. Following discussion, the Committee approved recommending to Council that the Town accept the tap fee payment and then donate the fees back to the school fund to be used for the completion of the new elementary school.

Granting the contribution of the water tap fee would result in collecting \$30,920 in the Water Capital Fund Revenue – In Town Tap Fees account and then making a contribution of the same amount from the Water Capital Fund Expense – Contingency Unreserved line item. Granting the contribution of the sewer tap fee would result in collecting \$33,380 in the Wastewater Capital Fund Revenue – In Town Tap Fees account and then making a contribution of the same amount from the Wastewater Capital Fund Expense – Contingency Unreserved line item.

It was recommended that Council approve accepting payment for the water and wastewater tap fees and then granting a contribution for the same amount back to the County School fund for the completion of Yowell Elementary School.

Councilmember Coleman moved, Councilmember Risner seconded, approval of the report and recommendation.

Councilmember Olinger questioned if the Town would be keeping the money for meter. Town Treasurer Deane stated this a separate fee and was not included in this contribution. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Olinger, Richards, Rimeikis, Risner, Snider, Yowell (8); Nay: None (0); Absent: None duFrane (1).

## **TOWN & COUNTY INTERACTION COMMITTEE**

### **Dates for Joint Meetings on Town & County Consolidation**

Interim Town Manager Huggard provided an overview that at its December meeting, the Interaction Committee agreed that a list of possible dates for joint Town and County meetings on consolidation be furnished to the Board on January 2 and Council on January 8 so tentative meeting dates can be established for the upcoming year.

It was noted at its meeting on January 2, the Board of Supervisors deferred consideration on setting meeting dates until after the consolidation petition has been officially submitted.

Discussion ensued. Points were made relative to there being a new chairman of the Board of Supervisors; the new year promising to be a very busy year; the citizen concerns relative to the consolidation petitions. It was suggested that the mayor should approach Chairman Chase regarding holding a joint meeting within the next thirty days or as soon as possible. The possibility of holding a mixer or breakfast type meeting was suggested.

The consensus of Council was that Mayor Rimeikis and Interim Town Manager Huggard would work on scheduling a meeting with the County.

## **REPORTS & RECOMMENDATIONS FROM TOWN ADMINISTRATION** - None

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

## **COMMUNICATION & CORRESPONDENCE** – None

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

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Clerk

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Mayor