

Regular Meeting

County Board Room
April 8, 2008

The Council of the Town of Culpeper convened in regular session at 6 p.m. with Mayor Pranas A. Rimeikis presiding. **Present for the 6 p.m. session:** Calvin L. Coleman, Duke M. duFrane, F. Steve Jenkins, Michael T. Olinger, Emma F. Richards, James C. Risner, Christopher H. Snider, William M. Yowell, Councilmembers; Thomas E. Huggard, Interim Town Manager; Neal F. Deane, Treasurer; Tonya Estes, Information Technology Manager; Chuck Stephenson, Town Engineer; Robert W. Bendall, Town Attorney. **Present for the 7 p.m. session:** Mark Bly, Light & Power Director; Daniel Boring, Interim Environmental Services Director; Scott Barlow, Police Chief; Beth Burns, Tourism Director; Robert H. Thornhill, Jr., Public Works Director.

AGENDA APPROVAL

Mayor Rimeikis added a closed session to discuss or consider specifically named individuals who have applied for the town manager's position pursuant to Code of Virginia Section 2.2-3711(A)(1) and removed the R/R Re: Blair House—Rejection of Bid from the Consent Agenda for discussion (moved to 9.03b5).

Councilmember Jenkins requested the addition of a discussion on the loitering ordinance, which Mayor Rimeikis added as Item 9.03(b)(6) under Reports & Recommendations from Council Committees.

CLOSED SESSION

Vice Mayor Yowell moved, Councilmember Jenkins seconded, Council enter closed session to discuss or consider specifically named individuals who have applied for the town manager's position pursuant to Code of Virginia Section 2.2-3711(A)(1) and to consult with legal counsel or staff or consultants regarding specific legal matters requiring legal advice relating to interjurisdictional cooperation pursuant to Code of Virginia Section 2.2-3711(A)7).

The motion carried by unanimous voice vote; Council entered closed session at 6:03 p.m. and invited Interim Town Manager Huggard and Attorney Bendall into the closed session. Treasurer Deane also attended a portion of the closed session. Council entered open session at 6:50 p.m.

Certificate of Closed Session: Mayor Rimeikis polled the members for approval of the certificate of closed session that to the best of each member's knowledge, only business matters lawfully exempted from open meeting requirements under Code of Virginia Section 2.2-3711(A)(1) 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, Richards, Rimeikis, Risner, Snider, Yowell(9); Nay-None(0).

OPEN SESSION

Councilmember Risner lead the Pledge of Allegiance.

CONSENT AGENDA

On motion of Councilmember Coleman, seconded by Councilmember Risner, Council approved the items listed below by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Richards, Rimeikis, Risner, Snider, Yowell; Nay-None).

- a. **R/R Re: Line Item Transfer for Landscaping & Bumper Stops for Downtown Parking Lots:** Council authorized the town manager to transfer \$7,775 from the Parking Authority contingency line item 8700-9990 to parking lot improvement projects, line item 8700-7065.
- b. **R/R Re: Street Closing Requests for Annual Fourth of July Event:** Council authorized the town manager to close the requested streets as proposed, waive fees as requested, and commit Town forces to the preparation, traffic control and law enforcement, and clean-up of the July 4th activities.
- c. **R/R Re: Blair House—Rejection of Bid:** Removed from the consent agenda for discussion.
- d. **R/R Re: Disposition of Records:** Council approved the destruction of the records listed in order to provide space for vital, fiscal, and permanent records retention.
- f. **Treasurer's Report & Line Item Transfers:** Council approved the treasurer's report reflecting a balance \$35,182,627.17, bills paid listing, and line item transfers.
- g. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of March 11 and the March 20 and 28, 2008 special meetings.

SPECIAL ITEMS & RECOGNITIONS

Employee of the Month: Interim Manager Huggard announced that Utility Locator Chris Wortman from the Utility Services Department was selected as Employee of the Month for February 2008.

Resolution in Memory of George P. Beard Jr.: On motion of Councilmember Coleman, seconded by Councilmember Snider, Council approved the resolution as presented by unanimous voice vote (9-0—Aye-Coleman, duFrane, Jenkins, Olinger, Richards, Rimeikis, Risner, Snider, Yowell; Nay-None).

Mayor Rimeikis read the resolution for the record and noted that due to a family emergency, the Beard family was unable to attend the meeting to receive the resolution; however, they were very appreciative of Council preparing the document in memory of their father.

Introduction of New Town Clerk: Mayor Rimeikis introduced Mrs. Kimberly D. Allen as the new Town Clerk effective April 14, 2008.

Arbor Day Proclamation: Mayor Rimeikis read the proclamation designating April 25, 2008, as Arbor Day.

Volunteer Recognition Week: Mayor Rimeikis read the proclamation designating April 27 thru May 3, 2008, as Volunteer Recognition Week.

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

Mr. Jerry Beckett, resident of 713 Blossom Tree Road, referenced the proposed budget and possible tax increases and stated at Council's last retreat, three options were mentioned to overcome the current deficit: take money from reserves, request department heads to reduce expenditures, and increase taxes. All options were to be considered, but all he had heard about was raising taxes; therefore, he offered the following suggestions: increasing the food and lodging taxes vs. a real estate tax increase, imposing a hiring freeze, implementing a freeze on purchasing "high dollar" items, identifying non-essential Town personnel and having a temporary lay-off.

Mr. Beckett also stated he did not believe the playground equipment at the Wine Street Memorial Park was appropriate for a war memorial park. Mayor Rimeikis suggested Mr. Beckett discuss the planning of the memorial park with the Parks & Recreation Commission as the park was intended to be visited by families.

Ms. Donna Kemp of Locust Grove expressed her disappointment that council members did not attend the recent Coalition on Illegal Immigration meeting and noted the Chief of Police attended the meeting.

Mayor Rimeikis stated council representatives on the Coalition were not notified of the meeting, and he was working with the Mayor of Herndon to correct this for future meetings.

Mr. William Platts, resident of 215 West Piedmont Street, offered comments on the current and proposed budget noting he did not understand why the Town is trying to fund the proposed budget, which shows a 9% increase over the current budget, with the existing economic downturn. He suggested the Town seriously consider reducing expenditures to bring them in line with the revenue being generated. He also suggested council consider establishing spending priorities based on items the Town needs and would like to have and postpone luxury item purchases until a future time.

Mr. George Bryson, Jeffersonton resident, presented the Mayor and Town with a copy of an 1878 map of the Town of Culpeper and requested it be displayed in the Municipal Building.

UNFINISHED BUSINESS/GENERAL ORDERS

Closed Session Items: There were none.

NEW BUSINESS—PUBLIC HEARINGS - There were none

REPORTS FROM AUTHORITIES, BOARDS, & COMMISSIONS

Quarterly Reports from Council Representatives: Council received written reports from the following: Planning Commission, Rappahannock-Rapidan Regional Commission, Parking Authority, Parks & Recreation Commission, and Chamber of Commerce.

Councilmember Risner noted the RRRRC Chairman position is volunteer, and he thanked Mr. Chester Stribling for the time and expertise he gives to the Commission and the outstanding job he does.

Culpeper Renaissance Inc. Director Diane Logan presented the Mayor with a copy of the award she received on behalf of the Town at last month's Virginia Main Street award luncheon. The award was for creating a climate for more than \$35 million in private funding that was donated to the downtown area, for preserving Culpeper's downtown area, and for keeping the area vibrant for all generations to come. Mrs. Logan also stated CRI received an award for over 10,000 volunteer hours that have been donated to downtown Culpeper since 1997. Volunteers are often used for downtown events, including the Third Thursday Concerts, July 4th antique car and bike show, and Taste of Culpeper. She noted CRI continues to look to special events to attract more people to the downtown area and is moving forward with its strategic planning. In response to questions from Mayor Rimeikis, Mrs. Logan stated the farmers market will open the last Saturday of April and already has 21 vendors scheduled to participate.

Councilmember Snider, Council's representative on the Museum of Culpeper History Board reported the number of visitors has increased mainly due to local people patronizing the facility in the past year, shop sales have increased slightly, and more children's groups are visiting the Museum. The Board is working on preparing grant applications and will be providing two, one-week summer camps starting in June. Mr. Snider noted Museum Director Lee Langston-Harrison was recently recognized by the Virginia Tourism Guide as one of Virginia's most passionate Virginians, thanks to the nomination submitted by Tourism Director Beth Burns.

Economic Development Advisory Commission: Economic Development Director Carl Sachs stated his department has been working on several site plans, including ones for the new Boxwood facility on Route 29 North, Walgren's, conditional use permit for Rappahannock Electric Cooperative's new substation to serve Terremark and others, and various building permit applications and certificates of occupancy. On the local rail system, Mr. Sachs stated the proposed spur line from Culpeper to Front Royal is not progressing, improvements are being made to Norfolk Southern's route from Manassas to Front Royal,

and studies show more trains coming through Culpeper in the future, especially passenger trains. Culpeper will have an opportunity to join northern Virginia's regional transportation authority; Spotsylvania and others have turned down this request due to the automatic gas tax that is imposed on participating communities. Mr. Sachs noted during 2007 in Virginia, Amtrak served 929,000 customers with an on-time record of 43%; during this same time period, VRE served 3.5 million people with an on-time record of 88%.

Councilmember Snider stated he was Council's appointed representative on the Piedmont Rail Coalition, and he would be hosting the Coalition's next meeting at the depot on April 24 beginning at 10 a.m. The meeting will include a discussion on expansion options.

Quarterly Reports from Authorities, Boards, & Commissions: Council received the quarterly report from the Tourism Advisory Committee.

REPORTS & RECOMMENDATIONS FROM COUNCIL COMMITTEES

LIGHT & POWER AND WATER & WASTEWATER COMMITTEE

R/R Re: Water Treatment Plant Filter Rehabilitation

Interim Manager Huggard presented the report and recommendation that stated the Town of Culpeper executed an Invitation to Bid on February 10 2008 to rehabilitate the Surface Water Treatment Plant Filters at the Water Treatment Plant. The work consists of the evacuation and replacement of filter media, under drain inspection and repair, backwash trough repair, reconfiguration of existing and addition of new electrically actuated valves, and programming changes to Programmable Logic Controller (PLC).

Bids were opened on March 12, 2008 and the apparent low bidder was EMH Environmental with a lump sum bid of \$114,600 for the Base Bid of Phase 1, and a lump sum bid of \$81,600 for each Additional Bid of Phases 2, 3, and 4. The total sum of the base bid and the three additional bids is \$359,400

The Timmons Group oversaw the bid opening process, reviewed the bids and contacted the references provided by EMH Environmental. The Timmons Group has now reported that EMH Environmental "appears ... capable of maintaining a reasonable level of responsiveness and quality, and are also capable of performing the required work on this project. Therefore, we are recommending award of the project to EMH Environmental for the lump sum of \$114,600 for the base bid of Phase 1, and \$81,600 for each additional bid of Phases 2,3, and 4. The total amount of all Phases (1 thru 4) is \$359,400".

The required total sum amount to rehabilitate the WTP Filters would be \$359,400. The Phase I amount would be \$114,600 with work commencing after Town Council approval sometime in April 2008 with an anticipated completion date prior to June 30, 2008. The Water Capital Fund Line Item 8920-7200 includes \$95,800 budgeted for FY07-08 for the WTP Filter Rehab., so an additional \$18,800 would have to be placed into this line item to cover Phase 1. The amount for Phases 2 thru 4 would be \$244,800 which would go into the Water Capital Line Item 8940-7200 in the FY 2009 budget.

It was recommended that the Town Council accept the bid of EMH Environmental in the amount of \$359,400 and direct the Town Manager to contract for the WTP Filter Rehabilitation project.

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

Mayor Rimeikis stated he favored the fact that funding for this rehabilitation project would be split over two fiscal years. He questioned the balance in the water capital fund. Treasurer Deane responded the fund balance is approximately \$13 million.

Councilmember duFrane questioned the last time the filters were changed and/or rehabilitated at the water plant. Interim Environmental Services Director Boring responded the plant construction was completed in 1996, and the filters have only been rehabilitated once since that time; therefore, this project is long overdue as many are past the point of needing rehabilitating. He noted this work should improve the taste and quality of water to the Town's customers; the project will take several months to complete as only 25% of the plant can be taken down at any one time.

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

PUBLIC SAFETY, PUBLIC WORKS, PLANNING & COMMUNITY DEVELOPMENT COMMITTEE

R/R Re: Donations for Wine Street Memorial Park

Interim Manager Huggard 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:
Martha Corbin	Lawrence F. Corbin	1 – 12” x 12” paver	\$100.00
William P. Guthrie	John C. Guthrie	1 – 12” x 12” paver	\$100.00
William P. Guthrie	John C. Guthrie	1 Memorial Tree	\$100.00
Totals:			\$300.00

The cost for each engraved paver is as follows: a 4” x 8” brick--\$50 (with up to three horizontal lines with a maximum of 11 characters per line); an 8” x 8” paver--\$75 (with up to three lines with a maximum of 11 characters per line); and a 12” x 12” square paver--\$100 (with up to three diagonally engraved lines). For donations of \$1,000.00, donors may choose to donate a memorial bench (eight currently available) or one of two picnic tables. Plaques will adorn each bench or table, which staff will coordinate with the donor to personalize.

In the design of the memorial pad, there are 24 - 12” x 12” square pavers programmed. Following approval of this month's donations, all of the 12” x 12” pavers will be donated. With the popularity and flexibility of engraved messages, staff proposes to make additional 12” x 12” pavers available for donation by changing the existing paver configuration. This will continue making available a popular donate-able item, and increase the amount of funds to offset expenses for the park.

The current donations and requests will offset the total cost of the project by \$300. To date, the Town has accepted \$10,600 in donations for this park.

It was recommended that Council accepts the donations from Martha Corbin and William P. Guthrie for a 12” x 12” paver; and William P. Guthrie for one memorial tree.

Councilmember Snider 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, Richards, Rimeikis, Risner, Snider, Yowell; Nay-None).

R/R Re: Selection of Clarion Associates to Prepare Town's Comprehensive Plan

Interim Manager Huggard presented the report and recommendation that stated in late 2007, the Town issued a Request for Proposals seeking qualified consultants to develop, facilitate and prepare a new comprehensive master plan. On Friday, January 25, 2008, the Town received the following five (5) responses:

1. A. Nelessen Associates, Inc. & K. W. Poore & Associates, Inc.
2. Clarion Associates

3. Renaissance Planning Group
4. Viewshed Consulting, LLC
5. The Cox Company

After interviewing with three of the selected consultants, Clarion Associates was chosen as the top qualified consulting firm for the project. Mr. Greg Dale and his associates scored the highest ratings in the areas of experience, citizen participation, and visual based design versus a text only plan. Consultant selection for this project was based on qualifications rather than price as the service is considered a Professional Service.

As part of Clarion's initial RFP, the initial project approach and budget was estimated to cost \$135,000. Following a lengthy discussion of the project with staff, the consultant revised the scope of services and reduced the draft budget to \$98,720, by consolidating several tasks and/or meetings, utilization of existing inventories and use of the Town's GIS system. Please review the attached draft budget and scope of services.

\$50,000 is available in this year's planning budget and an additional \$50,000 is requested for FY 2009, which will complete the project.

It was recommended that the Town Council authorize the interim Town Manager to execute a contract for services with Clarion Associates to prepare the Town's new comprehensive master plan, per the revised scope of services at a price not to exceed \$98,720.

Councilmember Risner moved, Councilmember Richards seconded, approval of the report and recommendation as submitted.

Councilmember Jenkins questioned if it was normal to hire a consultant for this type work instead of using Town staff. Interim Manager Huggard responded the project requires a significant amount of time, which staff does not have due to other projects and responsibilities. Councilmember Risner, Council's representative on the Planning Commission, agreed that staff does not have time to devote to this project, nor does the Commission, which is made up of volunteers. He stated it was refreshing to see that staff reduced the price of the contract, but based on his experience, the firm can do the work in less time than staff and the Planning Commission. The firm will also hold planning sessions throughout the community for input on the plan. He believed these are all costs the Town must incur for doing business and noted he fully supported the recommendation.

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

R/R Re: FY08 Paving Bids, for SM9.5A, SM9.5D, BM25, Milling & Crack Sealing

Interim Manager Huggard presented the report and recommendation that stated bids were received on March 20 for the FY-08 paving and related pavement milling and crack sealing. Four bids were received, and a copy of the bid tabulation is attached. Finley Asphalt and Sealing, Inc. of Manassas Park submitted the low bid of \$388,703.08.

During the FY-08 budget preparation process, staff had recommended 24 streets that needed paving. In order to balance the budget, \$30,000 was cut from the paving appropriation. When the paving schedule was released for bid, staff reduced the number of streets to be paved from 24 to 20 in anticipation of the budget reduction. With the favorable bids that were received, staff recommends that those four streets (Briscoe, Hill, Mason, and the street beside the old water plant) be added to Finley's contract. This would add an additional \$20,355.60 to Finley's original bid of \$388,703.08 for a total of \$409,058.68.

There will be a cost to the Town of \$409,058.68. \$507,549 was appropriated in the Street budget (4102.5238) to accomplish this work.

It was recommended that Town Council accept the low bid from Finley Asphalt and Sealing, Inc. of \$409,058.68 for paving of 24 streets and authorize the Interim Town Manager to execute the necessary documents to complete this work.

Interim Manager Huggard noted the cost savings on this contract since the bidder owns the equipment needed to complete the work vs. having to rent it. Staff intends to make arrangements with this contractor to return for next year's paving work if an agreement can be reached to lock in the same price.

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

R/R Re: Capital Improvement Plan: FY2009-2013

Interim Manager Huggard presented the report and recommendation that stated the CIP establishes priorities, estimates costs for providing programs and facilities, and identifies the means of financing these projects. Although the first year, the Capital Budget Year, is the only one that is adopted and appropriated with the FY 2009 budget, the four future years are just as important for planning financing strategies and projecting available fund balances. Throughout the process, the Planning Commission has consulted with the Town Manager and department heads. Consistency with the Town's Comprehensive Plan was an important component of our review. The Planning Commission noted that as the Town has an adopted proffer policy, the CIP must be adopted by Town Council (Code of Virginia, Section 15.2-2298). A resolution to adopt the Capital Improvements Plan was submitted. The resolution gives the current budget year (FY 2009) standing (like the adopted capital budget), but subsequent fiscal years are advisory in nature.

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

At the May 2008 meeting, Council will be presented with the proposal for FY 2009 proffer rates. The rates are derived from specific capital needs from the adopted FY 2009-2013 CIP.

The Capital Improvements Plan: FY 2009-2013 details expenditures, which may occur within the period between July 1, 2008 and June 30, 2013.

It was recommended that Town Council adopt the Capital Improvements Plan: FY2009-2013 and the resolution at its April 8, 2008, meeting.

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

R/R Re: Blair House—Rejection of Bid (removed from Consent Agenda)

Interim Manager Huggard presented the report and recommendation that stated the Town issued a Request for Proposals (RFP) for the Sale and Removal of the Blair House to another location. Additionally, the property was listed in the "Classified" section of Preservation magazine

(January/February 2008 edition). This is the leading national preservation magazine with nationwide circulation. The house was also listed in local newspapers, as well as direct mail to housing advocacy groups such as Habitat to Humanity and the Culpeper Community Development Corporation (CCDC). The house was listed for sale, with the stipulation that it be moved from the current site. The RFP was posted on the Town's web site since 11/14/2007.

Bids were due on February 29, 2008. One bid was received from R.S. Melanson Excavating Incorporated. However, this bid was not responsive as this bid was for the demolition and disposal of the structure. (The Blair House was listed for "sale and removal" to another location; none of the ads listed it for demolition). The bid certification was provided.

There would be no financial impact in rejecting the bid received.

It was recommended that Town Council rejects the bid received as it was not responsive. Further, staff should be instructed to submit an application (for demolition) to the Architectural Review Board for processing in accordance with Section 15.2-2306 of the Code of Virginia and the Town's historic preservation ordinance.

Mayor Rimeikis stated there is no urgency to dispose of the house and suggested council review how the project reached this stage and postpone demolition. Interim Manager Huggard noted he had received a telephone call from an individual who is possibly interested in relocating the house to Rappahannock County; staff will be meeting with this individual later in the week.

Town Engineer Stephenson provided a summary of previous actions taken on this property—the Town exchanging the property with Gregory M. Yates for widening West Street, Antioch Church being interested in preserving the home but later deciding it was not in their best interest to do so, advertising the property in historian magazines, discussions with Culpeper Community Development Corporation for possible use of the home, and possibly renovating the house for temporary office space, housing for the paid rescue squad members, or for commercial use. After realizing the asbestos, electrical, plumbing, and other issues involved with the property, the Town determined this would be too costly to pursue. Since no response was received from the public on relocating the house, staff was recommending demolition.

Mayor Rimeikis questioned if the main objective for purchasing the house was to improve traffic flow, could the road improvements be made without moving the structure. Town Engineer Stephenson responded if the porch is removed, the structure may be usable; however, a tall retaining wall would be required at a minimum, but he would have to review the property more specifically. He stated Council needs to address the non-responsive bid at this meeting, and then determine what action it wishes staff to take on the property.

Councilmember Risner moved, Councilmember Coleman seconded Council reject the bid from the one non-responsive bidder and refer this item to the Public Safety, Public Works, Planning & Community Development Committee to allow staff time to confer with the party interested in the property.

Councilmember duFrane questioned why the bid was non-responsive. Town Engineer Stephenson responded the request for proposals advertised for someone to remove and relocate the structure; the proposal submitted was for demolition.

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

Loitering Ordinance

Mayor Rimeikis stated the committee had requested an interpretation of the new state statute and how it applies to the Town.

Attorney Bendall reported the following:

- Effective July 1, 2008, the state law has been changed to provide that pedestrians shall not loiter on any bridge, or any portion of a street right-of-way where loitering has been determined by either a state official, or in this case by town council, to present a public safety hazard and on which council has posted signs prohibiting such action.
- If one violates that after council chooses (it is not required) to act, such person would be guilty of a traffic infraction.
- The new law makes loitering on any bridge a public safety hazard along with loitering on any portion of a Town street right-of-way, which is just that portion known as a street and the small area on either side, excluding private property.
- If council directs the posting of signs to prohibit loitering by pedestrians, the police could then, in effect, make or take an enforcement action against those loiterers.
- The new State law becomes effective in the Town of Culpeper on July 1 pursuant to Section 11-4 of the Town Code, which has adopted by reference Chapter 46.2 of the State Code and all future amendments but it is only enforceable after July 1, 2008. There is no need to adopt any local ordinance to incorporate it.
- While not specifically addressed in the State enabling legislation, Council may make a determination that loitering on specific bridges or in any portion of a Town street right-of-way presents a public safety hazard and may direct such signs to be posted prohibiting such loitering.
- This action can be taken between now and the effective date of July 1, 2008, but there cannot be any enforcement of the no loitering prohibition until the State law becomes effective on July 1, 2008. There is no requirement that this council take this action. This law simply expands that prohibition on loitering on public bridges to include a requirement that someone, the transportation commissioner or local government, must find it presents a public safety hazard.
- Under the old law, the Commonwealth of Virginia simply had a prohibition on loitering on public bridges and it was not successfully defended by the Virginia Attorney General in a U.S. district court case in the Virginia Beach area.
- It is important to note that while Council now has the right to determine after study and recommendation whether or not a public safety hazard exists, it is not an easy solution or sure conviction for pedestrians who might be cited, because based on past experiences, the courts do not favor loitering statutes.
- Loitering itself is not illegal; it is protected by the Constitution of Virginia. While there is no guidance in the State legislation on how council is to determine whether loitering presents a public safety hazard, he recommended that if council seeks to address a problem that has been identified, council should seek evidence of any public safety hazard by requesting a report and recommendation from the appropriate town staff.

Councilmember Jenkins stated based on the Town Attorney's summary, he believed Council now has the authority to enforce this law as of July 1; he moved that Council allow staff, specifically the town manager and police chief, to begin putting together an assessment as to the needs as they exist and whether or not there is a need to erect signs on loitering on the highways. This study would be brought back to the Public Safety, Public Works, and Planning & Community Development Committee prior to July 1.

Councilmember Coleman seconded the motion.

Discussion ensued on the motion with Councilmember Jenkins clarifying he wanted staff to prepare data in support of erecting the signs for enforcement on July 1.

Councilmember Olinger questioned if the entire town would be considered, not just a specific area. Councilmember Jenkins responded the whole town should be included. Councilmember Risner agreed.

Councilmember Coleman noted the study should be under the direction of the Public Safety, Public Works, and Planning & Community Development Committee.

Mayor Rimeikis and Councilmember Jenkins further discussed how the staff would determine if conditions exist in a particular area to create a public safety hazard, provide that data to the committee, and then allow the committee to make recommendations to address the conditions.

The motion carried by unanimous voice vote.

Councilmember Jenkins referenced the potential to erect No Stopping/No Standing signs prior to July 1 and questioned the Town Attorney on his opinion of doing this along the public highways.

Attorney Bendall stated the Town Code authorizes the town manager to post signs as directed by council; however, he recommended that before any signs are posted, a report and recommendation should be submitted by staff warranting the necessity to post such No Stopping/No Standing signs.

Councilmember Snider questioned how many signs may be needed, because this cost will need to be included in the budget. Mayor Rimeikis responded the Public Safety, Public Works, and Planning & Community Development Committee would determine the cost based on the needs.

Councilmember Jenkins stated he would like for the committee to move expeditiously on this matter.

Councilmember Risner noted if the Town Code authorizes the manager to post the No Stopping/No Standing signs once the need is determined, there is no need for the matter to come back to the committee unless council directs this be done. The committee will, however, consider possible actions to be taken with the new loitering law that becomes effective July 1. He recommended the manager be allowed to work with staff to determine the need for the No Stopping/No Standing signs.

Councilmember Snider noted it was his understanding that some jurisdictions use this particular Code section to cite tractor trailer drivers who stop on the side of the road to sleep. Town Attorney Bendall responded he would have to research the No Stopping/No Standing sign ordinance and provide an answer on this.

Mayor Rimeikis requested the Police Chief to comment on this matter.

Chief Barlow stated if a motorist stops on the travel portion of the roadway, no sign is required for an officer to charge the driver with illegally stopping on a highway and/or impeding the flow of traffic. If the motorist pulls onto a shoulder off the roadway, the only way an officer can charge the driver with illegal stopping or standing is by charging them with failure to obey a highway sign only if a sign is in place. Since there are numerous places a motorist can pull over on one of the shoulders on Route 29 north, several signs will be needed.

Councilmember Jenkins noted if posting of these No Standing/No Stopping signs will assist the police department with these situations, he believed council should work with staff once the police chief identifies the areas where a public safety hazard exists.

Councilmember Risner recommended council allow the town manager to work with staff to determine where the No Stopping/No Standing signs need to be posted and that council focus on the new loitering law that will become effective July 1.

Mayor Rimeikis believed council should approve where the No Stopping/No Standing signs will be posted.

Councilmember Risner disagreed and noted he was discouraged to see council micromanaging it's professional staff. Council gave staff the ability to address the No Stopping/No Standing sign issue; therefore, Council now needs to focus its time and energy on the new loitering statute. Sending the sign

issue back through the committee process will slow down the progress of having the signs posted. If council does not see the results it expects from the town manager, council can re-address the issue at a later date.

Councilmember Jenkins agreed the town manager and police chief should go ahead and determine where the signs are needed and have them posted. Councilmember duFrane also agreed staff should determine where signs are needed and posted, not council.

FINANCE, PERSONNEL, TECHNOLOGY & ORDINANCE COMMITTEE

R/R Re: Amendments to Town Code: Repealing Sections 11-71 thru 11-76, Town Vehicle Licenses, and Amending Section 2-162, Issuance of Licenses (first reading)

Interim Manager Huggard presented the report and recommendation that stated with the adoption of the FY08 budget, Town Council approved the elimination of vehicle license sales by incorporating the fee into the personal property tax rate.

Sections 11-71 thru 11-76, Town Vehicle Licenses, will be deleted and revised Section 2-162 will read as follows:

Sec. 2-162. Issuance of licenses. The town clerk shall issue all licenses in the town, except fishing ~~and~~ ~~vehiele~~ licenses.

The elimination of the vehicle license sales had no financial impact. The change resulted in a revenue neutral change.

It was recommended the Town Council holds the first reading of the proposed ordinance changes at its regular meeting on April 8 and the second reading on May 13, 2008, at which time it is recommended the mayor be authorized to sign the Ordinance amending Section 2-162, Issuance of Licenses, and repealing Sections 11-71 thru 11-76, Town Vehicle Licenses, effective immediately.

Mayor Rimeikis noted this item was presented for the first reading; no action was required at this time.

R/R Re: Hiring of Deputy Treasurer/Accounting Supervisor

Interim Manager Huggard presented the report and recommendation that stated after interviewing four people in January and three in February, the Treasurer identified a candidate with a B.S. in Accounting and over 14 years experience in accounting related duties to fill the vacant position of Deputy Treasurer/Accounting Supervisor. The candidate's references have been verified with favorable responses, including current supervisor and the Treasurer is ready to offer the position.

The candidate will accept the position with an annual salary of \$62,500, which is above the 10% limit allowed by the Town Manager to offer, requiring Council's approval, in accordance with the Town Personnel Policies, Section 6.3, Pay Scale. The Deputy Treasurer/Accounting Supervisor is Grade 21, from \$46,965 to \$69,716. The current budget for the Deputy Treasurer is \$69,716.

It was recommended that the Town Council authorizes the Town Manager or his designee to offer employment to the candidate for Deputy Treasurer/Accounting Supervisor at \$62,500, conditional upon background check approval and passing of the drug/alcohol test.

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

REPORTS & RECOMMENDATIONS FROM TOWN ADMINISTRATION

R/R Re: Annual Fireman's Parade

Interim Manager Huggard presented the report and recommendation that stated the Culpeper County Volunteer Fire Department has requested permission to hold its annual parade on Thursday, May 22, 2008. The parade will start at 6:30 p.m. at the intersection of Main and Piedmont Streets and end at the intersection of Main and Mason Streets. Fire department volunteers will be posted along the parade route with police officers and deputy sheriffs for safety. The line-up for the parade will begin at the intersection of Main and Piedmont Streets and continue along Piedmont Street and Old Brandy Road.

Again this year, the Department has requested that no parking be allowed on Main Street from Piedmont Street to Mason Street based on complaints from citizens not being able to see the parade for parked vehicles and because of the safety issue of kids running between these parked vehicles. It is also requested that West Davis Street be closed at 4 p.m. to place the judge's stand at Main and West Davis Street. This change in the placement of the judge's stand is due to complaints about the stand blocking the view entrance to merchant businesses. The Fire Department believes these changes will make their parade much safer and more enjoyable. The Department will appropriately advertise these.

There will be a minimal financial impact other than the assignment of police officers and Public Works forces for preparation and clean-up.

It was recommended that Council approves the Culpeper County Volunteer Fire Department's request to hold its annual parade on Thursday, May 22, 2008, and authorizes the town manager to ensure the event is coordinated with the Public Works and Police Departments for traffic and crowd control.

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

R/R Re: Seventy Virginia Infantry Regiment Company A: Fairview Cemetery Vigil

Interim Manager Huggard presented the report and recommendation that stated for the past 15 years, the Seventh Virginia Infantry Regiment Company A has been holding a 24-hour vigil at Fairview Cemetery at the Confederate monument.

The group has requested permission to hold their 16th annual 24-hour vigil at the cemetery beginning at 10 a.m., Saturday, May 31, and concluding at 10 a.m. on Sunday, June 1, 2008.

Staff recommends approval of the request since no problems have been experienced with this vigil at the cemetery in the past.

There will be no financial impact if the request is approved.

It was recommended that Council grant the request of the Seventh Virginia Infantry Regiment Company A to hold their 16th annual 24-hour vigil at Fairview Cemetery beginning at 10 a.m., Saturday, May 31, and concluding at 10 a.m. on Sunday, June 1, 2008.

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

TOWN MANAGER'S MONTHLY REPORT: Interim Manager Huggard submitted his report and offered to answer questions. Mr. Huggard reminded all members that April 21 is the deadline for making reservations to attend the MEPAV Conference May 21-23, 2008; anyone interested in attending should contact his office so necessary arrangements can be made.

FY2009 Preliminary Budget: Interim Manager Huggard presented the preliminary FY2009 budget as prepared by staff and highlighted the following items:

COMMUNICATION & CORRESPONDENCE - There was none.

ADJOURNMENT: Council adjourned at 8:55 p.m.

Interim Clerk

Mayor