

Regular Meeting

County Board Room
September 9, 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, Duke M. duFrane, F. Steve Jenkins, James C. Risner, Robert M. Ryan, Christopher H. Snider, William M. Yowell, Council members; Thomas E. Huggard; Interim Town Manager; Chuck Stephenson, Town Engineer; Kimberly D. Allen, Town Clerk; Robert W. Bendall, Town Attorney; Lisa D. Hutcherson, Deputy Town Clerk. **Also Present for the 7 p.m. Session:** Tonya Estes, Information Technology Manager; Beth Burns, Tourism Director; Robert H. Thornhill, Jr., Public Works Director; and Mark Bly, Light & Power Director. **Absent:** Michael T. Olinger, Council Member.

AGENDA APPROVAL

Council Member Coleman moved, Council Member Jenkins seconded, to approve the agenda as presented. The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Olinger (1).

CLOSED SESSION

Vice Mayor Yowell moved, Council Member Risner seconded, to enter closed session to discuss or consider issues pertaining to a contractual employee, the hiring of a new town manager, and the appointment of a deputy town treasurer pursuant to Code of Virginia Section 2.2-3711(A)(1); and to discuss and consult with staff and/or legal counsel regarding negotiating issues which may become subject to review by the Commission on Local Government relating to interjurisdictional cooperation, a possible boundary adjustment with Culpeper County and a proposed water and sewer agreements generally pursuant to Code of Virginia Section 2.2-3711(A)(7) and 15.2-2907(D).

The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: None (0); Absent: Olinger (1). Council entered closed session at 6:03 p.m. Staff attending: Town Attorney Bendall, Town Engineer Stephenson, Consolidation Project Manager Dan Boring, Public Information Officer Wally Bunker, and Town Clerk Allen.

Council reconvened in open session at 6:58 p.m.

Certificate of Closed Session: Pursuant to Code of Virginia Section 2.2-3712, 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 Sections 2.2-3711 and 15.2-2907 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, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Olinger (1).

Council recessed at 6:59 p.m. and reconvened in open session at 7:02 p.m.

PLEDGE OF ALLEGIANCE: Council Member Snider led the Pledge of Allegiance.

CONSENT AGENDA

Council Member Risner moved, Council Member Snider seconded, that Council approve the items listed below. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Olinger (1).

- a. **R/R Re: Winter Chemical Bids:** Council accepted the lowest respective bids from Mid Atlantic Salt of \$82.35 per ton for bulk rock salt, from International Salt Company of \$440 per ton for flaked magnesium chloride, and from Walker Sand & Stone of \$15 per ton for Grade B sand and authorized the town manager to make the purchases as necessary.
- b. **R/R Re: Amendment to Veteran's Recognition Committee Bylaws:** Council amended the committee's bylaws to reflect the change in the duties of the Veteran's Recognition Committee and directed the town clerk to record the bylaws change.
- c. **R/R Re: FY08 Shortfall—Treasurer's Department:** Council authorized the town manager or his designee to appropriate funds in the amount of \$3,751 to the treasurer's office from general fund capital contingency (12-9990-9990) to cover the FY08 budget shortage.
- d. **Treasurer's Report & Line Item Transfers:** Council approved the treasurer's report reflecting a balance of \$41,374,846.99, bills paid listing, and line item transfers.
- e. **Minutes of Previous Meetings:** Council approved the minutes of the special meetings of July 24, July 28, and August 20 and the regular meeting minutes of August 12, 2008.

SPECIAL ITEMS AND RECOGNITIONS

a. **Employee of the Month Recognition:** Senior Accounting Assistant Tammy Williams was selected as Employee of the Month for July 2008.

b. **Service Awards:** A resolution of appreciation of service and plaque were read into the record for former Town Treasurer/Director of Finance Neal F. Deane for his service to the Town from August 16, 2004 to August 28, 2008. Mr. Deane was unable to attend the meeting since he was in training for his new job. A service award plaque was presented to Thomas E. Huggard for his service as Interim Town Manager from December 14, 2007 to September 12, 2008.

c. **Proclamation:** By general consensus, council authorized the mayor to sign the proclamation designating September 20 as National Seat Check Saturday and September 21-27, 2008 as National Child Passenger Safety Week in the Town of Culpeper.

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

a. **Mr. Gordon Meriwether,** resident of 605 South West Street, requested a portion of West Street and Blue Ridge Avenue be closed during Halloween trick-or-treating activities to ensure safety. This item was referred to the September 30 Public Safety, Public Works, and Planning & Community Development Committee meeting for consideration.

b. **Mr. Jim Fugate and Mr. Doug Furr,** residents of Addie Lane, discussed noise issues in the vicinity of Addie Lane and Route 229. They indicated people working in the area can be heard as late as 1 a.m. The police department has been called to the area on numerous occasions; however, the officers indicated they did not have the supporting documents to take action. Mr. Furr requested a "quiet time" be established in the town limits during which time no loud activities can occur.

Chief Barlow discussed how the current wording of the ordinance is confusing to his officers and that the Town Attorney has been requested to review the ordinance. Attorney Bendall stated some months ago, he had submitted recommendations on this issue to the Police Chief; however, his suggestions were considered unacceptable since they would require the purchase of noise meters and training of officers, which, Chief Barlow was not interested in doing at that time. Attorney Bendall noted he was now reviewing the ordinance again; however, his proposed changes will require a zoning ordinance amendment if the noise is emanating from a business and/or industrial area.

Mayor Rimeikis referred this item to the Finance, Personnel, Technology, & Ordinance Committee for resolution.

c. Ms. Terry Smith, Director of Culpeper National Cemetery, requested No Parking signs be installed on U.S. Avenue from the railroad to East Street to eliminate the parking of East Street residents on this section of street, which causes safety issues with veterans and those visiting the cemetery. This item was referred to the September 30 Public Safety, Public Works, Planning & Community Development Committee meeting.

d. Mr. Philip Van Cleave, President of the Virginia Citizens Defense League, suggested Council let State law rule on the discharge of firearms on private property in town and not change its ordinance. He expressed concern that the Town's ordinances would blend with the County's at some point in the future; however, it was clarified this would not occur since the County has its own ordinances.

e. Mr. Ed Levine, member of the Virginia Citizens Defense League from Sterling, Virginia, stated gun advocates were concerned about the proposed amendment to Section 26-1, Discharge of Firearms and called attention to the citizens in the audience who were wearing the Guns Save Lives stickers. He requested council not approved the proposed ordinance change and not inhibit a person who wants to shoot a snake or other pest on his own property.

f. Dave Schneider, Jeffersonton resident, discussed various laws on the discharge of firearms and how the Town's ordinances might affect County residents in the future. He believed the State law should be enforced and the permit process eliminated in town in order to do away with another layer of legislation.

g. Mr. Gordon Meriwether noted he did not feel safe in a room with so many individuals wearing sidearms, especially at a public, government meeting.

h. Mr. Dave Dutter, Willow Lawn Drive resident for 22 years, stated he was one of the citizens who had been turned down for a shooting permit in the last year. He referenced the process of obtaining a permit prior to Chief Barlow joining the department. He stated he knew how to use a firearm, used to protect his property from varmints, and requested Council not approve the proposed ordinance change.

i. Mr. Jay Zompanti, resident of Windsong Court in Culpeper County, spoke in opposition to the proposed ordinance change to Section 26-1, Discharge of Firearms, and noted his concern with the effect of a Town ordinance on County residents in the future.

j. Susan Williams, Park Avenue resident, queried council on its plans for the upcoming 250th anniversary of the town and offered to assist with activities for the event.

UNFINISHED BUSINESS

Closed Session Items: Vice Mayor Yowell moved, Council Member Risner seconded, Council appoint Jeffrey B. Muzzy as Town Manager and Jennifer K. Landreth as Acting Treasurer both to become effective immediately. The motion carried by the following voice vote: Aye-Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nay-None (0); Absent-Olinger (1).

NEW BUSINESS - PUBLIC HEARINGS - None

REPORTS & RECOMMENDATIONS FROM AUTHORITIES, BOARDS & COMMISSIONS - None

REPORTS & RECOMMENDATIONS FROM COUNCIL COMMITTEES

PUBLIC SAFETY, PUBLIC WORKS, PLANNING & COMMUNITY DEVELOPMENT COMMITTEE

R/R Re: Amendment to Town Code Section 26-1, Discharge of Firearms (2nd reading)

Interim Town Manager Huggard presented the report and recommendation that stated that Section 26-1, Discharge of Firearms currently reads: “No person shall discharge, shoot or set off firearms of any description within the town except pursuant to a written permit issued by the town manager or his designee. If the person applying for such permit desires to discharge firearms on any land other than his own, he shall present to the town manager or his designee written permission from the owner of the land on which the firearms will be discharged.”

Due to the population increase within the town limits, it is unsafe to allow discharging of firearms for any reason.

It is recommended that Section 26-1 be amended to read: “No person shall discharge, shoot or set off firearms of any description within the town.”

There will be minimal costs incurred to include the amendment in the next Code supplement.

Council held the first reading of the amendment to Section 26-1, Discharge of Firearms, at its regular August 12, 2008 meeting, and the second reading and approval of the amended code section is being held tonight at which time the amendment would become effective.

As directed by Council, the Police Department contacted other agencies and obtained copies of their ordinances. The agencies contacted were: Warrenton, Fredericksburg, Williamsburg, Manassas Park, Manassas City and Harrisonburg.

To summarize, none of the six agencies contacted allow discharge of a firearm in town limits, even to kill vermin, with the exception of Williamsburg. The exception is allowed for re-enacting of historic events and military personnel. Limited exception is made in some areas for deer hunting and emergency events. All exempt law enforcement.

Council Member Risner asked if the current ordinance was necessary or if a State law should be used to enforce.

Vice Mayor Yowell commented that he had no problem with the ordinance as it was currently written with the requirement of needing a shooting permit. He understood the safety concerns but noted there had not been any problems in the past. The Town still has rural areas, and he believed the current ordinance is reasonable.

Vice Mayor Yowell moved, Council Member Jenkins seconded, there be no change to Section 26-1, Discharge of Firearms. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Ryan, Snider, Yowell (6); Nays: Rimeikis, Risner (2); Absent: Olinger (1).

Council Member duFrane recommended that the Finance, Personnel, Technology & Ordinance Committee work out criteria as to who and what circumstances one may apply for a permit.

Council Member Risner recommended also that the Finance, Personnel, Technology & Ordinance Committee review current state laws to see if the town still needed the ordinance.

Vice Mayor Yowell replied that the Finance, Personnel, Technology & Ordinance Committee would review state laws pertaining to the discharge of firearms in town based on an opinion from the Town Attorney on how these laws compare to the Town's current ordinance.

R/R Re: Donations to Wine Street Memorial Park

Interim Town Manager Huggard presented the report and recommendation that stated under 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:
Earle W. Mitchell	Frank E. Mitchell, Jr.	1 – 12” x 12” paver	\$ 100.00
Ethel B. Gore	Ethel B. Gore	1 – 4” x 8” paver	\$ 50.00
Ethel B. Gore	Dale S. Gore	1 – 4” x 8” paver	\$ 50.00
Ms. Julia Monaco		Funds toward a central monument	\$ 8,200.00 additional (estimated)
Totals:			\$200 and an estimated \$8,200.00

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. With the popularity and flexibility of engraved messages, staff has made 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.

Council received Ms. Julia Monaco’s donation last month, for \$25,000 towards a monument in the center of the memorial pad site at the park. As part of the transaction, stock was sold, but appreciated significantly from the original Council acceptance. The amount of cash and stock to be transferred is estimated, at this time, to be valued at \$33,200, which is an estimated additional \$8,200. Ms. Monaco wishes to donate all monies from the stock sale, which will be transferred to the Town.

The current donations and requests will offset the total cost of the project by \$8,400 (with an estimated \$8,200 from Ms. Monaco). To date, the Town has accepted \$41,000 in donations for this park.

It was recommended that council accept the donation from Earle W. Mitchell for a 12” x 12” paver (\$100), Ethel B. Gore for two 4” x 8” pavers (\$50 each), and Ms. Julia Monaco for additional funds which are currently estimated at \$8,200 toward a central monument.

Council Member Risner moved, Council Member Snider seconded, to accept the donation from Earle W. Mitchell for a 12” x 12” paver (\$100), Ethel B. Gore for two 4” x 8” pavers (\$50 each), and Ms. Julia Monaco for additional funds which are currently estimated at \$8,200 toward a central monument. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: none; Absent: Olinger (1).

R/R Re: Synthetic Stamped Asphalt Crosswalks

Interim Town Manager Huggard presented the report and recommendation that stated at the August 14, 2007 meeting, Council approved the use of synthetic stamped asphalt crosswalks (brick imprinted) on Main Street to encourage a safer pedestrian environment and improve the downtown aesthetics. The north end of Main Street was completed in June of this year. Nine intersections remain to be accomplished on the south end of Main Street from Davis Street to Mason Street.

The advantages of the synthetic stamped asphalt over the thermoguard or imprinted asphalt crosswalks are:

- 1.) Colored throughout the material so it will last the life of the street.
- 2.) Quick to install and can be opened to traffic in forty-five minutes, which is critical in high traffic areas such as Main Street.
- 3.) Proven track record in high traffic volume areas.

Unfortunately, the product is only available through Landsaver Environmental making it a sole source procurement. Staff has negotiated a price of \$123,770.88 to complete the nine intersections.

There will be a cost to the Town of \$123,770.88 for the crosswalks at nine intersections on Main Street. Funds are available in the FY-09 General Fund Capital budget 12-9364-7040 (Sidewalks, Trails and Bikeway Projects) to accomplish this project.

It is recommended that council approve the contract for \$123,770.88 from Landsaver Environmental for the installation of nine synthetic stamped asphalt crosswalks on Main Street and authorize the Town Manager to execute the necessary documents to complete the project.

Council Member duFrane moved, Council Member Snider seconded, approval of the report and recommendation as presented. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Olinger (1).

R/R Re: New Police Station Design

Interim Town Manager Huggard presented the report and recommendation that stated to continue with the new Police Station project, the Town needed to move forward with design services for the facility. The Committee discussed utilizing Mosley as a continuance of their previous work or issuing a Request for Qualifications for selection of an Architectural Firm to complete the construction documents.

After deliberation, the Committee felt that issuing a RFQ would provide a cost savings to the Town. Monies are available in the General Capital Budget – New Police Station Department project to fund the design services once a firm is selected.

It was recommended that Council authorize the Interim Town Manager to issue an RFQ for Police Station design services for renovation of the property at 740 Old Brandy Road, to evaluate and interview firms, negotiate a fee schedule and forward a recommended consultant selection to Council for consideration.

Council Member Snider moved, Council Member duFrane seconded, approval of the report and recommendation as presented. The motion carried by the following vote: Ayes: Coleman, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (7); Nays: duFrane (1); Absent: Olinger (1).

R/R Re: Police Department Withdrawal from Central Shenandoah Regional Criminal Justice Academy & Joining Rappahannock Regional Criminal Justice Academy effective July 1, 2009

Interim Town Manager Huggard presented the report and recommendation that stated the Culpeper Police Department was currently a member of the Central Shenandoah Regional Police Academy located in Weyers Cave Virginia. This academy is located 70 miles from the Town of Culpeper. We currently utilize this academy for basic recruit training and in-service retraining. Basic recruits and in-service officers must stay at this academy and thus are paid a per-diem each day of this approximate 16 week academy. Member agencies are generally, the Charlottesville areas and south.

The Rappahannock Regional Criminal Justice Academy is 35 miles from the Town of Culpeper. Member agencies are geographically more in tune with the Town of Culpeper. They include, but are not limited to, the Cities of Fredericksburg, Winchester, the Towns of Warrenton, Orange, Front Royal, the Counties of Culpeper, Fauquier, Orange, Spotsylvania, Rappahannock and the Culpeper Joint E911 center.

Rationale for Changing Academies

- The member agencies that we must have a relationship with in order to accomplish our mission are at the RRCJA.
- We cut our drive in half which saves gas when driving, allows staff to attend meetings with less disturbance to work schedules, allows students to commute, thus saving per-diem funds.
- Allows officers to network with other agencies that we are more likely to have interaction with.

The Town currently pays \$24,500 per year to the CSRCJA for all basic and in-service training. The cost is somewhat less at the RRCJA per year. The new cost would be approximately \$20,000 per year. The savings are approximately \$4,000 for membership, and we would also save on per-diem and very likely fuel costs. Unknown total savings, but the worst-case scenario would be easily \$5,000 savings per year.

It is recommended that the Town Council authorize the Town Clerk and Mayor to execute a resolution withdrawing from the Central Shenandoah Regional Criminal Justice Academy and a resolution joining the Rappahannock Regional Criminal Justice Academy effective July 1, 2009.

Council Member Coleman moved, Council Member Snider seconded, approval of the report and recommendation as presented. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: none; Absent: Olinger (1).

FINANCE, PERSONNEL, TECHNOLOGY, & ORDINANCE COMMITTEE

R/R Re: Policy on Quarterly Attendance Records for Authorities, Boards, & Commissions

Interim Town Manager Huggard presented the report and recommendation that stated pursuant to Culpeper Town Code, Section 2-56, council may establish or abolish standing or ad hoc committees. These committees shall be established according to the Rules of Procedures that are adopted annually in July.

At the August 5 Finance, Personnel, Technology, & Ordinance Committee meeting, Mr. Rimeikis requested maintaining attendance records for Authorities, Boards and Commissions. He stated some ABCs experience attendance problems; therefore, he suggested that ABCs submit quarterly attendance records to Council.

The committee directed staff to draft a policy requiring ABCs to submit quarterly attendance reports to Council for discussion at the September committee meeting.

There is no financial impact.

It was recommended that Council approve the ABC Record of Attendance and Review of Service Policy effective September 9, 2008.

Council Member Coleman moved, Council Member Risner seconded, approval of the report and recommendation as presented. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider (7); Nays: Yowell (1); Absent: Olinger (1).

R/R Re: Purchase of Spare Laptop Computers

Interim Town Manager Huggard presented the report and recommendation that stated the Information Technology Department does not have spare laptops available when one is not working or needs repair. Within the past month, two council members' laptops have needed repair and one of the laptops required a docking station to charge the laptop because the power connector was broken. To replace the power connector would require a new mother board. These laptops are no longer under warranty. The police department has antiquated laptops that are always in need of repair and are sometimes days without any equipment. The spare laptops would remain in IT to be used only while the laptops are being repaired.

There is an estimated financial impact in the amount of \$3,500 for 3 laptops. Funds are available in the amount of \$3,500 from account 12-9990-9990 (General Fund Capital Contingency) and will need to be transferred to account 12-1220-7600 (Computer Hardware and Equipment) to complete the project.

It is recommended that Council authorize the Interim Town Manager to transfer \$3,500 from account 12-9990-9990 (General Fund Capital Contingency) into line item 12-1220-7600 (Computer Hardware and Equipment).

Council Member Coleman moved, Vice Mayor Yowell seconded, approval of the report and recommendation was presented. The motion carried with the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Olinger (1).

R/R Re: Financial Analysis Services (Boundary Line Adj/Water-Sewer Authority)

Interim Town Manager Huggard presented the report and recommendation that stated as part of the ongoing Boundary Line Adjustment/Water and Sewer Authority discussions and negotiations, a thorough financial analysis of revenue, expenses and values needs to be undertaken. As this mutually affects both the Town and County, joint funding is appropriate and has been broached with County staff.

It is unknown what the actual costs of the analysis would be until we have negotiated a contract with an acceptable firm.

Monies are available in the General Fund Contingency (9990-9990) to be transferred to Planning and Community Development Consulting Services (8101-5214) to fund 50% of the financial analysis.

It was recommended that Council authorize the Interim Town Manager to research firms and enter into contract with a firm acceptable to the Town and County staffs with 50% funding to be provided by line item transfer from 9990-9990 (General Fund Contingency) to 8101-5214 (Consulting Services) and 50% funding to be provided by the County of Culpeper.

Council Member duFrane moved, Council Member Snider seconded, approval of the report and recommendation was presented. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Olinger (1).

R/R Re: Short Term Loan for Police Station Property Purchase

Interim Town Manager Huggard presented the report and recommendation that stated at the August 2008 Council meeting, Council moved to purchase the property at 740 Old Brandy Road for use as a police station. The Town will issue a borrowing in January 2009 to cover the police station expenses and needs to have a short term loan from the Water Fund to cover the expenditure and leave adequate operating cash reserves on hand in the General Fund until the borrowing has taken place.

The loan will cover the cash shortfall until debt is issued in 2009.

It was recommended that Council authorize the Interim Town Manager or his designee to loan funds in the amount of \$2,850,000 from 3020-9990-9990 (Water Capital Reserves) to line item 9280-7010 (Police Station – Land & Building Acquisition) for the purchase of the property at 740 Old Brandy Road.

Council Member Colman moved, Council Member Jenkins seconded, approval of the report and recommendation as presented. The motion carried with the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Olinger (1).

R/R Re: Animal Control Ordinance--Repealing Chapter 3 & Incorporating Chapter 4 of the County of Culpeper Code

Interim Town Manager Huggard presented the report and recommendation that stated at the August 27 Town & County Interaction Committee meeting, committee members and staffs continued their discussions on amending the Animal Control Agreement between the Town and County of Culpeper in conjunction with corresponding amendments to Chapter 3, Animals, of the Town Code.

The Code of Virginia Section 3.1-796.94 expressly permits a Town to incorporate by reference the County's animal control ordinances. The County Board of Supervisors will adopt their new ordinance in October 2008. The town attorney recommends the ordinance be adopted (incorporated by reference) prior to October 1 to prevent the Town from having to adopt it twice. The town's ordinance will be adopted by order of council upon its introduction in writing at the September 9, 2008, regular meeting and without the normal one month wait for a second reading.

There will be minimal costs incurred to include the amendments in the next Code supplement.

It was recommended that council approve the recommended amendments to Chapter 3, Animals, of the Town Code, adopting the County of Culpeper's Animals and Fowl Ordinance (Chapter 4) by reference to become effective immediately. Further, it was recommended that council authorize the mayor to execute the Animal Control Agreement with the County of Culpeper for the provision of animal control services in the town limits.

Council Member Coleman moved, Council Member duFrane seconded, approval of the report and recommendation as presented. The motion carried with the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Olinger (1).

R/R Re: Sale of Surplus Generators

Interim Town Manager Huggard presented the report and recommendation that stated the Light & Power Department advertised and directly contacted vendors for the sale of the surplus generation units located at the Spring St. facility in 2006 with no offers received. The department recently received an offer from Intercontinental Materials Management, Inc of Conroe, Texas for the purchase of the two Solar Turbine units (T-1 and T-2). The department has communicated with the company sending pictures and other relevant information as requested. The company has offered \$30,000 total for the units to be loaded on their truck for shipping.

With no other offers being received for this unit it is our recommendation that the offer of \$30,000 from Intercontinental Materials Management, Inc. be accepted and we begin the process of making the unit ready for shipping.

There will be an increase to the Light & Power revenue fund of \$30,000 as a result of the sale of this surplus equipment.

It was recommended that Council approve the sale of the surplus generator units T-1 and T-2 and authorize the Interim Town Manager to execute a sales contract with Intercontinental Materials Management, Inc. on behalf of the Town of Culpeper.

Council Member duFrane moved, Council Member Risner seconded, approval of the report and recommendation as presented. The motion carried with the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Olinger (1).

R/R Re: Water Treatment Plant Filter Rehab Project--Change Order #2 (Sediment Removal)

Interim Town Manager Huggard presented the report and recommendation that stated that EMH Environmental was awarded the contract to rehabilitate four (4) water filtration plant filters located within the WTP on April 16, 2008. The project scope for work completion was developed by The Timmons Engineering Group. The work is scheduled to be completed in four (4) phases with each filter rehabilitation representing one phase.

Upon removal and inspection of the under drain collection system after media removal from filter #1 it was determined through visual inspection that sediment had collected within the under drain manifold located at the base of the filter. The supporting grout structure for the manifold also required replacement. These two rehabilitation tasks were not included within the original scope of work and were authorized for completion under Change Order #1. The cost estimate provided for this work was \$12,032 and included mobilization charges. The town's approval process resulted in filter rehabilitation work having to be stopped for 3 weeks to obtain approval for the Change Order. While it is not known if there will be sediment within the under drain of filters 2, 3 and 4 it is strongly expected to find some amount of sediment within each filter under drain manifold.

In order to reduce cost by eliminating mobilization charges for filters 3 and 4; reduce the additional overtime required to meet peak water demand during the filter down time it is recommended that pre-authorization approval be provided to staff and the Timmons Group to allow prompt assessment, evaluation, and availability to funds required for the removal of sediment and grout repair (if required) in filters 2, 3, and 4.

For filter #2 rehabilitation requirements include labor, supplies, equipment, and mobilization fees total up to \$12,032. For filters 3 and 4 rehabilitation requirements include labor, supplies, and equipment totaling up to \$10,000 per filter. A total not to exceed \$32,032 would require transfer from line item 9990-9990 (Contingency Unreserved) to line item 8920-7200 (Water Plant Filter Rehabilitation).

It was recommended that Council authorize the Interim Town Manager to execute Change Order #2 (Water Plant Filter Rehabilitation – Sediment Removal Project) and authorize the line item transfer of \$32,032 from 9990-9990 to line item 8920-7200, Water Plant Filter Rehabilitation.

Council Member Coleman moved, Council Member Risner seconded, approval of the report and recommendation as presented. The motion carried with the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Olinger (1).

Change in November Council Meeting Date

Interim Town Manager Huggard reported that the regular November council meeting falls on the Veteran's Day Holiday; therefore, Council may or may not wish to reschedule it. The County Board Room is not available on the Monday before or Wednesday after the holiday.

Sec. 2-27. Time and place of regular meetings.

The town council shall hold its regular meetings in the council chambers or other suitable meeting places as determined by council for the benefit of the citizenry on the second Tuesday of every month at 6 p.m. In case the meeting date shall fall on a holiday or for other reason deemed necessary by the town council, **the date for any regular meeting may be changed by a majority vote of the town council.**

Council Member Coleman moved, Council Member Risner seconded, to change the November council meeting date to Thursday, November 13, 2008 due to the Veteran's Day holiday. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Rimeikis, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Olinger (1).

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

Submission of FY08 Annual Report: Interim Town Manager Huggard submitted the report noting several typographical errors that would be corrected.

COMMUNICATION & CORRESPONDENCE – There was none.

ADJOURNMENT: Council adjourned at 8:37 p.m.

Town Clerk

Mayor