

## Regular Meeting

County Board Room  
October 14, 2008

The Council of the Town of Culpeper convened in regular session at 6:00 p.m. with Vice Mayor William M. Yowell presiding: **Present:** Calvin L. Coleman, Duke M. duFrane, F. Steve Jenkins, Michael T. Olinger (arrived at 6:07 p.m.), James C. Risner, Robert M. Ryan, Christopher H. Snider Council members; Jeffrey B. Muzzy, Town Manager; Chuck Stephenson, Town Engineer; Kimberly D. Allen, Town Clerk; Kristi Caturano, Assistant 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:** Pranas A. Rimeikis, Mayor.

### **AGENDA APPROVAL**

Council Member duFrane requested the addition of discussion of August 2008 consent agenda item on hiring an IT Specialist. Vice Mayor Yowell added this as Item 9.04a under Reports & Recommendations from Council Committees.

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

### **CLOSED SESSION**

Council Member Coleman moved, Council Member Snider seconded, to enter closed session to discuss or consider specifically named individuals who have applied for positions on the Town's authorities, boards and commissions (specifically the Economic Development Advisory Committee and Industrial Development Committee) and to discuss specifically named individuals who have applied for the position of Town Treasurer/Finance Director 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, Olinger, Risner, Ryan, Snider, Yowell (8); Nay: Jenkins (1); Absent: Rimeikis (1). Note: Council Member Jenkins voted nay on closed session matters pertaining to sections 2.2-3711(A)(7) & 15.2-2907(D). Council entered closed session at 6:05 p.m. Staff attending: Assistant Town Kristi Caturano, Town Engineer Stephenson, Consolidation Project Manager Dan Boring, Public Information Officer Wally Bunker, and Town Clerk Allen.

Council reconvened in open session at 6:59 p.m.

**Certificate of Closed Session:** Pursuant to Code of Virginia Section 2.2-3712, the Clerk 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 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, Olinger, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Rimeikis (1).

Council recessed at 7 p.m. and reconvened in open session at 7:05 p.m.

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

### **CONSENT AGENDA**

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

a. **R/R Re: Mobile Computer Terminals (MCT) for the Police Department:** Council authorized the town manager to purchase nine (9) MCT as the next phase of the MCT project for the police department at a cost of \$69,404.08.

b. **R/R Re: Surplus of Old Communications Equipment (from Police Department):** Council authorized the town manager, town treasurer, and chief of police to surplus all of the old communication equipment (mobile and portable radios and accessories) to Fauquier County.

c. **R/R Re: CRI's Downtown Trick-or-Treating—Moving Activities to Depot:** Council approved the request from CRI to move Halloween trick-or-treat activities to the depot beginning this October.

d. **R/R Re: Purchase of New MS Exchange Server:** Council authorized the town manager or his designee to purchase the new exchange server from Dell and to transfer \$8786.56 from account 10-9990-9990 (general fund contingency) into line item 1220-7600 (computer hardware and equipment) to cover this purchase.

e. **R/R Re: Opening Additional Graves at Fairview Cemetery:** Council authorized the town manager to open up to 120 additional grave spaces (ten 12-grave lots) in Fairview Cemetery in Section D.

f. **R/R Re: VRS Resolution Re: Town Picking up Employee's Contribution to VRS:** Council approved the Resolution—Affirmation of Authorization to Pick up the Employer's Contribution to VRS for the Town of Culpeper—55320 Under §414(h) of the Internal Revenue Code and authorized the town manager to sign and submit the resolution accordingly.

g. **Treasurer's Report & Line Item Transfers:** Council approved the treasurer's report reflecting a balance of \$36,196,002.48, bills paid listing, and line item transfers.

h. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of September 9, 2008.

### **SPECIAL ITEMS AND RECOGNITIONS**

a. **Employee of the Month Recognition:** Tourism Office Marketing and Sales Assistant Lori Sorrentino was selected as Employee of the Month for August 2008.

b. Vice Mayor Yowell noted Mayor Rimeikis was unable to attend the meeting. He also introduced new Town Manager Jeff Muzzy.

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

a. **George Bryson** addressed council on the letter he received from Attorney Bendall and discussed his concerns with the Historical Society, Museum of Culpeper History, and issues with Fairview Cemetery. He provided copies of his remarks and concerns to the Town Clerk for distribution to Council.

b. **Ed Higgins**, President of Trustees of Museum of Culpeper History, spoke in support of the Museum's request for a waiver of rent from \$400 to \$1 for FY2009.

c. **James Clements**, resident of South West Street, spoke in favor of and in support of Gordon Meriwether's request to close a portion of South West Street for trick-or-treating activities to promote safety of the children.

## **UNFINISHED BUSINESS**

**Closed Session Items:** Council Member Coleman moved, Councilmember Jenkins seconded, Council re-appoint Frank P. Andrews to a new four-year term on the Industrial Development Authority. The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Rimeikis (1).

Council Member Coleman moved, Council Member Jenkins seconded, council authorize the Town Manager to enter into a contract with an employment recruiter for the purpose of assisting the Town of Culpeper to identify, select and employ a Town Treasurer at a cost not to exceed \$15,000, pursuant to Section 18-56 of the Town Code. The motion carried by the following voice vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Rimeikis (1).

## **NEW BUSINESS - PUBLIC HEARING**

### **R/R Re: Case AMD-001-2008 Amendments to Chapter, 22 & Chapter 27:**

Town Manager Muzzy reported each year, the Technical Review Committee, planning staff and the Planning Commission review existing development-related ordinances to determine whether updates and/or changes are warranted. In general, the proposed amendments promote the public's health, safety and general welfare by ensuring consistency with the new Virginia Department of Transportation regulations regarding review of development projects. The proposed amendments also clarify and update existing ordinance provisions, adopt new safety regulations, and establish new lighting standards for commercial developments. Below is a summary:

- Requires new regulations imposed by the Virginia Code, Section 15.2-2222.1, as amended, which implements VDOT Chapter 527 Guidelines and/or Regulation 24 VAC 30-155, adopted by reference;
- Requires any site plan that is conditionally approved by the Planning Commission subject to addressing TRC comments must be completed within 180 days following the Planning Commission's approval;
- Updates "bikeway" definition and inserts new definition for "facility";
- Requires that existing and proposed topography with a maximum of one foot contour levels be shown for all easements; proposed topography shall not exceed a 10% grade;
- Requires setbacks for pools
- Requires temporary street name signs and posting of address during construction;
- Requires new lighting fixtures for commercial and industrial developments;
- Updates bike rack designs; and
- Updates no parking signs.

There will be minimal costs will be incurred to publish the ordinance amendments.

On September 16, 2008, the Planning Commission held a public hearing and voted 3-0 (Taylor and Thornton absent) to recommend approval of the ordinance amendments. The Planning Commission approved the amendments, subject to one minor change, which is reflected in the proposed ordinance amendments.

There were no public comments during the Planning Commission's public hearing.

Vice Mayor Yowell opened the public hearing. There being no one to address Council on the Case, the public hearing was closed.

Council Member Jenkins moved, Council Member Snider seconded, to approve Case AMD-001-2008, amendments to Town Code Chapters 22 & 27 and the Facilities Standards Manual. Roll call vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan, Snider, Yowell (8); Nay: (0); Absent: Rimeikis (1).

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

a. Quarterly Reports from Council Representatives: Council received written reports from the following: Planning Commission, Culpeper Parking Authority, Parks & Recreation Commission, Culpeper Renaissance Inc., Economic Development Advisory Committee, and Culpeper Cable Commission. Oral reports were given from the following: Museum of Culpeper History.

b. Quarterly Reports from ABC's: Council received written reports from the Tourism Advisory Board and Public Transportation Advisory Committee.

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

### **Closing Portions of West Street & Blue Ridge Avenue for Trick-or-Treating Activities**

Town Manager Muzzy presented the item that stated on September 9, Council referred this item to the committee for consideration after Mr. Gordon Meriwether, resident of South West Street, requested Council close a portion of West Street and Blue Ridge Avenue for Halloween trick-or-treating activities to ensure the safety of the children.

On September 30, the Public Safety, Public Works, Planning & Community Development Committee held a lengthy discussion on this request before agreeing to send this item back to council for action without a recommendation from the committee.

Council Member Risner stated this item was discussed at the committee but he was unable to support the request due to the fact that he believed the Police Department did not have adequate resources to post officers in that location.

Council Member Jenkins stated that he could not support the request; he felt it was the parent's responsibility to watch their children while they are out trick-or-treating.

Vice Mayor Yowell commented that he noticed in previous years, approximately 300 – 400 children came through that area and requested it be monitored for preparations for next year.

Council Member Jenkins moved, Council Member Risner seconded, to deny the request to close portions of these streets on Halloween. The motion carried by the following voice vote: Ayes: duFrane, Jenkins, Olinger, Risner, Ryan (5); Nay: Coleman, Snider, Yowell (3); Absent: Rimeikis (1).

### **R/R Re: Parking on U.S. Avenue**

Town Manager Muzzy presented the report and recommendation that stated at the September 9 regular council meeting, Ms. Terry Smith of the National Cemetery requested the Town eliminate on-street parking on U.S. Avenue. At the request of Council, the Committee discussed the request to eliminate parking in the block of U.S. Avenue from East Street to the railroad tracks. The Committee's recommendation is not to designate the street as no parking for the following reasons: previous and recent parking counts by Town staff note limited on street parking has been observed, vehicles are traveling slowly through this block, and an officer is present at the intersection of U.S. Avenue and East Street for funeral processions.

Council Member Coleman stated he was opposed to the request since there had been no additional complaints from residents or businesses in that area.

Council Members Risner and Snider agreed that more supporting information would be needed on this issue before Council could take action.

Council Member Risner moved, Council Member Jenkins seconded to endorse not designating US Avenue as a No Parking area. Roll call vote: Ayes: duFrane, Jenkins, Ryan, Yowell (4); Nay: Coleman, Olinger, Risner, Snider (4); Absent: Rimeikis (1). The motion failed by tie vote.

Vice Mayor Yowell referred the request back to the Committee for further consideration pending the receipt of additional supporting information from the cemetery and the senior center for the committee's review.

**R/R Re: Amendments to Town Code Chapter 4, Section 4-3, Adoption of VS USBC, Virginia Maintenance Code (First Reading)**

Town Manager Muzzy presented the report and recommendation that stated the proposed amendments will update the Virginia Uniform Statewide Building Code to reflect the most recent edition of the International Property Maintenance Code. In addition, the proposed amendments will adopt the Virginia Maintenance Code to ensure that buildings and structures are not dangerous to the life, health, property or safety of the public.

Minimal costs would be incurred to adopt the ordinance. In accordance with the current agreement between the Town and County, the Culpeper County Building Official's Office will continue to make inspections and enforce this Chapter of the Town Code.

It was recommended that Town Council hold the first reading of the proposed ordinance amendments to Chapter 4, Buildings & Structures, at the regular council meeting of October 14, which will adopt the Virginia Uniform Statewide Building Code, Part III, Virginia Maintenance Code and the International Maintenance Code, Chapters 2, 7 & 8. The second reading and approval will be placed on the November 13, 2008 regular council agenda.

Council held first reading of the amendments; the second reading and approval will be placed on the November 13 meeting agenda.

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

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

<b>Donor:</b>	<b>In Honor/Memo</b>	<b>Donated It</b>	<b>Donated A</b>
Kathy McGuire and Alice Crane	Newton B. Crane	1 – 12” x 1	\$ 100.00
Isaac Keen	Isaac Keen	1 – 8” x 8”	\$ 75.00
Barbara Campbell	Charles E. Camp	1 – 12” x 1	\$ 100.00
Joseph Todd	Veterans of WW the Korean War	1 Flagpole	\$ 2,000.00
Family of Joseph E Hudson	J.B. Hudson	1 Flagpole	\$ 2,000.00
Duke M. duFrane	Thomas A. Wats	1 – 12” x 1	\$ 100.00
Duke M. duFrane	John Lewis duFr	1 – 12” x 1	\$ 100.00
<b>Totals:</b>			<b>\$4,475.00</b>

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 an additional 36-12" 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.

In keeping with the development plan approved by the Parks and Recreation Commission, Mr. Joseph Todd and Ms. Patricia Hudson have donated \$2,000 each towards the purchase of one of three flagpoles to be placed on the far side of the memorial concrete pad site.

The current donations and requests will offset the total cost of the project by \$4,475. To date, the Town has accepted \$48,974.28 in donations

It was recommended that council accept the donations from Kathy McGuire, Alice Crane, Barbara Campbell, and Duke duFrane (2) for 12 x 12 pavers, Isaac Keen for an 8 x 8 paver, and Joseph Todd and the family of Joseph B. Hudson for a flagpole .

Council Member Olinger 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, Olinger, Risner, Ryan, Snider, Yowell (8); Nays: None (0); Absent: Rimeikis (1).

#### **R/R Re: Providence Baptist Church – Termination of Lease**

Town Manager Muzzy presented the report and recommendation stating the Providence Bible Church requested to lease the building at 740 Old Brandy Road from the Town of Culpeper until 1/1/09 as part of the sale agreement. The church has made arrangements to vacate the premises on 12/16/08 and has requested that the Town terminate their lease effective the same date and forgive the rental payment for the remainder of that month.

There would be a \$3,700 loss of rental income by approving the lease termination request.

It was recommended that council honor the original lease between the town and Church, which will require collection of the full month's rent for December for the property at 740 Old Brandy Road.

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

#### **R/R Re: Municipal Building Third Floor Lease**

Town Manager Muzzy presented the report and recommendation that stated upon purchasing the Municipal Building, the Town leased one-half of the building to other entities. At that time, the Town realized the value of the space in creating additional and appropriate meeting space for Committees and ABC's but elected to retain the lease revenue at the time of acquisition.

The third floor space is broken into quadrants and therefore two leases are issued for one half of the total third floor space. The third floor leases are currently up for renewal in February 2009.

The Committee has discussed alternatives and reviewed input from the current lease holder along with the needs of the Town. The Committee recommends that the Town retain an additional quarter of the third floor to be used for a meeting room. In the future, the Manager will bring renovation plans, cost estimates, and any proposed lease arrangement details to the attention of the Committee for consideration and option selection.

The current annual lease revenue for one quarter of the third floor is \$21,103.

It was recommended that council authorize the Town Manager not to renew the lease for one of the third floor suites of the Municipal Building effective February 2009 and to work through a renovation plan and cost estimate for related improvements to the third floor.

Council Member Risner moved, seconded by Council Member Jenkins, approval of the report and recommendation as presented.

Discussion ensued and Council Member Risner moved, seconded by Council Member Jenkins to amend the motion to delete the words “not to renew the lease for one of the third floor suites of the Municipal Building effective February 2009.”

Council Member Coleman requested staff ask Mr. Cabbage, Manager of the local Huntley, Nyce & Associates office, to indicate the firm’s leasing desires in writing for the Town’s consideration.

The amendment carried by the following roll call vote: Ayes: Coleman, Jenkins, Risner, Ryan, Snider (5); Nays: duFrane, Olinger, Yowell (3); Absent: Rimeikis (1).

The original motion, as amended, (to authorize the town manager to work through a renovation plan and cost estimate for related improvements to the third floor) carried by the following roll call vote: Ayes: Coleman, Jenkins, Risner, Ryan, Snider, Yowell (6); Nays: duFrane, Olinger (2); Absent: Rimeikis (1).

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

### **R/R Re: Museum of Culpeper History – Rent Waiver Request**

Town Manager Muzzy reported that the Board of Trustees for the Museum of Culpeper History requested that the Town reduce its 2009 monthly building rental fee from \$400 to \$1 per month to make up for the shortfall they will be experiencing due to the reduction in the Town’s annual contribution to the Museum (\$12,500 requested with \$6,250 granted).

The committee discussed the request and agreed to recommend denial of the request citing the fact that every organization is affected by the current economic conditions.

By denying the request for a rental fee reduction, there will be no financial impact. Should the request be approved, the Town would suffer a loss of \$4788 in FY09 rental income

It was recommended that the rent waiver request from the Museum of Culpeper History from \$400 to \$1 per month for FY09 be denied.

Council Member Risner moved, Council Member Jenkins, seconded, approval of the report and recommendation as presented. The motion carried by the following roll call vote: Ayes: Coleman, duFrane, Jenkins, Olinger, Risner, Ryan (6); Nays: Snider, Yowell (2); Absent: Rimeikis (1).

**REPORTS & RECOMMENATIONS FROM TOWN ADMINISTRATION**

**Discussion of August 2008 Consent Agenda Item – Hiring of IT Specialist**

Council Member duFrane stated he would prefer open discussions of the full council when new positions are established and that these items not be placed on the consent agenda. Finance, Personnel, Technology & Ordinance Committee Chairman Yowell indicated the committee would take this under advisement.

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

**COMMUNICATION & CORRESPONDENCE** - Vice Mayor Yowell reminded members that the regular November council meeting had been moved to Thursday, November 13, per council action in September.

**ADJOURNMENT:** Council adjourned at 8:10 p.m.

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Clerk

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Vice Mayor