

Regular Meeting

County Board Room
November 13, 2008

The Council of the Town of Culpeper convened in regular session at 6:00 p.m. with Mayor Pranas A. Rimeikis presiding: **Present:** Calvin L. Coleman, F. Steve Jenkins, Michael T. Olinger (arrived at 6:25 p.m.), James C. Risner, Robert M. Ryan, and William M. Yowell, Council members; Jeffrey B. Muzzy, 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:** Duke M. duFrane and Christopher H. Snider, Council Members.

AGENDA APPROVAL

Town Manager Muzzy requested the addition of a closed session item to discuss the acquisition of real property for a public purpose pursuant to the Virginia Code, Section 2.2-3711 (A)(3) and the removal of the R/R Re: Change Order #1 – Materials Testing at WWTP Phase II Construction from the consent agenda and R/R Re: Amendments to Section 13-4, Specific Prohibitions of Noise Ordinance (both items are to be further considered by their respective committees).

Mayor Rimeikis requested the addition of Carl Sachs providing an update on economic development activities as Item 7.03.

Council Member Coleman moved, Vice Mayor Yowell seconded, approval of the amended agenda. The motion carried by the following voice vote: Ayes: Coleman, Jenkins, Rimeikis, Risner, Ryan, Yowell (6); Nay: (0); Absent: duFrane, Olinger, Snider (3).

CLOSED SESSION

Vice Mayor Yowell moved, Council Member Coleman seconded, to enter closed session to discuss or consider specifically named individuals being considered for appointment to the 250th Anniversary Committee pursuant to Code of Virginia Section 2.2-3711(A)(1); and to discuss the acquisition of real property for a public purpose pursuant to Code of Virginia Section 2.2.3711(A)(3); 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 Sections 2.2-3711(A)(7) and 15.2-2907(D).

The motion carried by the following voice vote: Ayes: Coleman, Rimeikis, Risner, Ryan, Yowell (5); Nay: Jenkins (1); Absent: duFrane, Olinger, Snider (3). Council entered closed session at 6:05 p.m. Staff attending: Town Attorney Robert Bendall, Town Engineer Stephenson, and Consolidation Project Manager Dan Boring.

Council Member Michael T. Olinger arrived at 6:25 p.m. and joined the closed session.

Council reconvened in open session at 6:56 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, Jenkins, Olinger, Rimeikis, Risner, Ryan, Yowell (7); Nay: (0); Absent: duFrane, Snider (2).

Council recessed at 6:56 p.m. and reconvened in open session at 7:05 p.m.

PLEDGE OF ALLEGIANCE: Mayor Rimeikis led the Pledge of Allegiance.

CONSENT AGENDA

Council Member Olinger moved, Vice Mayor Yowell seconded, that Council approve the items listed below. The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Yowell (7); Nay: (0); Absent: duFrane, Snider (2).

a. **R/R Re: Replacement of Traffic Loop with Video Detector—Route 29 & Belle Avenue:** Council authorized the town manager to accept the bid from Econolite Control Products to replace the traffic signal loop with a video detection unit at the Belle Avenue and Route 29 intersection.

b. **R/R Re: Change Order #2—WWTP Phase II Construction, Adams/Robinson Construction:** Council authorized the town manager to execute Change Order #2 (wastewater treatment—construction project C/O #2) and complete a line item transfer of \$50,216.74 from 9990-9990 to line item 9057-5216 (WWTP EXP PHII Engineering Services).

c. **R/R Re: Change Order #1—Materials Testing at WWTP Phase II Construction—Timmons Group:** Council removed this item for further consideration by the committee.

d. **R/R Re: Authorization to Participate in the VA Nutrient Credit Exchange Association & Nutrient Credit Service Agreement:** Council authorized the town manager to execute the Nutrient Credit Service Agreement and submit annual dues of \$1500 for FY09 and \$750 for the second installment fee for FY08 membership from the O&M account 4700-6210 for a total of \$2200.

e. **R/R Re: Receipt of Donation from Culpeper Mid-Day Lions for Child Safety Seats:** Council accepted the donation from the Culpeper Mid-Day Lions Club in the amount of \$750 and authorized the town manager and police department to expend such funds for the purpose of purchasing child safety seats.

f. **R/R Re: Miscellaneous Concrete Bids:** Council accepted the low bid submitted by Arthur Construction Co. Inc. for \$30,434 for miscellaneous concrete work and authorized the town manager to execute the necessary documents to complete this work.

g. **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.

h. **R/R Re: No Parking Area on U.S. Avenue:** Council endorsed the recommendation to install timed No Parking signs (7:30 a.m. thru 3 p.m., Monday thru Friday) in the block of U.S. Avenue from East Street to the railroad tracks and authorized the town manager to implement the same.

i. **Treasurer's Report & Line Item Transfers:** Council approved the treasurer's report reflecting a balance of \$37,984,744.68, bills paid listing, and line item transfers.

j. **Minutes of Previous Meetings:** Council approved the minutes of the regular meeting of October 14, 2008.

SPECIAL ITEMS AND RECOGNITIONS

a. Employee of the Month Recognition: Senior Maintenance Worker Ron Johnson of the Traffic Engineering Division of Public Works was selected as Employee of the Month for September 2008.

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

a. Rappahannock Goodwill Industries: President/CEO Woody Van Valkenburgh provided a status report on Goodwill's programs, services, and financials.

b. Carl Sachs, County Economic Development Director, distributed and highlighted the economic development strategy recently adopted by the Economic Development Advisory Committee and Board of Supervisors. He also noted: the department has a new web page, Structural Systems is on stand-by and not closed as previously reported, and the 11th farm tour was the most successful yet.

c. Shaun Sisson, resident of Piedmont Street and a personal chef partnering with the Frenchman's Corner in opening Renaissance Cuisine, discussed her unsuccessful attempts to rent the kitchen facility at the depot. Mayor Rimeikis requested Mrs. Sisson discuss her needs and desire to obtain kitchen rental rates for the depot directly with the town manager.

d. Keith Price, resident of 809 S. West Street, provided council with pictures of and discussed the graffiti on Columbia Gas' brick structure across from Yowell Meadow Park. He stated this had been reported to the police department twice, town staff, and the Parks & Recreation Commission; however, the graffiti had not been removed. By general consensus, council agreed Mayor Rimeikis would sign a letter to Columbia Gas requesting they remove the graffiti from the building as soon as possible.

e. Ed Higgins, President of the Museum Board of Directors and Chairman of the Logistics Committee, requested council's support for closing the requested streets for the Christmas Tour of Homes on December 6.

UNFINISHED BUSINESS

Closed Session Items: There were none.

NEW BUSINESS - PUBLIC HEARING - 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 Chapter 4, Section 4-3, Adoption of VA USBC, Part III, Virginia Maintenance Code (second reading)

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

The first reading of the proposed ordinance amendment was held on October 14 and no comments were received.

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 second reading of the proposed ordinance amendments to Chapter 4, Buildings & Structures, at the regular council meeting and adopt the Virginia Uniform Statewide Building Code, Part III, Virginia Maintenance Code and the International Maintenance Code, Chapters 2, 7 & 8.

Council Member Coleman moved, Council Member Risner seconded, to adopt the Virginia Uniform Statewide Building Code, Part III, Virginia Maintenance Code and the International Maintenance Code, Chapters 2, 7 & 8.

The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Yowell (7); Nays: None (0); Absent: duFrane, Snider (2).

R/R Re: Amendment to Section 13-4, Specific Prohibitions (Noise Ordinance)--First Reading

By Council action, this item was removed from the agenda; it will be further considered by the committee prior to re-submission to council.

R/R Re: Annual Christmas Tour of Homes

Town Manager Muzzy reported that for fourteen years, the South East Street Neighborhood Watch had hosted an annual Christmas Tour of Homes along with a variety of activities including trolley rides and strolling carolers. This year the event is being hosted by the Museum of Culpeper History. This year's tour, scheduled for Saturday, December 6, 2008 from 11 a.m. until 4:30 p.m. will feature eight homes on South East Street and the Burgandine House.

The Museum has requested approval to close the following streets:

- South East Street from East Stevens Street to East Chandler Street
- South East Street from East Chandler Street to Orange Road
- Bickers Street from Orange Road to the dead end
- Page Street from Orange Road to South East Street
- Rosson Lane from South East Street to the dead end
- Ash Street from Orange road to South East Street
- Walter Street from Orange Road to South East Street
- East Mason Street from the Museum parking lot to South East Street
- East Asher Street from Virginia Community Bank parking lot to South East Street
- East Scanlon Street from South Main Street to South East Street

Town personnel can take the necessary action to have the streets closed on this date. As done in past years, it is recommended the group notify the local media to advise the public of the street closures, if approved.

There will be no financial impact if streets are not closed for the event.

It was recommended that council approve the Museum of Culpeper History's request to hold the 15th annual Christmas Tour of Homes on Saturday, December 6, 2008 from 11 a.m. until 4:30 p.m. but *deny* the request to close streets for the event; however, signs alerting motorists of the event should be posted in the area.

Council Member Coleman moved, Council Member Olinger seconded, to approve the Museum of Culpeper History's request to hold the 15th annual Christmas Tour of Homes on Saturday, December 6, 2008 from 11 a.m. until 4:30 p.m. and approve the request to close streets for the event.

Council Member Jenkins stated he would vote against the motion for the same rationale he used last month when a request was made to close streets for trick-or-treating activities; he believed all streets are needed for motorists to navigate through town.

Councilmember Risner also stated he would vote against the motion as this is one of the major thoroughfares through town and the event was being held during daylight hours. He did not believe tying up a major connector street on a Saturday was prudent from a public safety perspective.

Mayor Rimeikis noted he did not know why East Street had been closed in previous years for this event and would also be voting against the motion. He stated there is more traffic on East Street on Saturday mornings vs. Saturday afternoons, and since it would also require more Town resources to close the streets, he did not favor approving this.

The motion failed by the following roll call vote: Ayes: Coleman, Olinger, Ryan (3); Nays: Jenkins, Rimeikis, Risner, Yowell (4); Absent: duFrane, Snider (2).

Contract for Dumpsters for Lafayette Ridge & Westminster Square

Town Manager Muzzy reported that in January of 2005, Town Council decided the Town would no longer provide rear loading container service for businesses, apartments or townhomes beginning April 1, 2005.

At their regular council meeting in June 2005, Council agreed to continue paying for this service for the residents in Lafayette Ridge and Westminster Townhomes. Council authorized the Town Manager to renegotiate the contract with Culpeper Trash, Inc. to provide this service at \$880 per month (\$10,560 per year).

In September 2008, staff received a letter from Culpeper Trash informing the Town that they had sold this container service contract to Rock Hill Containers. Since that time, Culpeper Trash Inc.'s owner, Benji Woodward notified staff that he was willing to continue this service for the same amount of \$880 per month.

Staff has prepared a contract and is ready to rebid the service upon approval of the contract by the Town Attorney. Staff would like Council's direction on whether to:

- 1.) Rebid the contract
- 2.) Extend the contract with Rock Hill Containers
- 3.) Discontinue the service altogether

At the October 28, 2008 committee meeting, members discussed the options and agreed by general consensus to forward the issue without a recommendation to council for discussion on whether it wants to continue the service and rebid the contract or discontinue the service.

The following additional information was provided at the committee's request for council's consideration:

Number of townhouse units being served by current contract:	
Westminster	57
Lafayette Ridge	45
Total	102 Units
Number of townhouse units being served by other providers:	
Meadows	118
King Street	12
Williams Street	8
Piedmont Street	10
Wine Street	8
Southridge Suites	16
Red Oak	14
Fairview Village	23
Verdun Way	40
Catalpa	53
Longview	84
Persimmon	59
Total	445 units

Carts on hand:

95 gallon--225

64 gallon--56

Council Member Olinger moved, Council Member Coleman seconded, the dumpster contract be re-bid.

Council and staff discussed the history of the dumpster contract from when the Town ceased the dumpster contract service in April 2005 to the present. Public Works Director Thornhill also referenced the Facilities Standards Manual that was adopted in 1997 that required all apartment and townhouse units of ten (10) or more to provide dumpster service, especially on private streets; however, in June 2005, council decided to continue providing this service.

Further discussion ensued on the lack of storage space at Lafayette Ridge & Westminster Square for the carts, how the areas are difficult for a refuse truck to access, and the current contract provider.

Council Member Risner noted funds have been budgeted to provide this service through the end of the current fiscal year; therefore, he suggested the Town continue to provide the service through June 2009 and notify residents that at the end of the fiscal year, the Town will discontinue the service.

Councilmember Coleman withdrew his motion.

Council Member Risner moved, Council Member Jenkins seconded, to continue providing this service through June 30, 2009, and notify the Homeowners Association as soon as possible that the service will be continued until this time. The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Yowell (7); Nays: none (0); Absent: duFrane, Snider (2).

FINANCE, PERSONNEL, TECHNOLOGY, & ORDINANCE COMMITTEE

R/R Re: Additional Funding for Culpeper Connector

Town Manager Muzzy reported that the approved Town of Culpeper's FY09 budget resulted in a budget reduction of \$6,648 from the VRTA's requested budget amount for the Culpeper Connector. An additional reduction equal to the Town's reduction also occurred as DHS matched the Town's contribution. The total shortfall of the Town's and DHS's approved budget was \$13,296. The funding for the Culpeper Connector was carried under "Outside Agency" contributions and was cut along with all other outside agencies during the significant budget cuts that were made to balance the FY09 budget. DHS has indicated they will also consider adding the additional funding, pending Council approval.

Greg McGowan, VRTA Transit Manager, agreed to restore the current level of service pending approval of the additional funding by the Culpeper Town Council and the Department of Human Services. If additional funding is not provided, VRT will again consider adjusting the trolley schedules in order to compensate for the funding shortfall. While this action could resolve the situation for this year, we should be mindful that State and Federal cuts for transit may occur next year and if that occurs, we will again have to address transit service levels.

Sufficient monies are available in the General Fund Contingency 9990-9990 to fund the Culpeper Connector budget deficit.

It was recommended that Council approve additional funding for the Culpeper Connector in the amount of \$6,648 and authorize funds to be transferred from General Fund Contingency 9990-9990 to Contributions to Outside Agencies 8106-6130.

Council Member Coleman moved, Council Member Risner seconded, to approve additional funding for the Culpeper Connector in the amount of \$6,648 and authorize funds to be transferred from General Fund Contingency 9990-9990 to Contributions to Outside Agencies 8106-6130.

Council Member Coleman urged VRTA representatives and the Public Transportation Advisory Committee members to start considering different funding options as quickly as possible because effective July 2009, there would be deep state and federal government cuts, which would mean a greater local share will be required to keep the trolleys running in the next fiscal year.

The motion carried by the following roll call vote: Ayes: Coleman, Jenkins, Olinger, Rimeikis, Risner, Ryan, Yowell (7); Nays: none (0); Absent: duFrane, Snider (2).

REPORTS & RECOMMENATIONS FROM TOWN ADMINISTRATION – none.

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

COMMUNICATION & CORRESPONDENCE - There was none.

ADJOURNMENT: Council adjourned at 7:55 p.m.

Clerk

Mayor