

**Town of Louisa
Monthly Meeting
June 19, 2007**

Present: James S. Artz, Mayor; Mary Jane Clarke, Vice-Mayor; A. Daniel Carter, Pamela H. Stone, Warren D. Gehle, Matthew L. Kersey, Council Members; Ronald M. Maupin, Attorney; Brian W. Marks, Town Manager; Donna L. Pinter, Treasurer; Jessica M. Ellis, Clerk; M. Brad Humphrey, Project Manager

Also Attending: Pat Wilson, The Central Virginian; Town of Louisa Planning Commission Members: Carter Cooke, Judith Kavanagh, Manning Woodward, Renee Munford; Kettrina Merkel, Administrative Assistant; Josh Turner, New Life Community Church; Dave Mabie, Member of New Life Community Church; Frank Jeffers, Member of New Life Community Church; P.T. Spencer, Member of New Life Community Church; Steve Fortner, Member of New Life Community Church; John Schick, member of LDDC

Absent: Chief Batten, Town of Louisa Police Dept.

All copies including: reports, handouts, and documents can be found following the minutes.

Mayor Artz called the meeting to order at 7:02 p.m.

Council Member Kersey gave the invocation.

BUSINESS FROM THE FLOOR

None.

CONSENT AGENDA

Council Member Stone made a motion to approve the consent agenda. Council Member Carter seconded the motion. The vote went as follows: Gehle, for; Stone, for with the exception of the C.V.; Carter, for; Kersey, for; Clarke, for.

JOINT PUBLIC HEARING

The Town of Louisa Planning Commission and the Louisa Town Council will hold a Joint Public Hearing to receive comments on the proposed Amendments to Section 134 of the Louisa Town Code: Sign Ordinance

Mr. Maupin asked that Mr. Carter Cooke, Chairman, call the Town of Louisa Planning Commission meeting to order.

Mr. Cooke called the meeting to order at 7:06 p.m.

Mr. Cooke then opened the public hearing on behalf of the Planning Commission at 7:07 as directed by Mr. Maupin.

Mayor Artz then opened the public hearing on behalf of the Louisa Town Council at 7:07 p.m. as directed by Mr. Maupin.

Mr. Marks stood and explained to those in attendance that a joint public hearing was being held because there was an error in advertising which resulted in the Planning Commission not having the ability to make a recommendation to Council on the matter at hand.

Mr. Marks stated that the variation of signage through out the Town of Louisa resulted in the Town Council's request to have the Planning Commission look into revising the sign ordinance in order to make it less restrictive.

Mayor Artz asked if there was anyone present that would like to speak for or against the proposed amendments to the ordinance.

Mr. Josh Turner, representative of New Life Community Church, stood and stated that he was in support of the amendments to the sign code and that New Life Community Church would benefit greatly from the approval of the amendments to the code.

Mr. Dave Mabie, Mr. Steve Fortner, and Mr. Frank Keffer, all members at New Life Community Church, stood and stated their support for the amendments to the ordinance.

Mr. P. T. Spencer, a member of New Life Community Church, then stood and thanked both bodies for their thoughts and effort on the matter.

Mayor Artz asked if there was anyone present that would like to speak against the amendments to the ordinance. Hearing no response, Mr. Carter Cooke then closed the public hearing for the Planning Commission as directed by Mr. Maupin at 7:17 p.m. Mayor Artz then closed the public for the Louisa Town Council at 7:17 p.m.

Mr. Cooke called for any discussion from the members of the Planning Commission. Hearing none, Planning Commission member Woodward made a motion to recommend that the Louisa Town Council approve the amendments to Section 134 of the Louisa Town Code: Sign Ordinance. Planning Commission member Kavanagh seconded the motion. The vote went as follows: 4-0 in favor.

Mayor Artz then asked if there was any discussion from Council. Hearing none, Mayor Artz asked if anyone would like to entertain a motion. Council member Kersey stated that in light of the public comments, and the deliberations made by the Planning Commission, he moved to adopt the amendments to the ordinance as recommended by the Planning Commission members. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Cooke called for a motion to adjourn. Planning Commission member Munford moved to adjourn the Town of Louisa Planning Commission meeting. Planning Commission member Woodward seconded the motion. The vote went as follows: 4-0 in favor.

The Planning Commission adjourned their meeting at 7:30 p.m.

OLD BUSINESS

ADOPTION OF FY 2008 BUDGET, FEES, AND TAX LEVIES

Mr. Marks stated that a public hearing regarding the FY 2008 budget was held at the May 15, 2007 meeting. Mr. Marks noted that there was no public comment, and also added that there have been no changes to the budget since it was developed in March and April. Mr. Marks stated that the budget is ready for Council's adoption.

Mr. Maupin then conducted the following votes, noting that they are effective July 1, 2007.

Real Estate:

Council member Kersey made a motion to adopt the RE tax rate at \$0.166 per \$100 effective. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

Personal Property:

Council member Clarke made a motion to adopt the PP tax rate, unchanged, at \$0.71 per \$100. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

Meals Tax:

Council member Clarke made a motion to adopt the MT tax rate, unchanged, at 5.50%. Council member Stone seconded the motion. The vote went as follows: 5-0 in favor.

Vehicle Decals:

Transfers	\$1.00	Trucks over 12,000 lbs.	\$25.00
Cars, Trucks	20.00	Motorcycles	10.00

Council member Stone made a motion to adopt the Vehicle Decal rates, unchanged, as listed above. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

Holiday Surcharge:

Mr. Maupin explained that the FY 2008 Budget proposes a \$50 holiday surcharge for burial permits.

Council member Carter moved to adopt the \$50 Holiday Surcharge for burial permits. Council Member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Water/Sewer Usage Rates:

Water Base Rate	\$20.00 for 1 st 4000 gallons
Water over 4000 rate	2.25 per 1000 gallons
Sewer Base Rate	24.00 for 1 st 4000 gallons
Sewer over 4000 rate	4.70 per 1000 gallons
Bulk sale of Water	6.00 per 1000 gallons - \$25.00 min.
Meter Deposit	100.00
Water Base Rate out of town	19.25 for 1 st 4000 gallons
Sewer Base Rate out of town	35.00 for 1 st 4000 gallons
Water over 4000 out of town	2.75 per 1000 gallons
Sewer over 4000 out of town	5.00 per 1000 gallons

Council member Stone moved to adopt the W/S Usage Rates, unchanged, as listed above. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Water/Sewer Connection Fees:

Mr. Maupin explained to Council that the FY 2008 Budget proposes an increase in water and sewer connection fees.

	<u>Current FY</u>	<u>7/1/2007</u>
Water	\$ 2,500.00	\$ 6,000.00
Sewer	10,000.00	15,000.00

Mr. John Walk, of the law firm Hirschler Fleishler in Richmond, Virginia, asked if he may have a moment to speak in reference to the proposed increase.

Mayor Artz and Council allowed Mr. Walk to hand out a letter written by his client, Mr. Douglas Jones of Lockridge, Inc., and state their opposition of the increase.

Council member Clarke made a motion to adopt the proposed increase of water and sewer connection fees as advertised in the FY 2008 Budget. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

(Proposed connection fees were advertised as listed above.)

Commercial Solid Waste Tipping Fees:

\$20.00/\$15.50/\$11.50

Council member Stone moved to adopt the Commercial Solid Waste tipping fees, unchanged, as listed above. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

NEW BUSINESS

Council Member Stone took a moment to introduce Ms. Peggy Weston as the Art Director for the Louisa Arts Center. Mrs. Stone touched briefly on Ms. Weston's background and experience and welcomed her to the Town of Louisa.

FY 2008 Budget

Mr. Maupin stated that a few items were overlooked while adopting fees and levies during the Old Business section of the meeting. Mr. Maupin then conducted the following votes, noting that they would become effective July 1, 2007.

Residential & Commercial User Connection Fees:

Residential Users				
Meter Size	GPM	FY 2007 -2008 Water Connection Fee	FY2008 Sewer Connection	Connection Fees
		\$		
¾	20	\$ 6,000.00	\$ 15,000.00	\$ 21,000.00
1	50	\$ 13,750.00	\$ 44,713.50	\$ 58,463.50
1.5	100	\$ 23,950.00	\$ 77,100.00	\$ 101,050.00
2	160	\$ 27,611.00	\$ 86,735.00	\$ 114,346.00
Commercial Users				
Meter Size	GPM	FY 2007 -2008 Water Connection Fee	FY 2008 Sewer Connection	Connection Fees
¾	20	\$ 6,000.00	\$ 15,000.00	\$ 21,000.00
1	50	\$ 11,650.00	\$ 44,713.50	\$ 56,363.50
1.5	100	\$ 20,250.00	\$ 77,100.00	\$ 97,350.00
2	160	\$ 22,479.00	\$ 86,735.00	\$ 109,214.00
3	450	\$ 28,200.00	\$ 109,500.00	\$ 137,700.00
4	1000	\$ 29,197.00	\$ 145,985.00	\$ 175,182.00
6	2000	\$ 57,502.00	\$ 287,510.00	\$ 345,012.00

Council member Stone made a motion to adopt the Residential Users connection fees as advertised and presented at the public hearing in May. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

Council member Clarke made a motion to adopt the Commercial Users connection fees as advertised and presented at the public hearing in May. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

(User connection fees are listed above.)

Expenditures:

Council member Kersey made a motion to adopt the expenditure side of the FY 2008 Budget. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

Resolution to endorse the Town of Louisa IDA issuance of Bonds for Virginia Electric Power Company

The resolution is as follows:

RESOLUTION
OF THE TOWN COUNCIL OF THE
TOWN OF LOUISA, VIRGINIA

WHEREAS, the Industrial Development Authority of the Town of Louisa, Virginia (the "Authority"), has considered the application of Virginia Electric and Power Company (the "Company") requesting the approval of the issuance by the Authority of up to \$159,500,000 of its pollution control refunding revenue bonds (the "Refunding Bonds") to refund (1) the Industrial Development Authority of the Town of Louisa, Virginia Money Market Municipals Pollution Control Revenue Bonds (Virginia Electric and Power Company Project) Series 1984, currently outstanding in the aggregate principal amount of \$60,000,000 (the "1984 Bonds"); (2) the Industrial Development Authority of the Town of Louisa, Virginia Money Market Municipals Pollution Control Revenue Bonds (Virginia Electric and Power Company Project) Series 1985, currently outstanding in the aggregate principal amount of \$62,000,000 (the "1985 Bonds"); (3) the Industrial Development Authority of the Town of Louisa, Virginia Money Market Municipals Pollution Control Revenue Bonds (Virginia Electric and Power Company Project), Series 1987, currently outstanding in the aggregate principal amount of \$18,000,000 (the "1987 Bonds"); and (4) the Industrial Development Authority of the Town of Louisa, Virginia 5.45% Pollution Control Revenue Bonds (Virginia Electric and Power Company

Project) Series 1994, currently outstanding in the aggregate principal amount of \$19,500,000 (the "1994 Bonds" and together with the 1984 Bonds, the 1985 Bonds and the 1987 Bonds, the "Refunded Bonds"), and has approved the issuance of the Refunding Bonds after conducting a public hearing on June 19, 2007;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the proceeds of the Refunded Bonds were loaned to the Company and a portion of such proceeds were used to finance or refinance, in whole or in part, the acquisition, construction and equipping of certain air or water pollution control facilities and/or sewage or solid waste disposal facilities and related facilities and equipment at the North Anna Power Station of the Company located at State Route 700 in Mineral, Louisa County, Virginia (the "Facilities");

WHEREAS, the Authority has recommended that the Town Council of the Town of Louisa, Virginia (the "Council") approve the issuance of the Refunding Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Refunding Bonds, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOUISA, VIRGINIA:

1. The Council approves the issuance of the Refunding Bonds by the Authority in an aggregate principal amount not to exceed \$159,500,000, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") to permit the Authority to assist in refinancing the Facilities.

2. The approval of the issuance of the Refunding Bonds and the refinancing of the Facilities does not constitute an endorsement to a prospective purchaser of the Refunding Bonds of the creditworthiness of the Company.

3. Neither the Refunding Bonds, nor the interest thereon, shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Authority or the Town within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Authority or the Town. The Refunding Bonds and the interest thereon shall be limited obligations of the Authority, payable by the Authority solely from the revenues derived from loan repayments (both principal and interest) made to the Authority by the Company on account of the Refunding Bonds and from any other monies made available to the Authority for such purposes.

4. The Refunding Bonds shall be authorized, issued, sold and delivered without direct or indirect cost to the Authority or the Town, and to that end, the Company shall pay all

necessary expenses of selling and issuing the Refunding Bonds and any and all costs, fees and expenses (including, without limitation, attorney's fees) incurred by or on behalf of the Authority and the Town in connection with this Resolution or the publication of notices of any public hearings to be held in connection herewith, whether or not the proposed financing is consummated.

5. That no further action by the Town is necessary to effect the refinancing by the Authority of the Facilities or the completion of the transactions contemplated in this Resolution, including without limitation, the issuance and sale of the Refunding Bonds.

6. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.

7. This resolution shall take effect immediately upon its adoption.

Adopted by the Town Council of the Town of Louisa, Virginia this ___ day of June, 2007.

Clerk, Town Council of the Town of Louisa,
Virginia

[Seal]

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Council member Kersey made a motion to adopt the resolution endorsing the Town of Louisa IDA bond issuance for the Virginia Electric Power Company. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Discussion of proposed amendments to Section 94 of the Louisa Town Code: Garbage, Refuse and Weeds

Mayor Artz, members of Council, Mr. Maupin, and Mr. Marks discussed the matter at length.

Mr. Maupin recommended that Council direct the Town Manager to advertise the proposed amendments to Section 94 of the Louisa Town Code: Garbage, Refuse and Weeds for public hearing at the July 17, 2007 meeting.

Council member Carter made the motion to have Mr. Marks advertise the amendments to Section 94 of the Louisa Town Code: Garbage,

Refuse and Weeds for public hearing at the July 17, 2007 meeting. Council member Stone seconded the motion: The vote went as follows:5-0 in favor.

Discussion on possible acquisition of a trash truck from a VA Municipality

Mr. Marks informed Council that the Town of Warsaw is selling a tandem axle trash truck. Mr. Marks noted that they have bought two new trucks and are willing to sell their old truck to a municipality for \$45,000. Mr. Marks added that the commercial market value for a truck like this is \$65,000. Mr. Marks explained the current situation the town is facing with our own trash truck and remarked that the acquisition of the truck in question would be of great benefit to the town given the cost of a new trash truck. Mr. Marks stated that \$31,089 is already allocated in the FY 07-08 for the purchase of a new trash truck, and the allowance of up to \$15,000 from reserves would be needed to purchase the truck.

Council member Carter made the motion to give Mr. Marks authorization to negotiate the purchase of the trash at \$45,000. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

Appoint Members to the Town of Louisa Board of Zoning Appeals

Mr. Marks reported that both Mr. Cooke and Mr. Mehlhaff agreed to serve again on the Town of Louisa Board of Zoning Appeals, if appointed.

Council member Stone made a motion recommending to the Louisa County Circuit Court that both gentlemen be reappointed to the Town of Louisa Board of Zoning Appeals. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Maupin informed Council that a letter needs to be sent to the Louisa County Circuit Court stating that Mr. Cooke and Mr. Mehlhaff have agreed to serve again, if appointed, on the Town of Louisa

Board of Zoning Appeals. Mr. Maupin also stated that the letter needs to incorporate the transcribed motion made by Council.

LDDC Financing Request

Mr. Marks informed Council that a letter from the LDDC requesting the issuance of general obligation bonds for the interim financing of Phase III construction of the Town Hall Arts Center Complex was included in their packet. Mr. Marks then further explained the request to Council and also provided the pros and cons of all possible options for the LDDC. Mr. Marks concluded in recommending that Council consider this financial approach as a way to complete the project in the most effective and inexpensive manner.

Council member Stone, Council member Clarke, and Mr. John Schick, a member of the LDDC, all spoke in support of the request.

Council member Kersey also spoke, informing Council that he would be unable to support the request. Mr. Kersey went further to explain his decision by stating that from the start of this project, the Town of Louisa and the LDDC were to be two separate bodies, and by granting the LDDC their request, the separation would no longer exist. Mr. Kersey stated that he has always felt the two should be separate, and because there is some financial risk involved, he would have to stand by his word.

After a lengthy discussion, the following action was taken:

Council member Carter made the motion to approve the proposed financing for the LDDC. Council member Clarke seconded the motion. The vote went as follows: Carter, for; Stone, for; Kersey, against; Clarke, for; Gehle, abstain.

STANDING COMMITTEE REPORTS

Police Department:

(Please refer to the Police Department report.)

Water & Sewer Department:

(Please refer to the Water & Sewer Department report.)

Mr. Humphrey stood before Council and read aloud from his report, highlighting areas of interest.

Litter Committee:

No report.

Streets & Sidewalks

No report.

Cemetery

No report.

REPORTS FROM STAFF

Counsel

No report.

Clerk

No report.

Treasurer

Mrs. Pinter reported that she had prepared an updated delinquent personal property list. Mrs. Pinter requested that Council give she and Mr. Marks permission to go through the list and decide what is collectable. Mrs. Pinter stated that bills and letters of delinquency have been returned due to the lack of forwarding addresses.

Council member Stone made the motion giving Mrs. Pinter and Mr. Marks permission to work through the delinquency list to determine

was is collectable. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Mrs. Pinter also requested authorization to pay a couple of bills that come due before the next Council meeting, but are to be paid from the FY 2008 budget.

Council member Carter made the motion to authorize Mrs. Pinter to pay the listed bills prior to the July meeting. Council member Clarke seconded the motion. The vote went as follow: 5-0 in favor.

Manager

Parade Permit:

Council member Kersey moved to approve the Louisa Volunteer Fire Department's application for a parade permit for July 5, 2007 at 7:00 p.m. Council member Stone seconded the motion. The vote went as follows: 4-0 in favor.

(Council member Carter had exited the room prior to the vote, and returned shortly after.)

Bingo Permit:

Council member Kersey moved to approve the Louisa Volunteer Fire Department's application for a bingo permit for the week of July 2, 2007 through July 7, 2007. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

Clean Louisa Day & 1st Cutting of Vacant Lots:

Council member Clarke moved to approve setting July 10, 2007 as Clean Louisa Day & the 1st cutting of vacant lots in the Town of Louisa. Council member Stone seconded the motion. The vote went as follows: 5-0 in favor.

FY 2007 Closeout:

Mr. Marks reported that, as of June 14, 2007, a surplus of \$35,697 exists and there are about six possible uses for the funding. Mr. Marks then referred to the handout in Council's packet explaining the uses in more detail.

After a lengthy deliberation, Council took the following action:

Council member Clarke made a motion to use \$15,000 toward the purchase of the trash truck and \$19,000 to pay the Police Department's comp. time overage. Council member Stone seconded the motion. The vote went as follows: 5-0 in favor.

Fireworks:

Council member Carter made the motion to authorize Mrs. Pinter to pay Pyrotechnico for fireworks once the funds have been received from the Louisa Volunteer Fire Department. Council member Stone seconded the motion. The vote went as follows: 5-0 in favor.

COMMUNICATIONS

None.

CLOSED SESSION

Council member Clarke made the motion to go into Executive Session to discuss two matters of Probable Litigation under section 2.2-3711 A7 of the Code of Virginia; and to discuss one matter of the Acquisition of Real Estate for Public Purpose under section 2.2-3711 A3. Council member Stone seconded the motion. The vote went as follows: 5-0 in favor.

Council went into Executive Session at 9:30 p.m.

Council member Gehle left the meeting at 9:50 p.m.

REGULAR SESSION

Council Member Kersey made the motion to go back in to Regular Session. Council Member Clarke seconded the motion. The vote went as follows: 4-0 in favor.

Council returned to regular session at 9:53 p.m.

CERTIFICATION OF CLOSED SESSION

Council Member Stone made the motion to certify the closed session. Council Member Clarke seconded the motion. The vote went as follows: 4-0 in favor.

ADJOURNMENT

Council Member Kersey moved to adjourn the June 19, 2007 meeting at 9:55 p.m.

Mayor

Clerk

CERTIFICATION OF CLOSED SESSION

WHEREAS, The Louisa Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 – 3712 (D) of the Code of Virginia requires a certification by this Town Council and such executive meeting was conducted in conformity with Virginia Law;

NOW THEREFORE, BE IT RESOLVED that the Town Council hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion covering the executive meeting were heard, discussed or considered by the Town Council.

VOTE

AYES: Kersey, Clarke, Stone, Carter.

NAYES: None.

ABSENT DURING VOTE: Gehle.

ABSENT DURING MEETING: None.