TOWN COUNCIL WORK SESSION MINUTES

Monday, April 1, 2013 @ 7:00pm

Front Royal Administration Building Conference Room

Mayor Darr noted that earlier in the day Councilman Sayre suggested adding a Closed Meeting tonight's meeting. Vice Mayor Parker noted that he would prefer NOT to add the additional CLOSED MEETING to the worksession at this time. Council discussed the rules for adding items to the agenda. Mayor Darr noted that they would place it on a future agenda.

1. <u>Waiver of Zoning Permit Application Fee for Front Royal Little League</u> – *Town Manager*

Summary: The Town has received a request from the Front Royal Little League to waive the Town's permit fee associated with the installation of new batting cages at their field.

Council is requested to consider a donation of $100.00 towards the Zoning Permit fee associated with the installation of batting cages at the Front Royal Little League ball field.

Staff Evaluation: The Front Royal Little League is replacing their batting cages due to storm damage. The proposed facilities are larger than the previous cages, which require both a Zoning Permit from the Town and a Building Permit from Warren County. Warren County has agreed to waive the fee for the Building Permit.

Budget/Funding: Funding for the donation would be made from General Fund reserves. The Director of Finance will be available for fiscal questions.

Staff Recommendations: Staff recommends Town Council consider a donation of $100.00 to the Front Royal Little League for the Zoning Permit associated with the construction of new batting cages.

Council Discussion:

Councilman Hrbek asked who would own the batting cages. Mr. Burke stated that it would be the Little League. Council chose to place it on an upcoming Consent Agenda.

2. <u>Waiver of Zoning Permit Application Fee for James McCloskey</u> – *Town Manager*

Summary: The Town has received a request from the director of the Samuels Library to waive the Zoning Permit fee associated with the construction of a wooden bridge by an Eagle Scout candidate on the Library property.

Council is requested to consider a donation of $100 towards the Zoning Permit fee associated with the construction of a wooden bridge at the Samuels Library by James McCloskey, who is pursuing his Eagle Scout designation.

Staff Evaluation: James McCloskey is proposing to construct a wooden bridge across a drainage area at the Samuels Library as part of achieving his Eagle Scout designation.

Budget/Funding: Funding for the donation would be made from General Fund reserves. The Director of Finance will be available for fiscal questions.

Staff & Town Manager Recommendations: Staff recommends Town Council consider a donation of $100 to the Samuels Library or James McCloskey to construct a wooden bridge at the Samuels Library as part of the process to achieve Eagle Scout designation.

Council Discussion:
Council chose to add it to the Consent Agenda, with the item being listed as going to the Library, rather than the Eagle Scout, per the suggestion of the Town Attorney.

McCloksky presented a drawing of his btridge, noting that it coincides with the outdoor development plan and assists with the drainage concerns as wewll
He added that he building inspector approved the plan, with minor modifications
noted he is with TROOP #4

3. **Invoice from Sheriff's Office for Costs of Housing Town Inmates** – *Town Attorney*

Summary: The Warren County Sheriff's Office is requesting payment from the Town of $260.00 for housing 26 inmates for 26 inmate days in Warren County Jail for months of January and February, 2013.

Council Discussion: Town Council should decide the position it wishes to take regarding payment to the Warren County Sheriff's Office of the cost of housing Town inmates in Warren County Jail in light of Va. Code § 53.1-91, and Opinion of the Attorney General 81-82 Va. AG 333 (1982) and Opinion of the Attorney General 82-83 Va. AG 160.

Staff Evaluation: The Town Attorney's evaluation is contained in his attached Memorandum dated May 21, 2012, to Steven M. Burke, Town Manager, and Richard Furr, then-Police Chief, which, agreeing with the above Attorney General's Opinions, the most recent authority interpreting Va. Code § 53.1-91, concludes that statute specifically exempts towns, such as the Town of Front Royal, from being liable for the costs of housing its prisoners in the jail of the County in which the Town is located, i.e., the Warren County Jail. In this regard, the Town Attorney respectfully disagrees with an opinion dated May 16, 2012, attached, from the Warren County Attorney, Blair D. Mitchell, Esq. to Daniel T. McEathron, Sheriff of Warren County.

Budget/Funding: Bill from Sheriff's Office is for $260.00.

Legal Evaluation: Given that the Attorney General's interpretation of Va. Code § 53.1-91 appears reasonable and does not seem to have been judicially challenged in over 30 years, it is the Town's Attorney's opinion that the Town is not legally liable to pay the costs of housing its prisoners in the County Jail, since the Warren County Sheriff's Office is just as much the Sheriff for the Town of Front Royal as he is for the rest of the County, and the Town citizens pay County taxes to help fund the County Jail, just as do all other County taxpayers.

Staff Recommendations: Legal staff recommends the Town not pay the Sheriff's Office bill of March 12, 2013.

MEMORANDUM

TO: MAYOR AND TOWN COUNCIL MEMBERS
CC: STEVEN M. BURKE, TOWN MANAGER
RICHARD FURR, CHIEF OF POLICE
FROM: DOUGLAS W. NAPIER, TOWN ATTORNEY
DATE: MAY 21, 2012
RE: COSTS OF INCARCERATION OF TOWN PRISONERS

After the weekly department head staff meeting today, Mr. Burke voiced some concern that the wording of Va. Code § 53.1-91, upon which I based my opinion that Warren County may not permissibly charge the Town of Front Royal for the cost of incarcerating the Town's prisoners, was somewhat vague, and wanted to know how confident I was that that statute supported my opinion.

Since I had not earlier attached a copy of the basis of the research I had done to support that opinion, and since Mr. Burke found Va. Code § 53.1-91 to him to be somewhat ambiguous as to its meaning, I thought it prudent that I explain in more detail the basis for my opinion.

Va. Code § 53.1-91 states:

" Each sheriff or jail superintendent shall collect from the counties, cities and towns of the Commonwealth, other than the county, city or region for which he is elected or appointed, and from any other state or country for which any prisoner is held in such jail, the reasonable costs of guarding, feeding, clothing, caring for and furnishing medicine and medical attention for prisoners held for such county, city, town, state or country, to be determined by agreement with the governmental unit involved, or, in the absence of such agreement, as shall be determined by the governing body of his county, city or regional jail.

"The term "reasonable costs," as used in this section, means an amount not to exceed actual costs, including depreciation, less such amounts as may be paid by the Commonwealth pursuant to §§ 15.2-1609.8 and 53.1-85. (Code 1950, § 53-182; 1982, c. 636; 1983, c. 358; 1991, c. 383.)" ***[Note: the information at the end of the second paragraph in parentheses is a shorthand summary of the legislative history of this statute; the same, or essentially same, statute prior to the Code of Virginia's re-codification from Title 53 to Title 53.1, was §53-182, as referenced near the beginning of the parenthesized portion.)***

In researching the meaning of this statute, I found an Attorney General's Opinion, which, because it is not lengthy, I copy in its entirety (note: this Attorney Generals' Opinion interprets Va. Code § 53-182, the predecessor to the current Va. Code § 53.1-91; the body of this Attorney Generals' Opinion recites verbatim the wording of Va. Code § 53-182, which appears to be substantially the same as Va. Code § 53.1-91).

Opinion of the Attorney General 81-82 Va. AG 333, 333-334 (1982):
"The Honorable Glenn M. Weatherholtz
"Sheriff of Rockingham County

"March 1, 1982

"You have asked whether, pursuant to § 53-182 of the Code of Virginia (1950), as amended, it is permissible to bill towns and cities within Rockingham County for prisoners' per diem costs within your jail.

"Section 53-182 reads as follows:

"Each sheriff or sergeant shall collect from the counties, cities and towns of the Commonwealth, other than the county or city for which he is elected or appointed, and from any other state or country for which any prisoner is held in such jail, the reasonable costs, to be determined by agreement with the governmental unit involved, or, in the absence of such agreement, as shall be determined by the governing body of his county or city, of feeding, clothing, caring for, and furnishing medicine and medical attention for, prisoners held for such county, city, town, state or country."

"This section specifically exempts prisoners from "the city or county for which [he is] elected or appointed" You are elected for all of Rockingham County, including the towns, and the City of Harrisonburg. [Page 334]

"It is, therefore, my opinion that you may not bill the incorporated towns within Rockingham County or the City of Harrisonburg for the per diem cost of maintaining prisoners in the Rockingham County Jail pursuant to § 53-182."

Va. Code § 53-182 was re-codified into Va. Code § 53.1-91 in 1982. There is one AG's Opinion, and one Federal court decision, but no other court decisions, dealing with Va. Code § 53.1-91, since the re-codification. The Attorney General's Opinion is Opinion of the Attorney General 82-83 Va. AG 160, 160 , the relevant part of which re-affirms the meaning of Va. Code § 53.1-91:

"You have asked three questions regarding the responsibility for prisoners arrested in the City of Galax and committed to the jails in Carroll County or Grayson County. The City of Galax has only a 24-hour lockup facility; hence, a felon arrested in the city is delivered to the jail in Carroll or Grayson County, depending upon which portion of the city the offense was committed.

"…The City of Galax is unique among cities. The land area previously comprised the Town of Galax and portions of the counties of Carroll and Grayson prior to the transition into a city. Upon becoming a city of second class, the charter provided that the county sheriff, Commonwealth's attorney and circuit court clerk shall continue to exercise and have the same rights and privileges, perform the same duties, and have the same jurisdiction in that part of the area lying within the city, which was a part of and lying in

Carroll County or Grayson County, before the time of the transition of the town into a city, as they had in such area of the town before such municipality became a city.

"…In an Opinion found in the 1981-1982 Report of the Attorney General at 333, 81-82 Va. AG 333, this Office ruled that sheriffs may not collect per diem costs pursuant to former § 53-182 (currently § 53.1-91)[1] from the county or city *for which he is elected.*[2] (Emphasis added.) As you have previously indicated, the citizens of Galax vote for their respective county sheriff, depending upon the location of their residence within Galax. Thus, I am of the opinion that the sheriffs of Carroll and Grayson Counties do not have authority to collect a per diem cost from Galax as indicated in the prior Opinion. …"

Thus, the Attorney General is of the opinion that the re-codification of Va. Code § 53-182 into Va. Code §53.1-91 does not change the meaning of the statute.

The federal case, *May v. Newhart,* 822 F. Supp. 1233, 1235 (E.D. Va. 1993), is not as relevant, except that in a tangential way, it helps explain Va. Code § 53.1-91. The most relevant portions of that case decision are where the court stated:

"In Virginia each city and county is required to erect and maintain a local jail. Va. Code Ann. § 53.1-71 (1991)…. The sheriff must also collect reasonable costs, as determined by the city, for maintaining other county or state prisoners. Va. Code Ann. § 53.1-91 (1991). He must promptly pay the fees collected into the general treasury of the city. Va. Code Ann. § 53.1-92 (1991)."

Council Discussion:

Sheriff McEathron noted that that he was not representing the RSW Regional Jail in anyway, but rather was here on behalf of the Warren County Sheriff's Department. He stated that the pause in invoices to the Town, noting that he agreed some time ago not to bill until the two attorneys between the Town and the County could work things out.

Sheriff McEathron stated that it was only a matter of principal, adding that it does not matter if the Town pays the bill or not, as he will not go broke over such a small amount.

Vice Mayor Parker asked about the Supreme Court decision from the 1800's referenced by the County Attorney, Mr. Mitchell. Mr. Napier stated that the decision is based on cities, not counties, adding that the Code section referenced by the Supreme Court decision has been substantially modified since the 1800's.

Councilman Tewalt stated that the Town was part of Warren County and he does not feel that they should have to pay for housing of inmates, as they have already paid for the inmates through Warren County taxes.

Mayor Darr stated that it was not about the $260, though it was a matter of principal. He noted that it would go forward to an agenda for an up or down vote, if Council chose.

Councilman Funk suggested leaving it be, rather than moving it forward with a vote on the matter. Vice Mayor Parker and Councilman Tewalt voiced support with Mr. Funk's suggestion of letting it be.

4. **<u>Budget Overview</u>** – *Town Manager/Director of Finance*

Budget Introductory letter from Town Manager Burke:

Dear Mayor Darr and Members of Town Council:

I am pleased to present the Town proposed Fiscal Year (FY) 2013-2014 Budget for Council's consideration. The FY 2013-2014 Budget is balanced as required by Town Code Section 4-29 and conforms to budget policies established by Town Council. The budget has been developed following many hours of discussions with Department Heads, Staff, and the effort of our Finance Director, Kim Gilkey-Breeden.

As in past years, the proposed budget is conservative and responsible, while providing the resources necessary to continue quality service delivery, ensure a qualified and dedicated workforce, reinforce economic and community development, promote infrastructure maintenance and improvement, and maintain a stable community.

The proposed budget represents Town Council's commitment to provide for the most improvement citizen needs within the boundaries of available revenues. Revenue includes the funds collected from taxes, grants, fees, utility payments, and other funding sources. The proposed budget is a plan to communicate to our citizens, customers, employees, and other stakeholders the Town's project goals and expectations for the upcoming fiscal year.

<u>BUDGET OVERVIEW</u>

The proposed FY 2013-2014 Budget for General Fund, Electric, Water, Sewer, and Solid Waste Management operations is $38,376,795, which represents an overall increase of 2.2% from the FY2012-2013 Budget of $37,540,158. A breakdown of the individual funds is as follows:

Fund	FY13-14	FY12-13	Difference	Percent Diff
General Fund	$11,951745	$12,204,633	-$252,888	-2.1%
Electric	$16,530,300	$16,008,316	$680,000	3.3%
Water	$4,578,135	$4,229,525	$770,000	8.2%
Sewer	$4,333,315	$4,055,463	$690,000	6.9%
Solid Waste	$983,300	$1,042,221	-$58,921	-5.6%
TOTAL	**$38,376,795**	**$37,540,158**	**$836,637**	**2.2%**

The proposed budget, consistent with both the direction of Town Council and with previously approved budgets of the last several years, continues a budget philosophy to maintain the core Town programs, services, and operating budgets.

Graphic representations of the individual General Fund, Electric, Water, Sewer, and Solid Waste operation budgets are provided for your review on the following pages.

GENERAL FUND

General Fund revenues are generally stable with very slight increases in some sources. The proposed FY 2013-2014 Budget is based upon maintaining real estate and personal property tax rates from FY 2012-2013. These tax rates are $0.64 per $100 assessed value for personal property, and $0.11 per $100 assessed value for real estate. The real estate tax included $0.02 per $100 assessed value dedicated to three capital projects: 1) Leach Run Parkway, 2) Local Connector Road, and 3) Facilities Studies.

Meals and Lodging tax rates are proposed to remain at the same rates of $0.04 and $0.06, respectively. The annual vehicle decal fee will also remain at the same rate of $25 per vehicle.

Transfers from our Enterprise Funds (Electric, Water, Sewer, and Solid Waste) continue to be based upon the funding formula endorsed by our auditors. With the exception of Solid Waste, the transfers are consistent with the previously approved budget. The transfer from Solid Waste increased from $19,260 to $30,510, however it does not meet the transfer amount established by our auditor's formula.

General Fund expenditures benefited from the reduction of Library and EDA operating contributions, which were assumed by Warren County. In addition, the Town's group health insurance rates through the Commonwealth's Local Choice Program remain unchanged from last year.

The proposed FY 2013-2014 Budget includes wage increases of 4% that are offset by a 4% contribution by the employee to the Virginia Retirement System (VRS). The Commonwealth has mandated that all VRS participating municipalities establish a 5% contribution by the employees to VRS by 2016. Staff recommends completing this requirement in the Budget due to the pending VRS program to establish an additional retirement plan for new employees.

ENTERPRISE FUNDS

The Town's Enterprise Funds (Electric, Water, Sewer, and Solid Waste) are funded from revenue generated from service rates.

The proposed budget for Electric Fund of $16,530,300 reflects a 3.3% over last year. However, existing rates are anticipated to fund the proposed budget. The budget proposal includes the acquisition of new equipment to transport replacement utility poles through the limited space in urban back yards to improve our crews ability to respond to repair issues in a safe manner. The budget also includes the design of improvements to their yard to establish a new office facility. Other budget proposals include acquisition of automatic defibrillator equipment for line trucks, continued pedestrian signalization improvements, and additional funds to complete the Riverton Substation.

The Water Fund proposed budget of $4,578,135 is an increase of 8.2% from last year. The water rates are proposed to increase 23.5% due to improvements to meet current regulatory requirements and to offset reduced user consumption. Upgrades to the Water Treatment Plant are currently being evaluated by our consultant. In addition, the budget proposal includes necessary repairs and maintenance to the Fairground Road Water Tank and to the plant's raw water reservoir. The budget also includes funding towards a replacement backhoe and water pump for the Water Maintenance Division.

The proposed budget for the Sewer Fund of $4,333,315 is an increase of 6.9% from last year. The sewer rates are proposed to increase 20% due to improvement to meet current regulatory requirements. Upgrades to the Wastewater Treatment Plant are anticipated to be completed in 2013 with construction beginning in 2014. In addition, the budget proposal includes necessary repairs and maintenance to the Crooked Run Pump Station, a pump station study, and a replacement vehicle for the plant. The budget also includes funding towards a replacement backhoe and water pump for the Sewer Maintenance Division.

The proposed budget for the Solid Waste Management Fund of $983,300 is a decrease of 5.6% from last year. The monthly collection rates are proposed to increase $1 for small residential containers and $1.75 for large residential containers. In addition, commercial collection rates are proposed to increase. While the budget has reduced, the revenue generated by the Fund last year was insufficient to meet expenses. The Town will evaluate the operating budget in 2013 and provide recommendations to Town Council to improve service and reduce expenses.

Included in the budget is a summary of the anticipated impact on our citizens based on the proposed rate increases. In general, our residents will experience an annual increase between $75 and $225 dependent upon the volume of their water consumption.

PERSONNEL

The Town endeavors to recognize the dedicated service of our employees. Part of this effort includes the current evaluation of duties to ensure that the proper job classification is assigned. As a result, the proposed FY 2013-2014 Budget includes two position reclassifications in the IT Department and two position reclassifications in the Environmental Services Department. The addition of one new position in the Energy Services Department is also requested.

The proposed Budget continues to fund the Police Department Master Police Officer and Senior Dispatcher Program.

During FY 2013-2014, our Human Resources Department will conduct a position compensation study to evaluate and compare salaries for all Town positions to ensure that the Town remains competitive with other local municipalities.

The proposed FY 2013-2014 also includes the departure from the "Time in Grade" philosophy from our pay scale. You will see that each position is assigned a "Pay Band".

In future budgets, superior performance will be recognized and rewarded through a higher percentage of available merit pay.

UNFUNDED REQUESTS

The proposed FY 2013-2014 Budget was limited in including all budget requests. All though not all-inclusive, the following summarizes some important programs and initiatives that could not be funded in the presented Budget.

- Front Royal Volunteer Fire & Rescue Department Donation Request
- Implement "Paperless Council Agendas" through the acquisition of iPads for Council members
- Request salary adjustment for three positions in the Police Department
- Additional FT Auto Mechanic in Fleet Maintenance
- Cost of Living / Merit Raise / One-time Bonus for employees

CONCLUSION

The influence of the continued economic uncertainty on Federal, State, and local revenues challenges our staff to improve performance and efficiency at every opportunity. Staff will continue to monitor our revenue projections and collections closely, and adjust our spending accordingly. We will keep Town Council and our citizens informed on our budget throughout the fiscal year.

Staff will implement Town Council's suggestion to initiate the budget process earlier to ensure that the proposed FY 2014-2015 Budget is presented to Council in advance of the adoption of the tax rates.

I would like to thank the Department Heads for their continued dedication to service delivery to our citizens. I am also thankful to their recognition of the revenue constraints in their budget requests. Special recognition is dedicated to Kim Gilkey-Breeden, our Finance Director, for her dedication to the preparation of this document.

The Town staff and I look forward to discussing the merits of the proposed FY 2013-2014 Budget with you in the upcoming Work Sessions as we formalize the FY 2013-2014 Budget.

Respectfully submitted,
Steven Burke, PE
Town Manager

Mr. Burke presented this report to Council on the budget as well:

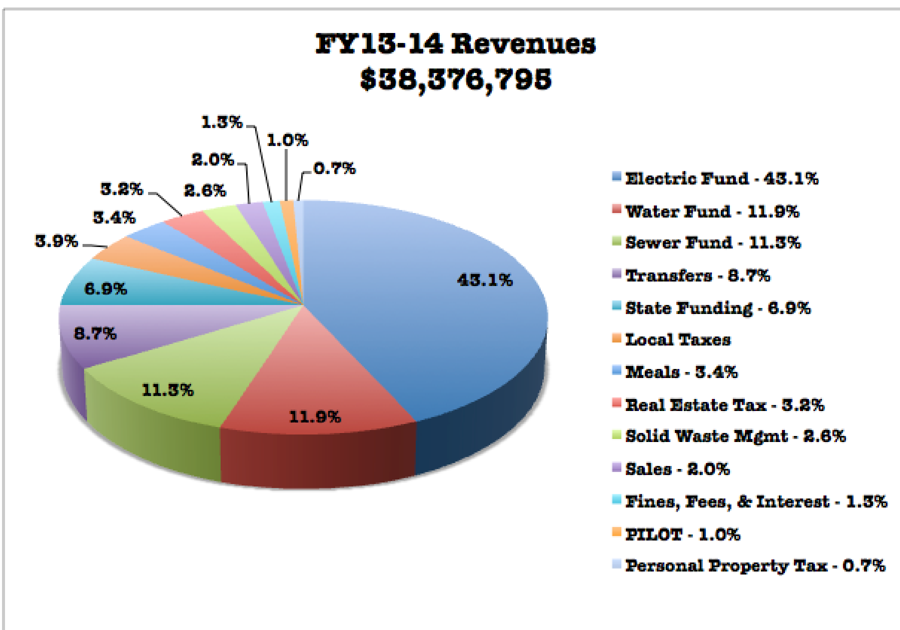
Budget Guidance

- Expenditure Growth Matched to Economic Growth
- Maintain Real Estate & Personal Property Tax Rates
- Comply with Town Council Debt Service & Fund Balance Policies
- Focus on Customer Service, Service Delivery, and Infrastructure Development

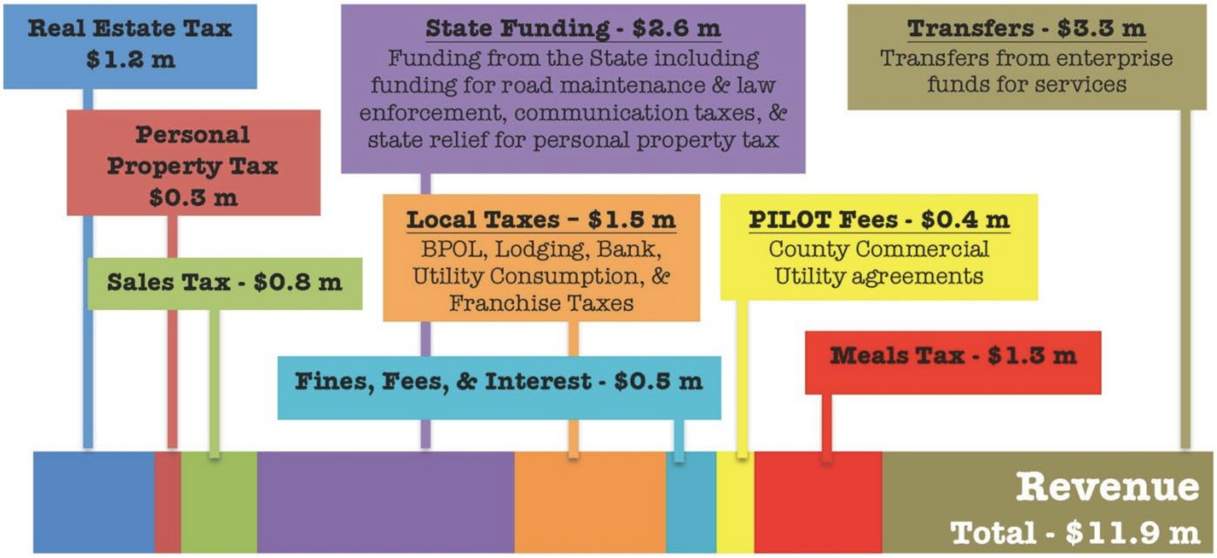
Proposed Budget Overview

Fund	FY13-14	FY12-13	Difference	Percent Diff
General Fund	$11,951,745	$12,204,633	-$252,888	-2.1%
Electric	$16,530,300	$16,008,316	$680,000	3.3%
Water	$4,578,135	$4,229,525	$770,000	8.2%
Sewer	$4,333,315	$4,055,463	$690,000	6.9%
Solid Waste	$983,300	$1,042,221	-$58,921	-5.6%
TOTAL	**$38,376,795**	**$37,540,158**	**$836,637**	**2.2%**

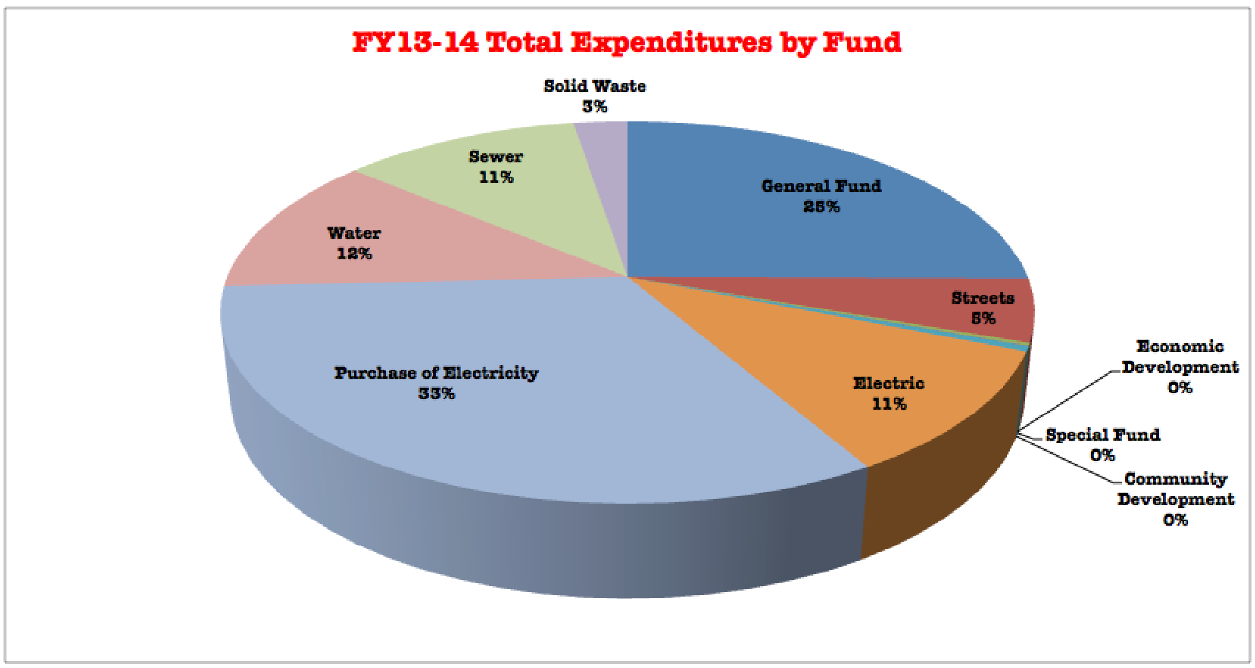
Projected Revenues

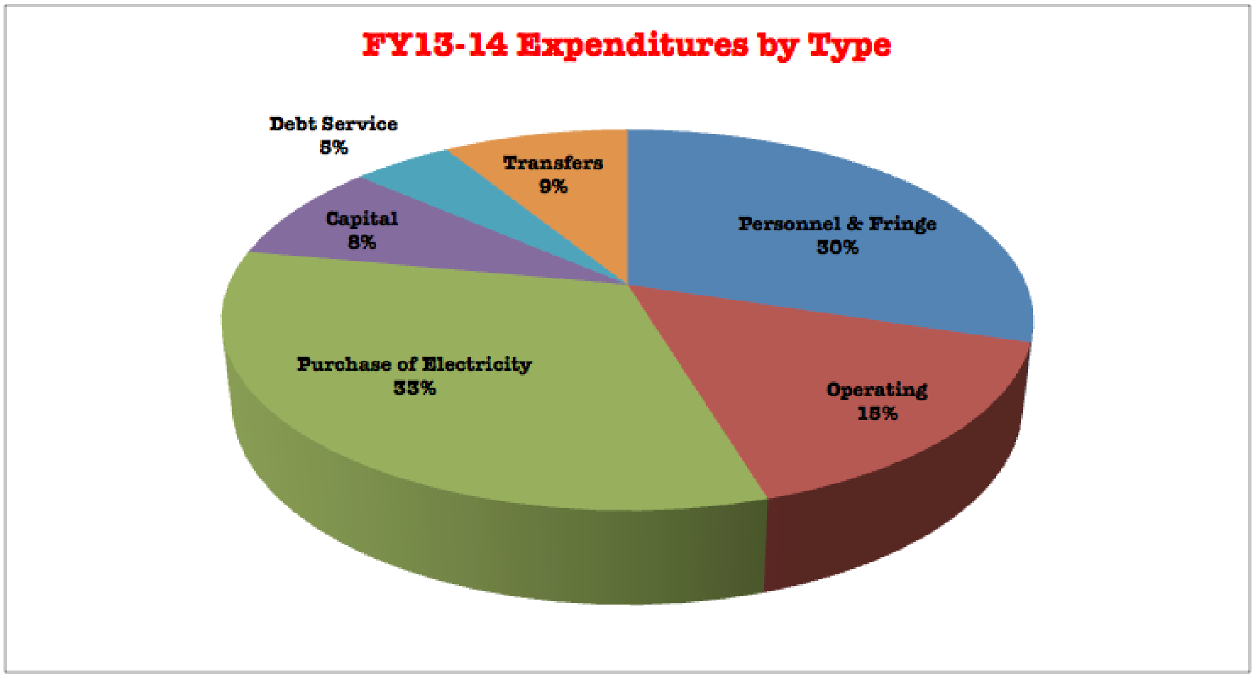


General Fund Revenues



Expenditure Breakdown





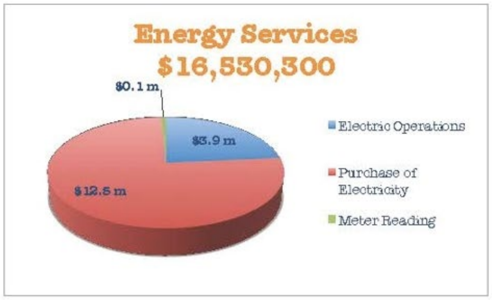
General Fund

General Fund – Highlights

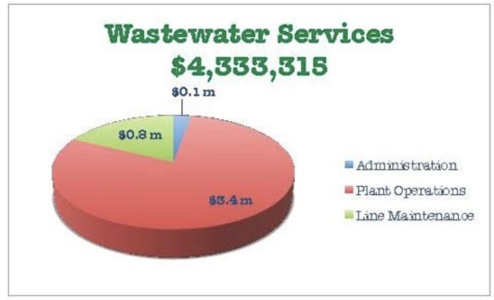
- Salary Increase 4% - Offset by Employee 4% Match to VRS
- No Group Health Insurance Rate Adjustment
- Vehicle Replacement for Police Department
- IT Department Job Reclassifications
- Transfer Police Patrol Position to CID

✤ Warren County - Full Assumption of Library & EDA Funding
✤ Establish Pay Band Merit Increase Program

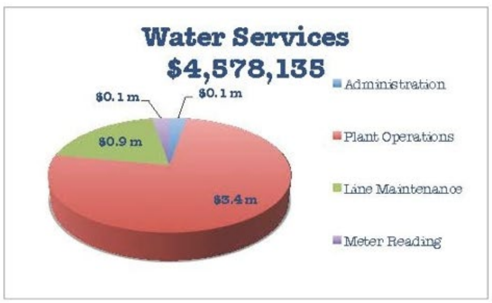
Enterprise Funds



Personnel - 6.3% Operating - 89.6% Capital - 4.1%



Personnel - 24.8% Operating - 48.6% Capital - 26.7%



Personnel - 25.7% Operating - 33.0% Capital - 41.3%

Personnel - 74.0% Operating - 21.1% Capital - 4.9%

Electric Fund - Highlights

✤ No Rate Increases Proposed - 3.3% Budget Increase from FY 12-13
✤ $100,000 - Design New Office & Storage Facility
✤ $350,000 - Complete Construction of Riverton Substation
✤ $115,000 - Yard Crawler to Improve Maintenance Operations
✤ $30,000 - Automatic Meter Reading Pilot Project
✤ $10,000 - Automated External Defibrillators
✤ New Position - Meter Technician Trainee

Water Fund – Highlights

✤ 23.5% Rate Increased Proposed due to O&M and Capital Expenses and Reduced User Consumption
✤ $150,000 - Multiyear Fairground Water Tank Painting
✤ $100,000 - Multiyear WTP Reservoir Repairs
✤ Ongoing Upgrade Design
✤ $30,000 - Automatic Meter Reading Pilot Study
✤ Line Maintenance - Backhoe & Pump - Shared Expense w/ Sewer Fund

Sewer Fund – Highlights

- ✤ 20% Rate Increase Proposed due to Plant Upgrades
- ✤ $200,000 - Nutrient Credit Purchase
- ✤ $70,000 - Multiyear Study of Crooked Run Expansion
- ✤ $30,000 - Multiyear Roof Replacement of Crooked Run Pump Station
- ✤ $25,000 - Replace Truck #618
- ✤ Line Maintenance - Backhoe & Pump - Shared Expense w/ Sewer Fund

Solid Waste Fund – Highlights

- ✤ Monthly Residential Rate Increase Proposed: $1 - 32 gal; $1.75 - 96 gal
- ✤ Monthly Commercial Rate Increase Proposed
- ✤ 5.6% Decrease in Proposed Budget
- ✤ Reduced Revenue from Collection Services Require Rate Adjustment
- ✤ $40,000 - Rear Load Collection Truck Payment
- ✤ $8,000 - Replacement Garbage

Unfunded Projects/Initiatives

- ✤ Front Royal Volunteer Fire & Rescue Department Donation
- ✤ "Paperless Council Agendas - Ipads for Council
- ✤ Police Department Salary Adjustments
- ✤ Additional FT Auto Mechanic in Fleet Maintenance
- ✤ Cost of Living / Merit Raise / One-Time Bonus

Schedule Proposed

- ✤ April 1, 2013 - Proposed Budget Presented to Town Council
- ✤ April 15, 2013 - Budget Review - General Fund Departments
- ✤ April 29, 2013 - Budget Review - Police Department & Enterprise Funds
- ✤ May 13, 2013 - Public Hearing & First Reading of Budget
- ✤ May 28, 2013 - Second & Final Reading of Budget
- ✤ Additional Work Sessions as Necessary

Council Discussion/Questions:

- Water looping questions; Mr. Burke noted that the budget does not include additional loop
- Will there be another water rate increase next year; Mr. Burke stated that there will be another 8.5% percent the following year;
- Automatic meter reading pilot study questioned; Mrs. Breeden noted that they hope to build the interface into the billing software and also move forward with installing meters in additional locations each year ($30k in water and also that amount in electric portion of the budget as well);
- 23.5% rate increase for water, what will that entail; Mr. Burke stated that a standard 3,000 water usage bill would be $32,64 would go up about $6.14 for all three increases, refuse, water & sewer;

- How much of this rate increase is due to the new Federal requirements; Mrs. Breeden stated that there were many factors contributed to the increases, not just the Federal requirements to the plants;
- Questioned why the decrease in refuse revenue; Mrs. Breeden explained the final billing cycle for refuse months and the empty apartments and homes throughout the Town;
- In response to Council questions, Mr. Burke clarified the mandated VRS adjustments; and
- Council asked about a 1% increase for employees; Mrs. Breeden explained the amount it would take to cover for the increase from Fund Balance.

Tewalt = budget is balanced at this time; yes per staff

5. <u>VML Committee Nominations</u>

Summary: Attached is the nomination form and policy committee process for the 2013 Virginia Municipal League Policy (VML) Committees. The nomination form is due to VML April 22, 2013; therefore, Council will vote on the nominations at the April 8, 2013 Council meeting. All terms are for May 2013 – December 2013 and no individual may serve on more than one committee. Below are the Policy Committee members voted by Council at the April 9, 2012 and July 9, 2012 Council meetings and whose terms expired December 2012:**

<u>Community & Economic Development Committee</u> – Vice Mayor Parker & Councilman Sayre
<u>Environmental Quality Committee</u> – Town Manager Steven Burke
<u>Finance Committee</u> – Councilman Funk and Finance Director Kim Gilkey-Breeden
<u>General Laws Committee</u> – Town Attorney Doug Napier
<u>Transportation Committee</u> – Councilman Hrbek and Councilman Tharpe

**Due to the May Election in 2012, Councilman Funk and Councilman Hrbek were nominated to replace former Councilman Conkey *(Finance Committee)* and former Vice Mayor Holloway (Transportation Committee)

Council Discussion:
Council chose to live matters as they currently are.

6. <u>Council Discussion/Goals</u>

- Flower plantings around the building
- Handicap parking discussed at the building
- Sayre asked that the closed meeting/property acquisition be on the next worksession

7. CLOSED MEETING – 1) Disposition of Publicly Held Property specific to Town Hall and Finance Buildings, 2) Consultation with Legal Counsel specific to Annexation and 3) Consultation with Legal Counsel specific to Legal Matters

<u>Motion to Go Into Closed Meeting</u>

Vice Mayor Parker moved, seconded by Councilman Tewalt that Council convene and go into Closed Meeting for the purpose of 1) discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711. A. 3. of the Code of Virginia; 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, Annexation, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia; and 3) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

VOTE INSERT HERE
Tharpe absent
VOTE INSERT HERE
VOTE INSERT HERE
VOTE INSERT HERE

Motion to Certify Closed Meeting at its Conclusion
Vice Mayor Parker moved, seconded by Councilman Tewalt that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Action as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

VOTE INSERT HERE
Tharpe absent

VOTE INSERT HERE
VOTE INSERT HERE
VOTE INSERT HERE

THARPE Absent
Staff:
Burke
Breeden
Berry
Napier
Shiflett
Jones