



TOWN COUNCIL WORK SESSION MINUTES

TUESDAY, September 3, 2013 @ 7:00pm

Front Royal Administration Building Conference Room

ADDED additional item to Closed Session with UNANIMOUS Consent!!!

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1. ~~Discussion Pertaining to Town's Requirement for a 15' Buffer between Commercial and Residential Properties~~ – Bill Barnett

Removed until a later work session.

2. VDI Solutions Update – Information Technology Director

Todd noted that the security had a Town network to log into and several logins and it was a very secure system.

We have the servers in-house, in opposite buildings so if one structure is destroyed we have redundancy in another location.

3. Solid Waste CDL Requirement – Town Manager

Summary: The Employee Handbook adopted on March 11, 2013 included the requirement that “Non-administrative positions in Environmental Services not associated with plant operations and non-administrative positions in Energy Services shall be required to possess a commercial drivers license.”

As staff have worked to implement this requirement, inclusions of non-driving staff within the Solid Waste Division should be recommended, but not required. Typically, Solid Waste staff are used in limited number during snow events.

Council is requested to consider amending the Employee Handbook to recommend CDL's for non-driving Solid Waste employees.

Staff Evaluation: Staff has evaluated the implementation of this requirement and determined that possession of a CDL by non-driving Solid Waste employees is recommended, but not required for operations.

Staff & Town Manager Recommendations: Staff recommends Council consider amending the Employee Handbook.

Council Discussion: Burke noted that it may pose a problem for throwers on the trucks

Throwers are hired at \$10 per hour and CDL's may create a turnover problem

We do the training in-house and pay for their first CDL test, and we compensate them 50 cents per hour more when they drive versus throwing

All current staff are required to obtain their CDL; though perhaps they should not

Tharpe noted that some crew members do not want to obtain their CDL

Perhaps we do not want to burden Staff with this requirement in the handbook

Those that do not wish to drive the trucks, especially if they have fear to drive it, should not be driving them to begin with

Tewalt noted that it would be for new hires and those that are required, not necessarily throwers – unless they are potentially going to be driving during snow events

We do have a few that can drive a dump truck and a salt spreader in solid waste

Mayor Darr – this will be an amendment to the handbook

TEWALT – yes, employees those that would not be required to get a CDL unless they would like to obtain it

Funk – do not want to see us with pick ups on the road pushing snow; Burke will have some on the roads with some cul de sacs in the smaller areas; though the pick ups are not the chosen removal vehicles of course

Bush – CDL's: we currently have 53 employees; there are 30 that are potential snow removal employees

Mayor Darr – with the new policy in place; Burke would like to change that at this point

The exception would exempt the throwers currently on staff

We would encourage them to get the CDL, though it would not be a requirement

Darr - Bring it back to the next worksession

4. Disposition of Properties of Town Hall, Police Dept., Finance Building – *Town Manager*

Summary: The Town has received and distributed copies of the appraisals for Town Hall (\$610,000), Town Hall Parking Lot (\$49,000), Former Finance Building (\$577,000), and the Police Department (\$484,000). Staff are currently working with the EDA to obtain proposals for disposition of these buildings.

Council Discussion: Council is requested to options for reuse of these Town properties.

Staff Evaluation: Staff has contacted the EDA and other local stakeholders to develop ideas for reuse of these properties.

Staff Recommendations: Staff recommends Council provide input as to the reuse of these Town properties.

Town Manager Recommendation: The Town Manager recommends Council provide input as to the reuse of these Town properties.

Council Discussion: Tewalt – they are detriments to the Town at this point and they should be sold and we should begin this immediately

The longer they sit empty the worse they will become

Funk asked if they sold the Town Hall – would it not be possible that someone could buy it and let it become dilapidated

Hrbek asked about writing about the contract of sale – covenants could be written in to protect the integrity of the building

Curious about the cost of razing the police department and the finance department building – perhaps the raw land would be a better deal for us

Burke – perhaps \$75,000 for the Finance Department building
Unsure about a raw piece of land on Royal Avenue would go for

Parker – no interest in selling Town Hall

Would like to approach the EDA about their opinion on the structures we have available and the grants that may be available

There may be certain type of developer that may suit the property best if we market it best

Tharpe – Town Hall is beautiful and we should sell it to someone

Finance Department needs to be kept for a few years

Get rid of the buildings in the long run

Burke – reminder – we did send out notices to surrounding properties, received only one respond saying that Town Hall structure should be kept as an integral part of the community

Darr – noted that he was not certain that razing the structures would be a wise decision

Tewalt – buyers could demolish structures if they chose to do so

Hrbek – only brought it up because it is up to the Town to change the skyline of the Town – it is up to us – no one else is going to do it – we need to take the risk

Parker – our current building is older than the three buildings than we are speaking about

Let us speak to the EDA and see what is possible; renovations are possible on older buildings; we should see what viable options are available

Tewalt – they are a detriment to the Town and he is not in favor of spending funds to maintain them

But let's put a timeframe on things, rather than leaving matters wide open

Parker – perhaps give the EDA time to research what is out there, perhaps six weeks

Tewalt agreed, noting that perhaps six months was enough time

Burke – stated that he could contact the EDA

Funk – what is the impact on Comcast? Burke: they would work with them to find another location or release them from the requirement to have a location in Front Royal

Parker – asked about the requirements: Napier – Public Hearing: super majority, one reading required

5. Discuss modifying Town Code 167-4.A.4 from "Deer Management Plan" to "Wildlife Management Plan" – *Town Manager*

Summary: Town Council amended Chapter 167 in January 2012 to include a provision of the Weapons Code to provide for agents of the Town to perform deer management through bow hunting. In discussion with staff and the Department of

Game and Inland Fisheries, it is possible that the Town can amend the language from “deer management” to “wildlife management” to facilitate control of other forms of wildlife the DGIF include in specific management plans.

Council is requested to consider an amendment to Chapter 167-4.A.4 to modify the language to “Lawfully hunting ~~deer~~ wildlife pursuant to a a specific grant of authority under a ~~Deer~~ Wildlife Management Plan adopted by the Virginia Department of Game and Inland Fisheries and the Town Council.”

Staff Evaluation: The proposed Code Amendment would allow the Town to identify wildlife species in addition to deer that require a managed plan to address increased wildlife populations. Once identified and included on our Wildlife Management Plan, the Town’s authorized agent could control the population threw bow hunting.

Staff & Town Manager Recommendations: Staff recommends Town Council consider amending Town Code 167-4.A.4 to include management of other forms of wildlife.

Council Discussion:

Game & Inland Fisheries stated that in order to go forward it would require minimal modification to expand the program; the second year of deer management is set to begin soon;

Parker – include??

Burke – groundhogs, bear, skunks, etc.

this will allow Staff to work with Game & Inland Fisheries

Patrick Kelly – concerned with bears in the area

It will take a killing before someone

Missed the bear this morning by just minutes

Chief Shiflett noted that according to Virginia Game Inland Fisheries they could use rubber bullets

Darr noted that what Mr. Burke is describing may help his concerns

Burke – it is an ordinance – second meeting in September

6. Liaison Committee Items for September 19 Liaison Meeting

All items from last move forward EXCEPT item #7

Tewalt asked about Riverton Substation; Camp stated that electrical engineer requested some changes

Funk is our representative this month

Sayre – resolution for safety of taxis; no other interest from other Council members

7. Discuss Resolution for Corridor Discussion with Warren County – Vice Mayor Parker

Funk – strike the third WHERAS regarding negative statements.

Parker – we should have people researching the corridor and having discussion on what is found is important; after 15 years since the document was signed – we should look at what may change and see if the County is even WILLING to change anything

Parker – we have to find funding for the looping system; we do not have a choice

Hrbek – we need high level discussion on this Corridor; the Town and County know what is fair to the businesses and the citizens and we should be able to have an honest conversation without all the specifics

Hrbek – we should consider all aspects in the document: BPOL, etc – what is the right thing to do

Sayre – we have asked them; Darr – we asked them about the Corridor, but not the Agreement

Darr – they will not want to meet until they obtain their study back from their consultants

Funk – willing to go forward as long as they remove the third WHEREAS

Hrbek – get out of the word HONEST in the fourth WHEREAS

Sayre – they are going to list all the entities that they took over and they are going to list all the millions that they have saved us

Darr – made notations about the suggestions to the resolution

We should rewrite the document

We should at least ask, we may get a “no” from the County

We need to see it at least one more time

They are probably going to obtain a “no” because they are waiting for their study to return

Sayre – suggested adding it to the Liaison Meeting

Tewalt – doc is fine as is – only water issue is wrong; they are not honoring what their predecessors voted on

Burke – bring it back to the next worksession written

8. Council Discussion/Goals

Parker – VFW noted that there was some delay in opening their flea market if they would like to address Council in order to remedy the delays

Carl Schmidt, VFW Commander – check name; hoping to open last weekend; final permit was asked for and there was an issue with fire bushes

Camp, Director of Planning & Zoning – noted that the fire bushes are planted in the right of the way, which were not recommended by the Town’s Arborists, require a landscape agreement

Tharpe – deer as eaten most of the bushes at this point

Camp – some landscaping was required the existing parking lot, some shrubbery was required across the front

VFW individual said the blueprint – says fire bushes (six)

Camp - approved the concept for the bushes to be there, but not that type

Burke – the landscape agreement would help address the matter; the Town Horticulturist would assist greatly

Darr – what can we do to assist them and help them get open

Burke – they need to sign the agreement and come back to Council

Schmidt – the plans say fire bushes – that is why we bought the fire bushes; then later they said roses and he feels that they are getting jerked around in the process

Darr – he understands the frustration, but in order to move forward he would suggest signing the agreement and opening the flea market and we can address the bushes at a later date

Councilman Tharpe reiterated the position of Mayor Darr

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Councilman Tharpe noted that the Police Department had asbestos and he had concern about where to put the members of the Department. He added that the Sheriff's Department on Jackson Street is available and he would like them moved into the building if possible; it was also noted that the Town Hall is an inadequate structure to locate the Department into. Chief Shiflett stated that he likes the building as it is set up for law enforcement already. Town Manager Burke stated that the structure is lacking network connection and the costs of both the Jackson Street sight versus Town Hall are both being looked at. He added that Warren County suggested an obscene amount being charged for the building. Mayor Darr noted that discussion with Chairman Fox took place and he suggested writing up something formal to begin official dialogue. Mr. Burke stated that with the inner ceiling as it is, and it continuing to drop, it could pose an asbestos issue. Mayor Darr opined that the Town should get the County to the table as soon as possible to discuss the matter. Council chose to place a matter on Council's formal agenda for Monday evening in order to review the Jackson Street building use for the Town Police Department.

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Hrbek noted that Camp gave a great presentation of the Envision program to Council

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Tewalt stated that trail be ready before the asphalt plants shut down for winter

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Sayre – asked about the status of the taxi ordinance; taxi companies apparently supported the draft ordinance – where is the ordinance?

Burke - It will be on the 16th agenda for discussion

Funk – would like to review the revisions one by one at the meeting, and would request a lengthy discussion

Burke – perhaps we should we push it back another worksession

9. Closed Meeting – Personnel Matter specific to Town Manager Evaluation

Motion to go Into Closed Meeting

Vice Mayor Parker moved, seconded by Councilman Tewalt that Council convene and go into Closed Meeting for the purpose of 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 for the purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of a public body, specific to the evaluation of the Town Manager, pursuant to Section 2.2-3711 A. 1. of the Code of Virginia.

VOTE INSERT HERE

VOTE INSERT HERE

VOTE INSERT HERE

Motion to Certify Closed Meeting at its Conclusion

===== moved, seconded by ===== 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

VOTE INSERT HERE

VOTE INSERT HERE

Jennifer E. Berry, CMC