



## TOWN COUNCIL WORK SESSION MINUTES

Monday, March 2, 2015 @ 7:00pm  
Front Royal Administration Building

### **1. Budget Amendment – Snow Removal – *Director of Finance***

**Summary:** Due to the volume of salt being used for the snow incidents the Town has encountered, and looking at the almanac for the upcoming six weeks, it is necessary to amend the Streets line item for snow removal. FY15 budget allowed for 962 tons of salt for this winter season [unit price \$77.90 per ton]. Listed below is what has been spent and what the Town needs to cover the remaining part of the year:

September – January purchased 799.55 tons  
January 28 – February 2 purchased 234.00 tons  
February 17, 2015 purchased 350 tons  
Exceeded tonnage by 421.55 tons

Historically the Town will use 200 – 250 tons per snow incident. The almanac predicts four more storms from now until the end of March [being conservative 200 tons] is needed to budget for an additional 800 tons

This 800 tons and the exceeded amount of 421.55 at \$77.90 per ton equates \$95,158.75

#### **Council Discussion:**

Councilman Tewalt requested that Council delay action on this item until April so the Town would know precisely the amount they would be dealing with. Council agreed with that proposal. Mrs. Breeden noted that would work for her Department from a Financial standpoint.

### **2. Continued Discussion of Corner Lot Regulations in Chapter 175 – *Director of Planning/Zoning***

**Summary:** During the Town Council's last work session, Council discussed additional modifications to the draft regulations for corner lots. The attached draft was prepared by Town Staff to reflect what was discussed with Town Council during the work session.

**Staff Evaluation:** Planning & Zoning Staff will be available during the work session. Upon consensus of the attached draft language Council, Staff would recommend scheduling a public hearing and 1<sup>st</sup> reading for the Zoning Ordinance at a future date that is preferred by Town Council.

#### **Council Discussion:**

Councilman Connolly asked about whether there was a precise definition of front façade of the building. He noted that one section of the Code may state one matter while another may state another matter. Mr. Camp noted that the requirement would be under new construction and in most instances it would be quite clear for existing structures where the front of the home was.

Mr. Burke noted that they could include language that would clarify the primary entrance and a notation regarding the yard.

Councilman Tewalt noted that all residential zones would be affected by these changes. Mr. Camp noted that was correct. Mayor Darr stated that it would be moved on for public hearing.

### **3. Special Event Insurance Requirements** – *Town Manager*

**Summary:** Following an inquiry to VML by our Risk Manager, VML has recommended that the Town consider adopting standard requirements for liability insurance for special events on Town property and Right-of-Way. Standard Liability Insurance requirement is \$1,000,000. Events such as fireworks displays, music concerts, carnivals, events with alcohol, or those with attendance over 500 people should be \$5,000,000. Coverage amounts are industry standard for these types of events required by municipalities.

**Council discussed this issue at their September 29, 2014 Work Session and requested that staff obtain estimates for costs incurred by event managers to obtain the required insurance.**

**Staff Evaluation:** Based upon response from insurance providers, \$1,000,000 liability insurance coverage is about \$250. The cost for \$5,000,000 coverage is about \$750 to \$1,000. Events that include alcohol typically require an additional coverage for \$400 to \$500.

**Budget/Funding:** The Director of Finance will be available to address fiscal issues.

**Legal Evaluation:** The Town Attorney will be available to address legal issues.

**Staff Recommendations:** Staff recommends that Council consider establishing standard liability insurance requirements as recommended by VML.

Councilman Hrbek noted that he may wish to hear from area organizations that hold such events as they may not be able to absorb the monetary change to their bottom line.

Mayor Darr, Council and Mr. Burke discussed the options that the organizations would be faced with. They discussed the quantity and how it would affect the individuals, depending on the crowd expected at the events. Mr. Burke described the higher volume conditions and how the changes would protect the Town with the new requirement.

Councilman Tharpe asked why the change is taking place. He expressed concern with organizations being required to have such high policies.

Mr. Burke noted that the Town has not been sued before that he is aware of; and he is unsure of any event holders that may have been sued. He noted that this is the requirement of VML in order to protect the residents and visitors to the Town. Mr. Napier stated that the Town could be considered negligent is organizations do not have proper insurance.

#### **Current Policies of Area Organizations:**

Wine and Craft 4 million

Festival of Leaves 2 million  
FOP Carnival 5 million  
Taste of the Town 2 million

Councilman Egger noted that there is a basic right to gather with 100 friends at the Town gazebo area without needed a \$5 million insurance policy. Councilman Hrbek noted that if large pots of money are not available to go after, then individuals and attorneys will not sue for large amounts – because they will not be able to obtain it.

Councilman Tewalt noted that VML is recommending the \$5 million coverage and that tells him that the Town is liable to some degree. He voiced support of VML's recommendation. Mayor Darr stated that he understands Councilman Tewalt's point and our attorney and VML have told us \$5 million, and we went with a lower amount, then the Town should most likely be responsible for that negligence.

Council chose to allow Staff to look into the matter further and discuss it at a later time.

#### **4. Request for Part-Time Community Resource Officer Position** – *Police Chief*

**Summary:** Request is being made for the hiring of a part-time Community Resource Officer (CRO) for the Front Royal Police Department. This position would be filled by a sworn Virginia certified law enforcement officer. The Front Royal Police Department recognizes that successful crime prevention and community relations depends on the community and the Police Department working together. With this in mind, the CRO will also specialize in fulfilling the town's needs in organizing and coordinating the special events that may impact safety and security.

**Budget/Funding:** The cost to fund the new position for the remainder of the 2015 budget year would be approximately \$12,000. The salary range would be between \$18.13 - \$24.38 / hour.

#### **Council Discussion:**

Councilman Tharpe noted that that he would like specifics that this individual will perform. Chief Shiflett noted that there were specific events throughout the year that the Police Department needed more hours devoted to.

Mr. Burke stated that the position would participate in the local events and assist with the Neighborhood Watch.

Chief Shiflett noted that this would be a uniformed individual that was a certified police officer who would represent the Police Department and be involved to answer questions

Mr. Shiflett stated that he would continue to have it be part-time

Councilman Tewalt stated that it seemed to be a public relations person. Mr. Shiflett stated that it would be

Mr. Burke noted that it was a prior position, at full-time with different duties, in response to Council questions. Chief Shiflett noted that the VIPS program is still taking place, though there was a VIPS member that sued the Town.

Mayor Darr noted that it would be a regular agenda item.

#### **5. Catlett Mountain Recreational Area** – *Town Manager*

**Summary:** The Town has received a request from Warren County to consider the reuse of the Catlett Mountain Landfill for recreational activities. The County proposes to use the site for hiking trails, walking paths, a practice ball field, picnic shelter, mountain bike skills course, and a parking lot. The County has requested that the Town provide comments prior to their submittal to DEQ.

**Staff Evaluation:** The proposed use of the site is intended to restrict intense use of the area that is identified as the capped landfill. However, signs and fencing have previously been installed to restrict complete access to the site to no success.

**Staff Recommendations:** Staff recommends that Council require that a Memorandum of Understanding be established with the County that specifically limits any and all liability of the Town from the recreational use of the property and specifically removes the Town from all future maintenance of the site. In addition, the Town should consider full transfer of the property to Warren County for development of the site as a recreational facility.

#### **Council Discussion:**

Councilman Tharpe suggested selling it to the Town for \$1. He noted that the Town did not seem interested in owning the property Councilman Connolly asked where the County seemed to stand on the matter, while the Town seemed to not want to share in the liability.

Councilman Tewalt asked about whether the site was finally secure and finalized. He noted that he would not be willing to do anything further at the site until the Town received a letter clearing the Town and County of any liability from the site, particularly from the EPA. Councilman Funk noted that they plan to submit matters to DEQ according to the County's letter. He stated that should the site be safe to move forward with, then allow the County to use the site. Mr. Funk suggested placing the matter on Liaison to further discuss the details.

Mayor Darr stated that the Town obviously had concerns that needed further discussion. He noted that the site was capped and then it was destroyed and that type of issue needs to be fully addressed, just as Mr. Tewalt suggested.

#### **6. Liaison Committee Meeting Items for March 19**

Meeting is scheduled for March 19, 2015

Vice Mayor Tharpe was the current representative to attend with Mayor Darr.

#### **7. Council Discussion/Goals**

Vice Mayor Tharpe noted that the Town could obtain an update on the towing changes. Mr. Burke stated that they are unable to regulate the pricing though Staff could resurrect the ordinance to determine ways to assist the citizenry.

Councilman Hrbek noted that previously the Policy of Council to obtain DVD's

Mayor Darr noted that each member of Council needs the same opportunity to obtain the same material. He noted that the Clerk needs to make the video available to all members of Council.

Councilman Tewalt noted that all information from the past retreat can be sent to Council.

**8. Closed Meeting – 1) Investment of Public Funds; Consultation with Legal Counsel; Award of a Public Contract and 2) Award of a Public Contract**

**Motion to Go Into Closed Meeting**

*Councilman Connolly moved, seconded by Councilman Funk that Council convene and go into Closed Meeting pursuant to Virginia Code Sections 2.2-3711.A. 6., 7., and 29., for the following purposes in connection with a potential proposed voluntary economic growth-sharing agreement or agreement(s) with the Board of Supervisors of Warren County to consider the following: 1) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, **AND**, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, **AND**, Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and, 2) for the purpose of discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an Open Session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia.*

**INSERT VOTE HERE**

**INSERT VOTE HERE**

**Motion to Certify Closed Meeting at its Conclusion**

Councilman Connolly moved, seconded by Councilman Funk 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.

**INSERT VOTE HERE**

**INSERT VOTE HERE**

**Present:**

Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Tewalt, Councilman Funk, Councilman Hrbek, Town Manager Burke, Clerk of Council Berry, Director of Finance Breeden, Chief of Police Shiflett, Director of Planning Camp, Capt. Nicewarner, Capt. Hite, Officer Pennington and members of media.