



TOWN COUNCIL WORK SESSION MINUTES

Monday, March 16, 2015 @ 7:00pm
Front Royal Administration Building

1. Update of Power Purchase Program - *Director of Energy Services*

Joe Waltz, Director of Energy Resources, presented this PPT to Council:

Recent Power Purchase for 2017-2020

He explained that the upcoming release of AMP

In response to Council questions, Mr. Waltz explained that the Town is secure with power purchases through 2020. He noted that the Town may not have enough effluent to use turbines for power production on their wastewater plants. Mr. Waltz stated that the technology and costs could always be looked into. He noted that the possibility of having more energy producing materials within the new Police Department wherever possible. Mr. Waltz noted that other coal fired plants were not currently planned along the Ohio River until cleaner coal capabilities were available. He stated that companies were more likely to retire their coal plants and go towards natural gas in many instances.

2. CDBG Planning Grant Proposal - *Director of Planning/Zoning*

Summary: In cooperation with the Northern Shenandoah Valley Regional Commission (NSVRC), Town Staff has prepared an outline for a possible future Community Development Block Grant (CDBG) application, as offered through the Virginia Department of Housing and Community Development (DHCD). The goal of the application is to move towards a façade improvement program. A façade improvement program would provide funding assistance to downtown property owners that wish to restore the exterior of their buildings. Before implementation funding can be applied for, a downtown revitalization plan is required. Therefore, the initial phase of the project is to submit for a planning grant for the development of a downtown revitalization plan.

A downtown revitalization plan would include a market & feasibility analysis, an economic restructuring plan, guidelines for façade improvements, a preliminary architectural report, project enhancement recommendations and branding recommendations. The Town will be able to take credit for the Town vision that was completed last year to reduce project costs. After the Downtown Revitalization Plan is complete, the Town would qualify to submit for implementation funding through the DHCD. A preliminary budget of the planning grant is shown below.

Deliverable	Budget	Responsible Partner
ADMINISTRATION (10%)	3,500	Town Staff
DOWNTOWN REVITALIZATION PLAN (80%)		

<i>Market & Feasibility Analysis</i>	<i>\$2,500</i>	NSVRC	SUBTOTAL: \$28,000
<i>Economic Restructuring Plan</i>	<i>\$5,000</i>	NSVRC	
<i>Façade Guideline Development</i>	<i>\$5,000</i>	NSVRC	
<i>Preliminary Architectural Report</i>	<i>\$7,500</i>	Consultant - TBD	
<i>Project Enhancements</i>	<i>\$5,000</i>	NSVRC	
<i>Branding</i>	<i>\$3,000</i>	NSVRC	
CLOSEOUT/ RETAINAGE (10%)	\$3,500	Town Staff	
TOTAL	\$35,000		
Notes: NSVRC has offered to provide an additional \$5,000 during FY 17 subject to Town & Commission approval. The NSVRC is responsible for any additional costs above the amounts specified above.			

Budget/Funding: \$35,000, Reimbursable through the grant. And additional \$5,000 possible through the NSVRC.

Council Discussion: Mr. Camp noted that the application process would be handled through Ms. Shickle, mainly, with some assistance from the Planning Office of the Town.

Mr. Funk expressed his support of the program. He asked if it would be administered through the Town. Mr. Camp noted that the NSVRC would be administering the grant in the long run. He added that the Town would pay up front and they would be reimbursed for the funds. Mr. Camp explained that Waynesboro has used this program previously and that ten percent of the costs can go towards administration of the grant. Mr. Tewalt noted some Federal guidelines were in effect regarding the block grants. Mr. Burke noted that the Town has administered other grants via the Finance Department.

Mayor Darr and Council suggested that it go forward on the Consent Agenda.

3. Continued Discussion of Chapter 148 Draft Code Amendment – *Director of Planning/ Zoning*

Summary: Several citizens spoke at the public hearing on February 23, 2015 regarding the draft update of Chapter 148 (Subdivision & Land Development Ordinance). Town Council tabled action on the draft amendment until the comments could be reviewed and discussed more thoroughly during a work session.

Attached with this coverage is the following information:

- ☐ Attachment A: Summary of Public Input. Staff has compiled a table that summarizes the public commenter's concern(s), references the relevant code section, and provides staff feedback.
- ☐ Attachment B: Comparison of Local Street Width Requirements. Staff has compiled a list of other jurisdictions and their street width requirements for comparison purposes.
- ☐ Attachment C: Illustrations of Street Width Examples. This is a slideshow, including pictures and a case study that were previously reviewed by the Planning Commission after on-site inspections that were conducted to evaluate street widths.
- ☐ Attachment D: Written Comments. These are the full written comments that are summarized under Attachment A.

Council Discussion: This agenda item is scheduled for a work session review on 03/16/15.

Staff Evaluation: The proposed street widths are comparable to the other localities researched. Reinstatement of the 32-foot wide street width, as recommended by the Planning

Commission for low traffic streets, is an option to consider. Of the localities researched, only one other locality (Winchester) still requires sidewalks to be 4 feet in width, versus 5' or more. A couple wording changes are suggested in Attachment A.

COMPARISON OF LOCAL STREET WIDTH REQUIREMENTS

LOCALITY NAME	PAVEMENT WIDTH (MIN.)	SIDEWALK WIDTH (MIN.)	NOTES
Town - Current	32' – 500 ADT or less 40' – <u>500 – 3000</u> ADT	4'	Includes Curb & Gutter Includes Parking
Town - Proposed	36' – up to 2000 ADT 40' – over 2000 ADT	5'- 6'	Includes Curb & Gutter Includes Parking 32' up to 1K ADT Removed
VDOT	29' – 2000 ADT or less 36' – <u>2001 – 4000</u> ADT	5'- 8'	Includes on-street parking – although large rural lots typically have minimal street parking. Does not include curb & gutter
Santa Rosa, CA	30' – less than 1000 ADT 36' - Over 1000 ADT	5'+	Includes Curb & Gutter Includes Parking Width reduce for 200 ADT or less when parking not required
Winchester, VA	36' – category 1 40' – category 2 48' – category 3	4'	Waivers may be granted for street widths by Town Council
Culpeper, VA	Per VDOT	Per VDOT	Curb required along specified streets and as determined necessary
Harrisonburg, VA	26' – under 200 ADT 34' – 40' for 200 ADT+	5'	26' width is approved as a waiver process and requires a parking restriction on one side
Town of Strasburg, VA	34' minimum or larger	5'	Larger street width determined as needed by the Town's Public Works Director
City of Virginia Beach, VA	36'	5' 8' minimum when a shared use path, 10' recommended	30' allowed in a couple scenarios, including a certain type of townhouse development & when no more than 10 lots are on a cul-de-sac, subject to certain minimum driveway standards and minimum lot sizes
City of Gaithersburg, MD	32' – Residential Secondary 36' – Residential Primary	5'+	Planning Commission may reduce as low as 26' upon review of subdivision design

Town of Leesburg, VA	34' – up to 500 ADT 36' – up to 2000 ADT	5'+	Width may be reduced as low as 26' when on-street parking is limited or eliminated
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Council Discussion: Councilman Hrbek asked for an example of a street with over 2,000 trips per day. Mr. Burke noted that Happy Ridge Drive had over 3,000 trips per day. He stated that Wine Street would have just under 2,000 trips per day. Mr. Tewalt noted that the Town's current ordinance contained VDOT standards. He added that if the Town went under VDOT standards, then the Town would not obtain street maintenance funding. Councilman Egger asked why the Town did not follow the street widths offered by VDOT, in order to have the standards.

Mr. Burke noted that the Town is currently meeting VDOT standards, yes. He added that above 2,000 trips the Town is recommending 40 feet in order to accommodate Warren County school buses. He stated that anything greater than 2,000 trips/200 homes the Town is assuming would need to accommodate a school bus most likely.

Mayor Darr asked if the Town was assuming that there would be parking on all streets, on both sides. Mr. Burke noted that in new subdivisions the Town is looking at parking on both sides of the street, yes. Mr. Camp noted that the sidewalk differential of 4 or 5 feet, and 6 feet if it is abutting the curb, and this is less restrictive than the VDOT recommendation. To answer Council's questions, Mr. Burke noted that the Town is attempting to

Councilman Egger noted that, not to insult Mr. Chris Ramsey, Happy Creek Ridge is a perfect example of how not to build a neighborhood. She stated that she is

Mayor Darr noted that Mr. Ramsey built the subdivision to the Town's standards. Ms. Egger noted that it was car centric, not people centric. Councilman Hrbek noted that he lived there and his family loved to walk through the community; he added that the vehicles did go too fast through the area though.

Councilman Connolly noted that if individuals wanted wider roads then developers are welcome to build such communities. Mr. Burke stated that the narrower lane widths prevent challenges, especially when there is on street parking. He noted that the narrower the road, the more challenges to do snow removal. Mr. Connolly stated that VDOT standards would change and the Town would be left with the roads built from these standards, and we will not be able to be flexible with the roads once they are constructed. Councilman Tewalt asked

Councilman Connolly asked about a Town losing their funding due to not following the VDOT standards. Mr. Tewalt stated that the streets were widened in order to have more visibility and the need to have more parking in order to have areas of parking on both sides.

Mr. Burke stated that developers can, and have, designed matters from the ground up in order to be creative, while still maintaining the Town guidelines. He noted that the minimum allowed by VDOT is 29 feet, in response to Council's questions. Mr. Hrbek asked if the Code could state that a 29 foot road could be established but would not be accepted by the Town; Mr. Burke noted that was correct. He stated that if it was not a Town road then refuse vehicles would not enter the roads, though it would be up to the County if school buses would enter the roads for child pick up. Mayor Darr noted

that the VDOT standards need to be met, in his opinion. He stated that reimbursement for snow removal and other matters needed strong consideration.

Mr. Dave Vazzana asked about street standards in the PND, noting that the large amount of pavement that would be created by the increased street widths.

Ms. Eva Challis noted that the HOA's were not the way to go to resolve any issues.

Mr. George Cline stated that in order to obtain an occupancy permit, two offsite parking spots were required he believed. He added that when the Town wanted to slow traffic down on Shenandoah Avenue, they narrowed the streets.

Mr. Joe Duggan stated that special exceptions were not the way to administer approvals for designers. He noted that they could design matters, then it could be rejected for any reason at all by the Town. He asked for a set list of standards in order to go by for designing.

Mayor Darr noted that it would be on another worksession for specific consideration.

4. Towing Services Request for Proposals (RFP) For Use by Police Department – *Town Attorney*

Summary: The Front Royal Police Department (P.D.) comes into frequent contact with vehicles that need to be towed by commercial towing, or wrecker, trucks. Most towing services charge similar prices for similar services. However occasionally, P.D. and the people that need towing services (Customers) have come into contact with tow services that charge fees that are considerably outside and larger than the norm for the Front Royal/Warren County area. In these cases both P.D. and the Customers do not learn of what these outsized fees will be until the tow has been performed. This has caused some problems, as might be expected. In addition, not all tow services have the equipment to make all tows: large disabled trucks and other heavy equipment will require heavier tow trucks than some tow services are equipped to handle. As a result, P.D. wishes to send out a Request for Proposals to interested tow service businesses to respond in writing to inform P.D., and thereby, the Customers, in advance of their tow services fees, and equipment and storage facilities, so that P.D. can have a Wrecker Rotation List Agreement with three or more of the most competitive tow service businesses that offer the best value to Customers and to P.D. Customers will be free to choose whichever tow service business they wish, of course, but if a Customer does not know a tow service in advance, they will at least have a list of competitive tow services to choose from.

Council is requested to consider whether or not it wants to send out a Request for Proposals for tow service businesses who would be interested in entering into a Wrecker Rotation List Agreement with the P.D. and being on the P.D.'s Wrecker Rotation List.

Staff Evaluation: Inasmuch as the Town cannot set, and would not want to set if it could, the prices tow service businesses charge their Customers, but at the same time the Town does want its Customers to have transparency in its dealings with tow service businesses at a time of inconvenience and difficulty for the Customer, having a

Wrecker Rotation List and Agreement, with advertised prices for P.D. and Customers to know what will be charged in advance, seems to be fair to all concerned.

Staff Recommendations: Staff recommends sending an RFP and determining the level of interest of tow service businesses.

FRONT ROYAL POLICE DEPARTMENT WRECKER ROTATION LIST AGREEMENT

The following list of requirements serves as the agreement between the tow company or business (Tow Service) and the Front Royal Police Department (Police Department); if these requirements are not met and continuously maintained, the Tow Service will be subject to suspension or removal from the Police Department Wrecker Rotation List:

Any Tow Service desiring to perform work at the request of the Front Royal Police Department (Police Department) and thereby be on the Police Department's Wrecker Rotation List acknowledges and agrees that any tow or wrecker service (Tow Service) called by the Police Department must interact with the registered owner, operator, or legal possessor of the vehicle being towed in a professional and businesslike manner.

As of April 1, 2015, all tow services requesting placement upon the Police Department's Wrecker Rotation List so as to be a Tow Service are required to submit their basic business, insurance, and contact information along with their acknowledgment of these agreement requirements. Failure to notify the Police Department (in writing) with information changes from that which the Tow Service initially submitted on the Police Department's Wrecker Rotation Form regarding the Tow Service's business address, storage lot location, insurance changes, or any other information changes will result in the Tow Service being suspended or terminated from the Police Department's Wrecker Rotation List.

The Tow Service's business office may not be the same physical address as the owner's residence unless it is properly zoned for commercial purposes and advertised as a business property.

Proof of insurance including certificate of insurance covering the tow company's business office, storage lot and equipment) shall be filed with the Front Royal Police Department / Town of Front Royal Va. This information shall include the amount of coverage limits and shall include worker's compensation insurance for any employees of the Tow Service, if applicable.

By being on the Wrecker Rotation List, the Tow Service shall indemnify and hold harmless the Police Department, the Town of Front Royal, Virginia (Front Royal) or other law enforcement agencies assisting the police department, their agents, officers, employees and representatives from any and all claims, casualties, damages or injuries to persons or property arising out of its actions pursuant to this agreement.

All Tow Services must be and remain current in all financial obligations to Front Royal.

Tow Services shall maintain and register all trucks and equipment within Front Royal and Warren County pursuant to all Local, State and Federal requirements. Tow Services shall comply with all applicable Federal, State and Local laws, including but not limited to, the securing of all necessary Federal, State, and Local licenses. All Tow Services that tow under this agreement shall display a Tow Truck for Hire license plate or a HA for hire

license plate. Dealer tags or license plates shall not be displayed on tow trucks that respond to calls. Each tow truck must be equipped with legally required lighting and other safety equipment to protect the public and such equipment must be in good working order.

All Tow Trucks for hire must be properly lettered to conform to Virginia Code Section 46.2-1076 (copy attached).

A representative from the Tow Service shall be on call and available on a 24-hour basis for emergencies from law enforcement. Tow Services shall provide 24 hours-per-day towing service each day of the year. All Tow Services shall have available sufficient and qualified personnel to receive calls from law enforcement and execute the towing. All

Tow Services shall have on-duty at all times sufficient personnel to maintain constant contact with the Police Department by telephone to dispatch for towing as requested by the Police Department.

Time is of the essence in the performance of towing services. The Tow Service must arrive on the scene within thirty (30) minutes of receiving a call for passenger automobiles or within forty-five (45) minutes for medium-duty and heavy-duty towing calls. Tow Services must be familiar with the topography of Front Royal or have a GPS device accessible for use by tow truck drivers in an effort to lessen response time to unknown or unfamiliar call locations. If the Tow Service fails to meet the specified time limit, the Police Department will notify a second tower. Once a second Tow Service has been notified, services from the first Tow Service will be considered canceled, and the first Tow Service called will move to the bottom of the Wrecker Rotation List, and neither the Police Department, other law enforcement personnel, nor the vehicle owner will be liable for any payment to the first Tow Service notified. The Tow Service will not be held responsible for unavoidable delays caused by circumstances beyond their control such as inclement weather, natural disasters, etc. However, if excessive delays are caused by circumstances within the Tow Service's control such as negligence, lack of manpower, poorly conditioned equipment, etc., the Tow Service may be suspended or terminated from the Wrecker Rotation List.

All equipment used by Tow Services must be in good working order. Tow Services shall use only tow trucks owned or leased by them when responding to the Police Department's call for service. A call received by one Tow Service shall not be passed on from that Tow Service to another towing business that is not a Tow Service, and then not until the Police Department has first been notified. No Tow Service shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of towing vehicles unless specifically called to be there by the Police Department, other law enforcement personnel, or the person involved in the accident or emergency. Response to calls for service from any towing firm, by requesting towing equipment from another towing firm, regardless of ownership is prohibited. However, the initial Tow Service, with the approval of the law enforcement officer in charge at the scene, may contract with another tower within Front Royal / Warren County and or a specialized heavy duty wrecker or tow truck from an

outside jurisdiction that specializes in hazardous material removal or heavy duty extrications to assist the Tow Truck reasonably believes that additional assistance is necessary in order to effectuate a safe and damage-free tow. Law enforcement will have the authority to call for additional assistance. If a tow truck is not available, then the Tow Service shall immediately indicate to the Police Department dispatcher that they are unable to respond and the reason why. The Police Department dispatcher shall then notify the next Tow Service on the wrecker rotation list.

All Tow Services shall have business cards available for distribution to the registered owner, operator, or legal possessor of the vehicle towed that contain the following information: name of the towing business, physical address of business (no Post Office Box numbers), telephone number and after-hours telephone number, if applicable.

All Tow Services must possess such valid Virginia driver's license or commercial driver's license as may be required, and shall be qualified to operate the tow vehicle and its equipment. It will be the Tow Service's responsibility to ensure all their towing operators meet these requirements. All towing operators shall refrain from alcohol use and/or taking any drugs or narcotics which may impair driving or perception, either by a doctor's prescription or of his own free will while operating a tow vehicle when responding to any law enforcement call for service. As required by Virginia Code Section 18.2-324 (copy attached), Tow Services shall remove from the roadway all litter, glass, and debris caused by the incident that necessitated the towing.

The Tow Service shall tow disabled vehicles to such destinations requested by the vehicle owner or other person with apparent authority after financial obligations to the Tow Service have been finalized. All fees for towing services and vehicle storage fees charged by the Tow Services must be consistent with what the Tow Service submitted to Front Royal in response to the Request for Proposals for Wrecker Rotation List that the Tow Service submitted that year and what is deemed usual and customary by other towing businesses in Front Royal and Warren County during the time that a vehicle is towed. Excessive fees and overcharges by the Tow Services will result in the Tow Service's removal from the Wrecker Rotation List.

The Tow Service must at all times allow a vehicle's registered owner, operator, or legal possessor access to their towed vehicle to retrieve their vehicle or their property inside their vehicle during normal business hours within a thirty (30) minute response time.

A Tow Service shall maintain and own or lease a secure, properly zoned, dedicated storage area able to secure all towed vehicles towed by the Tow Service. The storage area should have a graveled or paved surface and be fully enclosed by a commercial grade fence at least six (6) feet tall or enclosed by a permanent structure. The Tow Service shall be required to continuously carry and maintain in full force and effect an insurance policy sufficient to cover fire, theft, windstorm, vandalism, and other perils for vehicles stored within their storage facility.

The Tow Service accepts reasonable responsibility for a towed vehicle from the time hook-up begins until the towed vehicle reaches the intended destination. The Tow Service shall be reasonably responsible for any vehicle towed and any vehicle contents from the time the vehicle is towed until one of the following events occur: the vehicle is delivered to a location specified by the owner or other authorized person, or the vehicle and property is released to and accepted by the owner or authorized person in the same condition as originally towed, or the vehicle is otherwise disposed of according to law.

The Tow Service also accepts reasonable responsibility for any personal property left in any towed and stored vehicles of the Tow Service as may be otherwise determined by law. Upon request or demand, the Tow Service shall return personal property stored in or with a vehicle the Tow Service has towed or stored, whether or not the towing or storage fee on the vehicle has been or will be paid. Personal property, for purposes of this provision, includes any goods, wares, freight, or any other property having any value whatsoever other than the towed or stored vehicle itself. Personal property does not include installed radios, tires, batteries, etc.

The Tow Service shall keep records of all vehicles that have been towed pursuant to this agreement. These records shall include, at a minimum, the date and time of tow, the vehicle's license number and state of issue, the vehicle's identification number, the year, make, model and color of the vehicle, the location from which it was towed, the charges for towing and storage, and the disposition of the vehicle along with the date of the disposition. The aforementioned records shall be readily accessible upon request from the Police Department.

Tow Services shall promptly arrange for the release of vehicles towed or stored pursuant to this agreement. An attendant shall be on-duty (or available within a thirty (30) minute response time) from the hours of 8:00 a.m. through 5:00 p.m. weekdays for the purpose of permitting inspections, releasing personal property, or releasing stored vehicles. After hours, on weekends, and all holidays the owner or attendant must be available by telephone at all times for such purposes. Tow Services, upon receiving a request to permit an inspection or release of a stored or seized vehicle from the owner, operator, or other authorized person, shall arrange for the inspection or release of the vehicle with the vehicle owner, operator, or other authorized person weekdays between the hours of 8:00 a.m. and 5:00 p.m. within two (2) hours of receiving notice thereof. The foregoing notice provision shall apply likewise for the release of personal property and contents within the vehicle. All fees charged for any off-hour release/inspection shall be reasonable and consistent of those fees charged by other Tow Services in Front Royal and Warren County for comparable services.

Tow Services shall not release any vehicle designated as "Seized" or "Seized for Forfeiture" by the Police Department until the Tow Service obtains permission from the Police Department to release the vehicle. If an owner or lien holder fails to claim any vehicle or if a Tow Service wants to satisfy any lien that it has on a vehicle, it shall be the Tow Service's responsibility to dispose of or sell the vehicle in compliance with the Code of Virginia.

Failure by a Tow Service to comply with this agreement or with the provision of its proposal pursuant to the Town's Request for Proposals for Wrecker Rotation List for the current calendar year shall be ground for termination of this agreement and removal of the Tow Service from the Wrecker Rotation List.

Tow Services will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. Tow Services agree to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

Tow Services do not, and shall not during the performance of the contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

Tow Services organized as a stock or nonstock corporation, limited liability company, business trust, or limited partnership or registered as a registered limited liability partnership shall be authorized to transact business in the Commonwealth as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia or as otherwise required by law.

During the performance of this agreement, all Tow Services agree to (i) provide a drug-free workplace for the Tow Service's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in Tow Service's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the Tow Service that the Tow Service maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of the Tow Service of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

In compliance with Virginia Code § 2.2-4343.1., the Town of Front Royal does not discriminate against faith-based organizations.

Va. Code § 46.2-1076. Lettering on certain vehicles used to transport property.

No person shall drive, cause to be driven, or permit the driving of a "for hire" motor vehicle on the highways in the Commonwealth unless the name and address of the owner of the vehicle is plainly displayed on both sides of the vehicle. The letters and numerals in the display shall be of such size, shape, and color as to be readily legible during daylight

hours from a distance of fifty feet while the vehicle is not in motion. The display shall be kept legible and may take the form of a removable device which meets the identification and legibility requirements of this section.

Va. Code Section 18.2-324. Throwing or depositing certain substances upon highway; removal of such substances.

No person shall throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can, or any other substance likely to injure any person or animal, or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Any persons violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

This section shall not apply to the use, by a law-enforcement officer while in the discharge of official duties, of any device designed to deflate tires. The Division of Purchase and Supply shall, pursuant to Va. Code Section 2.2-1112, set minimum standards for such devices and shall give notice of such standards to law-enforcement offices in the Commonwealth. No such device shall be used which does not meet or exceed the standards.

Council Discussion: Chief Shiflett explained that there was one towing company that had excessive fees. He noted that the Town needed to regulate the towing fees in order to eliminate these large fees. Councilman Hrbek stated that citizens can choose their own towing companies if need be; Staff noted that it was correct. Mr. Napier stated that it was a contract between the Police Department and the tow companies. He noted that it was not by ordinance. Mr. Funk stated that it was a great idea, and it was a set amount, similar to a court appointed attorney, with a certain rate structure. Mr. Tewalt stated that it does not sound enforceable. Chief Shiflett noted that if they were not abiding by rules they would be removed from the list. Mr. Burke stated that the Purchasing Agenda would oversee the program in conjunction with the Police Department for the lowest firms on the list.

Mayor Darr stated that the towing companies certainly need to be fair and equitable, and there could be a dozen on the list, it does not need to be limited to three. Councilman Egger agreed that all companies could be on the list if they met the criteria.

5. Board of Zoning Appeals (BZA) Term Expires

Summary: Kisha L. Phillips term on the Board of Zoning Appeals (BZA) will expire May 1, 2015. Ms. Phillips was recommended by Council to the Judge of the Warren County Circuit Court for appointment on the BZA on May 24, 2010 to fill an un-expired term. At this time, Ms Phillips has indicated that she would not like to be considered for recommendation.

Ms. Berry noted that there were three available that Council had previously interviewed: Vaught, Whitten and Helms. She added that another had applied and would soon be scheduled for an interview with Council.

6. 2015 Virginia Municipal League (VML) Committee Nominations

Summary: Attached is the nomination form and policy committee process for the 2015 Virginia Municipal League (VML) Policy Committees. The nomination form is due to VML April 17, 2015; therefore, Council will vote on the nominations at the next regular meeting. All terms are for May 2015 – December 2015 and no individual may serve on more than one committee. Below are the Policy Committee members voted by Council at the April 28, 2014 Council meeting and whose terms expired December 2014.

Community & Economic Development Committee – Hrbek & Egger

Environmental Quality Committee – Town Manager Steven Burke

Finance Committee – Connolly and Finance Director Kim Gilkey-Breeden

General Laws Committee – Town Attorney Doug Napier

Transportation Committee – Tharpe

7. Council Discussion/Goals

VML – Regional Suppers available, let the Clerk of Council know if you would like to attend.

Chamber Dinner – two tables for Town Council and Senior Staff.

More discussion took place regarding the Council Retreat.

Motion to Go Into Closed Meeting

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

VOTE INSERT HERE

VOTE INSERT HERE

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Vice Mayor Tharpe, 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