TOWN COUNCIL WORK SESSION

Monday, January 04, 2016
Town's Administration Building

1. <u>Christendom College</u>

Summary: The Town has received a request from a representative of Christendom College to consider sale of the Town's half interest in property on the north and south side of I-66 west of Shenandoah Shores Road. The Town received the half interest in the property from Walter Duncan in anticipation of construction of an interstate interchange. The Town has previously been informed by FHWA representatives that the proposed location of an interchange at Shenandoah Shores Road is too close Exit 6 to meet FHWA requirements.

Council is requested to consider entering discussion with Christendom College regarding the Town's interest in this property.

Town Manager Recommendation: The Town Manager recommends that Council discuss this request and consider the possibility of a future interstate interchange at this location.

Council Discussion:

Mr. Joe Silek, attorney for the requestor, introduced Ken Ferguson, Vice President of the College, noted the property area in question, explaining the desired area they wished to purchase. Councilman Tewalt stated that Walter Duncan had expressed to him that the accessibility that VDOT would need for the possible future interchange would be at stake and he, Mr. Tewalt, would not be interested in letting that parcel go. In response to questions from Council, Mr. Ferguson, of Christendom, noted that a road would be in place for a new athletic field on the parcel of land that the Town currently owns.

Mayor Darr stated that should the Town let go of their interest completely, then the interchange could be at risk. Mr. Burke noted that the sale of the property could certainly complicate the interchange design and increase the cost of acquisition. Mr. Tewalt reiterated the concerns of Mr. Duncan, noting that the interchange could be complicated by the selling of the property to Christendom.

Mayor Darr suggested giving an option to use the property and then if and when an interchange would be placed at the site, then the area could be addressed at said time. Mr. Burke noted that he and Mr. Napier would continue discussions with Christendom College and Mr. Silek.

2. <u>Continued Discussion of Deed of Easement from Winchester Rd. (E&A), LLC & Winchester Realty (E&A), LLC for Water & Sewer Right of Way Riverton Commons</u> – *Town Attorney*

Summary: It is proposed that the Town acquire water/sewer easements and rights-of-way over portions of Land Units 8, 9, 12 and 13, Riverton Commons Land Condominium, located in Riverton Commons, for access and maintenance to water/sewer facilities to be owned by the Town, necessary to provide utility service to these parcels. Land Unit 9 is the location of the new Urgent Care.

Town Council is asked to consider approving the Deed of Easement, to be executed by the Mayor.

Staff Evaluation: The proposed easements/rights-of-way acquisitions are required to provide water/sewer service to these parcels located outside of Town limits.

Council Discussion:
Councilman Tewalt noted that should Crooked Run II materialize in the future, he would like all the utilities placed in the street areas, rather than through grass areas, as the Town is responsible for the repair of the grass and ground area of the businesses. Mayor Darr asked if the asphalt was torn up, would the Town be responsible for that repair. Mr. Burke noted that the Town would.

Council chose to place the matter on the Consent Agenda.

3. <u>Approval And Acceptance Of Deeds Of Easement For Middle School Entrance, Kidwell And Testerman</u>

Summary: In order to develop a new Middle School and construct a safe school bus entrance from Happy Creek Road, the Warren County School Board and the County of Warren have requested the Town to approve and accept the two attached Deeds of Dedication of Rights of Way and Easements for rights of way (access, brush clearing, etc. during construction), permanent storm drainage easements, and temporary construction easements. These Deeds have already been signed by the property owners, signifying their agreement, if the Town approves the acceptance. The Town and its contractors and assigns may (which legally means are not required to) construct, operate and maintain a system and/or facility for the removal from and transmission away from the right of way (2,187 s.f. Road Dedication Parcel parallel to Happy Creek Road in the case of the Kidwell property; and 625 s.f. Road Dedication Parcel in the case of the Testerman property) of storm water away from Happy Creek Road that might be areas of the road dedications.

Council is requested to approve and accept the Deeds of Dedication, as ultimately the roads will be part of the street system of the Town.

Staff Recommendations: Staff concurs with the form of the Deeds of Dedication.
Town Manager Recommendation: The Town Manager concurs with staff's recommendations, as the Town is not required to do anything further.

Council Discussion:
Council chose to place this item to place the item on the Consent Agenda to finalize the easements.

4. <u>Board Room Video Equipment Request</u>

Summary: The Town has received a request from the County Administrator to consider commitment by the Town to pursue joint funding for improvements to the video recording and production in the Warren County Government Center Boardroom as part of the renewal of the cable franchise agreement with Comcast. The estimated cost from the County is $50,000.

Council is requested to consider the request from Warren County as the Town will begin negotiations with Comcast this year to renew the franchise agreement

Staff Evaluation: The equipment will require upgrading in the future. Staff recommends that any decision on equipment be agreed upon by both the Town and County and that Town IT staff take the lead on specifying improvements.

Council Discussion:
Mr. Burke noted that the Town is in favor with what the County has presented, though the one Town request was to have Mr. Jones, the Town's IT Director, review the equipment proposals to ensure that the equipment would coordinate with the materials currently in use for television broadcasting.

5. <u>Continued Discussion of Town Drone Policy</u>

Summary: At the December 7th Council Work Session, Council requested that staff develop a policy for use of the drone by Town staff prior to considering approval to establish a drone program. A draft has been prepared for consideration. At this time, staff have excluded use of the drone for Tourism marketing purposes to limit issues arising from video/photography of individuals.

Council is requested to consider the draft policy and provide comment and suggestions.

Staff Evaluation: The draft policy has been developed by staff utilizing policies established by other communities to regulate the use of drones.

Council Discussion:
Mr. Burke noted that the Town has developed a policy for drone use and in the development they have eliminated a request to use it for tourism events. He stated that the Town would use the drone for inspection at Town facilities, significant fire or natural disaster events, or authorized Police Department use. He stated that videos would not be kept for longer than 30 days unless for specified use listed under the policy. Mayor Darr asked for an intentional use specifications for those that chose to misuse the drone, noting that the recourse should not just be that they are no longer able to use the drone. He asked for serious consequences for employees that intentional use the drone inappropriately.

Councilman Tewalt asked about the estimated cost of the drone and the permitting, including the training. Mr. Burke noted that it was about $2,500 and was included in the IT budget currently. Mayor Darr stated that the amount seemed low. Mr. Burke noted that the Town currently has a camera and they would just be pursuing a helicopter.

Councilman Connolly asked about endangering those in an investigation, as per Item #11 in the policy. Item #11 currently reads:

> **11.** Images, footage, or data associated with an investigation by the Police Department authorized by a warrant issued by the Court shall not be released if the release would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.

Mayor Darr stated that #11 in the drone policy should read the same as the body cameras that the Town recently began using for the Police Department.

Councilman Tewalt voiced his opposition against the drone entirely. Councilman Egger noted that she would most likely tend to agree with Councilman Tewalt. Council discussed the legal aspects of obtaining a drone and how it could affect the public. Specifically, Council discussed how if the drone was being used legally, though captured illegal activity or items, in a backyard for example, and how that could be used against individuals in the community. Council chose to not place the item on the upcoming agenda for a vote, as the support from Council was not there.

6. Liaison Committee Meeting Items
Ms. Berry noted that Councilman Hrbek would serve this time with Mayor Darr for the Liaison meeting January 21, 2016. No items were removed or added from the previous agenda.

7. <u>Request to Donate an Electric Light for a Pole to Humane Society</u> -- *Mayor Darr*
Mayor Darr noted that Mr. Waltz stated that Town Staff has the equipment to drill the hole and donate a few lights, with Council's approval. He noted that the hole would be perhaps five feet and less than an hour's worth of work, then maybe 30 minutes worth of work. Councilman Tewalt noted that the power would be trenched back to the Humane Society's account, so the Humane Society, not the Town, would be paying the power bill. He noted that the employees are leaving in the dark each evening and the flood lights on the side of the building do not cover the area for safety.

Mayor Darr requested that the Council place it on the agenda for approval, should they see fit. Council voiced their support for the Humane Society donation.

~~**8. Earmark Corridor Funds towards Economic Development** – *Councilman Hrbek*~~
Removed until Councilman Hrbek is present.

Council Discussion:

9. Continued Discussion of Referring Property Maintenance Code to the Planning Commission – *Councilman Hrbek*
Council discussed an overview with David Beahm of Warren County. Council noted that it would return to worksession at a later time when Councilman Hrbek would be present.

10. Request to Re-introduce Postcards for Utility Bills – *Councilman Tewalt*
Councilman Tewalt removed this item from the agenda

11. Continued Discussion of Food Trucks – *Mayor Darr*
Mayor Darr noted that having food trucks along public streets will not work obviously, though locating the trucks at the ball park or a construction site, such as the new middle school, would be his preference. He stated that Royal Phoenix will be a large ongoing site where the trucks may work well. He stated that should another business, such as Ramsey's Hardware, wish to allow them at their locations, then the property owner needs to be responsible for the clean-up of the site. Mayor Darr stated that in his opinion, the trucks should be go with regular meals taxes, not a peddler's license. He added that an agreement with the Town for their operation ensure they are maintained and they provide full clean up at their locations was vital.

Mr. Burke noted that it could be referred to the Planning Commission and Staff could begin speaking with the Health Department and the County of Warren.

Councilman Tewalt noted that they could simply amend the matter to include construction sites to expedite the process and to not bog down the Planning Commission. Mayor Darr noted that Councilman Tewalt voiced good ideas. Mr. Burke stated that Staff could work on the matter and return the issue to

Council for more discussion.

12. Update on Council Retreat
February 6th from 10 a.m. - 3 p.m.
Town Administration Building
Jim Coats, facilitator

Mayor Darr will be meeting with Mr. Coats to review goals. He asked Council to determine their short and long term goals for the future. He asked that Mrs. Breeden, Ms. Berry, Mr. Napier and Mr. Burke attend the retreat that Saturday.

2. CLOSED MEETING

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Egger that Council convene and go into Closed Meeting for the purpose of appointment of a specific public appointee or employees of a public body, namely, a Town Council Member to fill the seat vacated by the resignation of Town Council Member Daryl L. Funk, pursuant to Section 2.2 3711. A. 1 of the Code of Virginia.

Vote: Yes – Connolly, Egger, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Hrbek
(Mayor Darr did not vote as there was no tie to require his vote)

Motion to Certify Closed Meeting at its Conclusion

Councilman Egger 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: Yes – Connolly, Darr, Egger, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Hrbek
(By Roll Call)

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Hrbek, Councilman Egger, Councilman Tewalt, Finance Director Breeden, Town Attorney Napier, Clerk of Council Berry, Chief of Police Shiflett, Planning & Zoning Director Camp, Energy Service Director Waltz, Environmental Services Director Hannigan, IT Director Jones, members of the media and members of the public.

Absent: Councilman Hrbek