



TOWN COUNCIL WORK SESSION
Monday, September 19, 2016 - 7:00 p.m.
Front Royal Town Hall

1. Continued Discussion of Warren Heritage Society Request for Utility Funding – Patrick Farris, Executive Dir. Of Heritage Society

Summary: The Executive Director of Warren Heritage Society has requested that the Town consider an in-kind donation to offset the utility expenses incurred by the Society in the amount of \$15,000 for the utility services at 101 Chester Street for FY2016-2017. Council has approved similar requests for the previous two years. Council met on August 1, 2016 regarding this request but asked for more information. Council also scheduled this item for September 6, 2016 but there was no representation from the Heritage Society.

Council is requested to consider a donation toward utility service for the Warren Heritage Society as authorized by Virginia Code Section 15.2-953 for a Virginia non-profit organization.

Staff Evaluation: Staff have evaluated the request and confirmed it is similar to that made in the previous two fiscal years.

Council Discussion:

Heritage Society Board Member President Ron Santmyers noted that they had Rappahanock Electric go through the buildings and do an electrical system inventory to determine how the buildings were operating. He stated that they also had cut back on watering of the Colonial and Native American gardens.

Vice Mayor Tharpe noted that the Heritage Society noted that the organization does a lot for the community. The Town's Finance Director noted that the amount granted to the organization was covering most of their utilities each year.

To answer Mr. Meza's questions, Mr. Hrbek noted that the organization does a service with archival and other services in the Town and if the organization was not in place then the Town would need to provide the services. Mayor Darr noted that this is the third year at least for the request, and it was notable to preserve the Town's history. He added that perhaps the County could partner with the Town on the venture. Councilman Hrbek stated that it was coming from the enterprise funds not the taxpayer funds.

Council chose to place it on the consent agenda for the next meeting for vote.

2. Continued Discussion of Main Street Lighting – Director of Energy Services

Summary: At the Work Session on June 6th, Staff was directed to proceed with the installation of lights between 500, 501, and 506 Main Street. Staff continues with the installation of these additional strands along with developing an alternative solution for canopy lighting along Main Street.

Council is requested to review the alternative solution and provide direction for

the Main Street Lighting Project.

Staff Evaluation: Staff continues to work with Dan Hotek of Engineering Techniques on attachment points along with permits for installation of additional lighting strands. Staff will update progress at the meeting. Staff has also developed an alternative solution to provide a continuous canopy lighting system along Main Street. Staff will present an overall project cost and drawings at meeting.

Staff Recommendations: Staff recommends Council provide direction on the proposed alternative canopy lighting project on Main Street.

Mr. Waltz presented the following to Council:

Replacing every third/fourth light pole with taller pole for canopy light attachment

- Removal of existing building attachments
- Canopy lighting along E. Main St. between Crescent and Stokes (near the bridge)

New Replacement Poles

- Concrete/fluted (same as existing poles)
- Height – 24 ½ feet
- Qty – 14
- Price - \$3,200 each

No light fixture

Overall Estimated Project Cost

- Replacement poles (qty 14) - \$ 44,800
 - Additional lighting material - \$ 5,000
 - Installation of poles (contractor) - \$ 65,000
 - Sidewalk replacement (contractor) - \$ 20,000
- Total estimated cost - \$ 134,800

Council Discussion:

Council discussed attachments being designed for current buildings and strings of lights versus those which may be installed. Mr. Waltz spoke about the maintenance issue of the bulb replacement, possible grants, and working with Ms. Hart. Ms. Hart noted that incorporating possible façade grants that would revitalize the entire downtown not jut bringing bits and pieces together. Mayor Darr noted that Staff could begin to work on the grant portions downtown and if not perhaps it could then be worked into next year's budget.

3. Continued Discussion of Town Charter Revisions – Town Attorney

Summary: Town Council attempted to have the 2013 Session of the General Assembly adopt a number of revisions to its Town Charter. To refresh your understanding, a municipal charter is special legislation which each municipal government, and a few, almost all urban, counties, are granted by the State, to

govern their local affairs, peculiar to that locality only, which may be thought of as in the nature of that locality's constitution. Generally, but not always, charter provisions trump general law provisions to the contrary, while Virginia and U.S. Constitutional provisions trump charter provisions to the contrary. For the benefit of those Council Members who were not on Council in 2013, the proposed Charter amendments did pass the General Assembly. One of the most significant proposed Charter amendment, which the then-Town Council had wanted was the change in its elections for Town Council and Mayor from the first Tuesday in May in even numbered years, to the general election day in November in even numbered years. When the Charter amendment failed, Town Council amended the Town Code to provide for this.

The other changes the Town requested to our Charter were to allow the Town Council to designate additional Town officers by ordinance (for instance, the current Charter does not provide for the Town's treasurer is to be the Finance Director); to cause elections to Town Council and Mayor to be non-partisan (so that federal employees would be able to hold local public office—historically, all Town elections have always been non-partisan; most local elected offices nationwide are non-partisan for that reason; political parties may and do endorse candidates, but candidates do not run under a party label); to allow minutes to be kept in electronic format in lieu of hard-copy minute books; to allow the publication of proposed ordinances and other notices by any method allowed by law; to combine the duties of the town treasurer with that of town manager or town finance director; and for the provision of a number of other minor or clerical amendments to the Charter. A copy of the black-lined proposed Charter amendments that was sent to the Town's General Assembly delegation, together with the letter dated November 30, 2012, sent to the Town's General Assembly delegation, are attached.

Town Council is requested to consider and discuss any other amendments it would like to see to the Town's Charter. Consideration might include whether the Town wishes to be able to retain its zoning authority over any State directives regarding Airbnb; more local control over cleaning up derelict properties; cleaning up the present Charter provisions regarding zoning and planning, as they are outdated and conflict with current State law and current zoning and planning best practices; provisions for more local flexibility on taxation; etc.

Staff Evaluation: Staff might be requested to evaluate the Town Charter and give its recommendations to Town Council as to what staff recommends might be considered amended.

Council Discussion:

Councilman Hrbek asked about how it could be in conflict with State law. Mr. Napier stated that it superceded State law because overruled our Town Charter. He added that the Town is still non-partisan and Mayor Darr added that The Hatch Act only applies to Federal Employees. Councilman Hrbek asked about regulating AirBNB's. Mr. Napier stated that the General Assembly will be debating the AirBNB issue in the upcoming session. He added that the Staff will be reviewing the previous issues. Mr. Tewalt stated that he would prefer the election matter to remain in the ordinances not in the Town Charter. Ms. Egger asked about lose term limits and Mr. Napier stated that it could be placed in ordinances though not in the Charter. Mr. Tewalt suggested that the Mayor

vote on each issue. Mr. Napier noted that by November Delegate Collins would carry forward the Town's Charter request regarding dilapidated buildings, etc.

This item will return to another worksession.

4. Adoption of Policy for Participation in Meetings by Electronic (Telephonic) Means

Summary: Va. Code § 2.2-3708.1 of the Freedom of Information Act allows for electronic participation, such as by telephone, in public meetings, such as Town Council Meetings and Work Sessions, when without the participation of the physically absent Member, there may or may not be a quorum, for certain specific, limited circumstances, provided the public body has previously adopted a written policy allowing for such electronic participation. The Code, in its entirety, reads:

Va. Code § 2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

—
A. A member of a public body may participate in a meeting governed by this chapter through electronic communication means from a remote location that is not open to the public only as follows and subject to the requirements of subsection B:

1. If, on or before the day of a meeting, a member of the public body holding the meeting notifies the chair of the public body that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the public body holding the meeting records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

Such participation by the member shall be limited each calendar year to two meetings or 25 percent of the meetings of the public body, whichever is fewer;

2. If a member of a public body notifies the chair of the public body that such member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the public body records this fact and the remote location from which the member participated in its minutes; or

3. If, on the day of a meeting, a member of a regional public body notifies the chair of the public body that such member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting and the public body holding the meeting records in its minutes the remote location from which the member participated. If a member's participation from a remote location is disapproved because such participation would violate the policy adopted pursuant to subsection B, such disapproval shall be recorded in the minutes with specificity.

B. Participation by a member of a public body as authorized under subsection A shall be only under the following conditions:

1. The public body has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly,

without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

2. A quorum of the public body is physically assembled at the primary or central meeting location; and

3. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

Council Discussion: Town Council may wish to consider the adoption of an automatic approval of remote participation unless there is a vote by Town Council to the contrary, because such remote participation would, in the view of the rest of Council, violate FOIA.

Staff Evaluation: The Virginia Freedom of Information Advisory Council (the "Council") was established by the 2000 Session of the General Assembly as an advisory council in the legislative branch of State government to encourage and facilitate compliance with the Virginia Freedom of Information Act. As directed by statute, the Council is tasked with furnishing advisory opinions concerning FOIA upon the request of any person or agency of state or local government; conducting training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of FOIA; and publishing educational materials on the provisions of FOIA.

The Council has published an educational brochure on electronic meetings under FOIA, which is attached. This brochure contains, on its page 6, sample language for a written policy. This sample policy, adapted for the Town, is as follows:

It is the policy of the Town Council that individual Town Council Members may participate in public meetings and work sessions of Town Council by electronic sessions as permitted by Va. Code § 2-2-3708.1, as that Section may from time to time be amended. This policy shall apply to the entire membership of Town Council without regard to the identity of the Member requesting remote participation or the matters that will be considered or voted on at the meeting.

Whenever an individual Member wishes to participate from a remote location, the law requires a quorum of Town Council [TOWN CHARTER, SEC 13 QUORUM, "A majority of the members of Council shall constitute a quorum for the transaction of business"] to be physically located assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote Member to be heard by all persons at the primary or central meeting location.

When such individual participation is due to an emergency or personal matter, such participation is limited by law to two meetings or 25 percent of the Town Council public meetings per Town Council Member each calendar year, whichever is fewer.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a member's participation from a remote location is challenged, Town Council shall vote on whether to allow such participation. If Town Council votes to disapprove of the member's participation because such participation would violate this Policy, such disapproval shall be recorded in the minutes with specificity.

There has recently been at least one instance where a Town Council Member wished to be present at a Town Council Work Session or Meeting to participate telephonically, but could not do so, because the Town had not adopted such a written policy.

Council Discussion:

Councilman Hrbek asked if Culpeper adopted something similar. Mr. Napier noted that he did not believe they had. Mr. Napier noted that they would work on matters a bit more and return to another meeting.

5. Software License Renewal – *Director of Information Technology*

Summary: The IT Department has obtained the quote to renew software licensing for 2017. Due to the cost and number of licenses, the renewal quote is approximately \$30,000. The previous year's renewal was within the authorization of the Town Manager to approve. Funding for this expenditure is included in the FY16-17 Budget
Council Discussion: Council is requested to consider approval of the software renewal licensing that is included in the FY16-17 Budget.

Council Discussion:

Council chose place the matter on the consent agenda.

6. Resolution to Accept Medicaid Funding for Health Care – *Town Manager*

Summary: The Virginia Interfaith Center for Public Policy has requested that all VML members consider adopting a resolution requesting the General Assembly to accept Federal Medicaid funding and implement expansion of health insurance coverage as provided but the Affordable Care Act.

Council is requested to provide direction as to any desired action.

Staff Evaluation: Information included in the request indicates that up to 1,400 Warren County residents could gain health insurance.

Council Discussion:

Councilmen Hrbek, Egger, Tewalt and others noted that they were not in favor of the matter going forward.

7. Lottery for Localities – *Town Manager*

Summary: The Town has received a request from the Mayor of Crewe to consider adopting a resolution of support to establish legislation to allow the return of five percent of lottery sales to Virginia localities. See attached email, sample resolution, and general information.

Council is requested to consider a resolution of support.

Staff Evaluation: Staff were unable to determine the total lottery sales in our area to estimate potential revenue to the Town.

Council Discussion:

Councilman Hrbek noted that the lottery sales do not return to the Town at all, while the sales tax, alcohol and others are returned to the locality. Council discussed whether to forward the resolution on. Mayor Darr stated that it most likely would not pass in the long run statewide, though showing support at this point may not be harmful. They chose to place it on the consent agenda.

8. Town Flag for Christendom College – *Town Manager*

Summary: The Town has received a request from Christendom College to display a Town Flag at the College, and the College has offered to reimburse the Town for the cost of the flag. A flag has been provided to the College for its September 6th event. The cost for the flag is \$191.00.

Council is requested to consider donation of the flag to Christendom College.

Staff Evaluation: The Town has donated flags to government and educational facilities in the past.

Council Discussion:

Council chose to donate the flag to the college.

9. RFP - Health Insurance – *Town Manager*

Summary: As part of the evolution of health insurance for the Town, staff have developed a draft Request for Proposals for Health Insurance Consulting Services. The Consultant would assist the Town in specifying our needs and identifying prospective insurance providers.

Council is requested to review the draft RFP and provide staff with any questions or suggestions for revisions.

Staff Evaluation: Staff would request that Town Council provide any questions or suggestions within the next two weeks so that the RFP can be finalized and advertised.

Council Discussion:

Mr. Burke noted that the insurance agent discussion with the agency Mr. Hrbek suggested indicated that the savings could be about \$100,000 annually perhaps. He stated that a few plans could be offered.

10. RFP – Salary Comparison – *Town Manager*

Summary: As part of the evaluation of our current salaries for the various Town positions, staff have developed a draft Request for Proposals for Compensation and Classification Study. The Consultant would assist the Town in evaluating our current job classifications and review competitive salaries for these positions.

Council is requested to review the draft RFP and provide staff with any questions or suggestions for revisions.

Staff Evaluation: Staff would request that Town Council provide any questions or suggestions within the next two weeks so that the RFP can be finalized and advertised.

Council Discussion:

Mr. Burke stated that he would like Council comfortable with the place as presented. Mr. Burke noted that the Town could put out the RFP in October for 30 days and hold a meeting for those interested and ask questions and they would anticipate the middle of November for responses. He stated that two weeks would be the review time and by January would be the review time for those doing the analysis for the Town doing the selection for the employees.

11. Council Discussion/Goals

Mr. Tewalt noted that he would like to have more input with the budget and Mr. Connolly agreed. Mr. Connolly stated that the Council needed to not set the tax rate in the blind, so to speak.

Mr. Tewalt asked if they agreed to post the delinquent tax list in the newspaper. Council chose to place the matter on an upcoming worksession agenda.

Mr. Hrbek voiced support of placing lights along the trail along John Marshall Highway. Mr. Meza noted that it needed to be weeded in that area as well.

Mr. Connolly stated that the Council has had a few closed meetings regarding the Afton Inn. He noted that some type of evaluation of the building needed to be provided to Council. Council voiced their support of the formal evaluation.

Mayor Darr stated that the Town Staff evaluations needed to be completed as soon as possible.

12. CLOSED MEETING – Disposition of Public Property

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Egger that Town Council go into closed meeting for the purpose of discussion or consideration of the disposition of publicly held real property, specifically a Town alley which is a public right of way located between 437 and 510 South Royal Avenue, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code Section 2.2- 3711. A.3.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Councilman Egger 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 Act 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, Hrbek, Meza, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Meza, Councilman Hrbek, Councilman Tewalt, Finance Director Wilson, Town Attorney Napier, Clerk of Council Berry, Police Captain Hite, IT Director Jones, Planning & Zoning Director Camp, Energy Service Director Waltz, members of the media and members of the public.