

At a work session of the Board of Supervisors of the County of Warren held in the Warren County Government Center on September 5, 2017 at or about 10:35 AM.

Present: Linda P. Glavis, Chair (South River District); Tony F. Carter, Vice-Chair (Happy Creek District); Archie A. Fox, (Fork District); and Thomas H. Sayre (Shenandoah District); also Douglas P. Stanley, County Administrator; Dan N. Whitten, County Attorney; André T. Fletcher, Finance Director; Taryn G. Logan, Planning Director; David C. Beahm, Building Official; Matt Wendling, Planner; Alex Bridges, Northern Virginia Daily; Roger Bianchini, Royal Examiner and *The River*; and Josh Gully, Warren Sentinel

Absent: Daniel J. Murray, Jr.

Discussion – Proposed By-Law Changes for the Economic Development Authority – Greg Drescher

Mr. Drescher stated the main purpose of bringing this to the Board was to allow them to provide input on possible amendments and updates to the By-Laws of the Economic Development Authority (EDA). Mr. Sayre commented that the “Town Administration Building” as referenced in the By-Laws is now referred to as “Town Hall.” Mr. Carter asked who drafted the By-Laws, and Dan Whitten, County Attorney, responded that he and Jennifer McDonald, Executive Director of the EDA, had drafted the two changes as presented.

Mr. Stanley stated that the EDA was unique in that it drafts, sets, and amends its own By-Laws for approval by its own Board of Directors whereas other committees or boards have their By-Laws approved through the Board of Supervisors. Mr. Carter noted that if the By-Laws were changed to require their approval through the Board, they would have to be rewritten, and every member of the EDA Board of Directors would have to be reappointed.

Mr. Fox asked about the addition of Article VII, Section 3 to allow for a member to participate through electronic communication should the member be unable to attend the meeting in person (limited to two meetings per year). Mr. Whitten replied that this section was added due to recent changes in the Virginia State Code to allow for electronic participation.

Mr. Carter noted the addition of Article IV, Section 2, Subsection c) regarding the potential to remove a member from the Board of Directors should the member fail to file a financial disclosure form as required by Virginia State Code Section 2.2-3115 (A) and further asked if the Board would consider recommending the EDA adopt a grace period for members who may be ill or out of town or otherwise unable to complete the form before the deadline of January 15th. Mr. Stanley noted that the Virginia State Code had changed, and the deadline for filing was now February 15th, giving members more time, and recommended that the EDA adhere to this deadline to conform to the State Code.

Mr. Carter also commented on the passage in Article IV, Section 2 that states, “[t]he Board of Directors [of the EDA] may, by a majority vote of the entire Board, request the Governing body that appointed a director to remove a director...” He asked whether this section could be amended for the Board of Supervisors to take immediate action to remove a director without the request of the EDA Board of Directors should a director be absent from three consecutive meetings or from four meetings within a twelve month period. Mr. Whitten stated that as long as the amendment was reasonable and did not violate the Constitution, there is no restriction on such an amendment.

Mr. Carter inquired about the requirement of a member of the Board of Directors to either live or work within Warren County and asked whether or not this requirement was in the By-Laws as presented. Mr. Whitten replied that the requirement was stated within the State Code and could be added as an amendment to the By-Laws.

The consensus of the Board was to postpone further discussions on the proposed amendments to the By-Laws until the next Board meeting to allow time for additional review and consideration.

Discussion – Firefighter Overtime – Jodi Saffelle/Chief Richard Mabie

Ms. Saffelle reported that the proposed changes to the current personnel policy were made to address overtime issues in Fire and Rescue Services, which has been a concern in the budget every year. She then stated the current policy for employees of Fire and Rescue Services based upon the Fair Labor Standards Act (FLSA):

- 50-hour base work week
- Salary based on 2,600 annual hours
- Overtime calculated based on 200 hours in a 28-day cycle
- Hours over 200 in that 28-day cycle earned at time plus one-half
- Base leave accrual rate currently 10 hours

Mr. Fox stated that he was under the impression that any work over 40 hours per week was State regulated to be overtime/time plus one-half, and Ms. Saffelle clarified that this regulation did not apply to Fire and Rescue or Law Enforcement personnel and even nurses. She further stated that for Law Enforcement, overtime is calculated based on 160 hours in a 28-day cycle. Ms. Saffelle went on to explain the current policy on compensatory time (“comp time”) for Fire and Rescue personnel as well as the current scheduling:

- Overtime hours are first credited to the employee’s compensatory bank
- 80 hours of comp time allowed in compensatory bank
- Any overage over 80 hours paid to employee

Scheduling – Two people per shift

- 24-hour shift scheduling at Stations 1 (Front Royal), 3 (South Warren), 4 (Linden), 6 (Shenandoah Farms), and 10 (North Warren)
 - 24 on, 24 off, 24 on, 24 off, 24 on, 4-day break

- Three shifts – A, B, and C
- 9 or 10 days per cycle, 216 or 240 hours
- 12-hour shift scheduling at Station 2 (Rivermont)
 - Week 1 – 5:00 AM to 5:00 PM, Monday through Friday
 - Week 2 – 5:00 AM to 5:00 PM, Monday through Thursday
 - 216 hours per cycle

Ms. Saffelle stated the reason for this discussion with the Board was the FLSA, which specifies that 212 hours may be used as the base for Fire and Rescue Services personnel for a 28-day cycle as opposed to the 200 hours currently used for a base in Warren County. The changes to the Warren County Personnel Policies would include changing the base from 200 to 212 per 28-day cycle and stopping the accrual of compensatory time for Fire and Rescue employees only. Any overtime earned by Fire and Rescue employees would be paid out as it is earned instead of going into the compensatory bank.

The proposed 212 hour base change would amount to 2,756 annual hours and an increase in base salary in order to leave the hourly rate unchanged. Overtime would not be due until the hours exceed 212, which results in half-time saved for 12 hours and approximately \$40,000 in savings for the County for a 12-month cycle. The base leave accrual rate would increase to 10.6, and the Virginia Retirement System (VRS) plan would increase as well due to the increase in base salary. Another benefit to paying out comp time as it is earned is the savings for the County because paying the leave out later would require Fire and Rescue Services to pay comp time at the then current salary of the employee, which may be higher than the salary of the employee when the comp time was actually earned. Additionally, for Fire and Rescue Services employees, any time off still counts as hours worked for overtime purposes, which translates to the employee in paid status continuing to earn comp time on top of comp leave or even sick or annual leave (included in the Virginia Gap Pay statute).

Ms. Saffelle stated that the proposed amendments to the County Personnel Policy would be brought before the Board during a regular meeting for approval after meeting with staff for additional comments and input.

Discussion – Update to the 2017 Board of Supervisors Goals List – Doug Stanley

Mr. Stanley stated that the Board requested the Goals, Projects, and Programs list to be updated quarterly as items on the list were completed and the status of current projects changed. He further noted the items that had been completed so far in 2017:

- Hired a manager for the Shenandoah Farms Sanitary District (Public Works Director)
- Construction of 2nd Middle School
- Construction of Leach Run Parkway
- Completion of easement project for Airport (Almost completed)
- Replacement of carpet in the Board and Community meeting rooms (damage from previous flooding and wear and tear)

As the projects and goals are completed, they are removed from the list to allow for re-prioritization of the remaining projects. Mr. Carter requested that the completed items, instead of being removed, be placed at the bottom of the list to highlight the progress made.

Mrs. Glavis inquired about the current status of the expansion of Broadband service into underserved areas of the County, as the list now stated that Comcast is working on an expansion project. Mr. Stanley replied that Comcast is currently working on providing expanded Broadband service to Shenandoah Farms and Catlett Mountain Road areas.

Mr. Carter asked about the status of the replacement of Fire and Rescue Station 2, Rivermont. Mr. Stanley reported that the Building Committee is slated to review the two draft options for the building at its meeting later this month, one schematic with one story and the other with two stories.

Discussion – Town/County Liaison Committee Agenda Items – Doug Stanley

Mr. Stanley stated that the next Liaison Committee meeting will take place on September 21st at the Government Center. Mr. Whitten noted the Town of Front Royal has yet to advertise the Joint Towing Board and the Tethering Ordinance for public hearing despite both items being on the agenda for the Board’s approval at its next regular meeting. Mr. Fox asked what progress had been made on the Main Street Extension project, and Mr. Stanley responded that ITFederal has submitted plans to the Town of Front Royal and are waiting on approval. Mr. Carter requested that the Board receive an update on the Building Maintenance Code Enforcement Update from the Town. Mr. Sayre commented on the flooding of portions of Happy Creek Road after recent heavy rains, and Mr. Stanley responded that an item for the update of Phase II for Happy Creek Road would be placed on the Liaison Committee agenda.

Adjournment

Mrs. Glavis adjourned the meeting at 11:30 AM.