



TOWN COUNCIL WORK SESSION MINUTES

Monday, September 16, 2013 @ 7:00pm

Front Royal Administration Building Conference Room

1. Update from BKV on Police Headquarters Sites

BKV noted that they are reviewing the matters for a 25-year plan. They stated that they are considering cost, size, etc., on all 13 sites and attempting to narrow it down to 3 or 4 sites with a detailed study with final ranking on each site and they are 75% complete at this point. They added that they hope to finalize matters in the next month.

2. Old Virginia Industrial Meter Charge Waiver Request – *Town Manager*

Summary: The Old Virginia Industrial site located at the end of Kendrick Lane was constructed with a 4" water meter to provide the necessary water demand for processing apples. The building use has transitioned from processing to host industrial/office space requiring significantly less water. The average consumption for the previous year was 9,600 gallons per month. The Town recently determined that we had not been including the large meter charge (\$354.20) in their monthly billing. The managing partner has requested that Council provide relief from the monthly large meter charge. Council is requested to consider waiving the monthly large meter fee until such time that the site resumes significant water consumption.

Staff Evaluation: The current water consumption of the site would typically warrant a ¾" to 1" meter. The monthly meter fee is intended to offset the additional cost that the Town incurs maintaining and replacing large meter that experience high volume use. Town policy requires the water meter match the size of the waterline servicing the property.

Staff Recommendations: Staff recommends that Council consider waiving the monthly large meter fee until such time that the site resumes significant water consumption.

Council Discussion:

Council reviewed how to track it in the system, how to fully notify the customer and the history of the property. They discussed the valves, the usage and the consumption, as well as the cost recovery. Council decided to place it on the next Consent Agenda.

3. Continued Discussion of Solid Waste CDL Requirement – *Town Manager*

Summary: During the discussion at the September 3rd Work Session, Town Council requested that Staff develop an amendment to the Employee Handbook to relieve the requirement to obtain a CDL from existing employees, as well as non-driving employees in our Solid Waste Management Division. Council is requested to consider amending the Employee Handbook to recommend CDL's for non-driving Solid Waste employees and relieve the requirement for staff employed prior to March 11, 2013.

Staff Evaluation: The following amendment is proposed for Chapter 2 - Employment, Section VIII - Driving Policy, Part D - Commercial Drivers License:

Certain positions shall be required to obtain and maintain a commercial drivers license as a requirement for employment. Non-administrative positions in Environmental Services not associated with plant operations, *non-driving, Solid Waste Collection positions*, and non-administrative positions in Energy Services shall be required to possess a commercial drivers license. *Employees hired prior to March 11, 2013 shall not be required to obtain commercial drivers licenses, but are strongly encouraged to obtain said license to further their career development with the Town.* The Town shall reimburse employees for their first application for the commercial drivers license and for renewal expenses.

Staff Recommendations: Staff recommends Council consider amending the Employee Handbook.

Council Discussion:

Council reviewed whether the employees would be pulled be for driving during snow events. Mr. Burke stated that they would be encouraged to obtain the CDL, though they would not be required to obtain the CDL if they were in non-driving positions. For clarification it will return to one additional worksession.

4. Continued Discussion of Tourism Zones – Town Manager

Summary: Staff has evaluated opportunities for the Town to entice new business development and improvement of existing buildings that tax incentives. The EDA has previously provided a draft of a Code Amendment for Tourism Zones. In addition, the Town currently provides incentives for real estate tax exemption for rehabilitation of a contributing building in the Historic District, as well as technology businesses locating within Technology Zones. Council is requested to discuss opportunities for business and aesthetic improvements through tax incentives. State Code allows the Town to adopt tax exemptions for Tourism Zones, Technology Zones, and aesthetic improvements.

Staff Recommendations: Staff recommends Council consider referring establishment of further tax incentive zones to the Planning Commission for development.

Council Discussion:

Mr. Burke explained that they have obtained a draft of the typical tourism languages and allow the Planning Commission to map out certain areas, such as entrance corridors where further development of tourist related businesses. Mr. Tewalt noted that perhaps the various zones could be overloading the Town with too many zones which to interpret. Mr. Parker suggested allowing Staff and the EDA to see what types of incentives could be offered for the scope of the matter, in order to narrow it down, before turning it over to the Planning Commission.

5. Continued Discussion of Building Inspections Office – Director of Planning/Zoning

Summary: During a work session in July, Town Council discussed the costs and benefits associated with implementing a Town operated Building Inspections Program. At this meeting, Town Council requested additional information regarding a rental inspection program, similar to the program that the Town previously administered, but which was repealed by a previous Town Council.

Attached with this memo is a copy of the Virginia State Code § 36-105 and § 36-105.1. The first attachment grants legal authority for the enforcement of the Building Code, which includes the optional Property Maintenance Code. The second includes the legal provisions for implementing a rental inspections program. Also attached is a copy of information found regarding the previous Rental Unit Inspection Program of the Town, including the former Town Code that was adopted to allow the enforcement of the Property Maintenance Code.

Council Discussion:

Mr. Camp stated that the packet contained property maintenance and rental inspection materials used previously. Councilman Tharpe noted that inspecting annually may be beneficial. Mr. Camp stated that inspecting during every tenant change would be cumbersome. He noted that there were many property maintenance issues that came through the Town, though the Town was without matters without the Town Code in place to respond.

Councilman Funk spoke against placing the property maintenance code in place. Vice Mayor Parker noted that with the high rental rate in place he felt it was a need in the area and it was government's duty for the safety and welfare of the community and we should look to see what the

Mayor Darr asked if the Planning Commission could review the matter; Mr. Camp stated that they could look into developing a draft. Mr. Tharpe stated it would take money and personnel to implement such a program and unless Council would vote to raise taxes make it happen

Councilman Tewalt opined that it would be a detriment to the Town. He noted that currently most renters cannot afford their monthly rent and when the Town adds the charge to the landlord, the landlord is going to add it to the tenant. Councilman Sayre noted that he keeps hearing that there is no affordable housing in town, even though he feels that there is. He stated that he feels that the property maintenance is an additional layer of bureaucracy that is not currently necessary.

Councilman Tharpe noted that renters can currently complain to the building inspection office at the County and they can determine if it is a violation of the building code and they can also check with the Health Department regarding other matter perhaps. He added that if drugs are being sold then they can go to the Police Department.

Mayor Darr opined that the property maintenance program worked well previously, noting that it kept poor landlords in check. He noted that good landlords benefitted from the program and it was not a detriment to them. He stated that there were four that presently that would not be in favor of the program, but perhaps there was a way that the County could help in some areas and he suggested that the Planning Staff look into that.

Councilman Tewalt noted that there were many absentee landlords and that was unfortunate; Mr. Camp agreed. Mr. Tharpe noted that most people took care of their properties; Mr. Parker disagreed, citing the many, many rental properties through Town where people were living in subpar conditions. Mr. Camp stated that they could have a rental district area.

Mayor Darr noted that the Planning Commission and County could be communicated with to see how they could assist the community and determine how they could possibly assist with a process. Mr. Camp noted that they could look into it and return to a future worksession

Councilman Tewalt suggested that it would be difficult for the Planning Commission or the Planning Staff to map out blighted areas of the Town. Mayor Darr and Vice Mayor Parker suggested that Mr. Camp, his Staff and the Planning Commission be creative and do their best and return to Council at a later worksession with any ideas they may have developed.

6. Acceptance of Water/Sewer Facilities for Public Safety Building – *Director of Environmental Services*

Summary: The Warren County Public Safety Building has been completed and meets all Town Standards and Specifications. The Department has received As-Builts and all inspections have been completed.

Council is requested to accept the water and sewer facilities located at the County Safety Building into the Town of Front Royal's system

Staff Evaluation: Environmental Services completed final inspections and have found water and sewer facilities to meet all Town Construction Standards and Specifications

Staff Recommendations: Staff recommends Council to accept the Warren County Safety Building into the Town's water and sewer system

Council Discussion:

Mr. Burke explained the specifics of the line sizes to Mr. Tewalt's at his request. Mr. Tewalt stated that it was on private property, and questioned if the Town had easements. Mr. Burke noted that the Town does, including VDOT permits. After further questions, Mr. Burke noted that he would ensure the matter was clear through Mr. Napier's office before the vote takes place.

7. Council Discussion/Goals

Mr. Burke noted that the trail bids will be on the next agenda.

Mr. Burke stated that a Leach Run Parkway meeting will be held Friday morning and they have confirmed with VDOT regarding the plan prep and scale; they will soon discuss matters with the hospital and the school. Council expressed strong concern with 4-6 crossings and intersections with the Parkway.

Mayor Darr noted that he would like to look into ways of looking at ways to making the Town economically viable. He stated that on November 1st he would like to begin a Blue Ribbon Committee in order to return ideas to Council help direct our focus on plans for the Town's future. Councilman Funk suggested that each Councilman recommend one person.

8. CLOSED MEETING – Investment of Public Funds & Consultation with Legal Counsel

Motion to Go Into Closed Meeting

Vice Mayor Parker moved, seconded by Councilman Tharpe that Council convene and go into Closed Meeting for the purpose of 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, pursuant to

Section 2.2-3711. A. 6. of the Code of Virginia; and 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically annexation, pursuant to Section 2.2-3711.A.7. of the Code of Virginia; and that Council convene and go into Closed Meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose, Police Department location, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia.

Vote: Yes – Funk, Parker, Tewalt, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – Hrbek

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

(By Roll Call)

Motion to Certify Closed Meeting at its Conclusion

Vice Mayor Parker moved, seconded by Councilman Tewalt 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 – Darr, Funk, Parker, Tewalt, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – Hrbek

(By Roll Call)

Present: Mayor Darr, Vice Mayor Parker, Councilman Tharpe, Councilman Funk, Councilman Tewalt, Councilman Sayre, Town Manager Burke, Town Attorney Napier, Clerk of Council Berry, Director of Planning Camp, Financial Analyst Wilson, Director Chief of Police Shiflett, members of the media and the public.

Jennifer E. Berry, CMC
Clerk of Council