



TOWN COUNCIL WORK SESSION MINUTES

Monday, November 4, 2013 @ 7:00pm
Front Royal Administration Building

1. Request to Remove Lien from Hillidge Street Property, Alan Fox – *Director of Finance*

Summary: The Town has received a request from Alan Fox representing his mother, Lillian Sealock Fox, for the Town to consider release of the outstanding lien amount on her property located at 125 Hillidge Street associated with the assessment for curb & gutter and sidewalk installation in 2008. The property is currently being purchased by Warren County. The amount remaining on the original \$2,584.62 lien is \$1,058.49. Council is requested to consider to evaluate the request for release of the outstanding lien.

Staff Evaluation: The Town constructed improvements along Commerce Avenue to enhance pedestrian access and assessed all property owners for these improvements.

Budget/Funding: Release of the outstanding lien will reduce future funding available in the General Fund. The Director of Finance will be available to address fiscal issues.

Staff Recommendations: Staff recommends that Council maintain the lien amount as originally established.

Mr. Fox asked why the property owner would need to pay for the curb and gutter and this time, as they would be

Council Discussion:

Councilman Tharpe noted that if they removed one lien, they would have to remove all the liens.

Sayre noted that it was the property that was recently involved with the Warren County sale.

Mayor Darr asked about the County discussion relating to the lien and whether they mentioned the amount.

Mr. Fox stated that the County would not consider the amount of the lien.

Vice Mayor Parker noted that with the property being sold it was not a hardship case, and with Warren County being the purchaser, it was now off of the tax rolls. He stated that the time for discussion of the lien was

Breeden noted that there was about \$75,000 still on the books

Hrbek stated that the amount had already been paid by the Town and the citizens were reimbursing the Town; Mrs. Breeden stated that was correct.

Mr. Hrbek noted that if the amount was forgiven it would be removed off the books; Mrs. Breeden stated that was correct.

Councilman Hrbek asked if the curb and gutter was forced by the Town then he was willing to forgive the amounts for everyone, but not those that chose

Funk noted that he would be willing to agree with Mr. Hrbek as he was not in agreement with forced assessments.

Tharpe asked about those that have already paid. Hrbek noted that we could not go backwards, though we could forgive the ones that are still on the books. Hrbek stated that he did not have much sympathy for those that chose to pay for it upfront.

Mayor Darr stated that the curb and gutter was an improvement to the property.

Darr noted that he feels the County should have worked out the amount on the property and paid it

Funk stated that if there were three votes to enforce the lien then let's do that.

Sayre noted that sidewalks, and curb & gutter add value to the properties. He stated that the County should have been added to the property amount with the County

2. Consideration of EnerGov Software & Cost Sharing with Warren County

Summary: Warren County previously requested Town Council to table consideration of the EnerGov Software until a potentially cheaper option was evaluated. Since that time, Town and County Staff have participated in the review of Accela, Inc. in comparison with EnerGov. While Accela Software has quoted a considerably lower price than EnerGov, the additional costs are not included in Accela's quote, which leaves the real cost uncertain. EnerGov is believed to be the best program overall program, and is being used or in the process of being implemented by several jurisdictions in the region. The Warren County Board of Supervisors have recently approved the purchase of the EnerGov Software, and has requested the Town to consider a cost sharing partnership.

The proposal is for the Town to pay for 25% of the initial purchase cost and 25% of the annual maintenance cost for the program. The Town would receive 5 user licenses and the County would receive 15. This breakdown is based on the estimated proportional use of the program. The cost breakdown between the Town and the County is shown below for a time period of 3 years.

Cost Breakdown	Year 1	Year 2	Year 3
• County	\$144,934	\$36,369	\$36,369
• Town	\$48,312	\$12,123	\$12,123
TOTALS	\$193,246	\$48,492	\$48,492

Benefits of the software program include the improvement in the efficiency and effectiveness of permit management, plan review, application review, code enforcement, management analysis and tracking, inspections, GIS, and data management. Upon implementation, it would also integrate Town and County permitting and application data. The negatives of the software program include the cost and time for implementation. Attached with this coverpage is a copy of the Warren County Board of Supervisor's agenda report and documentation of their approval.

This agenda item was previously withdrawn from the August 26, 2013 Town Council Agenda, due to a request by Warren County. It is being brought back to Town Council in Work Session for further discussion after Warren County's evaluation of the Accela alternative.

Budget/Funding: Additional funds would be necessary for the approval of this item. \$11,000 could be utilized from Planning & Zoning Department's budget.

Council Discussion:

Parker noted that the County Building Office will use the software about 75% though the cost breakdown is 50/50. He recommended that the Town pay only 12.5% of the share, he stated that the Town taxpayers should not be subsidizing the County software portion.

He asked about whether it would have accelerated the substation site plan review plan for the County; Mr. Camp stated that it would not so much with plan review, though it would assist with other matters.

Hrbek stated that he would like their own building inspector for the Town of Front Royal in the future. He noted that should the Town set up their own and we did not have this software, would Mr. Camp want this software. Mr. Camp stated that he would want such a software, and the price range would be similar. Mayor Darr asked about preparing for the possibility having their own inspector in the process with five licenses.

Darr noted that they should place it on Liaison for discussion.

Would like to ensure that there is an opt out notice if we are not pleased with the system or they choose another path for the Town. Councilman Hrbek expressed his agreement with Mayor Darr.

Tharpe noted that County was offered the option to buy into the package at the 25% cost sharing. He stated that the Town can either take the 25% amount or get their own software package.

Draft

3. Resolution to Request Amendment of Virginia State Code re: Authorization to Regulate Tall Grass on Occupied Property – Director of Planning/Zoning

Summary: Virginia Code § 15.2-901.A.3. only allows the Town of Front Royal the authority to regulate high grass on *vacant developed* or *undeveloped property*. Only certain localities are authorized with the authority to regulate *occupied properties*. In other words, if someone is living in the house, the Town is not authorized to regulate high grass under the authority of this section of the Virginia Code. Upon evaluation, Town Planning & Zoning Staff and the Town Attorney's Office recommend that Town Council request an amendment to the Virginia Code to authorize the Town of Front Royal to regulate high grass on occupied properties.

For discussion purposes only at this time, Town Staff has also drafted an amendment to the high grass section of the Town Code that would address large parcels of land more effectively, improve the definition of *foreign growth*, clarify language regarding enforcement procedure, and would eliminate the arbitrary enforcement season that runs from May 1st to September 1st and keeping enforcement valid for the entire year.

Should Town Council agree with the recommendation of the above referenced resolution, the Town Attorney will draft a resolution for a future Town Council meeting.

Council Discussion:

Vice Mayor Parker suggested that some nuisance ordinances may apply to the grass matters. Councilman Sayre asked if there was wording listed for those using property for cutting hay. Mr. Camp noted that the Town Code does not address matters relating to hay. Mr. Napier said that he believed there were portions relating to agricultural already listed in the Town Code to address any such property.

Mr. Napier noted that he would work on any final matters and makes preparations for sending to Richmond. Mayor Darr stated that it would then return to worksession.

4. Betty West/Assisted Living Facility – Director of Environmental Services

Council Discussion:

Tharpe stated that there had been concern with property that ran uphill. Parker noted that it was excluded, and it was at the discretion of Council.

Hannigan noted that the water line was right next to the property.
Funk – stated that Tewalt should express his opinion on this matter.

Parker noted that there had been discussion on unplatted pipes that need to be discussed. He added that it would be a commercial facility at double the rates

Darr – has the County put in a request.

Hannigan stated that the County asked that the Town make a statement on the matter.

Parker noted that it was a request for water lines on an agricultural piece of property.
Darr noted that the water agreement is that the County was to make the water request.

Parker and Funk suggested that the matter go to Liaison for discussion.
Parker added that Staff also look into some sort of PILOT agreement.

Darr noted that there were too many variables at this point for the Council to make a decision.

5. Cogeneration/Options for Waste to Energy – *Director of Environmental Services*

Council Discussion:

Fristoe noted that GHD a higher cost because they are broken into various stages

Hrbek and Tharpe stated that he would like information and comment from Mr. Waltz on the process

Hrbek stated that he would be in favor of moving forward in the abstract, though he would like concrete numbers

Sayre noted that he was told that the Town would need to truck in sludge from other localities and he was unsure if he was comfortable with doing that

Sayre asked if smaller localities such as the size of the Town of Front Royal had been doing this type of process

Funk noted that he would like hard numbers on the matter

He added that he could not support matters of enforcing green mandates that are not breaking even or even losing money on the process

Mayor Darr stated that he expressed agreement with Mr. Funk

He noted that he had concerns with the way it would hold up the Wastewater Treatment Plant

Mr. Fristoe stated that the it was not feasible to run an anaerobic digester because of the population

Funk stated that Staff should have a chance to review it further, and return it to worksession; Sayre voiced agreement with Mr. Funk, adding that the Town would not produce enough methane to make it work.

Fristoe stated that there was not enough methane to make it happen to cover 25% of the Plant's electricity

Have Mr. Waltz review the matter with Mr. Fristoe and return the process to worksession

6. Council Discussion/Goals

Hrbek asked that an item be added to Closed

Tharpe stated the would prefer to have the entire Council on the matter.

THARPE: Insurance support for Staff – Obamacare check

7. CLOSED MEETING – Personnel Matter re: Evaluation of Town Manager

PARKER - FUNK

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 assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of a public body, specific to the evaluation of the Town Manager, pursuant to Section 2.2-3711 A. 1. of the Code of Virginia

VOTE INSERT HERE

VOTE INSERT HERE

VOTE INSERT HERE

VOTE INSERT HERE

Motion to Certify Closed Meeting at its Conclusion

Vice Mayor Parker moved, seconded by Councilman 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

VOTE INSERT HERE

VOTE INSERT HERE

TEWALT & BURKE ABSENT