



TOWN COUNCIL WORK SESSION MINUTES

Monday, December 2, 2013 @ **6:30pm**

Front Royal Administration Building

1. CLOSED MEETING – Interviews for Urban Forestry Advisory Commission (UFAC)

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 interviews for the Urban Forestry Advisory Commission (UFAC), pursuant to Section 2.2-3711 A. 1. of the Code of Virginia.

Vote: Yes – Hrbek, Parker, Tewalt, Tharpe, Sayre

No – N/A

Abstain – N/A

Absent – Funk

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

Motion to Certify Closed Meeting at its Conclusion

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

No – N/A

Abstain – N/A

Absent – Funk

BY ROLL CALL

2. Update from BKV Pertaining to Police Headquarters – No Backup - Police Chief

Site Options:

1. Old Town Hall
2. Apple Dumpling Day Care, Commerce Ave.
3. Vacant Lot at Warren & 6th
4. Schewel Furniture, Jackson St.
5. Warren Co. Social Svcs, Warren Ave.
6. Avtex Parking Lot, Kendrick Ave.
7. WC Senior Center, Commonwealth Ave.
8. Afton Inn & Duncan Bldg., Main St.
9. Vacant lot on N. Royal Ave & 1st. St.
10. Lot behind K-Mart, South St.
11. Happy Creek Rd. & Sycamore Ln.

12. Campbell Property
13. Progress Drive

Final Report included:

- Probable site acquisition cost estimate
- Cost estimate – site improvements such as demolition, existing structure improvements, new structure construction and additional site improvements
- Evaluation of site to provide public access and emergency response movement
- Ability to expand on site for future needs
- New Police Headquarters planned to provide adequate space needs for Patrol Staff, Administration, Dispatch, Criminal Investigation, Records Storage and Training Facilities.

Mr. Burke noted that they are working to obtain the stakeholders permission on the property for the Avtex area parking lot. Councilman Tewalt noted that he did not wish to use a membrane roof on the proposed building.

BKV submitted an approximate schedule for the project for timeframe for design, bid and build of the project if they chose to move forward with BKV's services. It was noted that it would be approximately 10 months to build with occupancy around June 2015.

Councilman Hrbek asked about using the building to create it's own energy. BKV noted that they had worked with such items as geothermal systems and wind and solar energy issues as well. Councilman Hrbek asked if it was cost efficient; BKV noted that they would do a life cycle analysis over the lifetime of a 100 year building to determine the Town's energy options for the structure. Councilman Hrbek noted that he had interest in having the Town construct buildings that they can be proud of and those which are energy efficient.

Councilman Sayre asked about the optimal number of parking spaces needed at the building. BKV stated that it was between 20-30 spaces in order to serve the public and look appropriate and inviting to the public.

9. Contract to Purchase and Sell Real Estate (IDA/Town/County) for Police Department

Site – *Town Attorney*

Summary: The Town's consultant, BKV Group, Inc., in conjunction with the Town, including the Police Chief, has identified a 5.24 acre site on the east side of Kendrick Lane between Monroe Avenue and Adams Avenue in the Town as the best site for the new Police Department Police Station and associated parking lot. This site is part of the former Avtex Property, is identified as Tax Map Parcel 20A1-3-7B, and is owned by the EDA. The EDA has offered to sell the site to the Town for a cost of \$7,000.00 per acre, and a total price of \$36,680.00. Enclosed is a proposed Contract to accomplish this sale. As of the time of this writing, I am awaiting confirmation that over-night sleeping in the Police Station in the event of weather-related or other emergencies will not be deemed a violation of the Conservation and Environmental Protection Easement and Declaration of Restrictive Covenants applicable to the former Avtex Property. Language intended to deal with this is found on page 6, paragraph 10 (4) of the proposed Contract.

Town Council is requested to consider placing the Contract To Purchase the 5.24 acre former Avtex site for a future Police Department Police Station on a future Council meeting agenda for consideration and a vote to purchase the site for such purpose.

Council Discussion:

Tharpe noted that Mitchell stated that having the contract in hand would put pressure on hand would help speed the stakeholders along.

Burke noted that they had only heard from one of the stakeholders thus far and today a second notice was put out earlier in the day.

Tewalt asked about obtaining a fee simple title and title insurance on the property; Mr. Napier voiced agreement with Mr. Tewalt.

3. Sergeants Pay Scale – Police Chief

Summary: Following the approval of the Master Police Office program, Staff evaluated the sergeant's salary pay scale. At current salary the sergeant's pay scale is \$42,868.80 to \$67,204.80. The MPO pay scale is currently \$52,000 to \$66,560. The Chief explained that he was requesting the sergeant's pay scale be increased to \$57,000 to \$72,000 which will allow progression within the police department when sergeant's positions become available.

Budget/Funding: \$6,120.80 this will bring two of my sergeants up to the starting pay of \$57,000.

Council Discussion:

Mr. Burke noted that it did not include benefits, and the number was just over \$9,000. All of Council noted their support of the increase, except for Councilman Tewalt. He stated that he wished to be fair to all Departments in the Town. Mr. Tewalt noted that it was the middle of the year and it needed to be reviewed at the time of a budget, not at this time.

Councilman Sayre asked about the PO-1 & 2, Capt. Werner noted that they were new hires and then after a year on the job if they met certain responsibilities and education.

Councilman Tharpe asked about the Sergeants taking over Lieutenants duties. Chief Shiflett noted that they had many under them, especially on the night shift.

Vice Mayor Parker noted that the Sergeants was currently making \$51,000 annually, though the cap was \$67,000. Mr. Burke noted that it would be singling out an individual, rather than evaluating the entire pay range for those positions. Vice Mayor Parker expressed concern with the discrepancy with \$15,000 more than other localities. Mr. Burke noted that the other localities had not implemented a MPO Program, as the Town of Front Royal had.

Capt. Werner stated that it was based on a 20-step move. He noted that it had been condensed down with the MPO Program. He stated that it did not justify the increase when they are supervising individuals that make more than he does.

Mayor Darr stated that supervisors should be compensated for their supervisory duties. Councilman Hrbek noted that he would support moving it onto the agenda.

Vice Mayor Parker noted that he was sympathetic to the situation and he would suggest reviewing the entire MPO Program in full to ensure we had everything in place. Mr. Burke stated that there were a few officers that were long term employees that had become Sergeants and had not gone through the MPO Program

Mayor Darr noted that perhaps they needed to be reclassified as MPO members. Mr. Burke stated that they achieved Sergeant at the previous pay scale and the Town currently had to now justify a salary adjustment. Councilman Hrbek stated that it seems to be something that fell through the cracks. Vice Mayor Parker stated that should all of the Sergeants leave, then the Town of Front Royal would then be hiring at \$15,000 above the pay scale of the other localities.

Mayor - Look at MPO program again before the budget.

Hrbek voiced his agreement with Mayor Darr's suggestion of grandfathering the Sergeants into the MPO program

4. Sale of Blue Creek Wind Renewable Energy Certificates (RECs) – *Director of Energy Services*

Summary: The Town of Front Royal signed a purchase power agreement (PPA) in June 2012 for 1.7MW of energy from the Blue Creek Wind Farm for a period of ten years. As part of the agreement, we have the rights to the RECs generated from this project. AMP has acted on behalf of Blue Creek Wind Participants in prior years to sell renewable energy certificates (RECs) to third parties, returning revenue to those members who chose to sell their portion of RECs in the project. AMP is currently seeking authorization to sell Blue Creek RECs to any qualified purchaser for the 2014 and 2015 timeframe.

Staff Evaluation: A Renewable Energy Certificate (REC), also known as a Renewable Energy Credit, is created for each megawatt-hour (1 MWh, or 1000 kilowatt-hours) of renewable electricity generated and delivered to the power grid. These certificates can be sold and traded or bartered, and the owner of the REC can claim to have purchased renewable energy. Purchasers of RECs provide renewable energy project owners with a revenue stream that supplements the revenue they secure from the sale of the project's electricity. These additional revenues improve renewable energy project economics, increasing their competitiveness with fossil fuels like coal and natural gas.

The cost for electricity from the wind farm for 2014 and 2015 is \$37 MWh and \$39 MWh respectively without the revenue from the RECs. In 2013, REC prices were around \$3.80 but AMP is expecting pricing for 2014 to average around \$9.00/REC and \$12.00/REC for 2015.

Staff Recommendations: The main reason why a utility would not sell the RECs is because they are mandated through their state to have an energy portfolio with renewable energy generation or the purchase of RECs to be compliant. The Town is under no restrictions and should continue to sell the RECs in the open market from this project to reduce our overall wholesale power cost.

Council Discussion:

Council voiced support to allow the Town Manager to sell the credits.

5. MAP-21 Transportation Alternatives Program Grant Application – *Director of Planning/Zoning*

Summary: TAP was authorized on July 6, 2012 by a federal transportation bill. The federal transportation bill was referred to as MAP-21, short for “Moving Ahead for Progress in the 21st Century.” It consolidated the Transportation Enhancement (TE) Program, the Safe Routes to School Program, and the Recreational Trails program. MAP-21 is intended to help local sponsors fund community based projects that expand travel choices and enhance the transportation experience. It does not fund traditional roadway projects or funding for maintenance of facilities. It does focus on other types of facilities, such as, but not limited to, bicycle and pedestrian improvements.

Town Staff, with assistance from the Northern Shenandoah Valley Regional Commission (NSVRC), recently submitted a TAP grant application for pedestrian intersection improvements at five (5) intersections along Commerce Avenue. A map is attached, along with the application submitted to the Virginia Department of Transportation (VDOT). The intersection of Criser Road/S. Royal Avenue is identified as a possible alternative intersection. All of the proposed improvements would be similar to those recently completed at the Main Street/Royal Avenue Intersection and at the Allie Henry’s Corner, including push-button pedestrian crossing lights, crosswalks, and handicap ramp upgrades. Improvements would begin at the intersection of Stonewall/Commerce, which is currently scheduled to begin in 2014.

The estimated project cost, based on information from the Department of Environmental Services, the Department of Energy Services, and NSVRC, is approximately 159K. The TAP program is a reimbursement grant program that, if approved, would fund up to 80% of the project cost. The Town has submitted the grant application under the condition that the 20% match would be in-kind services rendered as part of the Town construction of the facilities. If the grant application is approved, the Town would have 4 years to complete the improvements.

If Town Council supports moving forward with the grant application, a resolution of support would be needed at the next Town Council Meeting. No decision on the grant has been made by VDOT at this time.

Budget/Funding: Funds would necessary to cover the full cost of the improvements until reimbursement is made. In-kind labor costs associated with the Town's proposed 20% match.

Staff Recommendations: Staff recommends support of this grant application. It would help save the local taxpayers money while advancing projects that are consistent with current Town plans.

Council Discussion:

Vice Mayor Parker asked about using the same type of grant for sidewalks that are needed at some of the schools. Mr. Burke stated that VDOT tries to push it into Safe Route to School programs, depending on how VDOT views matters when submitting. He noted that they hope to have a similar application for sidewalks at the schools is a target for the future.

Councilman Tewalt asked if the areas were necessary areas for push button cross areas. He also asked if the funding was in the maintenance fund from VDOT. Mr. Burke noted that the signalization came through the Electric Fund and they currently had \$75,000 available and if they were awarded the monies from VDOT, then it could be expanded for 2-3 additional intersections.

Councilman Sayre asked about Commerce Avenue and N. Royal Avenue intersection; Mr. Camp noted that it would be a push button area and it would be handicap ramps and so forth.

Vice Mayor Parker asked about tracking how often they are used. Mr. Burke stated that they could check. He added that the Town had received calls from a sight impaired organization about intersections in Town and they asked about how the Town could improve the intersections for those with disabilities.

Council voiced support of moving forward of the resolution to apply for the grant.

6. Continued Discussion on EnerGov Software with County – *Director of Planning/Zoning*

Summary: During the recent Liaison Meeting with Warren County, it was requested that the County Administrator provide clarification regarding the intended breakdown in how the EnerGov Software will be used. Attached a memo from Doug Stanley, dated November 21, 2013, which states that the use of the software would be 75% County and 25% Town.

Based on this distribution, the County has requested that the Town pay 25% towards 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. The estimated 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	<u>\$193,246</u>	\$48,492	\$48,492

This item would need to be moved for a vote at a future meeting for action by Town Council. Any additional questions that Town Council may have can be discussed during the work session.

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:

Hrbek noted that he would not want it to prevent it to from the Town having their own official

Tewalt stated that he would not want it on an agenda as it was not necessary and it would not expedite anything more for the public

Tharpe voiced support of Mr. Tewalt

Hrbek stated that it was the way of the world and computers were the wave of the future

Darr noted that it would help with the communication of the Town and the County

Burke stated that it would improve customer service and allow them to track things remotely as well as allow them to submit some applications from their home

Sayre asked if it would list the items needed for Code

Burke noted that the inspector could input WHY it failed and it would generate an email noting the failure and the reason. Mr. Camp added that it would set up a process and they could insert a link with the Code.

Vice Mayor Parker asked if the Town would get their 20 user certificates, would they obtain their 25% of the Town, etc. Mr. Jones noted that this is a good way to distribute information to the customer so they can see the step they are at and it is certainly a modern day solution to an everyday municipal problem. Mr. Parker asked if should the Town institute their own property maintenance system, what would they be obtaining for their 25%. Mr. Burke noted that Mr. Camp stated that they would be generalizing the Department to ensure it was tailor made to the Town's Department.

Burke - Training will be given for all of the Staff

Parker – what will our \$48,000 be getting us – user licenses?

Yes, per Jones – it is user license for both Town and County.

Tewalt noted that it was \$48,000 and then \$12,000 annual maintenance, and we have no clue what we were going to get out of it. We are speaking of buying into our own property maintenance division and he does not see the possibility of the system working.

Hrbek asked if the Town is part of this system, if we launch our own division, then we would still use this same software package, which is better than what the Town would have received on their own out right, without the County's initiative. Mr. Camp noted that was correct. He added that if it was set up to be easily separated, and the County is paying 75% of the cost, then it was just as Mr. Hrbek described.

Mayor Darr stated that Council has discussed the matter about six times in a worksession. Mr. Hrbek noted that he was happy to move it to the agenda. He asked Staff to be prepared with some answers that Council asked this evening.

Mr. Burke stated that the total cost was based on the number of licenses, which could be increased
Move onto the agenda and

7. Revenue Sharing with VDOT – *Director of Environmental Services*

Summary: The Department of Environmental Services will be paving Fox Drive from Old Belmont Rd to the Cul-de-sac in FY15. Due to the project estimate cost, the Town would like to utilize the VDOT Revenue Sharing Funds available to localities.

Council is requested to review the information submitted by the Department of Environmental Services regarding the revenue sharing project.

Staff Evaluation: Environmental Services has completed a revenue sharing application with VDOT that would assist with the cost of the paving of Fox Drive.

Budget/Funding: Total cost of paving project \$260,000 with \$130,000 to be reimbursed by the State of Virginia Department of Transportation after the project has been completed

Staff Recommendations: Staff recommends utilizing the Revenue Sharing Funds offered by VDOT to assist with the cost of paving projects and street maintenance

Council Discussion:

Tewalt – Will it be an additional amount

Burke – it is not an additional add on

Breeden – It will equal out, though it will not be in the 4500 line, it will see a reduction in one line and an increase in another line

Put on Consent Agenda

8. Happy Creek Trail Memorial Benches – *Director of Environmental Services*

Summary: The Department of Environmental Services has researched prices for in-home construction of park benches and already fabricated benches to install along the Happy Creek Walking Trail.

Council is requested to review the information submitted by the Department of Environmental Service regarding the cost of park benches.

Staff Evaluation: Environmental Services has completed a cost estimate for in-house construction and setting of benches along the Happy Creek Walking Trail and already constructed benches. The Department can fabricate and set with concrete for \$580. A *concrete* bench can be purchased and set in concrete for approximately \$855.

Mayor Darr noted that it was very high to pay that amount for benches, and he suggested half the price for the bench be paid and individuals pay another \$100 for the plaque. Councilman Tewalt noted that he was not in favor of charging for the benches that had been donated.

Councilman Hrbek stated that the benches should be placed and then people can then choose to buy a bench and dedicate the bench. Councilman Tewalt stated that Trex should be contacted to see if they would be willing to donate more benches.

Mr. Hannigan stated that they have enough for about 40 benches, though they do not have enough for the legs and those parts were not donated. He noted that the bench cost is actually less, as the amount noted was including the Trex donated benches.

Vice Mayor Parker stated that the picture shown seems to need a center support. Councilman Hrbek noted that Staff return with suggestions of where the benches should be located and the exact amount for the cost to people that wish to purchase a memorial or honorary bench.

Staff noted that the matter would return to worksession with more information

10. Renewal for 2nd 5 year term of Virginia PCS Alliance, L.C. (NTELOS) Lease – *Town Attorney*

Summary: Virginia PCS Alliance, L.C., a Virginia limited liability company, doing business as “nTELOS”, currently under lease with the Town for use of the Town’s Fairgrounds Road water tank and associated “floor space”, through February 28, 2014, has made a written request for a second five (5) year renewal term pursuant to the terms of the agreement, commencing March 1, 2014. nTELOS is currently paying \$18,000.00 per year. The proposal provides for a fifteen percent (15%) increase in annual rent to \$20,700.00 per year upon renewal.

Town Council is asked to consider approving a second five (5) year renewal term to the current nTELOS water tank lease at an annual rent of \$20,700.00, commencing March 1, 2014.

Town Manager Recommendation: The Town Manager recommends approval of a second five (5) year renewal term with a reasonable increase in rent of ten percent (15%).

Council Discussion:

After brief discussion, Council chose to move onto an upcoming agenda.

11. Council Discussion/Goals

Mayor Darr asked about a surveyor that works for the Town that the Staff cannot use. Mr. Camp stated that Mr. Merchant on Staff is quite busy; Mr. Merchant stated that if he did survey work for the Town then the Planning Department may suffer. Mayor Darr suggested that it would be cost effective to increase his salary and use his surveying for the Town, should Mr. Merchant wish to move forward with such a change.

Mr. Burke gave a trail update for the Town, noting that it was complete at this point, with the light installation coming along. He stated that the contractor continues to do brush removal, which is required per the agreement.

12. CLOSED MEETING – Disposition of Town Property

Motion to go Into Closed Meeting

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council convene and go into Closed Meeting for the discussion or consideration of the disposition of publicly held real property, specifically, property located on West Main Street and N. Royal Avenue, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711A.3. of the Code of Virginia.

Vote: Yes – Hrbek, Parker, Tewalt, Tharpe, Sayre

No – N/A

Abstain – N/A

Absent – Funk

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

Motion to Certify Closed Meeting at its Conclusion

Vice Mayor Parker moved, Councilman 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 – Darr, Hrbek, Parker, Tewalt, Tharpe, Sayre

No – N/A

Abstain – N/A

Absent – Funk

BY ROLL CALL

PRESENT: Mayor Darr, Vice Mayor Parker, Councilman Hrbek, Councilman Tewalt, Councilman Tharpe, Councilman Sayre, Town Manager Burke, Finance Director Breeden, Town Attorney Napier, Police Chief Shiflett, Captain Werner, IT Director Jones, Planning Director Jones, Energy Resources Director Waltz, members of the public and press.

ABSENT: Councilman Funk