



TOWN COUNCIL WORK SESSION MINUTES

Monday, August 19, 2013 @ 7:00pm

Front Royal Administration Building Conference Room

1. Preliminary Presentation of Water Loop Study from Pennoni, Inc. – *Dir. of Environmental Services*

Summary: Pennoni Associates has submitted a draft of the Northern Loop Water Model Preliminary Report. The draft report provides information generated on three loop options. Council is requested to consider the options and information submitted regarding the necessity of the northern loop water line.

Staff Evaluation: Staff is currently still reviewing the preliminary report, and considering which route Pennoni recommended as the most appropriate and in the Town's best interest.

Budget/Funding: Consultant is to develop cost estimates for each loop alternative. The Director of Finance will be available to address fiscal issues.

Staff Recommendations: Staff recommends Council to review and discuss the recommendations of Pennoni Associates.

Town Manager Recommendation: The Town Manager recommends Council provide input and comments as to the draft study to allow the consultant to develop a final report.

Council Discussion:

Ron Mislowski with Pennoni Associates, Inc., noted that they have reached about 90% of completion thus far and they would like Council input before finalizing the loop design. He introduced Mike +===== who explained

Mike Kisner – noted that the tie together from Happy Creek Road to the Ramsey Subdivision may be in place. Councilman Tewalt noted that the tie in was not completed, adding that he was Public Works Director at said time and the tie in did not occur.

Councilman Sayre asked about the water line that runs along Shenandoah Shores Road. Mike ===== noted that it was either an 8 or 10 inch line, and they would need a 12 inch line for the worst case scenario.

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Tewalt noted that the Mary Shady Lane area had already been platted and subdivided and it is not shown on the map as presented. Mr. Burke noted that the right of way has been noted in that area of course.

Mike ===== stated a few options for the area.

Mayor Darr asked about the line running along the railroad tracks. Mike ===== stated that they would actually contact the property owners rather than the railroad for the right of way area.

Councilman Tewalt noted that a new bridge is proposed for Morgans Ford Road and perhaps they would be willing to allow the water line to cross that bridge area during construction for this looping system.

Mislowsiki, Burke and Tewalt will meet this week to answer some more detailed questions. All of Council is welcome to attend.

2. HOME Program Cooperative Agreement Renewal for 2014-2016 – *NSVRC/Director of Planning/Zoning & Martha Shickle, Executive Director of the NSVRC*

Summary: The Town of Front Royal is currently a member of a HOME Consortium with other localities in the region, such as the City of Winchester, Clarke County, Frederick County, Page County, Shenandoah County, and Warren County, and 14 other Towns within the member Counties. The HOME Consortium receives funding from HUD on an annual basis for affordable housing projects. Presently 3.8 million dollars has been received since 2008.

Attached is a letter from Martha Shickle, the Executive Director for the Northern Shenandoah Valley Regional Commission (NSVRC). In this letter, Ms. Shickle explains that the existing HOME Program Agreement is required to be renewed every three years by its member jurisdictions. Also attached is a copy of the existing agreement that, if approved by Town Council, could be renewed for an additional three years.

Staff Recommendations: Town Staff will be available at the upcoming work session for discussion and questions. Staff recommends approving the renewal of the HOME Program Cooperative Agreement. The Town and region has benefited from the HOME Program since it was initiated in 2007 and should continue to receive benefits with continued participation.

Council Discussion:

Ms. Shickle noted that the agreement had been renewed on a three year cycle. She stated that it is a Federal Affordable Housing program and it was based on Warren County's median income. She clarified the portions of the program and how it could benefit those that need assistance here in the Front Royal area.

Ms. Shickle stated that over \$312,580 has been directed to the Front Royal/Warren County families in need. She noted that typically the funds are given in the form of a loan and are secured with a deed of trust. The success rate since 2008 has been very good and none of the regional clients have had any issues with mortgage issues.

No action is required by Council and the renewal takes affect

3. VLDP Opt Out Proposal for Town of Front Royal from VACoRP and Standard Insurance

Company – *Director of Human Resources*

Summary: Recent legislation created the Virginia Local Disability Program (VLDP), a disability benefit for political subdivision and school division employees who will be covered under the VRS Hybrid Retirement Plan effective January 1,

2014. The Hybrid Retirement Plan will apply to most new employees hired on or after January 1, 2014 and current employees who opt to switch to the Hybrid Plan.

Coverage for Town of Front Royal employees is automatic under VLDP unless our governing body elects to opt out by September 1, 2013 and provides a comparable employer-paid program. Opting out of the VRS program is irrevocable.

Two companies VA CoRP and Standard Insurance have submitted alternative coverage/recommendation in place of the VLDP program for Front Royal to consider for providing Disability coverage under the VRS Hybrid Retirement Plan. No action is required to remain with VRS.

Staff Evaluation: Staff recommends remaining with the VRS (Virginia Retirement System) Virginia Local Disability Program as to leave the VLDP program is irrevocable.

Budget/Funding: No impact if remaining with VRS/VLDP; other companies impact is unknown. Further review pending discussion of FY15 budget. The Director of Finance will be available to address fiscal issues.

Staff Recommendations: Staff recommends remaining with the Virginia Local Disability Program coverage provided through the Virginia Retirement Services.

Council Discussion:

Mrs. Bush explained the third retirement plan is on the horizon, which is a hybrid plan. She stated that VACo noted that Standard would like to offer short and long term disability. She noted that in her feelings were that once they broke free of the State Plan they could not return and switching at this time would not be prudent.

Mrs. Bush noted that currently it was her opinion to stay with the VRS Plan as they are currently. She added that it was .79% of the salaries that would go with the hybrid plan.

No action needs to be taken at this time.

4. Resolution to Reschedule Town Council Meeting due to VML Conference – Town Manager

Summary: The 2013 Virginia Municipal League (VML) Conference is scheduled for October 13 -15, 2013. A regular Council meeting falls on Monday, October 14, 2013. Town Code Section 4-1(C) states that *in the event that a regular Town Council meeting cannot be conducted at the regular time or location due to circumstances beyond the Town's control, the alternative meeting date shall be the following Monday at 7:00 p.m. in Town Administrative Offices*, which would be October 21, 2013.

Council Discussion:

Council discussed having it on the 21st here at the Town Administration Building.

5. Planning/Building Inspection Software – Planning/Zoning Director

Summary: Warren County has requested that Town Council let the County know by the end of August if the Town is interested in jointly participating in the Planning & Building Inspection Software, or rather EnerGov. Attached is a copy of the powerpoint presentation previously provided by Warren County regarding EnerGov. The software is estimated to cost approximately \$200,000 with an additional annual maintenance cost of approximately \$23,000 per year. The County has proposed a

75% County – 25% Town split of the costs. A breakdown of the base pricing for the software is attached with detailed information. For clarification, no hardware, such as iPads, iPhones or similar devices are included in the pricing.

Town and County Staff have met with other jurisdictions, including Fauquier County and the City of Gaithersburg, which give favorable input on the software. Those that we spoke to did share stories of challenges that they faced with the implementation of the program. However, comments received did indicate that these challenges ultimately were found to be productive because they helped improve the review and approval processes and procedures. EnerGov was recently selected by the City of Richmond. It is also used in Prince William County and several other jurisdictions in the mid-Atlantic region.

Budget/Funding: Funding for this software has not been budgeted and would require a transfer from General Fund reserves of approximately \$50,000.

Planning & Zoning Staff Recommendations: If funding can be made available, Staff recommends the purchase of the EnerGov Software in the proposed cost-sharing agreement with Warren County; provided that, the final purchase agreement clearly specifies that the Town of Front Royal will receive and retain all rights to its share of the software purchase and licenses

Council Discussion:

Mr. Burke explained that the County has asked the Town to provide response regarding the software program. In response to Council's questions, Mr. Camp noted that if the Town did determine to go with their own inspection program then it could be converted over to assist the Town, though it would not be as large a benefit as one may think. He stated that the initial year would be a time for setup and they would need to ensure that the licenses would transfer over and stay in the Town's name. Mr. Camp added that the County and Town may need to renegotiate the licenses and costs.

Mr. Camp stated that it would streamline the process for the department and the interactions for the Town and County and estimated cost was about 25% of the cost, with the County obtaining the other amounts. He noted that it would be about \$48,000 for the first year by the Town, with just over \$12,000 after that each year, an increase from the initial discussion of \$7,000.

Councilman Tewalt stated that it was not budgeted and he would not be able to vote for it coming out of the General Fund.

To answer Council's questions, Mr. Camp stated that it would make the Planning & Zoning Office more efficient and work better with the County in an integrated process. Vice Mayor Parker asked if they could justify the increase of the cost of permits. Mr. Burke noted that it may not necessarily be tied to permit fees. Mr. Camp suggested that proffers could cover the costs of the project.

Councilman Hrbek noted that if they could make it easier for residents as matters grow in the community and could be an investment to serving the community.

Councilman Funk asked if it was fair to say that it would be easier to build in the County with this software, especially if the Town did not have the system. Mr. Camp voiced his support of the matter

as it seems that it would be throwing a kink in the system in the community if they were not to participate.

Councilman Sayre asked about the consumer using the system. Mr. Camp noted that the home builder consumer would be assisted greatly with the ability to check permit status and it would be a lot more efficient. He stated that it would greatly help with long term storage of files and parcel retrieval information linked to GIS. In response to Mayor Darr's questions, Mr. Burke noted that they would need to determine the anticipated billing timeframe.

Mayor Darr stated that they needed to check the annual maintenance cost to determine if they had to pay annual maintenance. He also asked if perhaps Staff could also check to see if Planning & Zoning and the IT Department budgets had available funds for the project then it may lower the General Fund cost.

6. Request an Attorney General opinion pertaining to the Taxi Ordinance – *Councilman Funk*

Mayor Darr noted that the majority of Council was not in favor of the proposal. Councilman Funk noted that he would like to determine whether the Attorney General would agree that it would grant the Town the right to prohibit certain individuals from driving the taxi cabs.

Councilman Tewalt stated that it can take 18 months or more to obtain an opinion. Councilman Tharpe noted that the cab companies seemed to favor the first Code draft as presented, though they had some issues.

Councilman Hrbek noted that registered sex offenders have to stay within a certain feet from children anyway and the law was already in place to handle those matters. He added that placing it within a taxi ordinance was having a repetitive law on the books.

Councilman Funk and Hrbek stated that they are hearing from one individual company on this, not many companies. Mr. Burke noted that the companies seemed to agree on the prohibition of sex offenders.

Vice Mayor Parker suggested that they implement the ordinance AND request an Attorney General's opinion on the matter. Councilman Sayre noted that they should move forward on the ordinance.

Councilman Hrbek stated that if it helps Mr. Funk, then he would support obtaining the Attorney General's opinion. Vice Mayor Parker noted that it was only the AG's opinion, not a judge's ruling.

Councilman Tharpe noted that he was not in favor of obtaining the AG's opinion. Councilman Tewalt noted that if it would satisfy Councilman Funk, then fine, but go forward with the ordinance if the majority of Council desires the opinion. Councilman Funk stated that Council should obtain the AG's opinion.

7. Council Discussion/Goals

Sayre noted they discussed a resolution for low water bridge –VDOT to expedite
Burke stated that they could put it on the Consent Agenda

8. Closed Meeting – Personnel Matter specific to Town Manager Evaluation

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.

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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.

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VOTE INSERT HERE

Present: Mayor Timothy W. Darr, Vice Mayor N. Shae Parker, Councilman Thomas H. Sayre, Councilman Eugene R. Tewalt, Councilman Bret W. Hrbek, Councilman Daryl L. Funk, Councilman Hollis L. Tharpe, Town Manager Steven M. Burke, PE, Town Attorney Douglas Napier, Director of Planning & Zoning Jeremy Camp, Director of Human Resources Julie A. Bush, Chief of Police Norman Shiflett, Superintendent of the Water Plant Michael Kisner, Financial Analyst BJ Wilson, GIS Technician Daryl Merchant, Clerk of Council Jennifer E. Berry, CMC, members of the media and members of the public.

Jennifer E. Berry, CMC
Clerk of Council