



TOWN COUNCIL WORK SESSION MINUTES

Monday, March 17, 2014 @ **6:30pm**

Front Royal Administration Building

1. CLOSED MEETING – Personnel Matter (Community Development

Director Position)

With the Economic Community Development Committee

Motion to go Into Closed Meeting

Vice Mayor Parker moved, seconded by Councilman Tewalt, 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 applications for the Community Development Director Position, pursuant to § 2.2-3711 A. 1. of the Code of Virginia.

INSERT VOTE HERE

INSERT VOTE HERE

INSERT VOTE HERE

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.

INSERT VOTE HERE

INSERT VOTE HERE

INSERT VOTE HERE

2. Presentation on Loop Study from Pennoni Associates, Inc.

- Water System Hydraulic Modeling for the Route 522 Corridor Water Loop –

Presentation Given to Council/PowerPoint

Northern Water Loop Route

- Route Selection Considerations
 - Connection to Existing System
 - Water Source (Rt. 55 Tank or Town Clearwells)
 - Required Booster Pump Station (Construction or Upgrade)
 - Connection Location and Impacts on Existing Users
 - Routing
 - Future Service Areas
 - Crossing Locations for I-66 and Shenandoah River
 - Ease of Access for Maintenance/Repair
 - Difficulty and Cost of Obtaining Easements

- Minimizing Pipe Length
- Connection to Existing Northern Service Area
 - Best Location
 - Possible Intermediate Looped Connections

Connection Options/Potential Loop Routes

- Mary's Shady Lane
- Benny's Beach Road
- Morgan Ford Road

Cost Estimates

<i>Comparison of Total Known Construction and Appurtenant Costs</i>	
Loop Route	Total Known Cost
Marys Shady Lane (Western Loop Option)	\$8,231,300
Bennys Beach Road (Central Loop Option)	\$8,743,300
Morgans Ford Road (Eastern Loop Option)	\$8,501,700

<i>Comparison of Total Known Construction and Appurtenant Costs Based on Pipe Material</i>			
Loop Route	Ductile Iron @ \$92/LF	PVC C900 @ \$75/LF	HDPE DR-11 @ \$70/LF
Marys Shady Lane (Western Loop Option)	\$8,231,300	\$7,022,400	\$6,667,650
Bennys Beach Road (Central Loop Option)	\$8,743,300	\$7,393,650	\$6,997,650
Morgans Ford Road (Eastern Loop Option)	\$8,501,700	\$7,236,200	\$6,864,950

Ranking of Alternatives

	Rating Factors	Rating Factor Weight	Marys Shady Lane	Bennys Beach Road	Morgan Ford Road
	Capital Cost	10	10.0	9.5	9.7
	Hydraulic Efficacy	8	8.0	7.5	7.5
	Permitting	3	2.5	2.7	3.0
	Easement Acquisition	4	3.5	3.2	4.0
	Maintenance Access	8	6.5	7.0	8.0
	Construction Impacts	5	4.5	4.2	5.0
	Permanent Impacts	7	6.5	7.0	6.2
	Secondary Impacts	7	7.0	6.3	6.2
	TOTAL	52.0	48.5	47.4	49.6
NOTE: Higher factor scores are better.					

***Description of Weighting Factors**

Capital costs are the costs associated with the planning, design, construction, and startup of the alternative.

Hydraulic efficacy is the impact of the alternative on flow and residual pressures within the service area.

Permitting is an estimate of the difficulty and potential for project delay in securing the required permits for the alternative.

Easement acquisition is an estimate of the difficulty and potential cost of securing the necessary easements for the alternative.

Maintenance access is an assessment of the ease of access for routine maintenance, inspection, and emergency repairs.

Construction impacts are such items as traffic disruption, noise, erosion, and temporary aesthetic impairments.

Permanent impacts are such items as land use losses (easements), natural vegetation losses, and potential obstruction of other utilities.

Secondary impacts are an estimate of the project's effect on current and future land use and development patterns.

Council Discussion Included:

- Cost is the primary factor in determining the best option, though cost is similar for options
- Easement acquisition also needs to be considered as well;
- Are engineering costs and going under the bridge also included for under the Morgan Ford Road area, Councilman Tewalt asked; and could Pennoni check to see if they could run with the bridge project in order to piggy-back with their project;
- Using the Morgan Ford project it was very straight forward option with VDOT as the easement contact;
- Mr. Sayre expressed concern with the Benny's Beach option regarding future maintenance costs with flooding at times;
- River crossing would bring up issues with high pressure and likely leaks;
- There will be two pressure reducing valves that would be necessary (near future Leach's Run and another right before the river crossing);
- The proposed pipe for the loop line would be 12" line, though they did run tests at 16" to determine if it would work best for the Town, though they would not advise it;
- Hydraulically, the routes did not matter, neither of the three lines were much different;

- Councilman Tewalt and Mayor Darr noted that time was of the essence in order to get in touch with VDOT on the Morgan Ford Bridge Project;
- Vice Mayor Parker suggested contacting the EDA regarding easement acquisition, thought Mr. Tewalt & Mr. Tharpe disagreed; and
- Councilman Tewalt noted that he was ready to act on the loop issue as soon as possible;
- Return to the worksession of the 31st of March.

3. Virginia Resource Authority (VRA) Spring 2014 Funding Pool – *Director of Finance*

Summary: The Town of Front Royal has made application to participate in the Spring 2014 funding pool through VRA to assist with the funding for the mandated upgrades required for the Water Treatment plant and to refinance a portion of the existing loan on the project completed in 2012.

Staff Evaluation: Staff has completed the preliminary application needed to participate in the Spring pool, with this project coming in at a cost of approximately \$3,000,000 for mandatory upgrades and the timing of refinancing a portion of the existing outstanding loan, the Town should be able to maintain the same or nearly the same dollar amount for payback. If for some reason this project cannot move forward at this time the Town can withdraw its application.

Budget/Funding: Funding will be included in annual budget moving forward as debt service line item.

Staff Recommendations: Staff recommends we continue with this application and refinancing of existing loans.

Council Discussion:

Mr. Burke explained that the Town can refinance the existing debt on the previous improvements, roll in the estimated construction costs and have effectively no increase in the annual debt payment. He added that if the Town is selected or if we find alternative financing we can pull out of the option. Mr. Hrbek noted that he did place the Town Manager in contact with Edward Jones options and he asked the Town Attorney to tell him when he needed to step out of the picture.

Mayor Darr asked that it be on the next Consent Agenda.

4. Town Vision Discussion – *Director of Planning/Zoning*

Summary: On January 8, 2014, in a joint work session with the Planning Commission and Town Council, Renaissance Planning Group and Town Staff presented the completed draft Town vision, titled “*Envision Front Royal: A Vision for the Town of Front Royal, Virginia.*” A consensus was reached during the work session that an additional public hearing should be held prior to taking action.

On February 19, 2014, the Planning Commission held a public hearing on the Town vision. One Warren County citizen spoke against the plan, and two Warren County/Town citizens spoke in favor of the plan. Following input from the public, the Planning Commission unanimously passed a resolution to recommend approval.

It was discussed that approval represents the acceptance of the plan to use in guiding the drafting of the Comprehensive Plan update, and ultimately, to have the vision incorporated into the Comprehensive Plan. It was further discussed, that like the Comprehensive Plan, the vision is a living document, and can be changed in the future as the needs and priorities of the Town may evolve.

Staff Evaluation: The Planning Director will be at the upcoming Town Council work session to answer questions that Town Council may have.

Staff Recommendations: Staff recommends approval by Town Council. Town Council may choose to hold a Town Council public hearing.

Council Discussion:

Councilman Hrbek asked if there were any substantial changes from the joint presentation. Mr. Camp stated it was very similar. Councilman Tewalt noted that it liked as it was written, though many things were out of the Town's hands/control. He stated that it was a very good document. Mr. Camp stated that the vision can include the entire items, though they can be weeded out at the comprehensive plan level.

Councilman Funk noted that the general population did not understand what the Council's role was, and for that matter he would most likely not support the document. Mayor Darr noted that it was only a tool to assist the Planning Commission. Councilman Sayre stated that it says keep the small town character and he appreciates such comments when he sees those. He noted that he is encouraged by that type of statement.

Mayor Darr noted that it would move to a public hearing.

5. Trail Discussion – *Director of Environmental Services*

Summary: The Department of Environmental Services has researched the schedule of the full completion of the trail including signage, benches, trash cans, and plantings placements.

Council is requested to review the information submitted by the Department of Environmental Services.

Staff Evaluation: Environmental Services has completed a schedule of when all work will be completed and copies depicting signage, trash cans, and benches.

Staff Recommendations: Staff recommends following the schedule as submitted for the months of March through May 2014.

Council Discussion:

Vice Mayor Parker noted that the leaf should be an oak rather than an ash leaf. He also suggested that the elongated mile markers instead of the horizontal signage. Mr. Hannigan noted that the mile marker signs would be under the Royal Shenandoah.

Tewalt suggested using natural sand rather than the manufactured sand as it has a much better aesthetic appeal for the community.

\$500 cost was discussed, though it has not been voted on until the authorization from Mr. Boisseau

6. Continued Discussion of Septage Agreement– *Town Manager*

Summary: As Town continues design of the improvements to the Wastewater Treatment Plant, staff has developed a Memorandum of Agreement between the Town and Warren County that would update the 1991 Septage Agreement with Warren County. The updated agreement addresses construction of the new Septage Receiving Station, treatment of septage material, collection of fees by the County, and communication of disruption of treatment at the plant.

Council is requested to consider an update to the MOA for receiving and treatment of septage material at the Wastewater Treatment Plant.

Staff Evaluation: The proposed MOA has been reviewed by County staff; the County has requested the changes in italics in Item 4, 6, and 7. Town staff is comfortable with the proposed revisions.

Staff Recommendations: Staff recommends consideration of the MOA to define responsibilities for the receiving and treatment of septage material at the Wastewater Treatment Plant.

Town Manager Recommendation: The Town Manager recommends consideration of the MOA to define responsibilities for the receiving and treatment of septage material at the Wastewater Treatment

Council Discussion:

Mayor Darr and Vice Mayor Parker made a point to include “licensed haulers” in from properties in Warren County

Councilman Sayre asked about the safeguards in place to ensure that the loads come from Warren County

7. Peddlers Ordinance– *Town Manager*

Summary: Town staff has developed recommended changes to the Town’s Peddler regulations and the associated license fees for various types of activities in order to simplify the Town Code. The Ordinance Amendments revise the Town Codes related to Commercial Solicitors, Flea Markets, Peddlers, Itinerant Merchants, and Canvassers to simplify the Code language as it relates to these activities. Staff has developed Chapter 138 as the Code Section to define, regulate, and permit these activities. Chapter 98 has been revised to reflect the license tax associated with these efforts. In addition, a two-sided application form with instructions has been developed.

Town Council is requested to consider the revised Code Sections and provide comment to continue the process to update these regulations and license taxes.

Staff Evaluation: Staff has completed revisions based upon input from Town Council at past Work Sessions. It has been several months since discussion of these

Code Amendments has been presented to Town Council. Staff believes the current Amendments provide clarification for several areas involving peddling, itinerant merchandising, commercial solicitation, canvassing, and vending at Flea Markets.

Budget/Funding: The proposed Amendments should improve customer service when individuals inquire about these activities. The Director of Finance will be available to address any fiscal issues.

Staff Recommendations: Staff recommends Town Council consider the proposed revisions to Chapters 98-45, 98-46, 98-61 and 138, and provide input regarding any changes or questions that Council might have.

Town Manager Recommendation: The Town Manager recommends Town Council consider the proposed revisions to Chapters 98-45, 98-46, 98-61 and 138, and provide input regarding any changes or questions that Council might have.

Presentation given to Council:

Commercial Solicitors, Peddlers, Itinerant Merchants, Canvassers, & Flea Markets

Overview

- Consolidate Several Town Code Sections to Simplify Regulations
- Clarify Provisions for Time and Location for Various Non-Traditional Businesses

Commercial Solicitors

- Door to Door Product Orders
- Does Not Sell Product
- 9:00 am to 8:00 pm
- \$50 per week up to maximum of \$200 per calendar year (Fee Waived for non-profit, charity, or school)
- No Stationary Location unless Approved by Permit

Peddlers

- Door to Door Product Sales
- Restricted to Commercial Zoning Districts
- 8:00 am to 6:00 pm
- \$50 per year for Farm Fresh Products; \$200 per 90 days; All Others up to maximum \$500 per calendar Year (Fee Waived for non-profit, charity, or school)
- Does Not Cover Deliveries to Local Business

Itinerant Merchants

- Sales from Stationary, but Temporary Location
- Restricted to Commercial Zoning Districts
- 9:00 am to 8:00 pm
- Christmas Tree & Fireworks - \$100 per year; Farm Fresh Products - \$50 per year; All Others up to

maximum \$500 per calendar Year (Fee Waived for non-profit, charity, or school)

Canvassers

- Door to Door Provision of Information or Seeking Signatures for Petitions
- 8:00 am to 6:00 pm
- Exemptions Include Political Activities, Civic, Charitable, Government, or Education Activities. Also exempts Children under 16 Unless They Act as Agent.

Flea Markets

- Stationary Location with Multiple Vendors Selling Antique, Used, or Second-Hand Goods
- Sales of New Goods or Food Require Individual

Itinerant Merchant Permit

- Restricted to Commercial Zoning Districts
- 9:00 am to 8:00 pm
- Individual Vendors \$1 per Day up to \$50 per Year
- Additional Site Specific Requirements (138-15)

Permit Application

- Permit Application Required for All Operations
- Qualifying Organizations Can Apply for Exemption
- Provide Personal History
- Defined Reasons for Issuance Denial (138-4)
- Permit Valid for 90 Days
- Appeal Process to Town Council (138-13)

Council Discussion:

- Hrbek had an issue with the time noted; he suggested daylight hours;
- This would not apply to those that obtain a Special Event Permits;
- Food Trucks could have a temporary location on private property they would be an itinerant merchant;
- Mayor Darr stated that there were many questions and the matter should return to Council at another worksession;
- Councilman Funk had issue with the regulations being placed on canvassers; he noted that they have to apply and they do not have to apply though they do need to obtain the Town Manager's approval; Mr. Hrbek and Mr. Sayre expressed their agreement with Mr. Funk;
- Council asked for casual walk-thrus for guns and other illegal items; Mr. Burke noted that it was up to the flea market owner to police their own table renters as well;
- Mr. Hrbek suggested that the times be stricken for the flea market evenings;
- Mr. Funk noted that the circuit court should be the avenue of appeal rather than the Town Council;

- Mr. Tharpe stated that the Town should not be too restrictive on matters such as the doughnut truck, as many in the community enjoy them and they enhance the area; Mayor Darr expressed his agreement.

8. Building Permit Software/ENERGOV Technologies – *Town Attorney*

Summary: In November, 2013, Town Council authorized staff to enter into a contract for up to \$50,000.00 with EnerGov, now Tyler Technologies, Inc., for the purchase of a software solution system to be used in conjunction with Warren County. This system is to be for anticipated use by the County's Building Inspection Department (50%), the County's Planning and Zoning Department (25%), and the Town's Planning and Zoning Department (25%). The proposal was for the Town to pay 25% of the initial purchase price, and 25% of the annual maintenance costs, and the County the remainder; and the Town would receive 5 user license fees, and the County would receive 15. Benefits of the software program include improvement in the joint and separate, by both jurisdictions, efficiency permit management, plan review, application review, code enforcement, management analysis and tracking, GIS, and data management. Upon implementation, it would also integrate Town and County permitting and application data. Town Council wanted the Town to retain the ability to retain its portion of the system in the event the Town created its own building inspections department in the future.

On October 1, 2013, the Board of Supervisors authorized the County's purchase of this system. The County itself did not send out a request for proposals, but used instead a cooperative procurement with Prince William County's request for proposals, as is permitted by State Code. Unknown to the Town when Town Council authorized this contract, Prince William County's cooperative procurement authorization apparently expired in October, 2013, so that the Town was unable to take advantage of this cooperative method, as was the County.

As can be seen, as a practical matter, for the Town and Warren County to embark on the type of joint venture for applications, permitting, tracking, etc. it is realistically necessary that both jurisdictions use the same software system, in this case, Tyler Technologies (formerly EnerGov). After research, the Town Attorney has determined that the State Code provides for this sort of factual scenario, as follows:

Va. Code § 2.2-4303. Methods of procurement.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first.

Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities

If Council continues to want to proceed with this system, Council should make:

- 1) A determination in writing that there is only one source practicably available for this software system which is to be procured, and that a contract may be negotiated and awarded to this source without competitive sealed bidding or competitive negotiation.
- 2) The writing shall document the basis for this determination.
- 3) The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded.
- 4) This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first.
- 5) Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities

Staff Evaluation: Staff continues to believe that this system will be beneficial to the Town, as well as to its joint working relationship with the County.

Budget/Funding: Additional funding would be necessary for the approval of this item. \$11,000.00 could be utilized from Planning & Zoning Departments' budget.

Council Discussion:

Only company, sole source is one option

Company sent letter – they are the only company that can provide this software

Can move forward on Monday

Mayor Darr – we will vote on the sole source option

Councilman Funk stated that if the Town enter with it through the County, then they do not need to do the sole source option

He said if there was no additional cost then move forward with the sole source

9. BZA Term Expires

Summary: David Gedney's term on the Board of Zoning Appeals (BZA) expires May 1, 2014. Mr. Gedney would like to be considered for recommendation to the Judge of the Warren County Circuit Court for re-appointment to another 5-year term.

Council Discussion:

Interview

Advertise in free sites, FB and our website

10. Update on Derelict Buildings – *Councilman Sayre*

Sayre noted that he would like the buildings taken care of and would like the matter stayed on top of Napier passed out General Assembly matters

Parker noted that he also went to the class from VML as well, though the items did not apply to towns.

11. Council Discussion/Goals

NONE

All Council present

STAFF – Burke, Berry, Napier, Shifflett, Camp, Waltz, Camp, Jones,