TOWN COUNCIL WORK SESSION MINUTES

Monday, April 21 2014 @ **6:00pm**
Front Royal Administration Building

1. Board of Zoning Appeals (BZA) Interviews – with Chairman Wayne Sealock

- David Gedney
- Dan Whitten
- Christopher Morrison
- Tamar Yager

Council chose to recommend Mr. Gedney to the court for reappointment to the BZA.

2. 2014 VML Policy Committees Nominees

Summary: Attached is the nomination form and policy committee process for the 2014 Virginia Municipal League (VML) Policy Committees. The nomination form is due to VML May 2, 2014; therefore, Council will vote on the nominations at the April 28, 2014 Council meeting. All terms are for May 2014 – December 2014 and no individual may serve on more than one committee. Below are the Policy Committee members voted by Council at the April 8, 2013 Council meeting and whose terms expired December 2013.

Community & Economic Development Committee – Vice Mayor Parker & Councilman Sayre
Environmental Quality Committee – Town Manager Steven Burke
Finance Committee – Councilman Funk and Finance Director Kim Gilkey-Breeden
General Laws Committee – Town Attorney Doug Napier
Transportation Committee – Councilman Hrbek and Councilman Tharpe

Council takes desired action at the April 28, 2014 Regular Meeting

Council Discussion: Council chose to leave the committee assignments as they stand.

3. Request for a Five-Year Encroachment License – 125 W. 4th St – McMahon – *Town Attorney*

Agenda Item: Request of Martin P. McMahon and Rachel M. McMahon, owners of the improved real property located at 125 W. 4th Street, for a five (5) year encroachment license to maintain the existing encroachment of their front open porch into W. 4th Street.

Summary: The subject improved property is located at 125 W 4th Street at the corner of Villa Avenue and 4th Street, with the encroachment into W. 4th Street consisting of a portion of the front open porch, approximately 24 feet wide which extends into the Town's right-of-way a distance of between one-tenth (0.1) and three-tenths (0.3) of a foot. The Town is empowered to authorize encroachments upon its public rights-of-way pursuant to §§15.2-2009 – 15.2-2011 of the Code of Virginia, 1950, as amended. If approved, the encroachment may not be expanded, the encroachment license can be revoked at the will of the Town, and any removal or destruction of the encroachment automatically revokes the license.

Council is asked to approve the encroachment license and to authorize the Mayor to execute and deliver the encroachment license to the McMahons for recording in the public land records.

Staff Evaluation: The encroachment has existed for many years, and existed prior to the acquisition of the property by the McMahons.

Town Manager Recommendation: The Town Manager recommends that Council grant an encroachment license to the McMahons.

Council Discussion: Councilman Tewalt asked about the shed in the right of way. Mr. Camp noted that the shed was no longer in place. Council had no further questions, and as it was such as a small encroachment, Council chose to place it on the next agenda.

Vice Mayor Parker suggested that Council entertained the idea of just selling the four inches of land to the homeowner outright rather than facing the issue every five years.

Councilman Tharpe exited the meeting.

4. <u>Budget Overview</u>

<u>Enterprise Fund</u>

- **Energy Services**

  Mayor Darr asked about overtime. Mr. Waltz noted that there were few outages though there were many wholesale issues to face.

  Councilman Tewalt asked the reason for the rate study of $80,000. Mr. Waltz stated that they would need to touch base with the incoming five percent increase of rates and they needed to evaluate the wholesale power costs as well.

  Mr. Waltz noted that the power had only been secured for the next two years and it was sound business practice to complete the rate study. Work Plan Study was listed at $50,000 including an area in the Happy Creek area to ensure they would have the capacity to serve the load in that part of the Town.

  Councilman Tewalt asked about the $350,000 for the new building listed. Mayor Darr stated that if they did not add to the $100,000 set aside then they could not add to it. Mr. Tewalt stated that he did not feel that they did not need a building in his opinion. Mr. Burke stated that they had issues with parking and the storage of materials. Mr. Tewalt disagreed. Mayor Darr stated that he agreed with the building program for the Electric Department and noted that the funding should be set aside a little at a time to move forward in the future.

Councilman Funk opined that they would put the funding towards the capital improvements program and he saw good parts of Mr. Tewalt's points as well.

Mr. Waltz noted that should Council wish to entertain the idea he had hoped to have a good idea of the complex they would like to

Mr. Burke noted that wreath decorations for the Town's budget were put in at his request and needed replacement. Council discussed keeping matters in the old town feel of the community.

Council discussed automatic meter reading. Mr. Burke stated that there was funding in place for seed money should the matter come forward.

- **Department of Environmental Services**

- Water

In response to Mr. Tewalt's question, Mr. Burke stated that the Water Plant was requesting a swingshift person to cover some part-time hours. Mr. Kisner noted that when someone has vacation for the operators and also assists with water collection shifts. He stated that the swingshift was reclassified to a manager about five years ago. He noted that with the state requirement of having two people at the Plant, they really need to make the change with the mandated requirement. Mr. Kisner stated that the overtime was a pricey amount with eight operators.

Mr. Burke noted that it is a typo and should not be included in the budget.

Mr. Tewalt asked about the amount for ultraviolet equipment. Mr. Kisner stated that it was actually ultrasonic equipment and it would be killing algae. He noted that it was separate from the UV upgrade and it was different what Mr. Tewalt was mentioning.

Vice Mayor Parker asked about the $8,000 salt spreader. Mr. Burke noted that he was used for the hill to the Water Plant and their tanks and necessary sites.

- Sewer

In response to Council questions, Mr. Burke noted that the $390,000 for Maintenance Service Contract was for sludge disposal and much of this expense would end with the plant upgrade. Mr. Burke stated that the $470,000 for electrical services for co-generation may not go down for a couple years, though the new plant may have some slight electrical savings.

- Water & Sewer Maintenance

Mr. Tewalt asked about the vehicle being replaced. Mr. Burke and Mr. Hannigan noted that the tandem dump truck would be replaced. Mr. Burke noted that the Aeroboard is being purchased for shutting down lanes and is replacing the one we currently have.

- Solid Waste

Mr. Tewalt asked about the service study. Mr. Burke asked about the questions such as yard waste and recycling route and day collections, route adjustments, etc. Mr. Tewalt noted that the study's that have been suggested in the past have not worked for the Town of Front Royal. Mr. Burke and Mr. Parker expressed his agreement with Mr. Tewalt regarding engineering firms that did not know the Town well giving advice to Front Royal on the issue. Councilman Funk noted that the refuse rate was not being raised. Mr. Burke stated that was correct. He added that many of the issues with the revenue loss was the matter of individuals moving in and out of the locations throughout Town.

Vice Mayor Parker asked about materials for resale. Mr. Burke noted that the Town sells garbage bags and the revenue is noted as well. Mr. Parker asked about the $100,000 increase in salaries over the recent years and suggested the study include a look at the increase.

Council discussed the process for how they would like to review the matters within the budget at the formal meeting for vote.

5. **Council Discussion/Goals**
Councilman Tewalt discussed using natural sand concrete. Mr. Burke noted the issues with VDOT specifications.

Mayor Darr explained the concerns the plumbers association with the water shut off policy and noted that they would be sending a written request for Council to consider during emergencies.

6. CLOSED MEETING – Consultation with Legal Counsel

Motion to Go Into Closed Meeting
Vice Mayor Parker moved, seconded by Councilman Hrbek that Council convene and go into Closed Meeting pursuant to Virginia Code § 2.2-3711.7 for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, issues that have arisen as a consequence of the 1998 voluntary settlement agreement, and amendment and Court proceedings relating thereto, between the Town of Front Royal and the County of Warren, requiring the provision of legal advice by such counsel.

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VOTE INSERT 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.

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VOTE INSERT HERE
Councilman Tharpe absent

Present: All Council
Burke
Berry
Camp
Kisner
Napier
Breeden
Jones
Waltz
Shiflett
Hannigan