



TOWN COUNCIL WORK SESSION MINUTES

Monday, July 21, 2014 @ 7:00pm
Front Royal Administration Building

1. Henselstone Woods Subdivision Requests for In-Town Water Rates – *Town Manager*

Summary: The Town has received a request from the Henselstone Woods Property Owners' Association to reduce the utility rates for their subdivision. The letter contests the adoption of the Town's Out-of-Town Utility Rate and its application to their subdivision.

Council is requested to discuss the request for a reduced utility rate. The Out-of-Town Utility Rate has been established to recover the cost on average for the Town to provide utility service beyond the Town limits.

Staff Recommendations: Staff recommends that the residents of Henselstone Woods request a boundary adjustment to bring their properties into the Town limits to receive In-Town Rates.

Councilman Tewalt noted that there was no reason for him to consider the request for out of town utility rates. Councilman Funk stated that he would be willing to listen to the legal aspects of how the Council could speak to the matter, though if the majority of Council was not willing to consider the issue, he was unsure if that would be prudent.

Charles McGlothlin, representative for the homeowners association, noted that the main issue was that the property was contiguous to Town property and the double rates were their concern.

Councilman Tewalt stated that their location did not reflect on the Town in any way. He explained that the contractor placed the lines in service and the taxpayers in Front Royal have paid for many, many years and no one in the County paid anything for the infrastructure, nor are they paying for the \$40 million sewer treatment plant. He stated that should they leave Henselstone as they are.

Mr. McGlothlin noted that if they were brought into the Town, then services would extend to them. Mr. Tewalt noted that was not accurate, adding that there were certain road standards for example that were required before they could "just be brought" into the Town swiftly. Mr. Burke stated that electric would also require special approval and he and Mr. Tewalt noted that it may not be approved at all. Mr. Tewalt asked that Henselstone contact the County at this point.

Mayor Darr suggested that the Town meet with the homeowners association to determine the road condition at this point before they move forward in contacting the County.

2. The River 95.3 Radio Station Request to Waive Sewer Connection Fee – *Town Manager*

Summary: The Town has received a request from the operators of the River 95.3 Radio Station to waive the connection fee to connect their existing building to the Town's sewer system. The Radio Station has been part of the community for over 50

years and provide significant community service and assists the Town in communicating local civic and emergency messages.

Staff Evaluation: The Radio Station is served by a 3/4" meter for which the sewer connection fee is \$9,750. The Radio Station has historically assisted the Town in communicating emergency notifications to our citizens.

Staff Recommendations: Staff recommends that Council consider the request from the Radio Station.

Councilman Tewalt noted that should they give the tap to this organization then the next business would want a sewer tap and he was not inclined to grant the request at the Town's expense. Councilman Tharpe suggested that the Town consider half of the cost being shared with the station.

Mr. O'Dell noted that the station had never turned down the Town with any request to broadcast important or emergency matters for the Town citizenry. Ms. Willis noted that they could have relocated the entire station, though they chose to remain in the Town.

Councilman Hrbek opined that it was a unique business situation, as it provided for the public good and great community service to Front Royal. He added that he still needed to consider the issue and asked if there was a timeframe. The station noted that they were in the final stages.

Councilman Funk stated that he would be supportive of the 50% as proposed by Councilman Tharpe.

Vice Mayor Parker stated that they had a vested and longtime commitment to the community. He noted that they are mandated to carry the emergency announcements and they are a very productive member of the community.

Councilman Hrbek suggested that the agenda summary and motion language reflect how much the Town needs their services and that if the radio station was not in place, then the Town would need to provide those certain services to the Town.

Councilman Tewalt noted that he did not wish to open a door to other businesses, though he may be able to consider a percentage as suggested by Councilman Tharpe.

Councilman Hrbek asked about the number of septic fields in Town and why it was not healthy to have them in the Town of Front Royal, as mentioned. Mr. Burke noted that he would provide that information to Council as well.

3. Warren County Habitat for Humanity Waiver of Water and Sewer Connection Fees and Planning Fees associated with Building a Home on Cannon Street – Town Manager

Summary: The Town has received a request from the Warren County Habitat for Humanity to waive the water and sewer connection fees and Planning permit fees for development of Lot 8 on Cannon Street. Council is requested to discuss the request for waiver of the connection and permitting fees.

Staff Evaluation: The residence would most likely be served by a 3/4" meter for which the water connection fee is \$4,340 and sewer connection fee is \$9,750.

Council Discussion: Mayor Darr recused himself, as he and his wife were the prior owners of the home.

Councilman Tharpe asked if the habitants could sell the home after a certain period of time. He expressed concern giving away the connections and then the home being sold soon after. Mr. Napier noted that previously, it was his understanding that they had to live in the home at least five years and if not they had to repay Habitat for Humanity.

Councilman Tharpe suggested that the Town have them collect the fees in 15 years perhaps.

Councilman Hrbek noted that he was not in favor of waiving the connection fees. He stated that the Town does not provide a housing service, even though this was an area of concern with him, as he is the President of the United Way, of which Habitat for Humanity is a member agency.

Councilman Sayre asked if historically they had waived the fees at times. Mr. Burke noted that they had not previously on Pine Street. Vice Mayor Parker suggested a lien on the property, Mr. Burke noted that a lien could be established on the property, though he was unsure of who owned the property.

Mr. Napier stated that generally the Habitat for Humanity would hold the title to the property. Mr. Burke noted that Staff would be looking at the options and report back to Council.

4. Wastewater Treatment Plant (WWTP) Hydroelectric Turbine Evaluation – *Dir. of Energy Services*

Summary: The Town of Front Royal requested GHD to perform a study on the economic feasibility of a hydroelectric turbine located at our wastewater treatment plant (WWTP). There were several factors considered for siting the potential turbine. The turbines' location must maximize flow and pressures, as these two criteria are the basis for creating energy. Additionally, the turbine and related electrical equipment needs to be protected from floodwaters.

Staff Evaluation: GHD provided a probable project costs for construction, operation, and maintenance for this project at \$690,000. These costs are based on historical pricing from projects and applications similar in nature.

The potential power generated from the turbine at the present time is 6.1 kW with a potential of 10.4 kW when the flow increase to 5.3 MGD. Given the assumptions above and without any grant funding, the payback period is 100 years. These calculations are in 2014 dollars and do not incorporate inflation rates.

Staff Recommendations: Due to the flow conditions and available head pressure within the outfall, a reasonable payback period is not achievable at this time. Staff will continue to investigate possible grant opportunities and other considerations to make this project economically feasible.

Mr. Waltz noted that he would look at grant funding, though it was not a feasible project at this time.

5. Rappahannock Electric Cooperative (REC) sub-Transmission Project – *Director of Energy Services*

Summary: In February 2013, Rappahannock Electric Cooperative (REC) approached the Town of Front Royal about a proposed new project that would overbuild existing Town electrical lines along Kerfoot. The proposed overbuild line will be constructed from our substation on Kendrick Lane to just west of the intersection at Criser Rd. & Mount View Street. REC states that this new power line will improve reliability and accessibility to their customers and employees.

Staff Evaluation: During the Town's review of the project we evaluated the engineering and design of the project to ensure no negative impact to our electrical system and not to over-burden the Town's easements along the route. The project is considered a major project that spans over a mile and half to include the following: fifty-three (53) wooden utility poles, three (3) steel utility poles, approximately 8,100 feet of 3-phase 336 ACSR and various crossarms and support facilities.

During the review process, we also addressed other issues in Town with REC pertaining to electrical lines currently crossing residential properties (backyard), consolidating of facilities along 6th Street and the transfer of service area to the Town of the soon to be annexed 604 acres on the east side of Town.

Staff Recommendations: Staff recommends approval of amendment to the franchise agreement with Rappahannock Electric Cooperative.

Mr. Waltz explained the de-energized areas of Town which would change. Mr. Tewalt asked if the Town lines would be re-installed onto the steel lines. Mr. Waltz stated that was correct. He noted that the poles would become Town property after the project was complete and they were perhaps 10-15 feet taller than the poles installed at this point.

Councilman Funk clarified that it would not cause a conflict of interest as the lines ran near his home. Mr. Napier stated that it would not. In response to Mr. Funk's further questions, Mr. Waltz noted that there would be no health impact with the lines.

Councilman Hrbek asked if there would be any concern with a buzzing sound from the new installation. Mr. Waltz stated that it would not.

Mayor Darr stated that it should move forward with a public hearing

6. Replacing Damaged Storm Drain Pipe on West Commonwealth Drive – *Dir. of Environmental Svcs.*

Summary: The Department of Environmental Services would like to hire a contractor to replace 120 ft of storm drain pipe that was damaged by the flood that occurred in May 2014.

Council is requested to review and approve the needed funding to replace the storm drain line located on W Commonwealth Dr.

Staff Evaluation: Environmental Services has received three price quotes from contractors able to complete the work (see attached)

Staff Recommendations: Staff recommends acceptance of the lowest bid of \$9,500 (nine thousand five hundred dollars and zero cents) submitted by Racey Paving & Excavating, LLC

Mayor Darr asked for a clear photo if possible

Tewalt asked that the pipe be concrete

Burke noted that he was unsure of the cause of the failure

Burke stated that it would come out of the DES funding for operations most likely

7. Deed of Easement for Utilities for Skyline High School – Town Attorney

Summary: The Warren County School Board built the Skyline High School (“SHS”) on Skyline Vista Drive, which is located outside the corporate limits of the Town. Because the SHS is served by Town water and sewer utilities, there needs to be in place a deed of easement for the collection and transmission of these items from the County’s property into the Town’s utilities systems, and to allow the Town reasonable mode of ingress and egress to these systems on the County’s property in order to access them. These easements are shown on the enclosed plat marked “PLAT OF PUBLIC UTILITY EASEMENT, SOUTH RIVER DISTRICT, WARREN COUNTY, VIRGINIA”, drawn by Anderson & Associates, Inc.

Council is requested to consider approving this Deed of Easement so as to formalize the service of this facility with public water and sewer.

Staff Evaluation: Approving this Deed of Easement appears to benefit both the Town and Warren County in appropriately serving the SHS, which also serve the residents of the Town. Staff notes that the Public Safety Building, located across the street from the SHS on Skyline Vista Drive, is also already served by Town water and sewer utilities.

Staff Recommendations: Approval of the Deed of Easement appears to be appropriate.

Town Manager Recommendation: The Town Manager concurs with recommending that approval of this Deed of Easement is appropriate.

Mr. Napier noted that it was a housekeeping matter.

9. Consideration of Town Code Amendments to 98-42 – “Fortunetellers and Similar Businesses” and 110-7 “Fortunetelling or Practicing Magic Art” - VM Parker & Councilman Hrbek

Napier gave a summary of the matter.

He submitted an ordinance

background check

Hrbek stated that he would not be in favor of the background check

Tewalt noted that he would like it amended

Funk stated that should someone be doing this as a business it would not apply, correct?

Napier stated that was correct

Darr clarified that they would like to:

Remove 110-17 from the Code

Change the 400 to \$300

Parker asked if there were other changes that should be in place for 98-42

Burke noted that the last sentence of spirit medium should probably be removed

Council discussed whether they charge for fortune telling, or whether it was a portion of their church

10. Economic Committee Report – *Mayor Darr*

Mayor Darr thanked the Committee for their work over the past few months.

Cory Michael, speaking on behalf of his Committee, noted that

He stated that they were purposeful with their

Town needed to stand on their own two feet

1. Virginia SBDC (Small Business Development Center
2. Non-Taxing Development Authority
3. Hire their own Building Inspector

McIntyre noted that there was not enough structure in place to achieve the goals that the Town Committee kept

Tewalt asked for clarification on how the programs would be implemented and how the SBDC would be facilitating the issues.

Councilman Hrbek noted that the Council needs to take the recommendations of the Committee and either accept and endorse the

Mr. McIntyre noted that they will hold a September 19th Taste of the Town event, which will include a lighting event

SBDC noted that they would train the businesses to

Mayor Darr explained the funding of the project, noting that the Town only pays \$20,000 and the rest is given by the Federal and State budgets.

Mayor Darr voiced support of the project and the distinct efforts that they can assist with. He noted that this group will work with the whole Council,

Vice Mayor Parker noted that the two other items, the non-taxing development authority and the building inspector and they are issues that will ruffle feathers. He asked how those feathers could not be ruffled.

Mr. Michael noted that keeping the politics out of it was best and they had ideas to continue, with the support of Council, should they desire to move forward

Tewalt expressed concern with building inspector cost

Mayor Darr noted that at this point the Economic Development Committee is requesting an endorse their research at this point

Funk noted that an endorsement and an approval were the same thing. He asked for another worksession before a vote was taken. Mayor Darr stated that another worksession would be held before the vote was taken

Councilman Hrbek asked that Council consider that the Committee's recommendations be considered and endorsed, and then they could look into the matters more thoroughly

Funk stated that he would like more details before he would vote on the three priorities on principles or guidance.

Mayor Darr noted that the Committee had been looking for guidance from Council and they needed the ability to move forward on certain issues at more details

Councilman Tharpe and Mr. McIntyre spoke in strong support of the SBDC program and the funding for that process.

Mr. McCool noted that Mr. Burke had been terrific to work

Vice Mayor Darr stated that the Town needed to control our own destiny and they needed to not only do the SBDC bullet point, but also look into the non-taxing district and the building inspector position.

Funk noted that he did not agree with voting on a matter without the details

Council expressed their support to the Committee

8. Business Development Incentives - *Vice Mayor Parker*

Vice Mayor Parker stated that he would like the Town to consider the money they have in reserve and perhaps have maybe \$1 million and invest it in their own community rather than the

Hrbek asked about the Town's limitations

Mr. Napier stated that there are limitations and he will present a memorandum to Council in order to explain how the Town may be able to assist and where there limitations are

Mayor Darr noted that the SBDC spoke on the loan matter today and perhaps they could advise the Town of how it could help Front Royal businesses and the Town of Front Royal.

11. Council Discussion/Goals

Mayor Darr and Councilman Hrbek stated that the County of Warren was sponsoring the Community Day for September's event for the release of the Royal Phoenix site at \$1,000. They asked if the Town would like to sponsor at the same level. Council noted that they would like to do so.

12. CLOSED MEETING – Personnel Matter

Motions 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, pursuant to Section 2.2 3711. A. 1. of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move 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.

Present:

Mayor Darr, Councilman Funk, Councilman Tharpe, Councilman Tewalt, Councilman Hrbek, Councilman Sayre (*arrived at 7:30*), Vice Mayor Parker, Town Manager Burke, Financial Analyst BJ Wilson, Planning Director Camp, Director of Energy Services Waltz, Chief of Police Shiflett, Clerk of Council Berry, Town Attorney Napier, members of the press and public.