



TOWN COUNCIL WORK SESSION

Monday, December 7, 2015 @ 6:30pm

Front Royal Administration Building

1. Delegate-Elect Chris Collins Meets with Council to Discuss Town Issues

Councilman Tewalt asked about obtaining authority to tackle issues with Towns tackling matters with dilapidated buildings in order to clean up the Town of Front Royal. Mr. Burke noted that realtors and property owners have very strong lobbying measures in Richmond and that has been part of the hold up.

Mayor Darr stated that Richmond and Norfolk have made great strides, as have Winchester, though they are cities. Delegate-Elect noted that he hears the issue from Council, noting that it seems to be that they go through the County of Warren to obtain the labeling of dilapidated, though a boarded up building is still a blight to the community.

Mayor Darr stated that asset forfeiture matter is also a hot issue as well. Councilman Tewalt noted that the small localities are being hammered by unfunded mandates. Vice Mayor Tharpe stated that he had issue when the State removed funding from the 599 line, as it removed matters from the

Councilman Hrbek stated that he felt that the BPOL tax is quite unfair, especially for start ups. He noted that perhaps there are creative ways to address ways to replace the BPOL with another preferred option.

Councilman Tewalt suggested updating the Town Charter, noting that it needed to go through the General Assembly.

Delegate-Elect Collins noted that he was working towards addressing the concerns with the heroin epidemic in the region. He stated that he was working with other delegates regarding education regarding the educational SOL's in schools. He noted that he has requested to be placed on agricultural issues. Delegate-Elect Collins added that he is always available via email and phone and he encouraged Council to reach out to his office at anytime. Councilman Connolly noted that there seems to be a loophole in the practice of the asset forfeiture law.

2. Update on Purchase of Victory Motorcycle for Police Department – Police Chief

Summary: During the week of October 05, 2015 the Police Department's current 2007 Harley Davidson sustained substantial damage during a training academy in Fairfax, Virginia. The damage is estimated at \$1000.00 - \$5000.00 to repair, depending on rather repairs to cosmetic damages would be included. In speaking with police motorcycle training instructors, damage to police motorcycles during the course of training is common and most motor schools recommend utilizing older motorcycles within an agency's fleet for purposes of training. Due to the damage to the Harley Davidson, Victory Motorcycles has now indicated they would offer a trade-in amount of \$3000.00 instead of the originally agreed upon amount of \$6000.00.

The Police Department is requesting Council's approval to utilize additional funds in the amount of \$3000.00, which have been identified within the same Asset Forfeiture account, to cover the loss of trade-in value for the Harley Davidson. As part of the purchase, it was learned that Victory also offers an extensive rider training program to their customers. This two week training academy is located in Tucson, Arizona at a cost of \$1800.00 plus expenses. As part of the training, Victory provides the trainee with one of their older motorcycles so that no damage will occur to the agency's newly purchased motorcycle. The Police Department feels this training option is better suited for the department and will eliminate the need to repair and retain the existing Harley Davidson motorcycle for motor school purposes.

Budget/Funding: The Police Department currently has funds totaling \$30,000 in the Asset Forfeiture Account (#1610-7001) that has been allocated for the purchase of a Victory motorcycle. The purchase cost for the complete, duty ready motorcycle from the Victory manufacturer, located in Tucson, Arizona is \$31,872.95. With the updated \$3,000 trade-in option, the new out-of-pocket expenditure to purchase the Victory motorcycle would be \$28,872.95 instead of the originally agreed amount of \$25,872.95. No additional funding would be required from the town's budget. The remaining \$1,127.05 in the allocated funds, along with additional identified Asset Forfeiture funds, would be used to cover the cost of the Motor Officer Certification training in Tucson, AZ.

Staff Recommendations: Request Council's approval for the updated costs associated with the purchase of the Victory Motorcycle.

Email from From: Kevin Nicewarner, Captain

In July 2015, the Town Council approved the purchase of a 2015 Victory Commander Motorcycle for use by our Traffic Enforcement / Motor Officers. As part of the agreement, the total purchase cost of \$31,872.95 would be offset by a trade-in offer with Victory of \$6000.00 for our current 2007 Harley Davidson. With the above trade-in that Victory would pick up at time of delivery of the new motorcycle, the total out-of-pocket expenditure would be \$25,872.95.

During the week of October 05, 2015, MPO Steve Mauck was attending a two week Motorcycle Academy in Fairfax, VA. MPO Mauck was utilizing the department's 2007 Harley Davidson for the schooling, which entails both high and low speed maneuvers through intricate cone patterns.

During the course of training, MPO Mauck lost control of the motorcycle, resulting in substantial damage. In speaking with the training coordinators and other motor instructors, damage to police motorcycles during the course of training is common and most motor schools recommend utilizing older motorcycles within agency's fleet for purposes of training. The Harley Davidson was brought back to the town's Auto Maintenance shop where the damaged was assessed. The

mechanics feel the Harley can be repaired to a point where the motorcycle is safe to ride and can be utilized as a training motor as well as a backup for approximately \$1000.00. They also provided an estimate of approximately \$5000.00 to repair the motorcycle back to the condition it was in prior to above incident.

On October 16, 2015, I spoke with Victory representative Mike Shultz by phone. I explained the recent damage occurring to the Harley Davidson and Mr. Shultz advised they would no longer offer the trade-in value originally agreed upon. He also advised that Victory does not currently offer any comparable motorcycles within their inventory that could be used as a trade-in option.

As another training option, Mr. Shultz offered an alternative 2 week training academy that Victory offers in Tucson, Arizona at a cost of \$1800.00 plus expenses (travel, lodging, meals, etc.). As part of Victory's training academy, the cost includes the use of one of their older motorcycles for the training. I was also made aware that Victory is anticipating completion of the fabrication and assembly of our purchased motorcycle during the first or second week of November, 2015. After the completion of that phase, the new motorcycle would be ready for the up fitting and customization phase to completion.

After reviewing our current budget, we have identified additional funds within the same Asset Forfeiture account (#1610-7001) used for the initial Purchase Order (#28397), to cover the \$6000 loss of trade-in value for the Harley Davidson. This payment option would not require any additional funds within our budget.

After various conversations with other agencies, we also feel it would be pertinent to repair our current Harley Davidson and utilize the motorcycle within the fleet for training purposes rather than exposing the new Victory motorcycle to the same extreme training regimen that would be required during future training academies. As this option would require an addition to our current fleet, Town Council approval would be required. We would like to discuss this option at an upcoming Work Session.

Council Discussion:

Captain Nicewarner noted that Victory is now offering \$3,000 in trade, and Staff feels that sending the officers to the training in Arizona to attend their training at their two week academy. Mayor Darr and Council asked about the \$1,800 in training using Victory in Arizona. Capt. Nicewarner noted that the bike as arrived and they are doing the upfitting and the engraving.

Mayor Darr noted that it would go on the consent agenda.

3. Town Drone Program – *Town Manager/IT Director*

Summary: Following discussion at the October 19th Work Session, staff contacted Joseph Maibach, Air Traffic Control Specialist at the FAA to inquire about any changes in regulations of government drone programs in 2016. Mr. Maibach responded that he has received nothing "...in either

written or verbal form that effectively changes the requirements in 2016.” Use of a drone by our Environmental Services and Energy Services Departments to inspect the condition of our water tanks, other facilities and construction activity, as well as assess post incident damage would allow our staff safe and timely inspection. In addition, use of a drone by our Police Department for incident inspection or as permitted by a warrant could also be beneficial. The Town could also operate a drone to document the various special events to assist in tourism advertising.

Council is requested to consider authorizing staff to complete the permitting with the FAA and to obtain certification for operation by our staff in Information Technology.

Staff Evaluation: Staff have identified the process necessary to operate a drone.

Budget/Funding: Funding for operation and training will be from funds in the current budget. The Director of Finance will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.
Staff Recommendations: Staff recommend Council consider authorizing staff to pursue all permitting and training to operate a drone for the Town.

Council Discussion:

Mr. Burke presented the FAA drone email exchange noting that there are no proposed government permitting of drones through 2016. Council asked if the equipment needed to be purchased before you can go through the program. Mr. Burke noted that the drone needed to be purchased, as a number needed to be assigned with the permit for the Town of Front Royal. Mr. Burke stated that the inspections fall under a different portion than tourism. Mayor Darr noted that inspection of tanks, electrical, etc., would be his preferred option, while leaving the tourism option open for a later time perhaps. Councilman Hrbek noted that he would be comfortable including the Tourism and the Police Department.

Mr. Napier stated that the State law is not clear on what the drone can be used for, as there are no case laws, no code sections to cite, etc. Councilman Tewalt noted that he was not interested in the matter at all and he would be voting against it entirely. Councilman Connolly stated that he is tending towards leaning with Mr. Tewalt with this item. He noted that the policy needed to be drafted before proceeding. Mr. Burke reviewed the necessity for a drone for the Town of Front Royal; electrical, during a flood, tank inspections. Mayor Darr voiced that he could see the need for the drone for electrical measures. Mr. Hrbek and Mayor Darr asked for a policy to be drafted and then return to worksession.

4. “First Night’ Funding – *Tourism Director*

Summary: Town Staff is seeking funding in the amount of \$1,550.00 for entertainment and advertising for the Town-sponsored “First Night Front Royal” to be held on Main Street on Thursday, December 31, 2015 from

8:00pm – 12:00am. Funding would be from Council 1101-45428-Community Relations.

Council Discussion:

Council asked if the Town would be running the event or another organization. Mr. Tewalt asked about the evening. Mr. Smith gave a run down of event, including LegoMania, face painting, the Silent Monks, singer Ryan Jewel, dance demonstrations, Amazing Grace, a magic show, Selah Theater, and more. Mr. Burke noted that they are requesting Comcast's permission to broadcast the ball dropping. Council asked about fireworks for the event. Councilman Tewalt asked about backup locations should the weather turn below freezing. Councilman Tewalt also asked about insurance and restrooms. Mayor Darr noted that the item would be on the consent agenda.

5. Deed of Easement from Winchester Road (E&A), LLC and Winchester Realty (E &A), LLC for Water and Sewer Right-of-Way at Riverton Commons – Town Attorney

Summary: It is proposed that the Town acquire water/sewer easements and rights-of-way over portions of Land Units 8, 9, 12 and 13, Riverton Commons Land Condominium, located in Riverton Commons, for access and maintenance to water/sewer facilities to be owned by the Town, necessary to provide utility service to these parcels.

Town Council is asked to consider approving the Deed of Easement, to be executed by the Mayor.

Staff Evaluation: The proposed easements/rights-of-way acquisition is required to provide water/sewer service to these parcels located outside of Town limits.

Town Manager Recommendation: The Town Manager recommends that the Town acquire water/sewer line easements and rights-of-way over portions of Land Units 8, 9, 12 and 13, Riverton Commons Land Condominium, owned by Winchester Road (E&A), LLC and Winchester Realty (E&A), LLC.

Council Discussion:

Councilman Tewalt asked about why the lines were on private property. He stated that he did not wish to have meters back on private property. He noted that it should not be on the private property. Mr. Burke noted that how the property is platted is proving to be difficult. Mr. Tewalt noted that the Town should not be accepting the matters as presenting, and the Town should not approve the matter. Mr. Burke stated that they are attempting to be flexible with the developers. Mayor Darr and Councilman Tewalt stated that more information and examination of the area needed to be completed. Mayor Darr noted that he tended to agree with Mr. Tewalt.

Mr. Burke noted that more information would be gathered and they would return the matter to worksession in January.

6. Deed of Easement for Middle School Entrance at Leach Run Parkway – Town Attorney

Summary: In order to develop a new Middle School and construct a safe school bus entrance from Happy Creek Road, the Warren County School

Board and the County of Warren request the Town to approve and accept the two attached Deeds of Dedication of Rights of Way and Easements for rights of way (access, brush clearing, etc. during construction), permanent storm drainage easements, and temporary construction easements. These Deeds have already been signed by the property owners, signifying their agreement, if the Town approves the acceptance.

Council is requested to approve and accept the Deeds of Dedication, as ultimately the roads will be part of the street system of the Town.

Staff Evaluation: The Deeds appear to be in routine form.

Council Discussion:

Council asked for specific locations regarding the easements and whether the Town would be maintaining the easements. Mr. Burke noted that the road right of way location, and added that he would clarify the location with the County and return the matter to worksession.

7. Refer Property Maintenance Code to the Planning Commission – *Councilman Hrbek*

Council discussed sending the matter to the Planning Commission in order to have the matter reviewed. Mr. Hrbek stated that tenants in the community are being treated highly unfair and there is a true need for assistance to our rental community. Mayor Darr voiced support of the matter.

Councilman Tewalt noted that perhaps the Staff should give them information to provide direction as to what the Council may desire. He added that the Council should review the new law before sending the issue to the Planning Commission.

Mayor Darr noted that Council should review it and send it back to worksession in January.

8. VML Pop-Up Business - *Councilman Hrbek*

"POP UP MARION" Southwest Virginia's Most Awarded Entrepreneur Development Program

Including:

- 2013 Small Business Community of the Year for "Pop Up Marion"
- 2013 Virginia Downtown Development Association "Award of Excellence"
- 2014 Virginia Economic Development Association "Community Economic Development Award"
- 2014 Southeastern Economic Development Council "Community Economic Development Award"

Presented at numerous workshops and conferences, including the 2014 Virginia Municipal League Annual Conference, 2014 Virginia Downtown Development Association Conference, the 2014 Governor's Summit on Rural Prosperity, and the 2015 National Main Street Conference!

Council Discussion:

Mr. Burke noted that Marion conducts training that new businesses conduct training and then allots seed money for their businesses. He stated that they then try to "pop up" on the street before locating in an actual building to see if there is actual interest. Mr. Burke stated that it is a community trying to spur on new businesses in the area. Mr. Hrbek noted that he would like to have information available for the new Community Development individual. Council suggested running the issue by FRIBA. Mr. Hrbek noted that cultivating the matter is where we are at this point and working with FRIBA would be part of the issue. Mayor Darr noted that the material in the Council's

packet was very informative and he would like the Community Development individual person will be very helpful in working the program into our community.

9. Food Trucks – Mayor Darr

Council Reviewed: **Chapter 138 - PROPOSED**

FLEA MARKETS, PEDDLERS, VENDORS, SOLICITORS AND CANVASSERS

138-1. Permit Required.

To promote the safety of our residents, it shall be unlawful for any person to engage in the business of peddling, itinerant merchandising, soliciting or canvassing as defined in this Chapter, within the limits of Front Royal, Virginia, without first obtaining a permit as provided herein. Issuance of a permit does not relieve an individual from obtaining a business license from the Town's Finance Department prior to engaging in operation in the business of peddling, itinerant merchandising, or soliciting.

Council Discussion:

Council briefly discussed creating a new ordinance and section for Food Trucks, how Town Staff would handle the permitting process, and how and where they should locate around town. Mr. Burke and Council reviewed the ice cream stand locations in town and how those locations are grandfathered. The Food Truck item was just discussion at this point.

10. Council Discussion/Goals

Council discussed renaming the Town's Administration Building as the Town Hall and removing the Town Hall lettering from the old building.

Mayor Darr noted that he had an email for Council to review for advertising for FMG Media, though he did not feel that Town could afford to spend it.

Councilman Connolly noted that in discussion with EDA there may be a need for a substation at the Royal Phoenix site.

11. ~~CLOSED MEETING – Disposition of Public Property~~

Closed Session item was removed.

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Hrbek, Councilman Tewalt, Finance Director Breeden, Town Attorney Napier, Clerk of Council Berry, Planning & Zoning Director Camp, Captain Nicewarner, members of the media and members of the public.

Absent: Councilman Funk