



TOWN COUNCIL WORK SESSION

Monday, November 20, 2017 @ 6:45 pm

Town Hall Council Chambers

1. CLOSED MEETING – Board of Architectural Review(BAR) Interview

Motion to Go into Closed Meeting

Councilman Sealock moved, seconded by Vice Mayor Tewalt that Town Council go into closed meeting for the discussion, consideration, or interviews of prospective candidates for, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public appointees of Town Council to the Board of Architectural Review, pursuant to Section 2.2-3711.A.1 of the Code of Virginia.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call)

Motion to Certify Closed Meeting at its Conclusion

Councilman Sealock moved, seconded by Vice Mayor 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 Act 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.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

2. Mutual Aid Agreements – Director of Energy

Summary: The Towns Energy Services Department is requesting that Council have staff sign two mutual aid agreements. By signing the agreements, it would allow the Town Energy services to receive mutual aid in the event of a natural disaster or an emergency that would affect the Towns electrical system. It would also allow the Energy services staff to help other localities in emergency situations

1) Municipal Electric Power Association of Virginia Agreement for Emergency Assistance.

2) American Public Power Association Mutual Aid Agreement.

If desired, Council will approve at November 27 Regular Meeting.

Council Discussion: Councilman Meza asked about the requirement to have it in writing. Mr. Jenkins noted that this allows the municipalities to be paid. Mr. Meza clarified if it protected from price gouging. Mr. Jenkins noted that it certainly did. Councilman Sealock asked about the Town's detriment in service. Mr. Jenkins noted that it may be two individuals and perhaps a few poles and a truck, based on a past assistance.

3. Request for East Main Street to Become One Way – *Director of Planning/ Zoning*

Summary: Attached is a memo that summarizes the Planning Commission's review of the concept to make Main Street a one-way street. Overall, the Planning Commission does not object to the change. However, the Planning Commission believes more work is needed to verify public support and ensure public safety before moving forward with the change.

- **Public Safety.** VDOT has advised that a traffic analysis is needed first to determine if the surrounding transportation network could accommodate the resulting traffic division and what improvements would be necessary to mitigate impacts of the change. The Planning Commission agrees with VDOT's recommendation to ensure public safety and reduce liability.

- **Public Support.** Over the Planning Commission's meetings on the subject, the group of citizens that requested the one-way change have not provided any information to demonstrate a high level of public support. The Planning Commission recommends engaging in public outreach to measure the overall level of public support for the project and evaluate any issues that may otherwise not be discovered.

The memo does include a cost estimate in the amount of \$11,175. This estimate does not include any improvements that may be identified through a traffic analysis. This agenda item is scheduled for a work session review on 12/04/17.

From: Jeremy F. Camp, Planning & Zoning Director

Date: October 24, 2017

Re: Update on Planning Commission Referral

Proposal to Make Main Street a One-Way Street

Below is a background summary of the project and a summary of the Planning Commission's discussions in work session, followed with recommendations.

BACKGROUND SUMMARY:

On August 14, 2017, Town Council referred a proposal to make East Main Street a One-Way Street to the Planning Commission. Attached is the draft layout of the project. This layout was originally drafted by Town Staff after being directed to do so by the former Town Manager in 2014. However, the project was never initiated beyond that because the former Town Manager later directed Town Staff to not proceed with it due to lack of public support. The August 14, 2017 Referral from Town Council was initiated by citizens that supported the project and desired the Town to proceed with it. Town Council referred the request to the Planning Commission to review and provide recommendations. Town Staff revised the original layout to eliminate the loading space. With the removal of the loading space the change would create about 14 new parking spaces on E. Main Street.

Below is a summary of the Planning Commission's discussions about this project.

AUGUST 16, 2017 WORK SESSION:

The referral from Town Council and draft layout was submitted to the Planning Commission on August 16, 2017. The Planning Commission scheduled it for discussion at their next work session.

SEPTEMBER 6, 2017 WORK SESSION:

COST EVALUATION

The Planning Commission reviewed the concept layout and directed staff to work with Public Works and prepare a cost estimate on a low-cost option that included signage and restriping of parking spaces and no-park zones.

PUBLIC SAFETY

The Planning Commission directed staff to submit the project concept to VDOT and the NSVRC for their input and report back to them when this input is received.

PUBLIC SUPPORT

The Planning Commission met with Robert MacDougall. He represented the property owners in the downtown that requested Town Council consider the project. Mr. MacDougall offered to provide the Planning Commission with the information he was working on that would demonstrate the level of public support for the project among downtown property owners.

LOADING

In discussion, the Planning Commission identified the concern with no area for loading. It was discussed that a small area in front of the bump-outs could be used for loading. (Note: However, the present width for this is only about 22 feet, where a standard lane and loading space would need to be at least 25 feet to meet minimum standards.) Regulating loading to off-peak hours only was discussed as well as just requiring loading to take place from the rear or hauled in from the sidewalk.

OCTOBER 18, 2017 WORK SESSION:

COST EVALUATION

The following cost estimate was developed by Public Works and the Planning Department. It is based on a low-cost option that mostly just involves striping and signs.

Line Painting \$7,500.00

Signage \$1,440.00

Contingency \$2,235.00

TOTAL \$11,175

PUBLIC SAFETY

• NSVRC Comments:

"I just returned from a two-week vacation – sorry I couldn't reply sooner. The plan looks workable, provided adequate navigational signage to help westbound motorists get to the on-street parking. I do, however, question the need for this, having never witnessed a

parking shortage on Main Street. I foresee no safety issues arising from the plan.”

“On second thought, the proposed design might adversely impact bicyclist safety and convenience. Back-in angle parking is safer, improving drivers’ line of sight while pulling out. It’s been successful where implemented. However, this doesn’t solve the diminished convenience: some bicyclists are going to travel the wrong way on Main St. to get to their destination.”

- **VDOT Comments:**

“VDOT Staunton District Planning would be hesitant to provide any sort of input on a potential change in traffic flow / operations within the town without a supporting study and analysis. At a minimum, we would want to obtain current traffic count data at the impacted and adjacent intersections and develop a technical memo to determine / verify that the surrounding transportation network could accommodate the resulting traffic diversion. This analysis would determine what improvements would be necessary to mitigate potential concerns from both a traffic operations and vehicular / pedestrian safety standpoint. Given the location, this evaluation could also be an ideal candidate through the NSVRC rural transportation study program. We would be happy to schedule a conference call with you to discuss the proposed modification to the transportation network and scope an abbreviated study to properly evaluate the idea.”

PUBLIC INTEREST

At the time of the October 18th work session, Mr. MacDougall informed Town Staff that he has not been able to obtain the information from the downtown property owners to demonstrate the level of support for the project.

The Planning Commissioners spoke in support of the Town surveying the public before proceeding, and advised on two separate surveys. One for the downtown property owners and one for citizens in general. The Planning Commissioners agreed to help oversee the survey process IF directed to do so by Town Council.

RECOMMENDATIONS:

In conclusion, the Planning Commission is of the consensus that if Town Council desires to move forward with the project the following actions should be completed first.

- 1) A traffic analysis as recommended by VDOT. The analysis would identify if any other improvements are needed to ensure public safety. In discussions with VDOT and the NSVRC, such an analysis can be completed in about 6 months.
- 2) The Town should collect and evaluate public input about the project beyond just a typical public hearing. This could be done with the use of surveys, one targeted on the property owners and another on other local citizens. This data collection could take place within the period of time that the traffic analysis is being done.

Council Discussion: Vice Mayor Tewalt gave some history of the change-over of the street previously. He noted that many complained previously and they changed it back to a two-way street. Councilman Sealock noted that the report did not contain the width of the street. He asked if there were any traffic studies on Main Street. He noted that he takes position with the NSVRC comments regarding bicycles. Mr. Sealock noted that he likes the recommendations from the Planning Commission and he feels the matter should be further pursued. Mr. Camp stated that the width of the street is clearly noted on the plans.

Councilman Meza asked about angled parking versus head in; Mr. Camp stated that it was pull in parking, yes. Mr. Camp noted that the 15 feet loading meets the Town's standards, though the VDOT standards are not met, as the overhang up to the curb (need 1 foot, 9 inches). He added that the parallel spots currently on Main Street are 18 feet. Mr. Meza noted that just because there was one person that did not show up with public support, did not mean that public support was not there. Mr. Meza noted that having it one way may make the one-way way encourage the area a better pass through/more activity on Main Street.

Councilman Meza asked if the noted costs were actual costs, or could it be completed cheaper. Mr. Hannigan noted that it could be done, though it would be done slower with the two man crew.

Councilman Connolly thanked Mr. Camp for the work completed. He noted that it was not the Planning Commission's job to drum up support for a project. Mr. Connolly noted that the project would most likely do more harm than good. He added that it would cause him to not use Main Street because of the change. He noted that he has not seen any reason to go forward with a traffic study.

Vice Mayor Tewalt asked if the Police Department had been involved with the input at all. He asked if Mr. Hannigan's office still had the traffic counters. Mr. Hannigan stated that they still had them though they had not been used in a few years. He stated that it had a bad impact according to Mr. Tewalt, upsetting different sides of the community.

Councilman Meza stated that he does not think that Planning Commission should be drumming up support – obviously he agrees with Mr. Connolly, and he feels that Council should further review whether it is feasible. Mr. Connolly noted that if the public support was there for the change he feels that the support would be visible – and he has not seen it.

Councilman Sealock noted that many new changes are coming to downtown and he would like to see the support for the change to the roadway. Mayor Tharpe asked if Council should postpone it for six months. Vice Mayor Tewalt asked about doing a survey to find out the opinion of the public. Councilman Meza noted that the costs of traffic surveys should not be done unless Council is behind the project. Vice Mayor Tewalt noted that nothing against safety regulations should be installed on Main Street. He noted that the matter should return to worksession in a couple of months or so after the traffic survey.

4. Continued Discussion of IT Federal and W. Main Street Extension – *Director of Planning/ Zoning Summary:*

- **IT FEDERAL:** Following the Town Council Work Session on November 6, 2017, Town Council required Staff to obtain an estimate for the design and construction of the pump station at IT

Federal. Below are estimates provided by Pennoni Associates for design and construction.

DESIGN: On November 13, 2017, Pennoni Associates provided an estimate of \$9,200.00 for the design costs of the pump station. That includes \$7,100 for the design and \$2,100 for the Operations and Maintenance Manual. The design of the pump station would be based on details required by Public Works.

CONSTRUCTION: On November 14, 2017, Pennoni Associates provided an estimate of between \$385,000.00 - \$400,000.00 for the construction costs of a 10HP Smith and Loveless pump station. This estimate includes everything from the pump house and site fencing to the pumps, generators, and electrical components, construction bonding, etc. This will not cover the items such as the gravity sewer leading to the pump station and the force main leading to the gravity outfall sewer manhole. This estimate is from an experienced contractor that has installed 8 of these facilities and is currently installing a similar pump station right now. This cost estimate is significantly higher than the estimate provided by Bohler for the private pump station.

- **ROYAL PHOENIX:** On November 14, 2017, Pennoni Associates submitted the W. Main Street Extended Traffic Study Phasing Addendum. This report looks at when the recommended off-site traffic improvements are necessary, based on the traffic study by Pennoni Associates. The report breaks down the transportation improvements into various thresholds (A, B, C, D, E, F, Fi, and G), and provides when each threshold is needed, based on the submitted master development plan for Royal Phoenix. The report also includes rough cost estimates for the improvements (page 28), which totals \$11,837,130.00 (NOT including the cost for constructing W. Main Street). The full traffic study and the addendum can be viewed by Town Council under a folder named "Planning Commission" in the "Box" system. The master development plan and traffic study are presently on schedule for review by the Planning Commission on December 20, 2017.

Council Discussion: Council chose to move forward with the pump station. Councilman Meza asked about how soon until ITFederal would be in place. Mr. Camp noted that he would not be able to answer that. Mr. Meza and Mr. Tewalt noted that they would be in favor of moving forward, though ITFederal would need to be aware that the pumping station may not be complete in time for their building. Councilman Connolly stated that DEQ does take longer each year for projects, and he would like to move forward. He noted that having the infrastructure there attracts businesses to the area to the Town is attempting to market.

Mr. Camp noted that a cost estimates for the W. Main Street for off site improvements is around \$12 million. For the first phase, Mr. Tewalt asked the cost of the first phase of the expense portion of Kendrick Lane to ITFederal to get that company "in". Mr. Waltz noted there was grant money awarded for that funding and he noted that ITFederal was to put in matching funds for that grant. Mr. Waltz stated that he would put that one section on an upcoming worksession.

5. Continued Discussion of Fixed Term Financing Option for New Police Dept. – Dir of Finance

Summary: The Front Royal-Warren County E.D.A. has provided information for the Town's consideration, regarding an alternative funding option on the construction of the new Police Department. The alternative option is a 30-year term fixed rate loan at an interest rate of 2.65%. The funding option could also be used for Happy Creek Phase II. The option was discussed at the November 6th, 2017 work session at which time council requested additional information & scenarios regarding the financing. Council is requested to discuss if the 30-year fixed term rate financing would be preferred for financing the construction of

the new Police Department Headquarters and provide staff with direction to move forward with pursuing the financing or to remain with the New Market Tax Credit Program.

Staff Evaluation: Additional information regarding the financing, along with a few different scenarios regarding funding options have been provided on pages following this cover sheet.

Budget/Funding: The scenarios provided illustrate various options related to budget/funding.

Staff Recommendations: Staff recommends scenario #1 that has been provided. This scenario would require council to allocate money from the general fund balance to accelerate repayment of the internal loan provided from the Electric Fund; which would allow additional future funds to be allocated toward repayment of the fixed term financing. Based on current assessments and real estate tax rates, staff estimates that real estate taxes would need to be raised \$0.01 in April 2018, raised an additional \$0.01 in April 2019, and an additional \$0.005 in April 2020 (Total increase of \$0.025 per \$100). This would allow the Town to begin paying interest & principal for the construction of the Police Department, without incurring expense for paying interest only. The Town may incur interest only expense on the funding for Happy Creek Phase II; depending on how soon the funding will be needed.

Council Discussion: Councilman Meza thanked Mr. Wilson for his great work and noted that it was incredibly informative and he certainly appreciated it. He stated that he likes scenario #1 and it seemed to be the most responsible route.

Vice Mayor Tewalt noted that the fund balance is very low and he expressed concern with that showing. He reiterated that the low funds were a strong concern of his. Council discussed the difference in the auditor's report versus the Council agenda budget numbers. Council discussed People, Inc. and having Mr. Phipps come to Council to ensure how the funding works. Mr. Wilson noted that the variables for the proposed loan and he could prepare something with the 7 years.

6. Assignment of Motions to Council Members During a Regular Meeting — *Mayor Thorpe*
Removed from the agenda

7. Continued Discussion of Curb/Gutter Assessments

Summary: Town Council discussed the curb and gutter assessments in a work session on September 18, 2017 and asked that continued discussion be held. Continued research was conducted by Staff and is attached. A forced assessment by Council has not been performed since 1996. The protocol (attached) is what the procedure was at that time. The letter and abstract are examples of what was done in 1996 to accomplish the forced assessment. Chapter 48 of the Town Code is the Procedure for Taxes or Assessments for Local Improvements. Council removed this item from their October 16 worksession.

Council takes desired action in voluntary and/or forced assessment of curb and gutter installation.

Budget/Funding: The current cost for curb and gutter is \$35 a linear foot and sidewalk at a cost of \$4.60 per square foot; Director of Finance will be available.

Council Discussion: Vice Mayor Tewalt noted that he would like the 50/50 rate and allow everyone the opportunity as it enhances the Town and each property owner as well. He stated that everyone should be treated the same and fairly. Councilman Meza asked why would people choose to do curb and gutter. Mr. Tewalt noted that if a street is being paved then curb and gutter should be mandatory. Councilman Sealock noted that he installed curb and gutter in front of his home because he was tired of parking in a mudhole. He stated that he is aware of other homes where curb and gutter installation has not been done and he feels that could be corrected with this program.

Councilman Morrison noted he was not in favor of the program. He noted that broken windows are allowed, but the Town would require the curb and gutter would be installed in the street to control water? He noted that it was inconsistent and he would not support it.

Councilman Connolly noted that it was a common sense approach to the issue and he would be in favor of the matter. Councilman Gillispie noted that it would take more information for him to make a decision. Council chose to move forward with a public hearing on the matter to determine how the citizenry felt.

8. Continued Discussion of Property Maintenance Code Amendments and Establishment of a Rental Inspection District

Summary: Town Council held a public hearing on September 25, 2017 for adoption of a Property Maintenance Code and Establishment of a Rental Inspections District. Council voted to postpone the first reading to discuss in more detail in a work session and vote on the first reading at the next regular meeting held after the work session. Council held a public hearing to receive public input on August 28, 2017. Those minutes are attached. Council removed this discussion at the October 16, 2017 work session. Council removed this item from the November 13, 2017 Regular Meeting.

Council Discussion: Councilman Meza asked if the two items can be separated and whether a portion of the Code can be adopted. Mr. Napier stated that they can be adopted separately, Mr. Camp agreed. Mr. Meza asked about adopting only a dilapidated structure portion of part three of the property maintenance Code. He noted that the Council is adopting it as a whole, he hypothetically asked about a portion of the matter bringing the matter back up by the losing side.

Mr. Camp noted that he would look into the Culpeper portion of the dilapidated structure. Mr. Napier stated that it could be brought back up as a rental inspection program with a new public hearing, though the Mayor has to make that decision. Council discussed whether they should be separated into two items. Mr. Napier stated that it could not be separated at this point.

Councilman Meza suggested Blacksburg structure of fines. Mr. Camp noted that the reason it was set up that way was to make it self supporting. Councilman Meza and Mr. Napier asked about the violations holding up the rental of units.

9. Council Discussion/Goals

Single stream recycling – worksession in December soon.

PRESENT: Mayor Tharpe, Vice Mayor Tewalt, Councilman Connolly, Councilman Gillispie, Councilman Morrison, Councilman Meza, Councilman Sealock, Town Manager Waltz, Town Attorney Napier, Clerk of Council Berry, Director of Planning Camp, Director of Finance Wilson, Director of Energy Services Jenkins, Police Chief Magalis, Director of Environmental Services Hannigan, Town Engineer Brown, Community Development Director Hart, IT Director Jones, members of the public and members of the press.