TOWN COUNCIL WORK SESSION

February 5, 2018 @ 6:30pm
Town Hall Council Chambers

Councilman Sealock moved, seconded by Councilman Gillispie, to add purpose of consultation with legal counsel to the end of the agenda.

Vote: Yes – Gillispie, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – Connolly, Meza and Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

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3. Agreement for Police Department to Enforce Code of Conduct on Warren County Parks and Recreation Properties Located in Town Limits – *Chief of Police* (10 minutes)

SUMMARY: The Front Royal Police Department, Warren County Sheriff's Department, and County of Warren Parks and Recreation Department have developed a "Code of Conduct" to help insure citizens utilizing the various parks located in both the Town of Front Royal and Warren County follow a common set of rules for courteous behavior and public safety. Currently, the Front Royal Police Department can only interject on Parks & Recreation property, located within the town limits, if person(s) are committing a crime outlined in the Code of Virginia. With the Police Department being given the authority to exercise their police powers to enforce the Code of Conduct, anyone violating the set guidelines can be trespassed from all park properties and facilities for a period of one year.

The Front Royal Police Department utilized similar Code of Conduct guidelines over the past several years at the Gazebo to aid in minimizing unacceptable behaviors. See attached documents for "Code of Conduct" and Memorandum of Understanding (MOU) Agreement.

BUDGET/FUNDING: The Town of Front Royal will not incur any additional costs to implement or enforce. Upon approval, The Code of Conduct signs will be posted at all indoor and outdoor facilities in the Warren County Park system and the Warren County Parks & Recreation Department will provide the Police Department with Trespass Notice forms to be issued when necessary.

County Code Of Conduct Posted:

THIS "CODE OF CONDUCT" APPLIES TO ALL PARKS, OPEN SPACES AND FACILITIES OWNED AND OPERATED BY THE WARREN COUNTY PARKS AND RECREATION DEPARTMENT

- Loud, offensive, abusive, and/or profane language or disruptive behavior is PROHIBITED.
- Consumption or possession of alcohol is PROHIBITED.
- Selling, possessing or using illegal drugs is criminal conduct and is PROHIBITED.
- Use of portable sound systems without earphones is PROHIBITED.

• Use of bicycles and skateboards in shelters, on sidewalks, or on green spaces is PROHIBITED.
• Lewd, obscene or indecent conduct or expression, including harassment, or threats is PROHIBITED.
• Conduct that disrupts or obstructs any authorized program, event or class is PROHIBITED.
• Use of a park, open space or facility at any time other than during the posted hours of operation is PROHIBITED.
• Any conduct which is illegal under state or local law is PROHIBITED.

Council Discussion: Chief Magalis noted that the cost to the Town was negligible and the response would be the same response as always. Mr. Waltz noted that it would be on the next agenda for vote. Mr. Magalis stated that it enlarged the Town's authority in order to enforce the matter for the County as First Responder's as their rules for Code of Conduct. Councilman Sealock noted that he was pleased to see their cooperation with the County of Warren.

1. <u>CLOSED MEETING – Interview for Urban Forestry Advisory Commission (UFAC)</u>
Motion to Go Into Closed Meeting
Pursuant to Va. Code Section 2.2-3711. A .1. of the Freedom of Information Act, Councilman Sealock moved, seconded by Vice Mayor Tewalt that Town Council go into closed meeting to discuss, consider, and interview prospective candidates for appointment to the position of the office of Urban Forestry Advisory Commission.

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 Town 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.

Vote: Yes – Gillispie, Sealock, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Connolly and Morrison
(By Roll Call)

~~2. <u>Artisan Trail Proposal</u> – *Director of Community Development/Tourism* (10 minutes)~~
~~Removed from the agenda~~

4. <u>Continued Discussion for East Main St to Become a One-Way</u> – *Director of Planning/Zoning*
SUMMARY: During the November 20, 2017 Work Session, Town Council directed Staff to return with additional information related to the evaluation of making E. Main Street a one-way street.

The additional information included the following:
1) PUBLIC OPINION SURVEY.
2) VDOT STANDARDS.
3) TRAFFIC COUNTS.

BUDGET/FUNDING: TBD. The preliminary estimated for making the striping changes, as calculated by Public Works, is $11,175.

STAFF RECOMMENDATION: Parking in the downtown does need to be improved; however, the data is not supportive of making E. Main Street a one-way street.

PUBLIC SURVEY:
Town Staff conducted a survey to obtain input from the public about the level of support for the project. The survey was opened on November 29, 2018 and the final survey submission was received on January 16, 2018. Staff used the online survey company *SurveyMonkey*. The survey was advertised on the Town website, newsletter, social media and was mailed to the downtown property owners. The cost of conducting the survey was approximately $110, including the website fee, postage, and paper.
There were 311 survey responses. 18 of these were paper survey responses. The remaining 293 were received digitally. The overall results show that 24.43% supported the project; 65.80% were against it; and 9.77% were neutral about it.

There was not a significant difference in the data between most of the group classifications. For example, among downtown property owners only, the results are similar to the overall data, with 25.40% in support; 63.49% against; and 11.11% neutral. The group classification of non-citizens had the highest support level for the project, but consisted of only 16 responses. The group classification of regular visitors of the downtown (more than 2 visits per week) had the highest level of opposition for the project, at 72.48%.

Based on VDOT's standards for head-in parking, E. Main Street does not have sufficient width to meet VDOT's minimum standards. E. Main Street has a current width of 30 feet. VDOT standards for head-in parking is 32 feet 1 inch. While the parking stall and travel lane can be accommodated within the existing 30 feet, there is insufficient room for the curb overhang of vehicles unless we allow the vehicles to overhang the curb into the sidewalk.

Table 9.3 Minimum Dimensions for Head-In Angled On-Street Parking*

Angle	Stall Width	Stall Depth (Perpendicular to Curb)	Min. Width of Adjacent Lane	Curb Overhang
45°	8.5-9.0 feet	17 feet 8 inches	12 feet 8 inches	1 foot 9 inches
50°	8.5-9.0 feet	18 feet 3 inches	13 feet 3 inches	1 foot 11 inches
55°	8.5-9.0 feet	18 feet 8 inches	13 feet 8 inches	2 feet 1 inches
60°	8.5-9.0 feet	19 feet 0 inches	14 feet 6 inches	2 feet 2 inches
65°	8.5-9.0 feet	19 feet 2 inches	15 feet 5 inches	2 feet 3 inches
70°	8.5-9.0 feet	19 feet 3 inches	16 feet 6 inches	2 feet 4 inches
90°	8.5-9.0 feet	18 feet 0 inches	24 feet 0 inches	2 feet 6 inches

Source: *Dimensions of Parking*, 4th Edition, Urban Land Institute Notes:

Typical design vehicle dimensions: 6 feet 7 inches by 17 feet 0 inches. Use 9.0 feet wide stall in commercial areas with moderate to high parking turnover. *For back-in angled parking, reduce curb overhang by one foot.

2016 VDOT Traffic Counts. Below is the data from the 2016 VDOT Traffic Count. E. Main Street, from North Royal to Blue Ridge Avenue, has a total AADT of 4,600. E. Main Street, from Blue Ridge Avenue to Commerce Avenue, has a total AADT of 3,000 AADTs.

Town Traffic Count Data. Town Staff used the existing traffic counters we have and collected data on E. Main Street during the month of January. The data collected differs from VDOT's traffic counts in a couple ways. First, the volume of traffic was measured to be significantly less, with only 2,218 AADTs. This difference may be related to the time of the year, location of the counter, or other factors. VDOT's traffic counts also show higher numbers on the segment closest to N. Royal Avenue. This at least suggests that the majority of traffic is heading westbound from N. Royal Avenue and then dispersing on Chester Street and the various side streets.

However, the data collected from the Town suggests that there are higher volumes of traffic heading westbound. This data suggests that the additional vehicles are entering the eastern segment of E. Main Street from Cloud Street, Chester Street, and other side streets.

Council Discussion: Councilman Sealock noted that he had further questions that needed answered regarding the traffic counts. Councilman Meza noted that it originally came to the surface due to some business interest and he asked about the business owners interest. Mr. Camp stated that the business owners were slightly more in favor.

Vice Mayor Tewalt stated that the Town could lose a small amount of funding from VDOT, though that may not occur. He noted that the Town has made the change repeatedly and he was most likely not in favor. Councilman Gillispie stated that he was not in favor because of the traffic that would be pushed to Peyton and Jackson. Mr. Tewalt noted that Main Street was the only through street until you get to 2nd Street and South Street. Mayor Tharpe noted that the need for more parking is a concern and this may bring about 11 more parking spots. Mr. Waltz noted that the parking is being addressed to see how more can be acquired with the CDBG grant.

Councilman Sealock voiced his concern with pedestrian crossings and the new downtown restaurants. Mr. Meza noted that most do not seem in favor of the matter, though he voiced support of the parking problem. He thanked Mr. Camp for all of his work on the project. Mr. Sealock stated that there were cars parking there for an excessive amount of time. Mayor Tharpe stated that the matter can be addressed with the Town Manager's ongoing review of the parking and planning for the downtown.

Vice Mayor Tewalt stated that 75% of the public stated that they did not wish for the change and he represents the citizens. If the public does not wish for the street to be one-way, then leave it be.

5. <u>Continued Discussion of Property Maintenance Revisions</u> – ***Director of Planning/Zoning***
SUMMARY: A public hearing is scheduled for February 12, 2018 to consider adoption of the Property Maintenance Code without a Rental Inspection Program. The purpose of this work session item is to provide Town Council with a draft of the ordinance prior to the public hearing. The attachment to this coverpage includes the draft code language. Changes from the previous draft reviewed by Town Council include removal of the rental inspection program and other references to it, and deletions of certain language that was originally included for the Rental Inspection Program.

The draft has been reviewed by Town Staff and the Building Official. Adoption of the Property Maintenance Code, and enforcement of it on a complaint basis, would require less staffing and other resources as compared to adoption of a Rental Inspection Program.

BUDGET/FUNDING: Adoption of the ordinance would require hiring a Maintenance Code Official to administer the program. Town Staff have met with the Town Manager of Strasburg about "possibly" sharing in the costs of hiring a Maintenance Code Official.

STAFF RECOMMENDATION: Staff recommends adoption of the draft amendment when Town Council has the funding resources to administer it.

Council Discussion: Mr. Camp stated that it would allow Staff to declare a property a nuisance and localities handle this on a complaint basis. He stated that with limited staffing it would allow the Town to address outside property matters. Vice Mayor Tewalt stated that he would like to speak with Culpeper on the matter. He stated that he would like to speak to a locality that is addressing the aspects. He added that the Town needs to ensure that they will have the same rights at cities; Mr.

Napier stated that the subcommittee recommended that; however, it is still being discussed and determined at this time. Mayor Tharpe stated that it speaks volume that Mr. Tewalt would like go see first hand and see if it is working in the real world.

6. Continued Discussion of IT Federal Pumping Station – *Director of Planning/Zoning*
SUMMARY: The purpose of this work session agenda item is to update Town Council on the IT Federal Pump Station (pump station #1). Attached with this report is the updated cost estimate for pump station #1, as prepared by Pennoni Associates. Also attached is the service area plan. The service area plan shows what areas are estimated to be served by pump station #1 and pump station #2.

BUDGET/FUNDING: approximately $161K, **excluding** W. Main Street Extension, stormwater facilities, force main, water main, and storm drain.

STAFF RECOMMENDATION: Town Staff is currently in the process of preparing the Scope of Services and RFP documents in preparation of bidding the project.

Council Discussion: Mr. Waltz noted that Staff would like to issue the RFP. Vice Mayor Tewalt asked if DEQ has given approval. Mr. Camp stated that this would modify the details of the pump station. Mr. Waltz noted that he would verify with the EDA tomorrow morning. Mayor Tharpe stated that it appeared to be in ready to move forward for the most part.

7. Continued Discussion on Healthcare – *Town Manager* **(10 minutes)**
SUMMARY: Staff continues to evaluate options with our healthcare provider, The Local Choice network, to control cost. Staff will discuss the various plans available in our health insurance plan along with costs associated.

To achieve savings and cost controls, we have two options under our current vendor. The first option is to change the plans offered to our employees which we did last year by eliminating the Key Advantage Expanded. The other option is changing the employee contribution on various plans to share the cost increase with the employees.

BUDGET/FUNDING: Determining impact on the FY19 budget for healthcare cost.

Council Discussion: Mr. Waltz noted that the Town increase was only 2.5% insurance. Councilman Meza noted that it made sense to take the KeyAdvantage 250 plan, not the 500. He noted that the 9-10% increase are going to come and a staggered approach is best in order to prepare our employees so they are not strongly impacted all at once. Mayor Tharpe stated that the Town made a modification last year and no one used it. He noted that if the Town receives a large increase than we will address it at that time. Mr. Meza asked about the increase for employees; Mr. Sealock stated that he was going to speak on that soon.

Vice Mayor Tewalt stated that he would like to know the percentage paid by the Town. Mr. Waltz stated that the Town pays 71% for families; and last year the Town paid about $1.6 million. Mr. Tewalt stated that the Town should discuss an amount given to the Town Manager and that amount is up to the Town Manager to handle annually, rather than the Council spending months/years to discuss the matter.

Mr. Waltz stated that they are at TLC's mercy every year and they may need to venture out to see what else is out there. Councilman Meza respectfully disagreed with the Town Manager, noting that the change of plan needs to shift how the plan is handled annually to determine how the funds are spent. Councilman Morrison noted that he agreed with Vice Mayor Tewalt's proposal. Ms. Bush noted that using a set amount to the Town Manager annually was a good place to start; adding that this TLC program was very well liked by the employees. Mayor Tharpe and Ms. Bush expressed their concern that the employees would be vulnerable with a different healthcare program. Mr. Meza noted that an RFP would be a waste of time, as the other plans would be apples to apples. He noted that the Town is paying a certain percentage towards the plan and that is what is driving up the costs.

Councilman Sealock stated that we have many going to the emergency room instead of urgent care. He noted that the per employee cost is high and he does not wish to be negative; though it is a high expense each year.

Councilman Meza noted that a balance budget is fantastic; adding that he felt that a plan going forward for healthcare is very important in the future. Council voiced support in leaving the insurance as it is for this year. Councilman Sealock voiced support for the Town Manager.

Councilman Morrison left the meeting at this time.

8. <u>Review of Revenues and General Fund Expenditures</u> – Director of Finance (30 minutes)
SUMMARY: Staff will present and review the FY19 Proposed Budget revenues and general fund expenditures.

STAFF RECOMMENDATION: Staff recommends to discuss any questions or concerns regarding the FY19 budget and discuss any additional information council would like to be provided prior to voting for adoption of a FY19 budget.

Council Discussion: Councilman Meza asked about the total expenses increase to the budget. Mr. Wilson noted that he would email Mr. Meza the details. Vice Mayor Tewalt asked about the percentage of the enterprise transfer; Mr. Wilson stated that it was on page 72, and it was the salary and operating amounts, and the formula shared by the auditors.

9. <u>Council Discussion/Goals</u>
none

10. CLOSED MEETING

<u>Motion to Go Into Closed Meeting</u>
Councilman Sealock moved, seconded by Vice Mayor Tewalt that Council convene and go into Closed Meeting for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, legal issues regarding a proposed PILOT agreement with the Chick-Fil-A restaurant that has announced its intention to locate in the Route 522 North Corridor, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

Vote: Yes – Gillispie, Meza, Sealock and Tewalt
No – N/A
Abstain – N/A

Absent – Connolly and Morrison
(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 Town 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.

Vote: Yes – Gillispie, Meza, Sealock, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Connolly and Morrison
(By Roll Call)

PRESENT: Mayor Tharpe, Vice Mayor Tewalt, Councilman Gillispie, Councilman Morrison (came late and left early), 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, IT Director Jones, Risk Management Director Scholtz, Human Resources Bush, members of the public and members of the press.

ABSENT: Councilman Connolly