



TOWN COUNCIL WORK SESSION MINUTES

Monday, March 4, 2013 @ 7:00pm

Front Royal Administration Building Conference Room

1. Part-Time Project Manager Position – *Director of Energy Services*

Summary: Requesting the open position, Assistant Operation Manager, be classified as a part-time position to allow the Energy Service Department to utilize this position to assist the Operations Manager in project management. We currently have two major projects in progress, the new Riverton Substation and the South Fork Bridge replacement.

Council is requested to consider reclassification of the Assistant Operation Manager to a part-time position.

Staff Evaluation: Staff have determined that utilization of a part-time position will allow the Department of Energy Services to manage the anticipated large projects involving contractors.

Budget/Funding: No change in current labor budget. The Director of Finance will be available to discuss fiscal issues.

Staff Recommendations: Staff recommends the change and will benefit the Town of Front Royal on completing these two projects successfully.

Council Discussion:

Tewalt asked the number of hours

20-25 hours per week, three days per week

Council expressed their support of the position

2. Deputy Zoning Administrator – *Director of Planning/Zoning*

Agenda Item: Reclassification of Part-Time Code Enforcement Officer to a Full-Time Deputy Zoning Administrator Position.

Summary: Richard Kurzenknabe, the Town of Front Royal's Code Enforcement Officer, has recently resigned from his position, effective the end of the day on March 12, 2013. His position is currently classified as part-time, although Mr. Kurzenknabe regularly works 39 hours a week. The reason the position is classified as part-time is primarily due to the fact that Mr. Kurzenknabe, who is a retired police officer, is limited from working full-time in a government held position. His new position is in the private sector, which allows him to work full-time, and also receive full benefits.

To assist with filling the soon to be open position, it would be beneficial to reclassify the position from part-time to full-time. Council approval is required for job reclassifications of this nature.

There are adequate funds within the Planning & Zoning Department's current budget to accommodate the reclassification.

The Planning & Zoning Director has modified the job description and title of the position to better meet the needs of the Town, and to be more consistent with

similar positions in the region. A copy of the current and proposed job description is attached.

Budget/Funding: No additional funds are needed to accommodate the request. An interdepartmental budget transfer would accommodate the change.

Staff Recommendations: Staff recommends the proposed reclassification and job description and job title change. This would be followed by the advertisement and filling of the position in accordance with Town Policy.

POSITION DESCRIPTION/FURTHER INFORMATION:

Job Purpose: The Deputy Zoning Administrator assists the Planning and Zoning Director with the management of all aspects of zoning, including permitting, inspections and zoning administration.

Duties: The primary job duties of the position include the following:

- To oversee daily zoning enforcement activities;
- To oversee daily zoning inspections;
- To provide customer service, including, but not limited to, interaction with walk-in customers, as well as answering calls and email inquiries;
- To assist with the enforcement of other chapters of the Town Code, such as, but not limited to, Chapters 170, 148, 135, 145, and 107; and
- To coordinate code enforcement activities with the Police Department, Town Attorney, and other Town Departments, under the general supervision of the Director of Planning & Zoning/Zoning Administrator.
- To work on other activities, projects or assignments as required by the Director, including ordinance amendments, staffing of local boards or commissions, such as, but not limited to, the Board of Zoning Appeals, preparing tracking reports, preparing Staff reports and memos to the Director, or other related activities necessary for the operation of the Department of Planning & Zoning.

To perform the primary duties of the position, the following activities are necessary:

- To maintain records and files, reviews permit applications, researches records, and writes letters and reports.
- To assist with the coordination of community awareness and public education campaigns to increase citizen participation and compliance with Town ordinances.
- To conduct inspections to ascertain code violations of Chapter 175, and other chapters, of the Town Code.
- To conduct follow-up inspections and investigative work to ensure compliance with the Town Code.
- Prepares letters and notices for mailing, and/or serves notices of violation to property owners and/or tenants.

- Prepares data for court and testifies on ordinance and code violations.
- Performs routine patrols to encourage pro-active enforcement of zoning violations.
- To attend occasional evening meetings, as needed.

This position will act for the Zoning Administrator in his/her absence.

Qualifications: Minimum job qualifications include:

- Knowledge of local government, including familiarity with the Town Code and Virginia Code.
- Knowledge of zoning enforcement methods, practices and procedures.
- Knowledge of the Town.
- Ability to carry out oral and written instructions and to prepare clear comprehensive reports.
- Ability to deal courteously, firmly and tactfully with the public.
- Good judgment making and time management skills, with the ability to learn quickly.
- Physical ability and endurance to inspect properties of all conditions.
- Ability to operate a motor vehicle.
- Ability to establish and maintain effective working relations with the general public to enforce ordinances with firmness, tact and impartiality.

Special Requirements: Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Must meet and maintain all department and State training and education requirements for the position. CZA/CZO certification is required at the time of hire, or within a specific amount of time after being hired. Other certifications may be required in the future as determined by the Director.

Work Conditions: This is medium work requiring the exertion of up to 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects; vocal communication is required for expressing or exchanging ideas by means of the spoken word, and conveying detailed or important instructions to others accurately, loudly, and/or promptly; hearing is required to perceive information at normal spoken word levels, and to receive detailed information through oral communications and/or to make fine distinctions in sound; visual acuity is required for depth perception, color perception, night vision, peripheral vision, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, vibration, hazards, atmospheric conditions. The worker may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment

The position presently is provided a vehicle for use during normal business hours.

Council Discussion:

Mayor asked about future budget impact

Breeden noted that it would be about \$550 more per year IF they came in at full salary, with benefits, which coming in at full salary was highly unlikely

Tewalt noted that he wanted to see MORE code enforcement not LESS

He stated that he wanted more proactive with code enforcement being the top priority

Mr. Camp stated that he wants the code enforcement remaining as top priority

Council voiced their support of code enforcement remaining the top priority

Sayre stated the Mr. Kurzeknabe knew the Town quite well

Mayor Darr noted that it would move to a regular agenda

3. Traffic Signal Bond at Main St/Commerce Ave – *Director of Planning/Zoning*

Summary: Primax Properties, LLC, the developer of Advanced Auto on Commerce Avenue, entered into a traffic signalization agreement with the Town in 2003. This agreement included a condition that the Town would secure a performance bond from Primax Properties, LLC in the amount of \$40,000. The purpose of the performance bond was for Primax Properties, LLC to pay their *pro rata* share of the cost of a traffic signal if a traffic signal was warranted in the next 10 years at the intersection of Commerce Avenue and E. Main Street.

The end of the 10 year period comes to an end on March 26, 2013. The Town may let the traffic signalization agreement and bond expire, or begin the process to construct a traffic light and utilize the \$40,000. A rough estimate to construct a traffic signal is \$200,000. Therefore, the Town would need to provide approximately \$160,000 at this time to construct a traffic signal.

This agenda item is scheduled for discussion between Town Council and Staff at the March 4, 2013 Town Council Work Session.

There was 1 accident at the subject intersection within the past year, and 2 accidents the year prior. Based on this relatively low accident data, a site evaluation, and discussion among Staff, including the Town Engineer/Town Manager, Director of Environmental Services, Police Chief, Town Attorney, and Director of Energy Services, the intersection appears to function at an acceptable level of service without a traffic signal.

Budget/Funding: Additional funds would be needed to construct a traffic signal.

Staff Recommendations: No action is necessary unless Town Council would like to construct a traffic signal at the subject intersection.

Council Discussion:

Councilman Hrbek stated that there were traffic flow issues there and asked about a roundabout at that site perhaps. Mr. Camp noted that the agreement would only work for a signal, not a roundabout. Councilman Tewalt agreed that it would only work for a signal. He added that the bond

should expire/elapse. It was noted that there was no action required from Council needed on this item.

4. Employee Handbook Continued Discussion – *Town Manager*

Summary: Staff has developed an update to the Employee Handbook to address current legal and human resources issues. A copy of the handbook with sections highlighting significant changes has been provided for your review. Chapter 2, Section 8.D. has been added to specify commercial drivers licenses for certain employees. Comments from the Town Attorney are anticipated to be minor in nature and will be incorporated when receive.

Council is requested to review and consider adoption of the updated Employee Handbook.

Staff Evaluation: Staff has worked to incorporate updates based upon legal updates, changes to our retirement program, and other updates necessary to promote performance in the workplace. Staff also added the following language specific to requiring commercial drivers licensing:

Certain positions shall be required to obtain and maintain a commercial drivers license as a requirement for employment. Non-administrative positions in Environmental Services not associated with plant operations and non-administrative positions in Energy Services shall be required to possess a commercial drivers license. The Town shall reimburse employees for their first application for the commercial drivers license and for renewal expenses.

Staff & Town Manager Recommendations: Staff recommends that Council provide comments on the updated Employee Handbook and adopt the revised Handbook.

Council Discussion:

Councilman Tewalt stressed the importance of having each employee having their own hard copy Mayor Darr stated that they needed

Mayor Darr noted that the online copy could be shown, with the option for a hard copy if they wanted the printed option

Move to regular agenda for formal vote

5. Liaison Committee Items for March 21

County has submitted the following items for inclusion in the next agenda for the May Liaison Meeting:

- Catlett Mountain Landfill Update (Grading & Drainage Proposal)
- Building Inspections Software Package Update
- Leach Run Parkway RFP Update
- Channel 16 Software Implementation Update
- McKay Property Historical Investigation
- Town/County/EDA Search for Park-N-Ride Locations
- Town Voting Precincts or Establish Single Town Voting Precinct
- Route 340/522 Corridor Committee

Council Discussion:

SAYRE's turn

Ask Carol Tobin if she wants to come to the meeting

Having it HERE at Admin Building

6. Bicycle Trail Easement – *Councilman Tewalt*

Councilman Tewalt showed the following presentation to Council:

Bicycle & Walking Trail Easement Agreement

Includes:

The Boisseau Family LC (LLC I)
The Boisseau Family LC II (LLC II)
Royal Plaza Associates (RPA) and
Town of Front Royal

- During the late 1980's a community effort was initiated to develop a plan to establish a walking/biking trail along Happy Creek
- Design Place International (DPI) of Charlottesville, VA was contracted to develop a green trail plan.
- The plan is dated October 1989 with revisions in 1990.
- The greenway is a link to various areas for pedestrians, cyclists, joggers, hikers, Town/County residents of all ages and visitors.
- Utility Pole Outside of 80' Right of Way
- County Trail and Park Access Road within 80' Right of Way

Overview of the Agreement

- The Town desires to acquire two parcels from LLC II (1.2916 acres near Remount Road and 0.0841 acres near Commerce Avenue in exchange for a 0.6991 acre parcel near Criser Road and a 15 foot easement adjacent to the 1.2916 acres.
- Temporary construction easement surrounding permanent easement not to exceed 5 years.
- Add LLC I, LLC II and RPA to the Town's liability insurance as "additional insureds", if the Town's insurance carrier permits, effective on the day that construction of trail is concluded.
- Trail shall be lighted to a minimum average of foot candle level of two (2) dusk to dawn.
- Town agrees to clear and keep maintained clear of brush and debris on the trail once per year.
- Town agrees to relocate any beavers that have built a dam after execution of agreement
- If Town constructs a sidewalk on the east side of Happy Creek, the Town will not assess LLC I, LLC II or RPA for any costs of construction
- Town agrees that if VDOT constructs a more modern bridge on Criser Road LLC I, LLC II or RPA will not be assessed for costs of construction
- Town, at its cost, relocate power pole in center of Parcel A-1

- If construction of bridge is made on Remount Road to enter Royal Plaza Shopping Center, that it be made with one of the existing entrances of Gateway Plaza Shopping Center, so there is one traffic light

Council Discussion:

Put it in as a budget request

Put it on the agenda for the approval

Council showed their support for the project and thanked Tewalt for their work on the matter

7. Hatch Act Exemption – *Vice Mayor Parker*

Wait to work on the matter when Vice Mayor Parker returns to the next worksession

Council Discussion:

8. Kratos Proposal – *Councilman Hrbek*

HRBEK Letter of intent was passed out

Allows the Town to begin the conversation to move the ball forward and hope that no one would have any objections

Would like it on Monday's objections

NAPIER – a few things Council needs to consider he will be sending out to for review

9. RSW Regional Jail Continued Discussion – *Mayor Darr*

Mr. Stanley noted that

Site was chosen for the industrial site provides great access, good work release for inmates

Would generate many jobs for area residents working at the RSW Jail

Hope to hire many Warren County residents to be employed there

Will have attorneys visiting the inmates and the Town will benefit from the jail as well by housing their inmates there

Old jail on Main Street is holding 100+ inmates currently

Rainwater design was authorized for inclusion into the facility

Package plant will save over \$682,000

Authority has noted that they could build their own system for water as well

Stanley noted that they had several options to consider, as presented by Mosely Architects.

OPTION 1

Buy water and sewer from Town (except water for cooling tower from cistern). Pay water and sewer connection fees. Use cistern for cooling tower only.

OPTION 2:

Build 20,000 gallon WWTP Build on-site water system, including inside fire demand

Council Discussion:

Tharpe asked about the rainwater anticipation to be collected

Mislowski Mosely Architect representative noted that annually they would collect 2.7 million gallons per year.

Hrbek stated that if they did pull that much water out of the ground, would it affect htat would pulled from area wells – how would it affect the wells in the area

Mislowski noted that he was unsure of the geophysical aspect of how it would affect those in the area

Councilman Tewalt expressed concern with placing all that discharge with placing that in a drystream

He noted that he was in complete disagreement with placing water in a dry stream as they would be contaminating water in the Corridor

Anyone that had common sense would be against placing water in that dry stream bed, period

Mislowski that treatment would not be their first choice

Mislowski explained that the treatment restrictions were very strict and the limits were very sustaining in the stream itself

Also, the study of McKAy Spring noted that it was surface water would have to be highly treated anyway

HRBEK – noted that asked if they were planning to sue to get the challenge

Stanley stated that they were extended the olive branch – perhaps option FOUR

Double tap fees

In town rates would save the RSW – win/win

HRBEK – jail agree to a boundary adjustment perhaps

Stanley – RSW would like to move forward and stay on schedule

Burke – purchasing credits?

Mislowski – no, state requires that all new facilities buy credits

Several present noted that was not correct

Sayre noted that he was in support of using the rainwater

Stanley noted that they would only saving about \$8,000 annually

Added that it makes sense environmentally

Sayre – would have used a little bit less from the Town

Yes, per Stanley

Darr noted that they would move forward and speak in closed session on the matter

10. Council Discussion/Goals

March 30th – RETREAT

11. CLOSED MEETING – Consultation with Legal Counsel – RSW Regional Jail Decision

Motion to Go Into Closed Meeting

===== moved, seconded by -----, 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, namely, the Rappahannock-Shenandoah-Warren Regional Jail's decision to handle its waste water treatment through an on-site package plant pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

Vote: Yes – Funk, Hrbek, Parker, Tewalt, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – N/A

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

Motion to Certify Closed Meeting at its Conclusion

===== moved, seconded by -----, 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.

Vote: Yes – Darr, Funk, Hrbek, Parker, Tewalt, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

Present: Darr, Hrbek, Tewalt, Tharpe, Sayre, Funk,

Burke

Berru

Napier

Absent: Vice Mayor Parker