

TOWN COUNCIL WORK SESSION MINUTES

Monday, March 18, 2013 @ 7:00pm

Front Royal Administration Building Conference Room

Mayor Darr noted that they would add RSW Regional Jail as a closed item. Vice Mayor Parker asked if it had to be added as a closed item. Mr. Napier noted that it did not have to be in closed session; Mr. Parker asked that it be in open session.

Councilman Sayre asked about the Special Meeting. Mr. Napier stated that it could be held.

1. Urban Tree Planting and Constructed Soil –*David Means of Urban Forestry Advisory Commission*

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Councilman Tharpe asked if the stone would be mixed; Mr. Means noted that stone only would be around the drainage pipe only, though elsewhere it would be mixed. Mr. Tharpe asked about trees uprooting the sidewalks in areas; Mr. Means stated that the roots could be moved into the surrounding top soil so the sidewalks would not be buckled.

Vice Mayor Parker asked about the structural soil being trademarked. Mr. Means stated that it could be modified in a way that would work in a similar fashion.

Mayor Darr noted that he appreciated the work of the UFAC and Mr. Means greatly.

10. Train Issues – *Vice Mayor Parker*

Mr. Burke introduced Tim Bentley and Bruce Wingo with Norfolk-Southern duration of the whistle sounding and questions about the number of whistles being blown throughout town.

Councilman Sayre noted that along Bradford Drive there had been whistles being blown loudly at times and some wondered if the whistle needed to be blown near that crossing. Mr. Bentley asked if Manassas Avenue crossing near BelAir. Mr. Burke noted that it was. Mr. Bentley stated that said crossing was a public crossing and under the Federal rules the whistle needed to be blown.

Councilman Tharpe stated that there were many train enthusiasts that loved the sounds and there were others that liked to sleep. He stated that there had been a few accidents along Marys Shady Lane and he asked if the whistles were actually happening. Mr. Bentley noted that at a public crossing they were required to blow the whistles. He also explained the whistle postings and the horn rules and time standards.

Councilman Sayre asked about the expense of the crossing at Shenandoah Shores Road. Mr. Tewalt noted that the Town placed that crossing with the assistance of grants and VDOT.

Mayor Darr noted that he has heard both sides of the story – many love the train sounds, some do not.

Vice Mayor Parker asked about negotiating the right of way access to connect the Town's downtown area with the trail area. Mr. Wingo noted that such access would not be possible, as the area was still used at times.

Mr. Bentley stated that he could speak with the Town Manager about the possibility of the trail, though he was unsure of the option to make the trail happen, though he would look at it with Mr. Burke.

Councilman Sayre noted that on 6th Street there were a number of citizens that complained about the actual vehicle crossing at that point. Mr. Bentley noted that he would speak to his track contacts to look into that location.

2. Appalachian Trail Phone Application – *Tourism Director*

Summary: Staff will demonstrate the current Appalachian Trail app. that will be available for the Droid and I phone systems. This project is being headed by the Waynesboro Tourism Department. Time frame for marketing and release for public use has not yet been released.

Council Discussion: Council is requested to provide comments and overall impression of the app.

Staff Evaluation: Staff has provided Waynesboro with information and photos that are being used in the Front Royal section of the app.

Budget/Funding: Was part of the 2012 fiscal budget.

Mr. Smith gave the example on screen of the actual application from his free iPhone regarding the Appalachian Trail.

3. Draft of Visitors Guide – *Tourism Director*

Summary: Visitor Center staff will present current layout and design of new Visitors Guide along with photos that are to be used.

Budget/Funding: Funding is available in Visitor Center budget.

Council Discussion:

Katie, of the Visitor's Center, presented the rough draft of the new guide for the community. She noted that the guides go out in the mass mailers and the content has been updated to reflect lodging and restaurants. Katie stated that the zip line may be a larger draw for tourism

Councilman Funk asked about the brewery that is new to the community. The Visitor's Center Staff noted that there will be a notation on the pamphlet about the brewery. Mr. Tewalt asked about using a local printer. Mr. Smith stated that the lowest bid printer came in from a company out of Roanoke, though they did receive bids from two or three local bidders.

4. American Municipal Power (AMP) Eastlake Peaking Project– *Director of Energy Services*

Summary: AMP has executed a Memorandum of Understanding (MOU) with First Energy to evaluate a proposed Single Cycle Combustion Turbine (SCCT) and

become a partial owner of the project. The plant will have four (4) SCCT's with a nominal output of 873 MW in the summer and 920 MW in the winter.

Council is requested to consider the proposed power generation project by AMP.

Staff Evaluation: Staff is currently evaluating the Due Diligence evaluation, Feasibility study, and the Beneficial Use Analysis on the project

Budget/Funding: Funding for project participation will be based upon power purchase commitment.

Staff Recommendations: Staff is currently evaluating the Project and plans to give staff recommendation at the work session.

Town Manager Recommendation: The Town Manager recommends awaiting receipt of recommendation from the Director of Energy Services.

Mr. Waltz presented the following presentation to Council:
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Council Discussion:

Tewalt asked if there were any other projects that

Waltz noted that he prefers to bring all projects before Council, whether he was in favor of them or not.

Tharpe asked if there were any projects that the Town could take on themselves. Waltz noted that there were other options to take on.

Waltz stated that they would be bringing net metering – solar panels could be installed on their roofs.

Parker asked about us being the Second lowest of electric rates – any chance we could be the lowest??

Waltz - Unofficial reports – we are the lowest in the commonwealth

Tewalt – asked about refuse burning and power generation, is that something we could do, would like us to look at it

Waltz – can look at it certainly

Darr noted that the issue was guaranteeing the source of supplying the garbage

Funk – nice hearing that we are either second best (or perhaps best) at

Sayre – asked about the gas turbine project

Waltz – it is the number one project, it is our number one project

5. Blue Ridge Power Membership – *Director of Energy Services*

Waltz noted that they joined up in February 2006
BRPA – no longer a necessity

TEWALT – do we see a need in the future for Blue Ridge; no we do not
Annually we spend \$21,000 PLUS the per diem

Waltz - Blue Ridge became more of an administrative group and AMP took over many of the skill sets that Blue Ridge was providing for us

6. Local Connector Road Update – *Town Manager*

Summary: At the August 13, 2012, Town Council passed a resolution stating “Resolution of Support for a Connector Road from Kendrick Lane to Kerfoot Avenue through the former Avtex Site that directs Staff, after consultation with the Planning Commission, to proceed with the design of the connector Road and to conduct a traffic safety audit to identify improvements to the Kerfoot Avenue Corridor.” Staff submitted the resolution to the EDA for confirmation from the EPA to proceed with the project. The EDA has confirmed that while there is no written denial of authorization to proceed, the EPA has provided resolution language that they will consider.

The language recommended by EPA is “Now, therefore be it resolved the Town Council of Front Royal, Virginia hereby directs staff to proceed with the design of a temporary connector road from Kendrick Lane through the Avtex (Royal Phoenix) Site and directs staff to conduct a traffic safety audit to identify improvements to the Kerfoot Avenue Corridor.”

Council is requested to consider a resolution conforming to the language proposed by the EPA.

Staff Evaluation: The proposed language from the EPA should result in authorization to the Town for the construction of the temporary Local Connector Road. Staff has confirmed that the location of the Local Connector Road is not to be recommended as part of the study being completed for the EDA to evaluate develop options. Full release of the industrial property is anticipated for 2014.

Staff Recommendations: Staff recommends Town Council await completion of the development plan for the Avtex/Royal Phoenix Site to evaluate long-term need for the construction of the temporary connector road. Authorization can be provided to proceed with the safety audit.

Town Manager Recommendation: The Town Manager recommends Town Council await completion of the development plan for the Avtex/Royal Phoenix Site

to evaluate long-term need for the construction of the temporary connector road.
Authorization can be provided to proceed with the safety audit.

Council Discussion:

Mr. Burke noted that No formal action by EPA, though EPA has noted that the road would have to state that it was a temporary road

The road on the east side would not be part of the development that would be incorporated into the site

Parker stated that one of the EPA mandated that a road needs to be placed, this current stipulation makes no sense

Tewalt – why would the Town spend money on a temporary road

Parker asked if any preliminary drawings have been submitted at this point

Burke – not at this point

Council discussed whether it would be up to certain standards and whether it would be up to certain standards

Determining what PHR&A had come up with their options

7. Visioning Contract – *Director of Planning*

Summary: The Planning Commission and Town Staff have worked with Renaissance Planning Group to revise the draft Scope of Services for the Town Visioning Process that was submitted as part of Renaissance Planning Group's proposal to the advertised RFP for the project. The primary change to the scope of services includes the addition of an additional public input workshop into the process. At this time, Town Council is being informed of the current proposal, and requested to approve the contract for services, subject to any minor language changes made by Town Staff.

Before advertisement of the RFP for the Town Visioning Process, Town Staff and the Planning Commission met with Town Council to discuss funding options. Town Council directed that the price be negotiated to the extent possible and that if necessary the Town should look at splitting the cost of the project up over this fiscal year and next. Based on this direction, no additional funds are being requested to implement the proposed scope of services. In addition, there are adequate funds under the current year's budget (line items: 43026-*Plan Studies* & R43002/43002-*Professional Services*) to fund the project. The cost for the additional meeting was originally submitted it at a price of \$39,956. However, Staff negotiated a lower price of \$37,500.

Attached is a copy of the draft scope of services, price quotation, schedule of services and proposal specifications.

Staff Recommendations: Staff recommends that Town Council authorize the contract for services proposal submitted for Renaissance Planning Group, subject to approval by Town Staff of the final contract, including any minor changes in the

contract for services language. An implementation date of May 1, 2013 is preferred by Staff.

Council Discussion:

Councilman Tewalt stated that he wanted to take time and do it right to obtain a great product with a final outcome that Council could be proud of

Sayre asked about areas of blight

Camp stated that specific areas for review would be examined based mainly on the input of the public

Councilman Tewalt noted that the Council needed to steer the Planning Commission in this Visioning Process

Mayor Darr stated that the Town needed to realize that the entire matter needed serious consideration, noting that yes, Council needed serious input, but Council changed, and the input from the public needed to be heard as well

Burke stated that a portion of the retreat could attribute to the vision of the Town

Sayre noted that the area near Joe's Steakhouse needed serious attention and this vision area would

Tewalt commented that the committees meeting regarding that the Council needed to attend as citizens, not as Councilmen

He added that their position and vote as members of Council come at a later time in the process

Mayor Darr voiced his strong support of Mr. Tewalt; Mr. Funk agreed.

8. Board of Zoning Appeals (BZA) Term Expires

Berry noted that there were two applicants that have applied recently, McKee does want to serve again

COUNCIL – advertise in papers, etc.

9. Hatch Act Exemptions – *Vice Mayor Parker*

Napier read the following into the record:

Granted an exemption, Spotsylvania, King George County were granted

Napier stated that he spoke with the Director of Legal Services & Personnel Review and the County Attorney with King George County and she will be sending some information for us to review

Tewalt noted that should the Town have to take the matter through a Delegate and he asked if they would need a resolution on the matter

Napier stated that it would not hurt to submit the Town's with the County's, though they would be two separate items

Funk asked if there were issues working on the process, then perhaps Napier could contact Congressman Goodlatte's Office

11. McKay Property Artifacts – Vice Mayor Parker

Mr. Farris

Archaeological investigation working through the state, the cost would be about \$2,000 for test pits at various sites throughout the parcel

Farris would be willing to coordinate the matter through

State frowns on the use of metal detectors at sites as their digs generally jeopardize the integrity of the sites

Parker stated that there was apparently an unmarked cemetery on the site

Burke stated that it may be advisable to conduct some form of investigation on the spring site

Parker noted that it was one of the oldest home sites in the valley and he would like to preserve the property and protect any artifacts that may be in the area

Burke stated that if there were a significant amount of artifacts on the site, then it may preclude the development of the area

Tewalt noted that they could discuss the matter at the Liaison Meeting

Parker asked about the \$2,000 request

12. Economic Development/Community Resource Officer Position – Mayor Darr

Mayor Darr noted that the Town cannot rely on the

The Corridor has put a strain on the

\$50k put aside that the person would not be a Town employee, there's \$47k left

We need to move forward with this person, or a group

This Council needs to pick our top three high priorities and get these goals and attain them

Going out to the public and begin a process of gathering the details of what is needed

RFI – Request for Information

Kratos – welcome them to come back if they are one of the companies that can do the work

We cannot continue to do nothing

We need to be aggressive

Tewalt – everyone has had big ideas about community development

Strictly downtown and

FORGET the Main Street program – get moving on the visioning program

Let this one person revitalize front row for commercial and development

Launching out and forty arms with various groups and running in tons of different directions

GIVE THEM A FOCUS – not launching out in different directions

Parker noted that the Renaissance brought back memories of SRI

He stated that the intent was to hammer out the vision at the retreat and have something solid to move forward out

Funk noted that he would like it discussed at the retreat as well

Darr stated that he would like the Council to examine the big picture and allow the professionals to do the hired people to bring the concepts to actual buildings; then GET OUT OF THEIR WAY

Burke asked about a draft agenda for the Retreat

Council discussed their intent for the retreat and what they would like for the

Their expected outcomes, their intent for the projects, their recommendations for the facilitator

13. Council Discussion/Goals *(time permitting)*

Parker asked for an update for update on advertising for elections by ordinance

Napier noted that it was written and would be on the next worksession agenda

Parker asked about the Police Department for housing the prisoners from Warren County and there are differences of opinions between the Town Attorney and the County Attorney

Parker asked for Council support for filing a declaratory judgment for responsible for housing prisoners

Funk asked for the cost of the suit – Napier be doing it himself, he noted
Several thousand dollars for the month

Napier explained the process for having the court defining a controvoersary such as this, for having the court defining the matter between the Town/County situation between the Town and the County

Council discussed about determining a final answer from a judge

Parker stated that it would determine that: does the sheriff cover the Town of Front Royal regarding the housing of prisoners

Funk stated that they could hold off on the matter in his opinion

Sayre voiced his

Council stated that he should hold off on remitting payment at this time

Return this matter to the next worksession

TWO BUILDINGS – need a plan and reccomendations for the former finance building and Town Hall use, appraisals as well

14. RSW Regional Jail

Sayre asked about the attorneys of the jail authority

Napier stated that the attorneys offered to pay the Town 1.37 times for 540,000 gallons for 30 day cycle, averaged over 12 month calendar cycle, as water consumption is higher during the summer and is less in the winter

Also, the attorney beyond that would be two times the water and sewer rate

If the footprint of the jail is expanded, and the average use would increase, then the rate would increase it to two times the in-town rate

The rates would be in effect for sixty years, the jail's useful life, in their opinion

The jail would pay normal tap fees

Jail would not pay for the life of the life of the regional jail

Rainwater would require code amendment to the Town Code and they would be allowed to place rainwater into the Town's system

PARKER – legally – can they charge us to house out prisoners – NAPIER – in my opinion, NO

TEWALT – the sixty years is more than what we agreed to, we agreed to twenty years

Other than that, it would be what we agreed to last week

Asked Burke about the sixty years?

Burke – concern is being open ended, the sixty years is at least not open ended

TEWALT – they'll be using more water than what they have noted

It should be noted that they pay as they go the first year to obtain an average at first

Breeden noted that she agreed, and the

12th month needed to be adjusted

Funk – anything the Town can do that they are institutional for the rainwater

Darr it will be in the ordinance strictly written, not open to other buildings

Napier expressed his agreement

TEWALT NO AGREEMENT to discharge into the dry stream bed – let's make that clear in the agreement

TEWALT – could we possibly have someone else review the contract – Sure, Napier said the Town could send it AquaLaw – consider having them review it to reassure Council

15. CLOSED MEETING – Consultation with Legal Counsel Specific to Annexation

FUNK read the following into the RECORD:

Funk noted that he is part of the law firm that represents law firm in the corridor and Napier noted

Motion to Go Into Closed Meeting

Vice Mayor Parker moved, seconded by Councilman 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, Annexation, pursuant to Section 2.2-3711. A. 7. 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:]*

===== 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.

Present: Mayor Timothy W. Darr, Vice Mayor N. Shae Parker, Councilman Hollis L. Tharpe, Councilman Daryl W. Funk, Councilman Eugene R. Tewalt, Councilman Thomas H. Sayre, Town Manager Stephen Burke, Clerk of Council Jennifer Berry, Douglas Napier, Chief of Police Shiflett, Director of Finance Kim Gilkey-Breeden, Director of IT Todd Jones, Director of Energy Resources Waltz, Director of Tourism Tim Smith, members of the media and the public.

Absent: Councilman Bret W. Hrbek