



TOWN COUNCIL WORK SESSION

Monday, June 3, 2019 @ 7:00 p.m.

Town Hall Council Chambers

1. Special Use Permit Application for 650 W 11th St – Dog Training Facility w/Kennel – P&Z

SUMMARY: The applicant has applied for a Dog Training Facility with a kennel at 650 W. 11th Street. See the attached Staff Report and attachments from the applicant for more information. The Planning Commission recommended approval of the application.

STAFF RECOMMENDATION: Public Hearing will be held at a future meeting of Town Council.

STAFF REPORT NOTES:

The application is for a use described as a dog training facility / kennel. A detailed description of the proposed use is provided by the applicant and attached with the application. The business name would be Tip Top K9. It would offer obedience training for dogs. Customers would primarily be private citizens. The applicant's business description indicates that most training will be off-site at the pet owner's house or other location. However, there would be "doggie bootcamps" on-site. Commercial kennels are described as secondary and related only to the "doggie bootcamps", where pet owners would leave their dogs at the facility for 2-4 weeks. The applicant initially hopes to be able to have 1-4 dogs housed at the site, but with a growth potential for up to 10.

The Applicant has included a soundproofing plan. This plan proposes several measures that will be taken initially, including the following: 1) "Mounted wall and ceiling acoustic panels", 2) "Soundproofing curtains", and 3) "Calming aromatherapy". If noise is a problem after these measures, the soundproofing plan includes other measures that will be taken to mitigate noise so it will not be a nuisance to the adjacent uses.

The site includes 5 parking spaces in the rear of the building on a gravel surface. There appears to be one space per tenant, plus one additional space labeled by a sign as visitor parking. There are two apartments upstairs and the two commercial

spaces on the lower level. Street parking also exists in the front of the building.

Town Code 175-3 defines a Kennel as follows: *Any place, private or commercial, equipped and/or used to house, board, breed, handle, train, or otherwise care for five (5) or more dogs six (6) months of age or older.*

The Town is authorized to require a special use permit for certain uses within any zoning district under Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes.

STAFF CONCLUSIONS:

Town Staff recommends that the Planning Commission issue a recommendation of approval of the Special Use Permit Application with the following conditions. Additional consideration may need to be given if new information is provided at the scheduled public hearing.

CONDITIONS:

- 1) This Special Use Permit is authorized for a kennel used in association with the proposed dog training facility within the lower east unit (suite a) of 650 W 11th Street.
- 2) A maximum of 10 dogs may be housed within business.
- 3) The Tier 1 soundproofing measures identified in the application shall be installed by the Applicant before the business is opened.
- 4) The Tier 2 or Tier 3 measures identified in the application may be installed by the Applicant if the Tier 1 measures do not adequately mitigate sound from the use, as determined by the Planning Commission. If such measures are required, the applicant shall install the measures within 30-days, or as otherwise may be determined by the Planning Commission.
- 5) The existing parking lot shall be resurfaced prior to the business opening.
- 6) Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this special use permit.

7) Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

Council Discussion: Mr. Camp reviewed the entire Staff packet, specifically noting the sound mitigation plans, noting the conditions recommended by the Planning Commission, with a limit of 10 dogs on site. He noted that the property owners would receive copies of the conditions and a public hearing would be the next step in the process with Town Council.

Councilman Tewalt asked if the applicant lived in the apartments; Mr. Camp noted that they did not. Mr. Tewalt stated that with apartments above he had concerns with odors above. Mr. Camp noted that they did consult with Warren County and the Public Works and they would speak with the Health Department on the application.

Mayor Tederick asked about the dogs going outside. Mr. Camp noted that the training would take place inside. In response to further questions, Mr. Camp stated that the resident that spoke at the public hearing at the Planning Commission

Vice Mayor Sealock asked whether the owner was a licensed trainer are and whether they certified to train the dogs. Mr. Camp stated that they would ensure that was accurate.

Mayor Tederick noted that it should move forward with a public hearing at this time.

2. Proposed Ordinance Amendment to Chapter 134-71 Utility Accounts, Payments, Termination of Service – *Director of Finance*

SUMMARY: During the March 4, 2019 work session Town Council discussed additional options for collection of bad debt on utility accounts. The items Town Council requested to pursue were:

1. Judgments for bad debt on utility accounts
2. Raising the minimum deposit amount from \$125.00 to \$150.00
3. Personal guaranty on business utility accounts
4. Proof of Income

Staff is currently processing the first round of utility accounts to obtain judgments and continues to work to streamline the process. Staff will report back to Town Council with an update once judgments have been put in place or additional information is obtained. Following this cover are suggested revisions to Town of Front Royal Municipal Code 134-71 related to the remaining four items listed above.

STAFF RECOMMENDATION: Requiring a personal guaranty and/or furnishing proof of

income should help reduce the Town's bad debt expense, but will make the utility application process more cumbersome for applicants.

There are approximately 2,000 new utility accounts opened each year and approximately 240 are subject to bad debt expense after 5 years. The amount written off during FY2018 was roughly 1% of the dollar value billed.

Staff recommends raising the minimum amount of deposit on utility accounts, allowing staff to continue pursuing judgments, and possibly review additional collection options such as the personal guaranty & proof of income after one year.

Council Discussion: Councilman Tewalt asked about the LLC's not being held accountable. Mr. Wilson stated that it would pertain to regular utility accounts, not PILOT accounts. He added that judgment is the first step and then they could look to garnishments. Councilman Sealock noted that they had discussed returning this process quarterly rather than annually to have matters brought with a smaller amount. Mr. Napier explained the garnishment and judgment process to Council regarding assets to Council.

Mayor Tederick noted that seeing how other utility companies handle matters they perhaps should review those processes. Mr. Sealock stated that he was very interested in garnishments.

Councilman Tewalt stated that he did not wish to move forward until it was a full package. Council stated their desire to have the garnishment in the ordinance. Mrs. Thompson stated that having employers listed would be very beneficial in the collection process. Council voiced having all aspects of collecting the debt listed in the ordinance, with minor tweaks if needed. Mayor Tederick noted that more research to revise the application to ensure every way possible way to bring the matter to close.

3. Write off for Bad Debt - *Director of Finance*

SUMMARY: Town Council approved a revision to the Bad Debt Policy in March 2019 and requested to review/approve write-off of bad debt quarterly. Town Council is requested to approve the removal of 5 years or older of outstanding accounts receivable (bad debts) on the Town's ledger for the second quarter of 2019 totaling \$27,755.98 which is comprised of 59 utility accounts. All possible recourse of attempting to collect these amounts has been completed and the accounts have no activity for at least 5 years.

HISTORY: The Town of Front Royal had a large dollar value of uncollectible "bad debt" recorded yearly on the Town's ledger, due to non-payment of utility bills which had not been addressed for over 30 years until 2012. The Town's auditing firm, Mitchell & Company, requested that Town Council approve a policy that would allow the Department of Finance to review outstanding uncollectable debt annually, and abate the bad debt from ledgers after all avenues for collection had been exhausted. Town Council adopted a bad debt policy on November 13, 2012 that deemed an uncollectible

account as having no activity for a period of 7 years. Town Council adopted a revision to the bad debt policy on March 11, 2019 that deemed an uncollectible account as having no activity for a period of 5 years to coincide with the Code of Virginia. Code of Virginia § 8.01-246 allows action to be taken to collect on written contracts for a period of 5 (five) years. Written agreements are used for Town of Front Royal Utility Accounts. Based on the Code of Virginia, a Town of Front Royal Utility Account would be deemed uncollectible after there has been no activity from the account holder for a period of 5 (five) consecutive years.

Based on the utilities billed & bad debt written off during FY2018, the Town of Front Royal Department of Finance collected approximately 99% of the amounts billed annually before accounts were deemed uncollectible and written off.

BUDGET/FUNDING: No funding is required, journal entry will be done effecting balance sheet only.

STAFF RECOMMENDATION:

Staff has determined that the accounts presented meet the criteria for uncollectible as determined by the Town's bad debt write off policy:

1) No activity on closed account for at least 5 years

2) All other methods of collection have been exhausted

The amount of bad debt approved to be removed by Council is as follows:

Dec 2013 - \$848,191 – approved for removal

Dec 2014 - \$144,049 – approved for removal

Feb 2016 - \$225,318 – approved for removal

Feb 2017 - \$203,808 – approved for removal

Nov 2017 - \$175,999 – approved for removal

Oct 2018 - \$166,191- approved for removal

Mar 2019 - \$277,974.34 – approved for removal along with revision to policy

June 2019 - \$27,755.98

The FY19 budgeted revenue for the sales of electric, water, sewer, & refuse totals approximately \$30.8 million. The amount of \$27,755.98 represents approximately 0.09% of the budgeted sales.

Staff recommends to approve the removal of bad debt as presented.

Council Discussion: Councilman Tewalt asked if the funds could be collected after the five years. Mr. Wilson noted they could not. Mr. Tewalt asked if they could add more of a deposit amount for those who have had a write off amount; Mr. Wilson noted that they could. Mr. Napier stated that it could certainly be written into the process. Mr. Waltz noted that they would return to Council worksession with numbers regarding the suggested change.

4. Inflow & Infiltration (I&I) Abatement Program – *Director of Public Works*

SUMMARY: The Public Works Director will present a power point presentation explaining what I&I is and different causes and show the past work and cost along with upcoming project’s and cost associated with those. This presentation will also show other Towns and Cities in Virginia that are currently under consent order as well.

Mr. Boyer presented the following to Council:

TOWN OF FRONT ROYAL
I & I Abatement Program

Overview

- ◆What is Rainfall-Derived Infiltration and Inflow (RDII)?
- ◆Virginia Infiltration and Inflow Related Special Orders by Consent Decree
- ◆SewershedPrioritization
- ◆Investigation
- ◆Rehabilitation and Replacement
- ◆Program Costs
- ◆Future Investigation & Abatement

Overview

- ◆What is Rainfall-Derived Infiltration and Inflow (RDII)?
- ◆Virginia Infiltration and Inflow Related Special Orders by Consent Decree

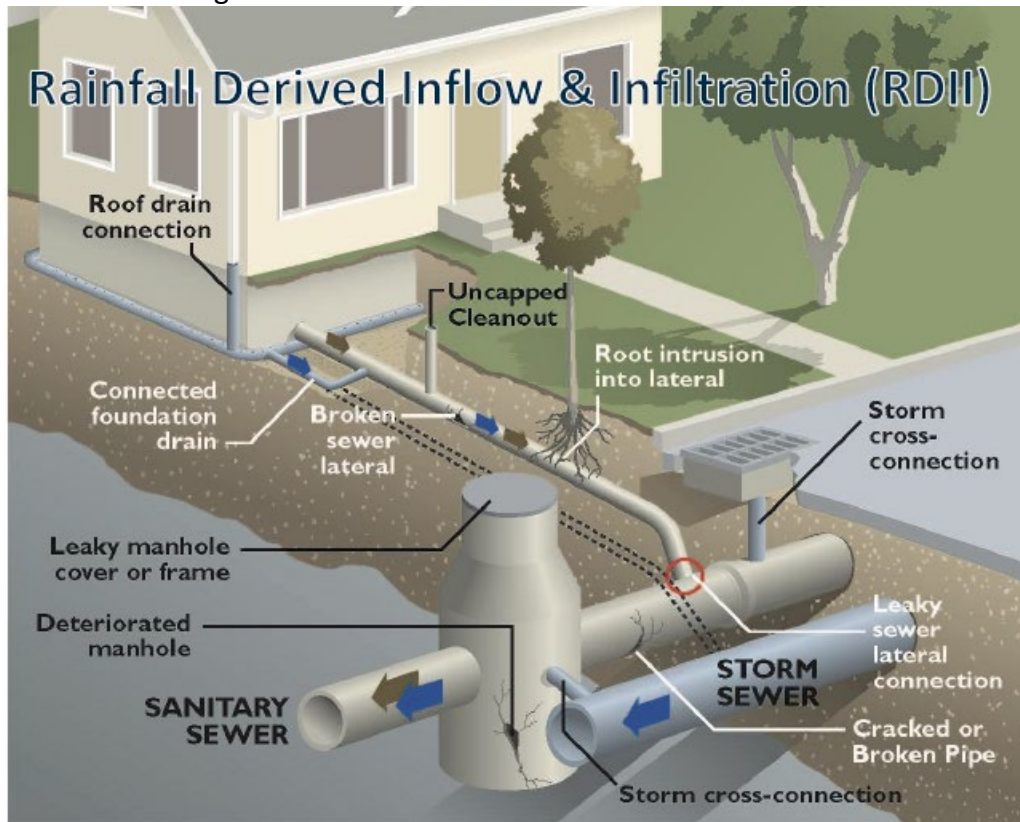
◆ Sewershed Prioritization

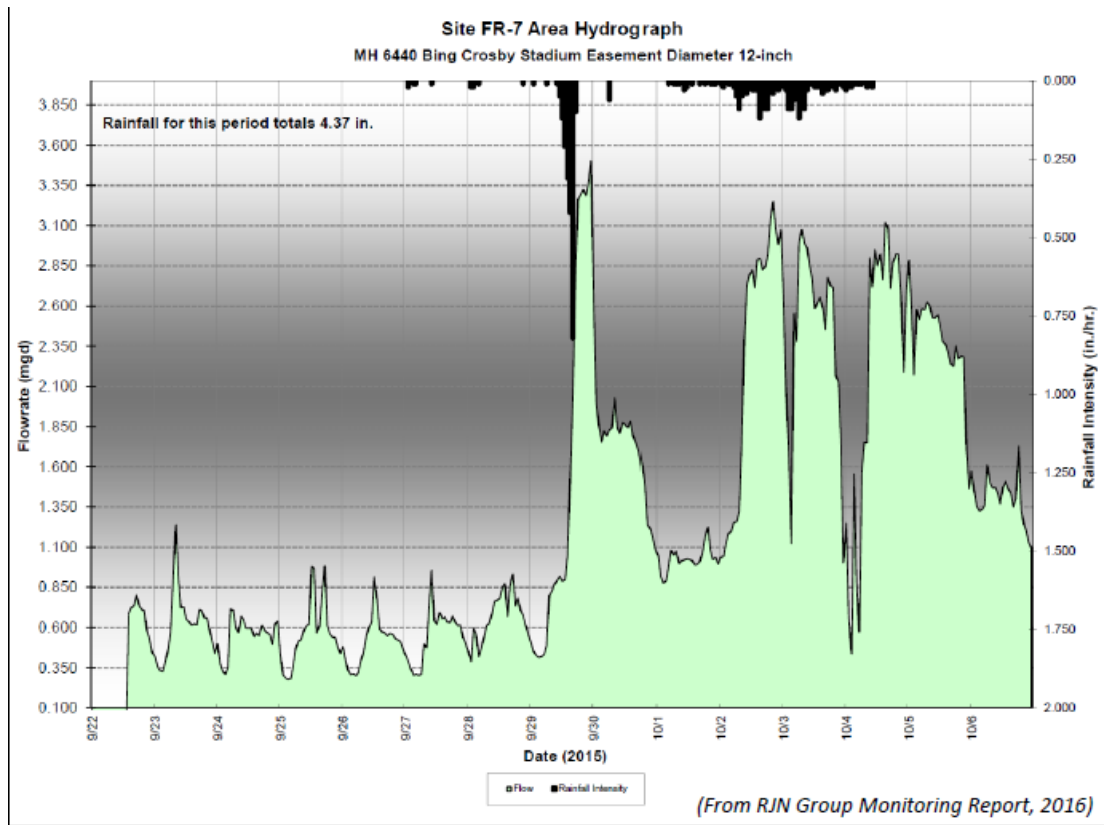
◆ Investigation

◆ Rehabilitation and Replacement

◆ Program Costs

◆ Future Investigation & Abatement





Metershed Prioritization

Meter No.	Average Dry Weather Flow (MGD)	Peak Flow (MGD)	Wet-Weather Response (MGD)	Wet-Weather Response Unit Rate (gpd/manhole)	Wet-Weather Response Unit Rate (gpd/mile)	Wet-Weather Response Unit Rate (gpd/IDM) ²
FR-1	0.69	2.89	2.20	7,110	174,008	19,763
FR-2	0.05	0.15	0.10	959	18,116	1,773
FR-3 ¹	0.36	0.73	0.37	6,483	128,361	16,006
FR-4 ¹	0.13	0.25	0.11	758	17,689	2,282
FR-5	0.15	0.87	0.72	5,631	134,531	16,948
FR-6	0.75	3.20	2.46	5,149	106,287	12,564
FR-7	0.81	3.83	3.02	13,477	287,470	36,232
FR-8	0.01	0.49	0.48	2,645	58,711	7,491
FR-9	0.37	1.22	0.85	1,837	50,365	4,614

(From Corrective Action Plan Update, 2016)

Metershed Prioritization

- ◆ FR-7 and FR-6 (cross-connected)
 - Largest contributor of I&I
 - Highest % of unlined brick manholes
 - Highest % of vitrified clay (VCP) and concrete sewers
 - Focusing on FR-7 and FR-6 for the first comprehensive SSES rehabilitation project
- ◆ FR-1
 - Second highest contributor of I&I
 - Small % of unlined brick manholes and vitrified clay or concrete sewer
- ◆ FR-5

- Third highest contributor of I&I
- Several sanitary sewer overflows (SSOs)
- High % of unlined brick manholes and VCP and concrete sewers

Investigation Since 2016

◆ Manholes

- Total in System = 2,839
- Fully Inspected = 866
- Frame & Cover (only) Inspected = 109
- Wet-Weather Inspections

Investigation Since 2016

◆ Sewers

- Total System = 124 miles
- Possible candidate for rehab (VCP, concrete, unknown) = 63 miles
- Unlikely to need rehab (PVC, ductile/cast iron) = 61 miles
- Inspected with CCTV = 20 miles
- Inspected by Smoke Testing = 7.5 miles

Rehabilitation

Manholes

◆ Interior Rehabilitation

- 56 rehabilitated to date
- 94 identified for 2019
- Cementitious lining of manhole
- Sealing wall joint connections
- Replacing deteriorated bench
- Constructing a bench in flat bottomed manholes

◆ Watertight Frame & Cover Replacement

- 140 replaced to date
- 22 identified for 2019

Rehabilitation

Cured in Place Pipe (CIPP) Lining

- ◆ Sewer Mains: 2.4 miles budgeted for 2019
- ◆ Laterals: 133 laterals (~0.5 miles) and connection linings budgeted for 2019

Replacement

Replacement by Pipe Bursting or Open Cut

- ◆ Sewer Mains: 0.7 miles identified for 2019
- ◆ Laterals: 93 identified for 2019

Future Investigation & Abatement

1. Sewer Monitoring

- Evaluate efficacy of rehabilitation in FR-6 and FR-7

2. System Rehabilitation

- Continue rehabilitation in FR-1 and FR-5 pending available funding

Council Discussion: To answer Council questions, Mr. Boyer noted the cost of the phases and sections. Mr. Waltz stated that it was imperative to work with the directions of DEQ. Mr. Tewalt noted that the Town's main issue was the laterals on private property which would never be met. Mayor Tederick asked if there was a set plan of execution beyond the Town's lines to address the private property lines. Mr. Holloway asked about addressing the line issues where there are problems if they do not fix their problems. Mr. Waltz stated that the Town is trying to stay compliant and try to avoid Phase II of the Wastewater Treatment Plant upgrade. Mr. Tederick asked for a plan for the laterals on the private property and return to Council at worksession.

5. Update on Pedestrian Safety Measures for FY19-20 year – Town Manager

SUMMARY: In 2017, the Town noticed an increase in pedestrian related incidents along Town streets and after further evaluation, the Town was trending upward over the past five years in pedestrian related accidents. To address the problem, I created a Pedestrian Safety Committee that included staff and a member of Town Council to address the problem on a continuous basis. The Town started the safety campaign in 2017 with the creation of "STOPS" which stands for Smart Towns Observed Pedestrian Safety". The campaign focused on public education and a complete overhaul of all town crosswalks. The campaign continued in 2018 with additional crosswalks, improvement in lighting, and public education.

This year our focus continues with public education and updating all infrastructure to include crosswalks and lighting. In addition, the Town plans to install another mid-block crossing on South Street, and two traffic controlled pedestrian intersections at N. Royal/6th Street and S. Royal/Jackson Street.

BUDGET/FUNDING:

Projects are funded in the upcoming budget year; material will be ordered in July with installation to be completed by the end of November 2019.

Mr. Waltz presented the following to Council:

Public Education

- Driver Improvement classes
- High School
- Civic events

Infrastructure Improvements & additions

- Increasing the visibility of crosswalks with new design
- Additional crosswalks
- Proper signage and lighting

Enforcement

- Establishment of a jay walking ordinance

L
a
s
t
Y
e
a
r

W

a

s

t

h

e

D

e

a
d
l
i
e
s
t
f

O
r
P
e
d
e
s
t

r
i
a
n
s
s
i
n

c

e

1

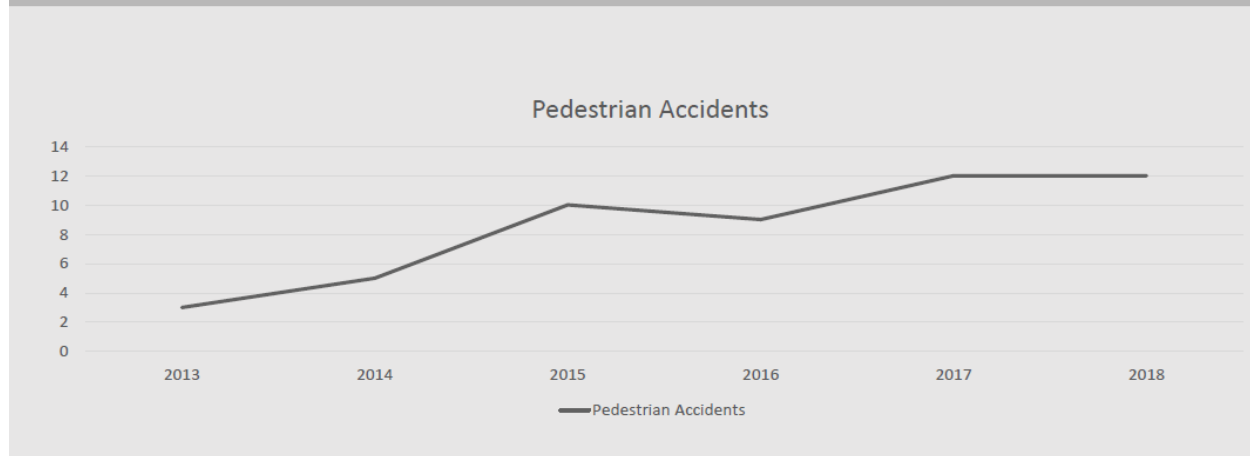
9

9

0

123 pedestrians died in Virginia

Front Royal Pedestrian Accidents



Infrastructure Improvements for 2019

- Upgrading existing crosswalk warning on South Street
- Additional crosswalk warning on South Street near Hill St.
- Additional pedestrian controlled intersections N. Royal & 6th Street and S. Royal & Jackson Street



Council Discussion: Mr. Waltz noted that the lighting is very important and Councilman Sealock expressed his agreement. They noted that the lights should be raised as well. Mr. Waltz stated that hopefully the addition on N. Shenandoah of the gas station would help in that area.

Mayor Tederick noted that he liked neat, clean and orderly areas and painted curb and gutter would assist with safety in the community. Mr. Waltz noted that the Town would be more aggressive with the item.

6. Council Discussion/Goals

Mayor Tederick asked about how many jay walking tickets had been issued; there have been very few per Chief Magalis. He also stated that he would like a better understanding of tap fees please.

Councilman Tewalt noted that the Town was told that the EDA would build the Workforce Housing structure and the Town issued a special use permit for that reason. He asked that the Town take matters to rescind the special use permit due to the lies and bogus nature of the project. He asked that it be brought forth to a worksession.

Mayor Tederick asked that the EDA legal matters be in the next Closed Session. He stated that in the future matters, he would like the Town to give to give Staff a definitive direction on the Afton Inn property and make decisions on the old Town Hall building.

PRESENT: Mayor Tederick, Councilman Tewalt, Councilman Holloway, Councilman Thompson, Vice Mayor 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 Boyer, Community Development Director Hart, IT Director Jones, members of the public and members of the press.

ABSENT: Councilman Meza and Councilman Gillispie