



TOWN COUNCIL WORK SESSION MINUTES

Monday, June 3, 2013 @ 7:00pm
Front Royal Administration Building Conference Room

1. Resolution to Amend Resolution Authorizing Director of Energy Services to represent the Town as a member of the Board of Trustees of American Municipal Power (AMP) – Energy Services Director

Summary: The Town needs to amend the existing resolution to make the following changes:

1. Changing the Title of the Director from Energy Resource Management to Energy Services.
2. To designate a different alternative for Board meetings at AMP.

Staff Evaluation: The original resolution named Duane Dalhquist (BRPA) as the Town of Front Royal's alternate for setting at the monthly board meetings. Due to our withdrawal from BRPA, we need to change the alternative to represent the Virginia group on the Board of Directors for the best interest of the Town.

Staff Recommendations: Staff recommends passing this change in resolution before July 1, 2013

Council Discussion:

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

Agenda Item: Deputy Zoning Administrator Position
Director of Planning & Zoning

Summary: Town Staff has interviewed several applicants for the Full Time position of Deputy Zoning Administrator. The most qualified candidate available is Robbie Seal. Mr. Seal is a retiree of the Town, and requires that the position be classified as part time.

Staff Evaluation: Staff recommends taking advantage of this unique opportunity by hiring Mr. Seal, the most qualified and available candidate, at the desired PT status. Mr. Seal would still have the same responsibilities, although for 39 hours a week versus a full-time status. Given Mr. Seal's experience and knowledge of the Town this is not anticipated to be a problem.

Council Discussion:

Tewalt noted his preference to change the entire Department names
Council voiced support of moving forward with the changes

Other Localities that are part of AMP, waltz noted that Danville and Bedford are for example

3. Continued Discussion of Hazard Mitigation Plan Resolution - *Planning/Zoning Director*

Summary: The DRAFT updated Northern Shenandoah Valley Regional Hazard Mitigation Plan was previously discussed with Town Council on March 20, 2013 in work session. At that meeting Town Council requested a copy of the mitigation strategies in the plan relevant to the Town. This information is found on the attached document which includes the mitigation strategies within Warren County, and specifying those also in the Town of Front Royal.

Legal Evaluation: The Town Attorney will be available at the upcoming Town Council work session to answer questions that Town Council may have.

Staff Recommendations: Staff recommends that the Northern Shenandoah Valley Regional Hazard Mitigation Plan be approved by Town Council at the next regular meeting. No public hearing is required by law.

Council Discussion:

Camp explained that it would be a Retired employee from the Police Department
Part time status working 39 hours a week
Good op for town to save some money

Candidates interviewed: six per waltz

Tewalt – reverted to part time
Code enforcement would remain
Number one priority was to keep code enforcement portion

Full time position was to be in place, per Burke
Is it normal practice to release candidate name
Double dipping to have this employee be re-employed as the Town
The Town should realize some fiscal savings with it as a part time employee

PARKER - The position was advertised as a full time position and he applied knowing that
Tewalt – he must be part time or he loses his benefits

Parker – he chose to interview for a full time position, knowing that he could not accept a full time position in his retiree status

Burke – offered that it is the system that recognizes that a career in law enforcement and there is an opportunity to retire after 25 years, Mr. Seal has served past his 25 years and truly deserved his retirement

Parker – he may be the most qualified, have heartburn with his name being released

Have issue with the rules being bent
He has no problem with the applicant
Will not support the change

Burke \$10-15,000 change/savings to the Town

Tewalt – partially agree with Mr. Parker, as it seems as though the Town bends the rules as they see fit for this or that employee

Council chose to move forward with the change on a regular agenda for vote

Camp noted that it requires Town approval

Darr – must have emergency grant relief funding

Tewalt – noted that they have received funding for

Hrbek – asked about a rush of people that may come from the Washington, DC area

Camp = stated that was a good question

Burke – noted the emergency management group would meet and they could ask about a mass exodus plan from the Northern Virginia area

Council – moved to regular agenda

4. Special Use Permit and Site Plan Application Applications for a Replacement Tower at Guard Hill - *Planning/ Zoning Director*

Camp noted the

Council discussed the various height allowances and the set backs

Phase 2 extended the fence

Breeden – we receive a public service tax

Darr – one carrier to three carriers – Breeden will check to see if each carrier would pay the public service tax

Tewalt – asked about the beacon light – will it be very bright – will it flash continually

Camp noted that for safety lights would be requested then they would be

CWS representative noted that it was at 150 feet and would not be necessary, only at 200 feet

Parker asked about the surrounding towers – other locations available

CWS reps – towers have to be certain distances from one another – and this site is the location for a better network location; Camp stated that it was the link for seamless connection in the community

Darr – PC needed a public hearing for the residents in the community

Camp – yes, and it required and a balloon test as well

PC and the Town consultants recommended approval

No one spoke out at the public hearing

MOVE TO REG agenda

5. Building Inspection/Planning Software – *Planning/Zoning Director*

Summary: Warren County conducted a presentation of the Energov Software on Tuesday, May 14, that is proposed to be considered by the Town and County for joint access and tracking of Planning and Building Permits. A copy of the presentation is included with this agenda.

Council is requested to consider working with Warren County to acquire software to improve communication between the two municipalities. The estimated costs to purchase the software is \$200,000 with an annual maintenance cost of \$23,000. The County is proposing a 75% County and 25% Town split of all costs.

Staff Evaluation: The proposed software has been reviewed by staff and found to meet the permitting needs, and should improve customer service.

Budget/Funding: Funding for this software is not included in the budget. The Director of Finance will be available to address fiscal issues.

Staff & Town Manager Recommendation: The Town Attorney recommends Council consider participating with Warren County to acquire and implement this software.

Burke – software would be a benefit to Town even with our own building inspection division
We could continue to jointly utilize the software

In response to Hrbek's question, Burke – unsure of any smaller localities with such a top of the line software programs
Camp – would be a top of the line investment for the Town

Burke – if we were to implement our own division for building inspections
Then perhaps we would want to note that we would have a 50/50 split for maintenance
Funding is not set aside, it would need to be come from reserve

Benefit would be communication and improved review time
Camp – it is not an instant proves, implementation would be at least a year to restructure the format to help streamline and

Sayre – one stop shopping
Tewalt – we need to wait, he opined, he is not willing to move forward

Todd Jones noted that it is very complicated and it is very complicated to set up the process
They host the software, they host the server, the Town benefits in that way
The ability for the Town and County to see the process
Someone else hosting – some potential – we have to wait for them – however, becoming the normal way

Darr – need more discussion on the matter
Need to review the figures on the Town's building inspection program

RETURN back in JULY worksession

6. Ordinance Amendment pertaining to Rainwater – *Town Attorney*

Summary: The agreement the Town has with the Regional Jail provides that “[i]n the event that Town Council does not pass an ordinance allowing the receipt of rainwater from the Regional Jail into the Town’s sanitary sewer system in a manner consistent with this Section within one hundred twenty (120) days from the date of this Agreement, the Authority shall have the right to terminate this Agreement with no obligation being owed to the Town.”

The Town’s current ordinances prohibit discharge of rainwater into its sanitary sewer system. The amendments to the Town Code would allow discharge of rainwater from commercial, business, governmental, and industrial properties into the Town’s sanitary sewer system provided, among other things, it is approved by the Town Manager as being in conformance with the Leadership in Energy and Environmental Design (“LEED”) initiative, and provided it is approved as meeting or exceeding the Pre-Treatment protocols and standards set forth in the Virginia Department of Health’s “Virginia Rainwater Harvesting & Use Guidelines.”

Council should decide if it wants 1) a rainwater harvesting policy designed to objectively designed modern environmental standards; and 2) to comply with the condition in the agreement the Town has with the Regional Jail to have a rainwater harvesting ordinance in place within 120 days from the April 8, 2013 approval date of the agreement with the Regional Jail.

Staff Evaluation: The engineer, Ron Mislowsky, for the Regional jail, has stated in an e-mail, attached, to our Town Manager that the Regional Jail’s rainwater reuse system will meet and exceed the Virginia Department of Health Standards. The Virginia Department of Health’s “Virginia Rainwater Harvesting & Use Guidelines” are attached.

Budget/Funding: The major portion of the expense will be on the user, here, the Regional Jail.

Staff Recommendations: Staff recommends that if a rainwater harvesting ordinance is adopted, that adopting standards in accordance with recommended guidelines of the Virginia Department of Health appears a reasonable approach, especially since the Regional Jail’s rainwater reuse system is designed to meet those standards.

Council Discussion:

Napier explained the ordinance as noted in full below:

BE IT ORDAINED by the Council of the Town of Front Royal, Virginia, that Chapter 134 of the Front Royal Town Code, entitled Prohibited Discharge Standards, Section A thereof, be amended and re-ordained as follows:

134-4 PROHIBITED DISCHARGE STANDARDS

- A. No user, industrial, governmental, or domestic, shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference pass-through or violation of water quality standards. These general prohibitions apply to all users of the municipal wastewater system whether or not the use is subject to the Categorical Pretreatment Standards or to any other national, state or local pretreatment standards or requirements. Furthermore, no use may contribute any of the following substances to the municipal wastewater system:

[1. TO 13. NOT SET OUT.]

14. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater where Town water or sanitary sewer lines are available for connection thereto, unless specifically authorized by the Administrator, with the following exceptions:

- (a) Owners, tenants or occupants of residences connected to such lines may use alternative water sources for residential heating and cooling purposes and for maintaining residential and related personal property normally kept outdoors.
- (b) Owners or tenants of commercial, business, governmental, and industrial properties connected to such lines may use alternative water sources for irrigating and watering lawns, shrubbery, gardens, and nurseries.
- (c) Owners or tenants of commercial, business, governmental, and industrial properties utilizing a local central rain collection and distribution system only for purposes of ~~only~~ flushing toilets, operating HVAC cooling systems, and/or operating laundry facilities, provided that the system is approved by the Town Manager [Administrator], or designee, as being in conformance with the Leadership in Energy and Environmental Design ("LEED") initiative, Town procedures and ordinances relating to water and sanitary sewer facilities, and other applicable policies, regulations, and laws; and further provided the system is approved by the Administrator as meeting or exceeding the Pre-Treatment protocols and standards set forth in the Virginia Department of Health's "Virginia Rainwater Harvesting & Use Guidelines".

- (d) Should a rainwater reuse system be approved by the Town Manager[Administrator], all no rainwater reuse water supply piping shall not be connected to any domestic potable waterlines unless a code compliant cross connection prevention strategy system, compliant with all applicable laws, ordinances, policies, and procedures, will be approved by the Town Manager [Administrator], or designee, and the Building Inspector, is implemented to ensure public safety for the domestic water supply is approved by the Building Inspector.
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134-79 DISCHARGE OF RAINWATER OR SURFACE WATER PROHIBITED

- A. Except as provided in Section 134-4.A.14. of this ordinance, the discharge of rainwater or surface water into a sanitary sewer line through connections from the roofs of houses or other buildings, basement drains, foundation drains, yard drains or any other connection is hereby prohibited.
- B. Except as provided in Section 134-4.A.14. of this ordinance, it shall be unlawful to make any connection to the town's sanitary sewer system which allows rainwater or surface water to flow into said system, and no occupancy permit shall be issued for any new structure or construction having such a connection to the sanitary sewer system.

[C. and D. NOT SET OUT.]

Residences excluded because – may allow more water than the Town could process
Burke – LEED certification generally towards larger buildings

Tewalt – not fully in favor of the problem

In favor for one specific entity – the jail – that is all, do not want to open it to anyone else

We are backed into a corner on the jail matter – that is the only reason why, period

Not in favor of any other reason for rainwater allowance

Funk asked if they could make it a limited classification – schools, institutional, etc.

Tewalt agreed – do not open it to very wide

Hrbek asked – who writes the LEED guidelines

Burke – believe it is a private organization

Hrbek asked – conservation of water was one argument – if the goal was to conserve water, then we should treat everyone fairly, he noted that cannot support something that does not treat everyone fairly

Darr – concern from a residential standpoint

Collect rain water – consuming water and then they become ill – people do that now – concerned with opening the process up to the masses

Tewalt – have a problem with designing a \$40 million plant to a certain capacity – then opening it up to rainwater – then we should build another plant – because we we will not be able to treat all the water coming into the system

Council discussed the timeline they were facing regarding the Regional Jail, the 120 days
Decided to bring the matter back in July after Napier narrowed the wording down to just jails

7. Catlett Mountain Landfill – *Town Manager*

Summary: The County’s General Services Consultant has developed a proposal to design drainage and grading improvements at the Catlett Mountain Landfill to reduce storm water flow through the landfill. The cost for the design is \$14,300 to be split by the Town and County.

Council is requested to consider the proposed design effort to reduce storm water flow through the site.

Staff Evaluation: The proposed design improvements would address concerns of storm water flowing through the site and possibly conveying contaminants from the landfill offsite. DEQ has not provided review of the proposed plan, but informal discussion indicates that it will resolve issues. Staff will then need to use onsite fill to cover exposed garbage.

Budget/Funding: Funding for the design and construction is not in the budget. The Director of Finance will be available to address fiscal issues.

Staff & Town Manager Recommendation: The Town Manager recommends that the Town fund our share of the design to resolve the issues at the landfill.

Council Discussion:

Tewalt asked if this was the completed item on the site

Burke noted that there were two issues – the exposure, the second issue was the stormwater leaving the site that was discolored that needed to be addressed

Burke stated that DEQ has stated that that this would fulfill the two issues

Tewalt asked that it be put in writing

Burke noted that they could make the request, though he was unsure that they would do so

Parker – asked about the optional amount for “others” listed

Burke – noted that they have a surveyor on staff for as built if needed

Darr – move forward with the matter on a regular agenda

8. Discussion to Remove Tree on Academy Drive – *Councilman Sayre*

Sayre noted it was a beautiful tree

He stated that RMA did not object and he wanted to make certain that it was what Council and the Town wanted to do

Burke – tree is in town in town's right of way

Tharpe – wants the tree saved

Would like the sidewalk around the tree, cost of concrete is moot

Saving the tree is important – placing a little asphalt would save the tree and gives people a place to walk

Darr asked about the curb to curb distance

Burke – would have to restrict parking

PAYNE representative noted that the rocks are the obstacle, not the tree

Boulders are located there and she cannot mow

Tewalt – we can bridge over it with asphalt – we have about four or five feet there

He explained his option for tapering out the walking area and

Consensus of the Council to save the tree

Darr – move the boulders and leave the tree to solve this problem

We understand her concerns

9. Committee Appointments for the Audit & Finance Committee

Summary: Council is requested to consider appointments from Council to the Audit & Finance Committee. Councilman Sayre and Councilman Tewalt were appointed by Council July 9, 2013 for a one-year term to expire June 30, 2013. Other members on this Committee consist of the Mayor, Town Manager, Finance Director and the Town's Auditor. Once appointed, said term will expire June 30, 2014. A formal vote will be taken at the June 10, 2013 Council Meeting.

Council takes desired action at the June 10, 2013 Council Meeting

Remain the same – put on regular agenda

10. Continued Budget Discussion

Parker – consider – do a one time fund transfer

\$20,000 – one last donation to the library to be open on Sundays

Quite amazing

Nikki Lynch – asked that they consider giving to the library to be open on Sundays – considerably busy on Sundays – after church, partial day, very busy time for the library, consider having the computers open for those doing homework

TRAIL is coming to the library soon – hope to have the library open for those using the trail

Hrbek noted that perhaps they could close on another day

Tewalt stated that if they did \$20,000 this year, then it would be \$30,000 next year
Expressed his agreement with Hrbek

Parker – noted that it was his request that it was a one time item
Fox had expressed that perhaps the County could take over the Sunday funding in the future perhaps

Darr noted that this is the first year that the County is making total library payment
Library is viable part of the community

Parker – will go in as a budget amendment
HRBEK, Tewalt against the proposed amendment

11. Council Discussion/Goals

Taxi cab ordinance – Funk
Will be at further worksession

12. Closed Meeting –Personnel Matter specific to Town Attorney Evaluation

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Motion to Go Into Closed Meeting

===== moved, seconded by ----- that Council convene and go into Closed Meeting for the purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of a public body, specific to the evaluation of the Town Attorney, pursuant to Section 2.2-3711 A. 1. of the Code of Virginia.

VOTE INSERT HERE
VOTE INSERT HERE
VOTE INSERT HERE

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 INSERT HERE

VOTE INSERT HERE

VOTE INSERT HERE

Present: Mayor Timothy W. Darr, Vice Mayor N. Shae Parker, Councilman Hollis L. Tharpe, Councilman Bret W. Hrbek, 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.

Jennifer E. Berry, CMC
Clerk of Council