



TOWN COUNCIL WORK SESSION MINUTES

TUESDAY, February 17, 2015 @ 7:00pm

Front Royal Administration Building

1. Virginia Commission of the Arts Local Government Challenge Grant Applications (Oratorio Society and Blue Ridge Arts) – *Town Manager*

Summary: The Town has received requests from the Blue Ridge Arts Council and the Front Royal Oratorio Society to reapply for grants from the Virginia Commission of the Arts that are matched by the Town. The Town's match is \$5,000. The Town approved a \$500 match for the Front Royal Oratorio Society and a \$4,500 match for the Blue Ridge Arts Council in the FY14-15 budget. The application for the match grant must be endorsed by Town Council and submitted by April 1, 2015.

The Blue Ridge Arts Council has requested that Council consider the full sum of \$5,000 to their organization. Council is requested to discuss the Town's participation in matching funds for the Virginia Commission of the Arts Grant

Staff Evaluation: The Local Government Challenge Grant will match up to \$5,000 in funding from local government. Both organizations have submitted justifications for their funding requests.

Council Discussion:

In response to Council questions, Mr. Burke noted that last year they gave \$4,500 to BRAC and \$500

Mrs. Crump explained that the \$500 does make a difference, as every penny counts. She noted that part of their goal was to support local arts programs, such as the Oratorio Society and

Councilman Funk noted that he had been under the impression that this year that had

Mr. Freese noted that he hoped to obtain State funding in the coming year for the Oratorio Society.

Councilman Hrbek asked for the line item where it came from. Mr. Burke noted that it was from the Tourism Budget.

Mayor Darr noted that it would be a Regular Agenda Item.

2. Continued Discussion of Draft Amendment to Chapter 175 – *Director of Planning/Zoning*

Summary:

- A. Continued discussion of corner lot regulations.** As previously discussed with Town Council, a public hearing is scheduled for February 23, 2015 in consideration of the draft revision of Chapter 148 of the Town Code, the Subdivision and Land Development Ordinance. In 2014 the Planning Commission recommended adoption of comprehensive changes to Chapter 148, and also updates to Chapters 175 and 156.



Councilman Tewalt previously requested a revision to Chapter 175 to address concerns he had regarding the existing corner lot regulations. In short, the regulations require the front yard to be the shortest side of a lot that fronts a street. However, the existing regulations do not consider existing houses that may have the front building façade facing the longest side. The attached code language was drafted in an attempt to address this concern regarding the front of corner lots with existing houses. The attached draft also includes language that would authorize the Planning Commission to authorize alternative front yards for corner lots for new development.

Councilman Tewalt stated that he was not pleased with the word that states the “shortest” side is deemed to be the front of the lot. Mr. Funk noted that he sat down and discussed the matter with other Councilmen. He suggested that the front of the house be selected at the time with the Planning Commission.

Mr. Tewalt suggested the language say: “The corner lot should be in consistency with the subdivision as it is developed.” He expressed concern with the “shortest” side being placed in the document at all.

In response to Mayor Darr’s questions, Mr. Camp noted that lots of record may be a special approval through Council, depending on the setbacks. Mr. Tewalt noted that the ordinance as proposed causes sight distance problems. Mr. Funk suggested wording that would accommodate Councilman Tewalt’s concern, and would alleviate the “lock” in from the Planning Staff. Mr. Tewalt stressed that it did not matter the house sits, but rather, if it is a pre-existing house with an application to install/construct a shed/out buildings in the side yard.

B. Discussion of possible prohibition of certain types of signs. Councilman Funk also indicated in a recent work session that he would like to discuss the following language in context to the entire sign ordinance.

Signs that are crudely drawn or lettered, such as, but not limited to, when a spray paint can is used to create a sign message that appears nonprofessional; signs that are poorly crafted, or crafted on unfinished materials that are commonly finished, such as, but not limited to plywood; and signs that are poorly maintained, such as, but not limited to a sign that is significantly damaged or weathered, or excessively dirty.

The question is whether or not Town Council would like to prohibit the signs above for all signs in the Town.

Councilman Funk stated that the proposed Code amendment for the quality of signs was added to the sandwich board portion. He noted that he had some concerns whether it was constitutional. He asked about lemonade stand signs and political signs on private property, etc. Councilman Egger voiced that she would tend to agree. Mr. Camp stated that at times there are signs spray painted onto sandwich boards and placed in Town.

3. Cost for Appraisals – *Town Manager*

Summary: The Town solicited appraisals for two properties: Right-of-Way Vacation Request from William Murphy and County Park Maintenance property. Mr. Murphy is requesting the Town vacate 6,346 square feet of Right-of-Way adjacent to his property at Kesler Road and South Fork Drive. The Town provided 1.686 acres of Industrial/Residential property to Warren County to construct its Park Maintenance Facility; the value of the property donation was to be addressed when the McKay Springs property was sold, however the property value will now be reconciled with the funding to improve Catlett Mountain landfill. The cost for these appraisals ranged from \$2,500 to \$5,000 which is a significant increase from previous appraisal costs.

Council is requested to consider using the recently conducting property assessment valuations prepared by Warren County's consultant to establish property values.

Staff Evaluation: Based upon the recently completed reassessment, the per acre cost for the County property is \$40,000 or \$67,440 for the Park Maintenance Property. The per acre cost for the Murphy property is \$93,750 or \$13,658 for the Murphy ROW.

Council Discussion:

Council noted that it was just to consider using the recent appraisal; Mr. Burke noted that was correct. Councilman Funk stated that Council could use the assessed value rather than an appraisal if need be, by resolution, which would change the policy currently used by Council.

Mr. Burke stated that \$100k per residential acre is generally what is used, and this one is about \$94k. Mr. Napier noted that the further away from the assessment, the larger the change may be. Councilman Hrbek noted that this one time exception, as the assessment is so close this time.

Mayor Darr noted that the property owner phone him, and he stated that he can build on the lot, though it would have to be a shotgun style home. He explained that he hoped to place a larger, nicer home on the property. He noted that it would be on the Consent Agenda.

4. Accident Reports – *Town Manager*

Summary: The Town Attorney has confirmed that General Assembly has established regulation that FR300P accident reports (crash reports) be obtained through the Department of Motor Vehicles (§46.2-380). In addition, they have confirmed that the State Police do not furnish accident reports and refer requests to DMV. Requests for accident reports can be mailed or faxed to the DMV in Richmond and are provided within a few days at a cost of \$8.00. Council is requested to consider approving referral of accident reports by citizens to the Department of Motor Vehicles.

Staff Evaluation: The General Assembly has provided a recommended source for accident reports. Use of the DMV as the source for accident reports will reduce the time dedicated to locating and reproduction of these reports.

Council Discussion:

Council stated that the Town charges \$5. Mayor Darr asked about the timeliness of the report and whether it imposed major changes at the Police Department. Chief Shiflett stated that as soon as the Town employee at the Police Department finalizes the report and hits “send”, then the DMV would receive the report instantly. He noted that it would make matters at the Department run much more smoothly. Councilman Funk stated that it sounds as though it is the way the localities are moving towards and make matters more consistent across the board for the Department.

5. FY15-16 Real Estate Tax Rate – *Town Manager*

Summary: The recent reassessment of property values in the Town have resulted in an average increase of 3% of assessed value which results in an approximate \$22,730 increase in levied tax revenue. State Code requires that any increase above 1% be identified as a tax increase. Council is requested to discuss the Real Estate Tax rate

Staff Evaluation: Staff will advertise the FY15-16 Real Estate Tax Rate at the current \$0.13 per \$100 evaluation rate with disclosure that it is an equivalent \$0.0025 per \$100 valuation rate increase based upon the property reassessment. Council will have the ability to reduce the approved Real Estate Tax Rate following the public hearing.

Council Discussion:

Councilman Connolly stated that they would be re-advertise for the same rate, but they would need to adopt a .0025 per \$100 for the \$22,730 – which seemed to be a moot point. Mayor Darr stated that the small amount seemed to be minor compared to the overall large. Council discussed that it seemed odd to advertise for the same rate, though it would be

Council noted their current thoughts were to lean towards:

Thirteen – Hrbek, Tharpe, Tewalt

12.75 – Egger, Funk, Connolly

Mayor Darr noted that he would prefer the “Thirteen” and therefore the advertisement would be for said amount.

Mr. Burke explained that they will probably lose money if they equalize, but the levied amount would be the same amount as last year. He noted that they will typically receive what they levy, though they generally would not receive it all.

6. Second Amendment for T-Mobile on Fairground Water Tank – *Town Attorney*

Request of T-Mobile Northeast LLC (“T-Mobile”, successor in interest to Shenandoah Personal Communications Company and Omnipoint Communication CAP Operations, LLC) to add three (3) additional antenna and six (6) additional coax cables, for additional consideration, to their existing facilities located at the Town’s Fairgrounds Road water tank.

Summary: T-Mobile to add three (3) additional antenna beyond the six (6) permitted by the current lease, and six (6) coax cables beyond the six (6) permitted by the current lease, for additional consideration, to its existing facilities located at the Town’s Fairgrounds Road water tank. T-Mobile is currently in the third of four five (5) year lease renewal terms for use of the

Town's Fairgrounds Road water tank and "floor space", continuing through March 31, 2018, at a current monthly rent of \$2,194.50. T-Mobile is offering additional rent of \$250.00 per month for the presence of the additional equipment, for a new total monthly rent of \$2,444.50, commencing sixty (60) day from execution. T-Mobile is also offering to pay \$4,000.00 in cash to the Town to compensate the Town for plan and design review. T-Mobile is cooperating with the Town, and incurring expense, by relocating their base equipment from the interior of the water tank to an area outside of the tank perimeter security fence. At the expense of T-Mobile, Tank Industry Consultants have conducted a structural evaluation, dated December 2, 2014, which has approved the proposed installation with recommendations.

Town Council is asked to consider approving the "Second Amendment to Tower Site Lease Agreement", permitting T-Mobile to add to their existing facilities located at and on the Town's Fairgrounds Road water tank for additional consideration.

Council Discussion:

Mr. Napier noted that they would be receiving a bit more than the going rate and would not FCC approval. Mayor Darr stated that it could go on the Consent Agenda.

7. Discussion of Connector Road – Mayor Darr

Council discussed the addition of the road for the Kendrick/Kerfoot Connection. Mayor Darr noted that the costs would be similar to Leach Run Parkway, working towards grants, etc. He stated that the County is saying that as the road is a Town road, it would be up to the Town to take the lead. Mayor Darr stated that that EDA stated that the Town must officially say "let's move forward" in order to make the project begin to process. In response to Council questions, he and Mr. Burke explained that they would work with Pennoni to have the EDA market those front lots (to have the road ready).

Councilman Hrbek stated that he would like the Town to officially vote on the infrastructure project. Mr. Funk noted that he believed the vote had already been taken on the matter. Mr. Burke stated that it had been adopted as a temporary road, and he suggested that it be a new resolution that be voted on, with mention on the Fair Funding Formula and the pursuance of grant applications.

Mr. Connolly asked about the grant funding needs and VDOT urgency in order to accelerate. Mr. Burke stated that VDOT would recognize the needs of the Town and County regarding such matters. Councilman Tewalt stated that building the road in it's entirety would be preferred, Mr. Hrbek stated that he was in agreement with Mr. Tewalt.

Vice Mayor Tharpe stated that the needs regarding water, sewer and electricity needed to be fully considered in the cost assessments. Mr. Burke noted that they are being looked into, including a possible pump station.

Councilman Funk mentioned the safety request language that had been incorporated from the past resolution be pulled into this resolution as well. Mayor Darr and Vice Mayor Tharpe voiced their agreement with Mr. Funk.

8. Direction from Council on Planning Commission Vacancy

Mayor Darr asked for the Staff to advertise on Facebook and the Town's website. Vice Mayor Tharpe he would like the current names that they have interviewed sent to Council.

9. Council Discussion/Goals

Council discussed the monopoly Comcast had on the Town cable customers.

Councilman Hrbek thanked Council for working with him last week regarding the Building Inspector vote postponement. He noted that more details would be gathered and it was important information to be gathered for Council review.

10. CLOSED MEETING – Award of a Public Contract Involving Public Fund; Prospective Business or Industry; and Consultation with Legal Counsel

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Vice Mayor Tharpe that Council convene and go into Closed Meeting 1) for the purpose of discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, specifically, to discuss architect proposals for the new Police Department headquarters, where discussion in an Open Session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia; and, 3) for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, unresolved zoning violations on property in the Town of Front Royal owned by Ron Llewellyn or in which Ron Llewellyn has a legal interest, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe

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

Councilman Connolly moved, seconded by Councilman Funk 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 – Connolly, Darr, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Funk, Councilman Hrbek, Councilman Tewalt, Councilman Tharpe, Town Manager Burke, Town Attorney Napier, Clerk of Council Berry, Chief of Police Shiflett, Director of Planning Camp, members of the media and the public.