



TOWN COUNCIL WORK SESSION

May 2, 2016 - 7:00 pm

Front Royal Administration Building

1. Continued Discussion of R-1A District Regulations - *Director of Planning/Zoning*

Summary: The attached DRAFT Amendment to the Town Code was recommended by the Planning Commission during their meeting held on January 20, 2016. It includes changes to the R1A District, including modifications to Town Code 175-18.1-18.7, and the addition of Town Code 175-18.8. Subsection 18.8 includes new optional development standards in the R1A for projects consisting of at least 20 acres. These new standards are referred to as “cluster development” standards.

Front Royal Limited Partnership (FRLP) initiated this project with the submission of an application requesting that the Town consider a number of changes to the R1A District (See Attachment). Specifically, the applicant requested changes to allow smaller lots, narrower lots, shorter setbacks, an increase to the maximum building coverage, a reduction in the number of required off-street parking spaces, and the ability to request additional modifications. Over a series of work sessions the applicant and Planning Commission drafted the attached document.

Staff Evaluation: The draft changes would allow an optional “by-right” set of performance standards in the R1A District. Existing R1A District areas, other than FRLP’s property, would be restricted from using the new standards due to the 20 acre minimum area requirement. Overall, the standards are a reasonable method for allowing more flexible design standards. The tradeoff for the smaller lots is additional open space and buffering. As a measure to help ensure a quality develop, Town Staff and the Planning Commission also included additional requirements for recreational amenities that development projects would be required to include within designated open space areas.

UPDATE: During the March 21, 2016 Town Council Work Session, Town Council moved this agenda item to a public hearing in May. This public hearing, and 1st Reading, is scheduled for the Town Council meeting on May 23, 2016. Town Council directed staff to follow-up at a work session prior to the public hearing with additional information on the laws pertaining to Homeowner’s Associations. This came up in context with discussion about the proposed subsection 175-18.8.A.6.e(7), which would require the develop to maintain recreational facilities until dedicated to the homeowners association, Town or County. Councilman Tewalt was opposed to the language that included the Town and County.

Attached is information from the Town Attorney that provides details on the laws for Homeowners associations.

Council Discussion:

2. Master Police Officer (MPO) Program Changes - *Police Department*

Summary: The Police Department is requesting Council's approval for upgrades and improvements to the MPO program.

Staff Evaluation: These changes were recommended by a panel of Master Police Officers within our department and approved by the Police Administration. We believe the changes will enhance the officer's knowledge as they advance in their career paths.

Council Discussion:

3. Ordinance Amendment Request

a. Chap 75-44 - Mailing of Personal Property & Real Estate Tax Bill - *Interim Finance Director*

Summary: Clarify Mailing of Personal Property and Real Estate Tax Bills

Revising Town Code 75-44 to clarify that section pertains to standard tax bills

Staff Evaluation: Town of Front Royal Municipal Code section 75-44 is currently titled "Delinquent Tax Lists – Mailing of Bills; Due Dates, Penalty And Interest; Imposition of the Taxes and Rates"

Section 75-44 pertains more to standard tax bills more than to delinquent tax bills.

Delinquent tax bills are addressed in other sections of Municipal Code. Staff feels that removing the word "Delinquent" from the title of section 75-44 will make the title better relate to the section.

As currently written, section 75-44A could be viewed as standard tax bills being mailed in January of each year, rather than delinquent tax bills being mailed in January of each year. Staff also recommends removing "in January" and inserting "after the annual tax assessments are made available to the Town, but not later than twenty days prior to the due date of the taxes".

Tax bills will continue to be mailed reasonably earlier, but 20 days prior would be the minimum time allowed. The Commonwealth of Virginia requires that tax bills be mailed no later than 14 days prior to the due date of taxes. Warren County, other localities, and Town of Front Royal Utility Bills require that bills be mailed a minimum of 20 days prior to the due date.

b. Chap 160 - 10 & 11 - Violations and Penalties of Vehicle Licensing - *Police Department*

Summary: It is proposed that Town Council approve by ordinance amendments of Sections 160-10 and 160-11 of the Code of the Town of Front Royal, Virginia to eliminate any inconsistencies between the current text of those Code sections and the enabling statute

Section 46.2-752, Code of Virginia, 1950, as amended, regarding enforcement of local vehicle licensing.

Town Council is asked to consider adopting the Code amendments. Staff Evaluation: The proposed amendments will eliminate any inconsistencies between the current text of those Code sections and the enabling statute Section 46.2-752, Code of Virginia, 1950, amended, regarding enforcement of local vehicle licensing.

c. Chap 158-6 - Motor Vehicular Laws - *Town Attorney*

Summary: Va. Code § 46.2-1313 states that “[o]rdinances enacted by local authorities pursuant to this chapter may incorporate appropriate provisions of... [the State Code pertaining to motor vehicle laws].

...Nothing contained in this title shall require the readoption of ordinances heretofore validly adopted.

Local authorities may adopt ordinances incorporating by reference the appropriate provisions of state law before the effective date of such state law; provided that such local ordinances do not become effective before the effective date of the state law. The provisions of this section are declaratory of existing law.”

This has several benefits to localities: it allows localities to write traffic tickets on local summons, and retain the fines generated therefrom, thus helping pay for local law enforcement, keeping localities safer; it helps localities not have to constantly amend its local code of ordinances pertaining to traffic laws to keep in conformity with minor tweaks in the State Code pertaining to traffic laws; and it helps keep local codes of ordinances shorter.

Council is requested to re-adopt Town Code Section 158-6, which incorporates the State Code traffic laws by reference.

Staff Evaluation: An Opinion of the Attorney General, 81-82 Va. AG, 272 held “local governing bodies may adopt statutes by reference and may also adopt statutory amendments by reference, provided the amendments to them are adopted subsequent to the statutory amendments.” This means that annually, the Town must readopt Section 158-6 of the Town Code, which legally allows the Town to incorporate all the changes to the State Code traffic laws that have been made during the year.

d. Chap 85-3 - Collection Charges for Solid Waste - *Town Manager*

Summary: The proposed budget presented for Solid Waste Management in the FY2016-2017 Budget was \$1,096,135. During Work Session discussion, \$37,000 for a rate study was recommended to be removed from the budget reducing the proposed budget to \$1,059,135. Staff has evaluated the proposed rates for this budget and propose the following rates:

32 Gallon Residential - \$12.00 per month (FY15-16 = \$12.00)

96 Gallon Residential - \$14.10 per month (FY15-16 = \$13.75)

Entry on Private Property - \$5.00 per month (FY15-16 = \$5.00)
96 Gallon Commercial - \$26.00 per month (FY15-16 = \$23.00)
Dumpster 1x per week - \$215.00 per month (FY15-16 = \$227.00)
Dumpster 2x per week - \$300.00 per month (FY15-16 = \$277.00)
Commercial Dumpster Tipping Fee - \$58.00 per dumpster (FY15-16 = n/a)

Council is requested to consider the proposed rates as presented and identified in Chapter 85-3 of the Town Code.

Staff Evaluation: The proposed Code Amendment of Chapter 85-3 is presented to reflect the proposed rate adjustments. Staff are currently evaluating operation of the Division to identify operational changes to improve efficiency in collections that will be presented to Council in the future.

4. Cedarville Corner Sewer Easement

Summary: Upon determination that an existing, recorded sanitary sewer easement conveyed by the owners of Cedarville Corner did not convey an interest to the Town, is proposed that the Town acquire a 20' easement from the owners of Cedarville Corner, conveying to the Town the right to own, inspect, operate, repair and maintain a sanitary sewer lines serving the improvements located at Cedarville Corner.

Town Council is asked to accept the sanitary sewer line easement from the owners of Cedarville Corner. Staff Evaluation: The proposed easement will provide the Town with a deeded easement to the Town's sanitary sewer line located at Cedarville Corner.

6. Request to Reschedule Liaison Committee Meeting due to Conflict

Summary: Council is requested to consider a request from the County of Warren to reschedule the Liaison Committee Meeting scheduled for May 19, 2016 due to it conflicting with the Northern Shenandoah Valley Regional Commission's Annual Spring Dinner being held the same night.

Council Discussion:

Mrs. Berry noted that Councilman Tewalt was in the rotation to attend. Council noted that Mr. Burke could check with the County to obtain the new date of the Liaison Meeting or they could postpone until the month of July.

Mr. Burke noted that he would speak with the County and advise Council.

7. Council Discussion/Goals

8. CLOSED MEETING - Disposition of Publicly Held Real Property

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Egger that Town Council go into closed meeting for the purpose of discussion or consideration of the disposition of publicly held real property, specifically a Town alley which is a public right-of-way, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code Section 2.2-3711.A.3

Vote: Yes – Connolly, Egger, Hrbek, Meza, 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 Vice Mayor Tharpe 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 Act 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, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – N/A

(By Roll Call)

5. Continued Discussion on FY16-17 Budget

Councilman Meza asked about projections in revenue and outpacing expenses for the next budget cycle. He noted that some completely in favor of flat \$1 COLA matching related to pay for performance 1-10% is the range that the Town had placed Nothing is above a .55% increase in the State budget numbers, and the Town is giving 9-10% increases in some instances, and he would not support such numbers in the He stated that the Town needed to look at a different design for pay increases rather than

Councilman Tewalt asked if Council would like to call the COLA a bonus or a straight \$1 bonus. Councilman Meza noted that he would support more of a bonus rather than a COLA.

Councilmen Tewalt and Hrbek stated that the Town's health insurance is a huge expense and needed an overhaul in the next few months. Mr. Burke stated that changing insurance is possible though it is difficult to go back to them once you leave.

Councilman Tewalt stated that the COLA or \$1 an hour is a huge amount. Mr. Hrbek and Mayor Darr noted that they needed to be

Councilman Meza stated that employees are due raises, though the commitment needs to be expected. He added that the Town needs a Pay for Performance schedule and evaluations that need to be at set timeframes. Councilman Tewalt noted that giving the \$1 an hour is better for the year, not a salary increase.

Mayor Darr noted that the Town needs to maintain and sustain their equipment and train their employees. Councilman Tewalt noted that the budget was completely overinflated and he would not support it.

Councilman Connolly stated that if the Town cuts from the enterprise funds, as Councilman Tewalt suggested then they could not then use them for the various projects as suggested by Councilman Tewalt. Mr. Connolly noted that they give the COLA and he supported the plan as proposed by Councilman Meza.

Councilman Egger noted that she was in agreement with most of Mr. Tewalt's cuts in the General Fund, but not the Enterprise Fund. She added that the \$1 would be her vote for a bonus rather than a salary increase. Councilmen Meza, Connolly and Hrbek and Mayor Darr noted that they would like and outside study of salaries.

Mr. Burke suggested that Council could compromise and do a 50/50 COLA/bonus. He added that Council should recognize that the insurance is also going up for employees as well. Mr. Meza noted that insurance is going up all over without companies adjusting for that cost.

Councilman Egger noted that all other salary adjustments should be placed on hold. Council discussed the IT individuals and Town Attorney's Office reclassifications.

Councilman Connolly noted that COLA and merit increase plans needed to developed and he was comfortable with moving forward with the budget as presented. Mr. Burke noted that a salary study can be placed as an actual budget item.

Councilman Hrbek noted that the Corridor Funding is flowing into the General Fund and he would like it geared towards Economic Development. Mayor Darr voiced his agreement with Mr. Hrbek.

Councilman Egger asked if the vehicle was being removed from the IT budget. Mayor Darr noted that it was. She asked about the new positions requested, noting her extreme disappointment with

false information given to Council from the Police Department regarding the positions. Detective Division Office information and their request for an assistant. She noted that their data regarding 10-15 active felony cases do not match up to the officers work according to the materials presented to Council.

Mayor Darr stated whether the Council budgeted for the overtime or not, those officers would be working if a call would be answered

Councilman Connolly stated that he had issues with the overtime number, and he added that the overtime number may
He noted that Council did not need a firm understanding on who is going out on shift.

Councilman Egger stated that she would propose to eliminate the Office Assistant position. Vice Mayor Tharpe noted that safety of the Town was important.

Councilman Connolly noted that his rule was not to be offended and he reads everything before the meeting.

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Meza, Councilman Hrbek, Councilman Tewalt, Interim Finance Director Wilson, Town Attorney Napier, Clerk of Council Berry, Chief of Police Shiflett, IT Director Jones, Planning & Zoning Director Camp, Energy Service Director Waltz, Environmental Services Director Hannigan, Human Resources Director Bush, Risk Management Director Scholtz, members of the media and members of the public.