TOWN COUNCIL WORK SESSION
March 21, 2016 @ 7:00pm
Front Royal Administration Building

1. <u>**Request to Waive Curb/Gutter on Cable Street & Pullen Street**</u> – *Director of Planning/Zoning*

   Summary: Ms. Glenda Mikulak (Glennjamin, LLC) intends to submit an application in the near future for the construction of a couple two-family dwellings on Front Street. The Applicant's lots include frontage on Cable, Pullen and Front Streets. Prior to the submission of such application, the Applicant has submitted this request for a curb & gutter waiver. The waiver is requested for Cable and Pullen Streets. Curb & gutter is proposed on Front Street, which is the street that the proposed houses will face. As the Applicant's memo states, the majority of properties in the neighborhood do not include curb & gutter (However, there is curb & gutter within 200 feet of the property further west on Cable Street). The Applicant also points out that curb & gutter is not necessary for drainage purposes and would likely require the removal of several existing trees.

   Town Code 148-850.C.2. requires that new development include curb & gutter along the frontage of all existing public streets. Upon request, Town Council is authorized in the Town Code to waive the curb & gutter requirement in lower density residential areas where the majority of surrounding developed properties do not have curb & gutter. The Town Code further states that Town Council will consider impacts on traffic, drainage and the environment.

   The property is located within the R-3 District, and is not within the Historic Overlay District, but is within the Floodplain. The applicant is aware that the houses will need to be elevated to comply with the floodplain construction requirements and that flood insurance will be necessary. The Applicant recently demolished a dilapidated house that was on the property and removed much overgrown vegetation that previously existed on the property.

   Council will need to approve/disapprove at a regularly scheduled Council meeting.

   Staff Evaluation: It does not appear that the proposed waiver would have any negative impacts on the environment or traffic circulation. Drainage does not appear to be a significant issue at the site. Curb & Gutter is proposed along the full extent of Front Street that is adjacent to the lot.

Council Discussion:
Mr. Camp explained the concept plan per the applicant and the waiver request. He noted that Council has the authority to waive the curb and gutter on the sections in the suggested vicinity. He noted that the removal of the trees is necessary for the installation of curb and gutter and it would also assist with lowering the cost. Mr. Camp noted that it was proposed along Front Street. Mr. Camp stated that the proposal for curb and gutter in the Town would be covered eventually, though it could be sixty years out perhaps. Mr. Tewalt noted that in his opinion it would

Councilman Egger asked if a sidewalk was proposed along Pullen Street eventually. Mr. Camp stated that it was more of an alley than a street and he would have to check the plan. Councilman Hrbek noted that the curb and gutter would not be needed for the drainage, and he asked the other reason for curb and gutter. Mr. Camp noted that it would be desired for aesthetic reason.

Councilman Meza asked about the future driveway location. Mr. Camp stated that it would be a concrete apron installation as required. To answer Mr. Tewalt's question, Mr. Camp stated that this would be a lot consolidation. Mr. Camp added that they are existing lots and they would not need to install sidewalks. He noted that it was not a new subdivision, as they were going from four lots to two lots, with this consolidation. Mr. Tewalt referred to a location in Royal Village.

Councilman Egger noted that she would be willing to waive the sidewalk on Cable but not Pullen Street. Councilman Tewalt stated that he would be willing to voice his support with Ms. Egger. He added that the Town would need to start somewhere. Mr. Napier noted that Council would not need to vote on the matter to deny the request. Council chose to comply with part of the request for Cable but not Pullen.

2. <u>Williams Brothers - Request to make payments on spare transformer</u> - *Director of Energy Services*

> **Summary: Williams Brothers Corporation of America located at 1330 Progress Drive has requested a service upgrade of their electrical facilities to expand their business. They are requesting an upgrade from their current 75kVA 120/208V service to a 1000 kVA 277/480V three-phase service. According to the code section 70-50, the customer is also required to purchase the spare transformer if the size required is over the Town standard of 500 kVA. The customer is requesting to make payments on the spare transformer in six (6) installments over 12 months.**
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> **Staff Evaluation: Staff met with the customer in January and developed a cost estimate for the service upgrade of electrical facilities. Staff then issued and received bids for the two (2) 1000kVA transformers to provide the upgraded service for Williams Brothers. The lowest quoted price for the 1000kVA transformers is $15,358 each. The customer is requesting to make payments on the spare transformer in six (6) installments over 12 months.**
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> **Budget/Funding: The Finance Department can invoice this cost in 6 equal installments over the next 12 months. This will be billed as an Accounts Receivable to comply with all auditing procedures.**
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> **Staff Recommendations: Staff recommends Town Council consider request from Williams Brothers.**

Council Discussion:
Councilman Hrbek noted that he was in support of the matter as presented. Vice Mayor Tharpe expressed his support of the payment plan as well. Council chose to place the matter on the consent agenda.

3. <u>Continued Discussion of Criser Road Bridge</u> – *Director of Financing*

Summary: At the March 7th Work Session, Mattern and Craig, Inc. provided the results of the Preliminary Engineering Report for the Criser Road Bridge. Based upon the recommended design, the construction estimate for improvements with a 15% contingency is $450,000. Mattern has submitted a design and construction review proposal for $146,400. The design fee results from the necessary environmental and floodplain permitting.

Council is requested to consider authorization of the final design and construction review of the Criser Road Bridge project by Mattern and Craig, Inc.

Staff Evaluation: The Town has secured $450,000 for the project through the VDOT Revenue Sharing program. In addition, funds totaling $268,939 were allocated since 2013 towards any portion of the South Fork Bridge project that the Town would be responsible for payment. VDOT has confirmed that the Town has paid in full our share of the South Fork Bridge project. Thus there are $718,939 available for this project.

Budget/Funding: The Finance Director will be available to address fiscal issues.
Legal Evaluation: The Town Attorney will be available to address legal issues.
Staff Recommendations: Staff recommends Council authorize Mattern and Craig, Inc. to proceed with the final design of the Criser Road Bridge project.

Town Manager Recommendation: The Town Manager recommends Council authorize Mattern and Craig, Inc. to proceed with the final design of the Criser Road Bridge project.

Council Discussion:
Councilman Hrbek noted that the wall of the bridge would actually quite high which concerned him. Mr. Burke stated that the impact during flood events was substantial as the steel beams were expensive to replace. Mr. Hrbek asked about lighting options to assist with the bridge aesthetic issues of the bridge. Mr. Burke stated that the steel was expensive to replace, though it could be installed if Council requests. Council chose to place the matter on an upcoming agenda for approval. They asked about more aesthetic matters which could assist with the bridge's overall look.

4. Front Royal Limited Partnership Requests – *Director of Planning/Zoning*
a. Request to Adopt Concept Plan of 604 acres into Town's Comp Plan

Summary: Front Royal Limited Partnership (FRLP) has submitted a request for the Town to adopt a "Future Land Use Plan" as part of the Town's Comprehensive Plan. The applicant's submittal is attached. The submitted plan is for FRLP's 604-acre property; the same property that was annexed in 2014 and is currently zoned A-1. It does not include the 150-acre tract owned by FRLP that is zoned R1-A.

The submitted "Future Land Use Plan" is a general concept illustrating a plan for future development of the subject property. It illustrates three "residential" land bays, a "village retail & office" land bay, an "active adult residential" land bay, and areas designated for natural resources, recreation, community open space, and a school. The "Future Land Use Plan" does not designate densities; however, according to the Voluntary Settlement Agreement, the maximum number of market-

rate housing units is capped at 818. This is in addition to housing units that may be associated with an age-restricted community.

The applicant's "Future Land Use Plan" is the same as approved during the annexation of the property. It is incorporated into the Voluntary Settlement Agreement as Exhibit A, and was approved by both Warren County and the Town of Front Royal.

The Planning Commission held a public hearing on this request on January 20, 2016. During the meeting the Planning Commission unanimously passed a motion to recommend approval of the request.

This agenda item is scheduled for a work session review on March 21, 2016.

Staff Evaluation: Town Staff does not object to the adoption of the submitted "Future Land Use Plan." It is the same plan as previously approved under the Voluntary Settlement Agreement, and is generally consistent with the draft future land use plan that will be under review later this year as part of the comprehensive plan update. If Town Council adopts the "Future Land Use Plan" into the Comprehensive Plan, as requested, a rezoning of the property is still required. FRLP has recently started the process of preparing a traffic impact study in anticipation of a rezoning application.

Council Discussion:
Mr. Camp noted that this matter was not in the comprehensive plan at this point, though it was part of the Annexation Agreement though. Mr. Tewalt noted that he was unsure why it needed to go through the comprehensive plan process at this point. Mr. Camp stated that it is at the request of the applicant. He added that it shows interparcel connectivity and a traffic study was completed for example. Mr. Camp stated that in order to consider a rezoning application, it would have to conform with the comprehensive plan.

Mayor Darr noted that it would move forward to public hearing.

b. Draft Code Amendment – R-1A Cluster Development Option Standards

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.

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.

The Planning Commission evaluated ordinances from other localities and development projects in the region that utilize similar standards. Cluster development standards are becoming more commonplace, particularly for new development projects in northern Virginia. Virginia Code §15.2-2286.1 requires cluster development regulations for all high growth Counties and Cities. Evidence evaluated showed that home values and demand for housing is strong in cluster development projects. However, researched showed that there are concerns raised with cluster development projects when they do not accompany sufficient open space and amenities.

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.

Council Discussion:
Councilman Tewalt expressed his concern with shotgun style homes. He noted that if a developer can guarantee that a hodge podge scattering will not take place he could support the matter, though he is concerned with a repeat of issues similar to Frederick Avenue. Councilman Hrbek stated that he was comfortable with the proposal as presented.

Councilman Tewalt stated that number 9 related to the recreational facilities and he did not wish to see those matters in the Town ordinance, as the Town did not maintain recreational type facilities. Mayor Darr and Ms. Egger noted that the Town could remove the Town wording. Mr. Camp and Mr. Hrbek noted that the intent is to have the HOA or the developer maintain the recreational facilities, not the Town. Mr. Napier stated that he believed that there is a statutory requirement by the developer to have an HOA even in the early times, with only one or two homes. Vice Mayor Tharpe agreed, noting that he had experienced something similar. Councilman Connolly stated that it could be a zoning violation if the recreational facilities were not maintained. Mr. Camp stated that stronger wording to address those violations would be needed.

Mayor Darr stated that the HOA/recreational matter needed further investigation from Mr. Napier. Applicant, Mr. Vazzana, added that documents regarding the perpetual maintenance of the recreational facilities and the HOA were available and could be provided. Mayor Darr asked that the matter be scheduled for public hearing, as it seemed documents were available. Mr. Tewalt voiced his support.

5. <u>Petition Reducing Tax Lodging Rate</u> – Stan Brooks

Summary: The Town has received a petition submitted by Stan Brooks, owner of the Parkside Inn, requesting Council consider adjustment of the Town's Lodging Tax from 6% to 2% to match the tax rate in Warren County.

Staff Evaluation: A public hearing on this matter was conducting on November 23, 2015; the minutes are included with this agenda. VA Code 58.1-3819 limits that Transient Occupancy Tax to counties operating without a tourism organization to 2%. In FY15-16, the Town anticipates collecting $325,000 from the 6% lodging tax, with our Tourism budget being $313,310.

Staff Recommendations: Staff recommend Council consider funding for the Town's Tourism efforts.

Council Discussion:
Mr. Brooks presented handouts displaying a mock invoice to a local hotel. He noted that there was also a mock invoice for a Corridor hotel and there was $7 difference. Mr. Brooks stated that perhaps the in-town Quality Inn taxed locally at $60,000 while those in the Corridor would tax $20,000. He added that the funds are supposed to go to the Visitor's Center on Main Street. He stated that the funds are then supporting the competitor in the Corridor by doing that. Mr. Brooks stated that small margins make a large difference for small businesses. He asked Council to consider his examples.

Vice Mayor Tharpe noted that they are collecting $320,000 and putting $313,000 back. He stated that he did not think they are in direct conflict with the County at this time currently. Council discussed how one cent equates to $55,000. Mr. Burke noted that if the budget was reduced it would need to be adjusted.

Mayor Darr noted that if a business approached the Town for their renovations for their investments into the community then perhaps a plan could be implemented to assist that business. Mr. Connolly asked if it would be on a tax that impacted directly on the bottom line of the business.

Councilman Egger noted that she would like to lower any tax but then they would have to lower the tourism budget by 2/3. She stated that it didn't seem that the Town's businesses have suffered. Councilman Hrbek noted that when the hotels are right across the street from one another – they will compare.

Councilman Connolly noted that he would like to level the playing field in the interest of fairness. Councilman Tewalt noted that he would like to invest in tourism, not reduce the funding. He stated that once the County adjusts their funding, if they do, then we'll discuss the matter.

Council discussed possibly lowering the rate and various options for reducing matters through the tourism budget.

6. FY16-17 Recommended Budget Presentation – *Town Manager*

Summary: The Town Manager will present Town Council with the recommended FY16-17 Budget for the Town of Front Royal at the Work Session

Council is requested to receive and consider the recommended budget for FY16-17.

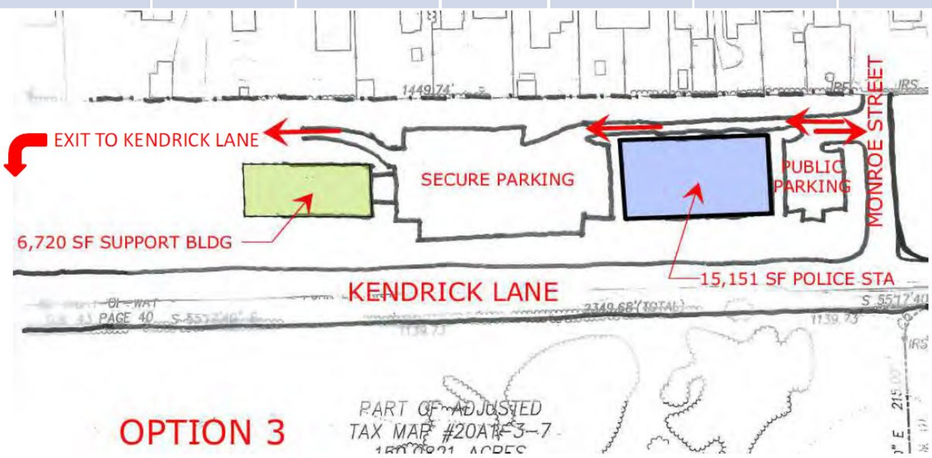
Staff Evaluation: Staff will be available to discuss the individual Department budgets at the Work Sessions in April. General Fund budgets will be discussed at the April 4th meeting and the Enterprise Fund and any remaining General Fund budgets will be discussed at the April 18th meeting.

Council Discussion:
Mayor Darr noted that the Clerk going to full-time from part-time. Mr. Burke noted that it was listed in the budget. Councilman Meza asked if the COLA was traditionally handled as a flat dollar or is it a percentage at times. Councilman Connolly noted that he would not be at the May 23rd meeting. Mayor Darr noted that questions should be submitted to Mr. Burke and he would collectively addressed at the budget.

7. Continued FY16-17 Tax Rate Discussion & Date for Special Meeting

OPTION 3

	POLICE STATION CONSTRUCTION COST	SUPPORT BUILDING CONSTRUCTION COST	SITEWORK	TOTAL CONSTRUCTION COST	TOTAL PROJECT COST (2016 CONSTRUCTION ONLY)	TOTAL PROJECT COST (2040 BUILD OUT)
OPTION 1 (CURRENT NEED)	$2,651,210	$1,015,365	$750,000	$4,416,575	$6,019,075	$9,263,096
OPTION 2 (2030/2040 NEED)	$3,484,730	$1,076,790	$750,000	$5,311,520	$7,336,020	$8,152,991
OPTION 3 (2040 NEED)	**$3,484,730**	**$1,310,400**	**$875,000**	**$5,670,130**	**$7,784,630**	**$7,784,630**



Council Discussion:
Mayor Darr noted that the next meeting would have to members absent, and they could move forward at the next meeting or they could have a Special Meeting.

8. Council Discussion/Goals

Mayor Darr noted that the Town would move forward with the proclamation for Local Workforce. He stated that the scholarship announcements would soon be made for the high schools. He noted that the Community Development item would go on the agenda when the signed documents were returned. Mayor Darr asked that the Inland Port event be this Thursday if any Councilmember wished to attend.

Councilman Tewalt noted that he would like a Police Department amount for a second floor with an elevator, rather than a one story building. He also requested about the refuse reorganization and changes to the entire department as a whole. Mayor Darr noted that it would have to be adjusted in the future, though they would have to go with the budget as presented.

Councilman Egger stated that she would like to bring the train back downtown. She asked if they could reach out to the railroad. Councilman Tewalt stated that it goes to the Riverton, and tracks would need to be relain.

Councilman Tewalt asked about having Council call into meetings. Mr. Burke noted that it could be updated via a Code changes.

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