TOWN COUNCIL
WORK SESSION MINUTES
Monday, March 19, 2018 @ 7:00pm
Town Hall Council Chambers

1. <u>Artisan Trail Proposal – Sherri Smith, Executive Director</u> (15 minutes)
SUMMARY: Mrs. Sherri Smith, Executive Director of the Artisan Trail of Virginia will be in attendance to give Council a proposal to request funding for the Virginia Artisan Trail Network. Council was briefed on this proposal at the February 20, 2018 work session. Minutes below:

February 20, 2018 Work Session Minutes

Artisan Trail Proposal – *Director of Community Development/Tourism*
COUNCIL CONSIDERATION – Council has been asked to consider adding $5,000 to the Tourism budget for one-third of the first-year *membership dues* to the Artisans Center of Virginia for participation in the Virginia Artisan Trail Network. Total membership cost is $15,000. Town Council has been asked to consider adding $5,000 to the Tourism budget one-third of the first-year *membership dues* to the Artisans Center of Virginia for participation in the Virginia Artisan Trail Network. Total membership cost is $15,000. This $5,000 ask is for membership dues only and includes no monies for start-up expenses including public relations, mailings, local website, brochures and other funding after year one.
Budget/Funding: $5,000

Staff Comments: Because there are still unanswered questions regarding who will be the fiscal agent and the Artisans Trails' sustainability, and this year's budget is still in question, Staff is asking for Council's direction as to how it would like Staff to proceed.

Council Discussion: George McIntyre, the requestor, gave a summary of the request. He stated that it was for start up funds and it would not be an annual request of $5,000 most likely. He explained that they would see how the program worked for Front Royal and then perhaps it would be a $2,500 request each year. Mr. McIntyre stated that they would be holding fundraisers in the same manner as Blue Ridge Arts Council.

Councilman Connolly noted that it seemed to be listed in the proposed budget. He stated that this type of partnership strengthens tourism relationships across regions and in communities, noting that he works at an artisan trail site and has seen the benefits. Mr. Connolly added that this is a type of networking that Front Royal does not want to lose out on and the positives are great. Councilman Meza voiced his support as well, noting his agreement with Councilman Connolly.

Mr. McIntyre stated that one aspect that should be quite beneficial to Front Royal is the advertising of the festivals and events in the area, noting that the artisan trail organization promotes them statewide in order to spread the information as far reaching as possible. He noted that they were requesting $5,000 from Warren County as well. Councilman Tewalt noted that he would like a bit more information. Mayor Tharpe stated that Councilmen Meza and Connolly were on board with the request at this time; he directed the Town

Manager to return the item in two weeks in order to allow time for Councilman Tewalt to meet with Mr. McIntyre and gather more information.

Ms. Smith gave a summary of the artisan culture of the State of Virginia and how it can benefit the Town of Front Royal. She noted that it links the past, present and future and there were 32 artisan trails in Virginia. Ms. Smith stated that there were also Virginia Oyster Trails as well. She added that they had tripled their growth and membership since they began. She reported that their process is very community drive and they have an Action Team on the ground to facilitate the program. She stated that they want to include the Town, the EDA, the Tourism Division, craft related divisions and agri-artisans, hospitality outlets, etc. Ms. Smith stated that there was an organized process and active environment to keep the team on task. She noted that there many resources that are available throughout the State to assist the local businesses with events and organizations in order to expand the local businesses. Ms. Smith described the social media events and outreach that work with the artisan trail site.

Council Discussion: Vice Mayor Tewalt asked about the trail sites and how they pay for the inclusion. Ms. Smith noted that there were levels and itinerary that member allows them to login and place their profile, a featured story, a logo, build their for their building, their event, and it posts to social media sites as well. Mr. Tewalt noted that the $5,000 seed money requested starts and then what occurs. Ms. Smith replied that there was the $5,000 to start and the whole budget is about $30,000 when all parts come together. She noted that the trail goal is to be sustainable on it's own. She stated that when the community works together it could be a cost that could be sustained hopefully.

Ms. Smith gave examples of membership cost and she added that grants will be applied and then as the trail grows they will continue to request funding. To answer Councilman Sealock's question, she noted that she did not have a crystal ball to determine the future. Mr. Waltz stated that it could be in the FY19 budget. Mr. Tewalt noted that it would be preferred that it not be in Tourism. Mr. McIntyre stated that he had taken information to the County and the indications appear to be positive.

2. <u>Warren Memorial Hospital (Valley Health) Conditional Rezoning Application</u> – *Dir of P & Z*
FRREZON-000661-2018 - SUMMARY: A memorandum from the Director of Planning & Zoning is attached with this cover page with additional information and updates on the hospital's rezoning application; including details on changes to the proffers and how the utility services will be provided, subject to final engineering by the Applicant and approval by the Town during the site plan process.

STAFF RECOMMENDATION:

- The Planning Commission recommended approval of the application during their meeting on February 21, 2018. Staff concurs with their planning recommendation. This application requires a public hearing/1st Reading and 2nd Reading. The purpose of this work session agenda item is to review the application prior to the March 26, 2018 Public Hearing.
- Since the March 5, 2018 Town Council meeting, the Applicant has revised the proffers to pay for all costs associated with the installation of a traffic signal at the proposed main entrance to the hospital. This proffer was originally capped at $300K, which could possibly not be enough, particularly if the traffic light is not constructed for 5 years. The recent changes to the proffers by the Applicant appear to addresses all comments/concerns raised about the proffers, except that the hospital still prefers to

keep the flexibility to install the traffic signal sometime between 0 and 5 years from when the hospital is opened.

STAFF REPORT

The purpose of this memorandum is to provide updates and additional information regarding the questions that were raised by Town Council on March 5, 2018 concerning the hospital's rezoning application. This information in this memorandum was confirmed by Town Staff during a meeting with the Applicant held on March 13, 2018. I recommend sharing this information with Town Council at the March 19, 2018 Town Council Work Session, in advance of the March 26, 2018 Public Hearing.

1. **Traffic Signalization of the Proposed Main Hospital Entrance:** Two concerns were raised at the March 5, 2018 Town Council Work Session regarding the proposed proffers. First, it was discussed that the hospital should pay for 100% of the cost of signalization of the Main Hospital Entrance. The proffers reviewed on March 5th included a maximum contribution by the hospital of $300,000. While this is more than today's estimated cost, the true cost of the traffic signal will not be known until it is designed and built. The second concern discussed was regarding the timing of the traffic signal. The proffers reviewed on March 5th proposed construction within 5 years. Discussion at the work session included a request for the hospital to consider constructing the traffic signal up-front. One factor for this request, was concern that the cost for signalization would increase over time.

UPDATE: The Applicant submitted revised proffers on March 14, 2018. The revised proffers include language changes that would require the hospital to pay for 100% of required costs for the traffic signal. There is a caveat. The Applicant will only pay for costs that are necessary to meet minimum requirements for a traffic signal. If the Town requests expensive upgrades that are not required by Town and VDOT standards, the Town would be responsible for the additional cost of that enhancement. Otherwise, the hospital will pay for all costs.

The Applicant did not alter the timing requirement for the signalization in the latest revision. The Applicant believes the largest concern with the timing was eliminated when the hospital changed the proffer to remove the $300K cap and just pay for 100% of required costs. With that change made, the Applicant hopes the Town will accept the timing originally proposed, so that the hospital has the flexibility to construct the traffic signal between 0 and 5 years.

2. **Electric Service:** Questions were raised at the meeting about how electric service will be provided to the hospital, as well as, how the hospital will meet their redundant power source requirement. While this was discussed at the work session, below is additional information.

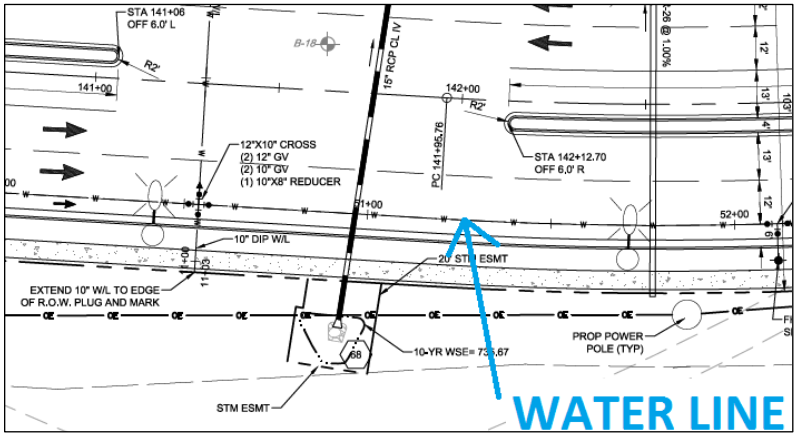
ADDITIONAL INFORMATION: Ultimately, an electric power transmission line is planned by the Town that will extend from John Marshall Highway to Happy Creek Road. However, this will not be installed before the hospital wants to open the new facility. The Town will be installing the first phase of this transmission line that extends from Happy Creek Road to Oden Street to access the hospital. The hospital will not be required to pay for this cost, but will be required to pay for all costs needed to make the electric connection and extend services to the proposed facilities.

Extending the service line beyond Oden Street to John Marshall Highway will be determined by the Town in the future. The hospital understands this and intends to meet their redundant electric power service requirement by utilizing on-site generators.

3. **Water Service**: Questions were raised at the meeting about how water service will be provided to the hospital, and how the requirement for a redundant water source would be addressed. While this was discussed at the work session, below is additional information.

ADDITIONAL INFORMATION: Final engineering will not take place until the site plan process begins; however, the hospital intends to extend water service to the proposed development from the existing 12" Water Main that parallels Leach Run Parkway. The hospital believes that their redundant water source requirement will be met by having multiple connections to this 12" Water Main. One at the main entrance and the other from the secondary entrance.

Below is an illustration of the main hospital entrance that was taken from the engineering plans (Site Plan) for Leach Run Parkway, that shows the 12" water line with a 10" waterline lateral that was extended to the property line in anticipation of future development of the hospital's property.



4. **Sewer Service:** Questions were raised at the meeting about how sewer service will be provided to the hospital. While this was discussed at the work session, below is additional information.

ADDITIONAL INFORMATION: Final engineering will not take place until the site plan process begins; however, the hospital intends to extend sewer service to the proposed development from the existing 8" sewer line that was extended across Leach Run Parkway to access the new middle school. The hospital is in discussions with Warren County to obtain the necessary easement that will allow sewer to be extended to the proposed new hospital.

Council Discussion: Mr. Hannigan noted that the easement question from Mr. Tewalt has been answered, and the Town own's the sewer easement at this time. Mr. Silek stated that a light is not required at this time and when the traffic generates enough, then it could be installed. He noted that the infrastructure is there under Leach Run Parkway. Vice Mayor Tewalt noted that a traffic study has been completed and when the time is right another study would be completed. Mr. Silek stated that when there were enough trips, then they will design it when the trips are generated. Mr. Silek stated that wording to clear up the number of the trips. Mr. Tewalt added that the "minimum requirements" wording concerns him and the VDOT standards. Mr. Silek stated that wording to correct the minimum requirements can be cleared to state VDOT and Town requirements/standards and that was not a problem.

3. <u>Resolution to Governor of Virginia to Veto HB 1258 and SB 405 Regarding Installation and Operation of Wireless Structures</u> – *Town Attorney* **(10 minutes)**
SUMMARY: Council approved a Resolution at their January 22, 2018 Council Meeting to oppose House Bill 1258 and Senate bill 405 regarding installation and operation of wireless structures. (The summary sheet from that meeting is attached). The Town Attorney is requesting that Council (by consensus) approve another Resolution urging Governor Northam to veto HB 1258 and SB 405 to prevent these bills from becoming law.

Summary: HB1258, introduced by Delegate Kilgore, and SB405, introduced by Senator McDougle, eliminates most local control over the installation and operation of new wireless structures. The legislation removes the ability of local elected officials, residents and businesses to have input into decisions affecting the character of their own communities industry. The legislation is being promoted by the wireless. More specifically:

• These bills would treat the wireless industry differently from all other private profit-making industries, thus leaving localities (and the state) open to charges of discrimination against other industries.
• The likelihood is high that other industries will expect the same or similar treatment.
• The locality may not require a special exception, special use permit or variance for "Administrative Review-Eligible Projects" (which is a new term).
• The locality must provide guidance on incomplete application within 10 days or application is "Deemed Approved" which takes a legislative decision away from local elected officials.

If application is disapproved, the locality:
• Must provide a written statement explaining the rejection of the application
• Explain any modifications in writing (this may be used by the applicant as evidence that the locality's disapproval was arbitrary and capricious)
• Must explain the disapproval by a substantial record evidence contained in a written record publicly released within 30 days.

If the application is disapproved, the applicant has the right to appeal.
The locality **may no**t:
• Condition approval on the removal of another structure.
• Require co-location.
• Limit duration of approval.

This proposed legislation is not a good idea, among other reasons, because:
• Local land use authority ought to rest with locally elected officials who best know their communities and their citizens' needs.
• Local zoning takes into consideration that the economic, social, cultural, and other conditions are not one-size fits-all.
• Local zoning recognizes the importance of citizen input. The bills' provisions remove the ability of our citizens to have meaningful input into decisions affecting the character of their communities.
• The proposed bills create a paradigm shift in authority, moving the decision-making process away from the community and its elected officials to FOR-PROFIT companies who care about their bottom line, not about our citizens' welfare.

• Specifically, the "Deemed Approved" language strikes down local legislative process. These bills take away the ability of a locality to ask questions of the applicant or negotiate with the industry
about a specific location or type of equipment or screening.
• This is not the process for a typical zoning application and there is no compelling justification for this industry to be treated in a special manner.

FEES SET IN STATUTE
The proposed legislation requires that the fee for Administrative Review Eligible Project shall not exceed $500.
The fee for a Standard Process Project is set at "the actual direct costs to process the application…"

• Placing a fee in the Code is problematic because every time that there is a proposed change,

legislation has to be enacted.
• The fees will never be in tune with actual costs. A State statute-determined fee does not account for the differences in actual local workloads as well as the costs and availability of professional services costs that occur in different local jurisdictions occasioned by differing applications throughout the Commonwealth.
• Actual Direct Costs are not typically calculated by localities; this unfunded mandate would place an additional burden on local taxpayers who will end up subsidizing the applicants.
• The alternative is that the applications will be automatically approved because localities won't have the resources to review the various projects within the arbitrary deadlines

Council Discussion: Council voiced their support of the resolution and thanked Mr. Napier for his hard work on the issue.

4. <u>Deed of Easement from Cornerstone L.P., L.L.P. to the Town for water/sewer easements and rights-of-way acquisition for facilities serving Marriott site</u> – *Town Attorney* **(15 minutes)**
SUMMARY: It is proposed that the Town acquire water/sewer easements and rights-of-way over portions of Tax Map Parcel 12E-5A (Marriott site), for access and maintenance to water/sewer facilities to be owned by the Town, necessary to provide utility service to these parcels outside of Town limits.

Town Council is asked to consider approving the Deed of Easement, to be executed by the Mayor. The proposed easements/rights-of-way acquisitions are required to provide water/sewer service to these parcels located outside of Town limits.

STAFF RECOMMENDATION: The Town Manager recommends that the Town acquire water/sewer line easements and rights-of-way over Tax Map Parcel 12E-5A (Marriott site), owned by Cornerstone L.P., L.L.P.

Council Discussion: Council chose to place the matter on the agenda for approval.

5. <u>By-Laws for Joint Towing Board</u> – *Town Manager* **(10 minutes)**
SUMMARY: Council approved the adoption of a Joint Towing Board by Ordinance (Chapter 158-54 – 158-69) with Warren County on November 27, 2017; however, the By-Laws of the Joint Towing Board were not included in the motion. Council is requested to approve the By-Laws as presented at the next regular meeting scheduled on March 26, 2018. Warren County approved the By-Laws on February 20, 2018.

Council Discussion: Council chose to move the matter forward for approval.

6. <u>BZA Term Expiring</u>
SUMMARY: Ronald V. Flores on the Board of Zoning Appeals (BZA) will be expiring May 1, 2018. He would like to be considered for re-appointment. BZA candidates are recommended by Town Council and considered by the Judge of the Warren County Circuit Court for appointment. This is a five-year term.

NOTE: The BZA currently has a vacancy left by Robert Helms who resigned effective January 31, 2018 due to moving out of Town. His vacancy is an un-expired term ending May 1, 2020.

Council Discussion: Continue to advertise.

7. Continued Discussion of FY2018-2019 Tax Rate

SUMMARY: Council held a public hearing on the FY2018-2019 Tax Rate on March 12, 2018 but failed to set a tax rate and asked that it be discussed further in the next work session. During the Public Hearing, the motion to increase the real estate tax rate by $0.01 failed by majority vote. A new public hearing has been advertised for March 26, 2018 at a rate of $.144 per $100 assessed value which is 9/10 of $0.01. It will be Council's desire to keep the tax rate the same as it currently stands or increase the tax rate with one of the options below.

$.144 = 9/10 or $0.009 $99,000
$.143 = 8/10 or $0.008 $88,000
$.142 = 7/10 or $0.007 $77,000
$.141 = 6/10 or $0.006 $66,000
$.140 = 5/10 or $0.005 $55,000
$.139 = 4/10 or $0.004 $44,000
$.138 = 3/10 or $0.003 $33,000
$.137 = 2/10 or $0.002 $22,000
$.136 = 1/10 or $0.001 $11,000

Mayor Tharpe noted that Council is advertising 9/10th of a cent and will be on the agenda this coming Monday for vote.

8. Council Discussion/Goals

Revenue sharing per Mr. Waltz, has been approved.

Interested in Salvation Army dinner, please see Ms. Berry.

PRESENT: Mayor Tharpe, Vice Mayor Tewalt, Councilman Connolly, Councilman Gillispie, Councilman Morrison, Councilman 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 Hannigan, Public Works Supervisor Boyer, Community Development Director Hart, IT Director Jones, members of the public and members of the press.

ABSENT: Councilman Meza