

AUDIT/FINANCE COMMITTEE MEETS AT 6:00PM



TOWN COUNCIL WORK SESSION

Monday, February 2, 2015 @ 7:00pm
Front Royal Administration Building

Town/Staff Related Issues:

1. Continued Discussion of Solid Waste Management RFP Consultant Evaluations –
Director of Environmental Services
2. Referrals of Planning Commission – *Director of Planning/Zoning*
 - a. Draft Amendment: Sandwich Board Signs
 - b. Draft Amendment: Incentives (Tourism Zones)
 - c. Resolution of Support for Town Building Inspections
3. Waiver of Sidewalk Requirement on W. 15th Street – Aaron Hike - *Director of Planning/Zoning*
4. FY15-16 Property Tax Rate – *Town Manager*

Council/Mayor Related Items

5. Resolution to General Assembly Pertaining to State Corporation Commission and Regulation of Municipal Electric Utility Rates – *Councilman Connolly*
6. Police Headquarters Architectural Services – *Vice Mayor Tharpe*
7. Council Discussion/Goals (*time permitting*)
8. CLOSED MEETING – Consultation with Legal Counsel

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; "probable litigation" meaning litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party; pursuant to Section 2.2-3711 (A) (7) of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion [At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]

I move 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.



Item No. 1

Town of Front Royal, Virginia Work Session Agenda Form

Date: February 2, 2015

Agenda Item: Continued discussion of the Solid Waste Management RFP Consultant Evaluations

Summary: The Department of Environmental Services has solicited bids to provide consulting services to help the department manage all solid waste collection and disposal in the most cost-effective manner. The Department is seeking to reduce operational costs, improve customer service, and increase revenues to the Town of Front Royal.

Council Discussion: Council is requested to continue to review the information submitted by the Department of Environmental Services.

Staff Evaluation: Environmental Services sent out a RFP for qualified firms/individuals to provide consulting services to help the Town manage all solid waste collection disposal in the most cost-effective manner. The Department received 3 responses and after evaluating each submittal by the criteria set forth in the RFP, staff feels that MSW Consultants is the best candidate to provide this service.

Currently, the Department provides collection and disposal of garbage, recycling, yard waste, and large items for the citizens of Front Royal. The Town owns 2 rear load trucks, 3 front load trucks, and 2 recycle trucks with trailers. We collect trash and recycling 5 days a week. Yard waste is collected 1 day a week, with the exclusion of the winter months. Commercial trash is collected 2 to 3 days a week and cardboard in dumpsters is collected 1 to 2 days a week. Staff consists of a Supervisor, 13 employees, and 2 part-time recycle attendants that work exclusively at the "Farm" on Manassas Ave extended.

If approved, MSW Consultants would provide recommendations to reduce operational costs and increase revenues.

Budget/Funding: Funding is in the current budget line item 3002 Professional Services

Legal Evaluation: The Town Attorney will be able to address any legal questions or concerns

Staff Recommendations: Staff recommends Council offer MSW Consultants the project of completing an evaluation of the Solid Waste Division in the amount of \$20,000.00 (twenty thousand dollars)

Town Manager Recommendation:

Council Recommendation:

Additional Work Session Regular Meeting No Action

Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session



Town of Front Royal, Virginia
Work Session Agenda Form

Date: February 2, 2015

Agenda Item: Referral of the Planning Commission
Draft Amendment: Sandwich Board Signs
Director of Planning & Zoning

Summary: During the November 19, 2015 Planning Commission meeting, the Planning Commission recommended to Town Council the adoption of the attached draft amendment. This amendment includes changes to the sandwich board sign regulations, including the allowance for a possible 2nd Sandwich Board sign for businesses in the Historic District when authorized by the Zoning Administrator under specific evaluation criteria. Changes are proposed to Section 175-106.A.5.p. of the Town Code. A copy of the draft amendment is attached.

Council Discussion: This agenda item is scheduled for a work session review on 02/02/15.

Staff Evaluation: Planning & Zoning Staff will be available during the February 2, 2015 Town Council Work Session to review the proposed draft amendment. Members of the Planning Commission have been invited to attend also. This draft amendment was a previous referral of Town Council.

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available at the upcoming work session.

Town Manager: The Town Manager will be available at the upcoming work session.

Council Recommendation:

Additional Work Session Regular Meeting No Action
Consensus Poll on Action: ___(Aye) ___(Nay)

DRAFT AMENDMENT – VERSION 2
SANDWICH BOARD SIGNS

This draft amendment to the Town Code was initiated upon referral by Town Council for the Planning Commission to consider code changes that allow up to 2 sandwich board signs for businesses.

START -----

TOWN OF FRONT ROYAL MUNICIPAL CODE, Chapter 175, ZONING

Section 175-106 SIGNS.A.

5. Prohibited Signs: The following signs are expressly prohibited unless specifically stated Otherwise:

p. 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.

Section 175-106 SIGNS.A.9.

e. Sandwich Board Signs: Development Standards

[1] Location: Shall be located within fifty (50) feet from the building entrance on the same property as the business that the sign is advertising, and may not be located within the public right-of-way unless a Right-of-Way Utilization Permit is granted by the Town except for the following:

[a] The Zoning Administrator may allow one (1) sandwich board sign up to one hundred fifty (150) feet from the building entrance, subject to the consideration of the factors listed under subsection [3] below.

[b] The Town Manager may allow one (1) sandwich board sign in the public right-of-way if a right-of-way utilization permit is submitted and approved, with all appropriate indemnification or other conditions.

[2] Duration of Use: The signs may only be displayed during business hours.

[3] Number: One (1) sandwich board sign shall be permitted per business. *Within the Historic Overlay District, a business may apply to the Administrator for a second sandwich board sign. The Administrator shall consider the following factors in determining whether to permit a second sandwich board sign:*

[a] Mobility of pedestrians in the affected area,

[b] Residential or commercial character of the area,

[c] Effect of second sandwich sign on other facilities and uses in the affected area, and

[d] Such other reasonable conditions or factors deemed relevant by the Administrator.

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[e] The message content on a second sandwich board signs greater than 50 feet from the building entrance shall be language, shapes, symbols, or illustrations that principally advertise directions to the location of the business.

[f] Without requiring a Certificate of Appropriateness, the Zoning Administrator shall consider if the sign is consistent with the guidelines for signs in the Historic District, as published in the Board of Architectural Review's Historic Overlay District Guidelines.

~~[4] Appearance: Spray paint lettering on plain plywood, or similar unfinished appearing materials, is not permitted.~~

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Editorial Notes: Proposed new text is shown in **highlight** and *italics*. Proposed deleted text is shown in ~~strikethrough~~ font. Text shown in **BLUE** font is for information purposes only. Original draft by Town Council via Councilman Funk. Revised 10/8/14 per direction from PC at Work Session.

Town of Front Royal, Virginia Work Session Agenda Form

Date: February 2, 2015

Agenda Item: Referral of the Planning Commission
Draft Amendment: Incentives (Tourism Zones)
Director of Planning & Zoning

Summary: The attached draft amendment (Attachment A), titled "Incentives", proposes the establishment of specific Tourism Zones, pursuant to Virginia Code 58.1-3851 (See Attachment B). These zones will encourage economic development that will attract visitors, increase tax revenue, and enhance the general welfare of the public. The proposed incentives would be added to Section 75-74 of the Town Code. The draft amendment also proposes the addition of Section 75-75, which is actually a new section created to relocate the existing partial real estate tax exemption program for historic district rehabilitation that is currently found under Section 175-97.

On January 21, 2015, following a public hearing, the Planning Commission recommended approval of the draft amendment after developing it over several months with Planning & Zoning Staff and the Finance Director. The draft has been vetted with the Economic Development Authority and Main Street Committee. The Chamber of Commerce, Downtown Front Royal, Warren County, and Front Royal Business Alliance were also involved in the process leading to the Planning Commission's recommendation. Town Council previously referred to the Planning Commission the project of reviewing and developing recommendations for a Tourism Zone.

The proposed draft amendment would effectively create three (3) tourism zones in the Town (See Attachment C - Map of Tourism Zones). Incentives would be offered for new businesses or the expansion of existing businesses; provided that, the project meets the minimum investment criteria and is for and eligible use for the respective tourism zone. Allowed incentives include the following: 1) BPOL tax reduction of up to 100% on new growth for up to 10 years, 2) up to 100% reduction of Town permit fees, and 3) financing of tap fees for a period of up to 10 years, and at a 0% interest rate. Incentives would not be guaranteed until a performance agreement is approved by Town Council, and is subject to be revoked by Town Council if any required terms are not complied with.

Council Discussion: This agenda item is scheduled for a work session review on 02/02/15.

Staff Evaluation: Planning & Zoning Staff will be available during the February 2, 2015 Town Council Work Session to review the proposed draft amendment. Members of the Planning Commission have been invited to attend also.

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available at the upcoming work session.

Town Manager: The Town Manager will be available at the upcoming work session.

Council Recommendation:

Additional Work Session
 Regular Meeting
 No Action
 Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session



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3 **DRAFT AMENDMENT – VERSION 3**

4 **INCENTIVES**

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6 This draft amendment to the Town Code proposes the establishment of tourism zones with incentives.
7 This draft amendments proposes to maintain the existing historic district partial tax exemption incentive,
8 but would relocate the authorizing ordinance for that under Chapter 75 so it can be more easily found in
9 the Town Code. Together, the incentives of the tourism zone, historic district and technology zone will
10 create an incentive package for the Town.

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15 **TOWN OF FRONT ROYAL MUNICIPAL CODE, CH. 75, FINANCE AND TAXATION**

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17 **75-74 TOURISM ZONE INCENTIVES**

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20 **A. PURPOSE.** *The purpose for creating tourism zones is to encourage certain types of*
21 *business growth in the Town that will attract visitors to the Town, increase tax revenue,*
22 *and enhance the general welfare of Town citizens. Virginia Code §58.1-3851 grants the*
23 *Town with the legal authority to establish tourism zones and grant tax incentives and*
24 *regulatory flexibility therein.*

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27 **B. ESTABLISHMENT OF TOURISM ZONES.**

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29 **1. Downtown Business Tourism (DBT) Zone Created.** *There is hereby established the*
30 *“Downtown Business Tourism Zone,” consisting of all the area designated as such*
31 *on the map entitled “Town of Front Royal Tourism Zone,” dated*
32 *_____ , attached hereto and incorporated herein. The intent of the*
33 *Downtown Business Tourism Zone is to achieve the overall purpose of Section 75-*
34 *74.A. by encouraging business growth and housing that enhances the unique*
35 *character and assets of the downtown area.*

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37 **2. Entrance Corridor Tourism (ECT) Zone Created.** *There is hereby established the*
38 *“Entrance Corridor Tourism Zone,” consisting of all the area designated as such on*
39 *the map entitled “Town of Front Royal Tourism Zone,” dated*
40 *_____ , attached hereto and incorporated herein. The intent of the*
41 *Entrance Corridor Tourism Zone is to achieve the overall purpose of Section 75-*
42 *74.A. by encouraging business growth that enhances the unique character and assets*
43 *of the entrance corridor area.*

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45 **3. Community Business Tourism (CBT) Zone Created.** *There is hereby established the*
46 *“Community Business Tourism Zone,” consisting of all the area designated as such*
47 *on the map entitled “Town of Front Royal Tourism Zone,” dated*
48 *_____ , attached hereto and incorporated herein. The intent of the*
49 *Community Business Tourism Zone is to achieve the overall purpose of Section 75-*
50 *74.A. by encouraging general business growth in the Town of Front Royal that*
51 *supports tourism.*

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C. ELIGIBILITY REQUIREMENTS.

1. **ELIGIBLE USES BY TOURISM ZONE.** The following land uses, as categorized within by each tourism zone, are eligible to receive the tourism zone incentives of Section 75-74.D., subject to compliance with all other code requirements of the Town Code.

TABLE 75-74.C.1.

SPECIFIC TOURISM ZONE	ELIGIBLE TYPE OF LAND USES
<u>Downtown Business Tourism (DBT)</u>	Retail Dining Lodging Entertainment* Culture & Arts Personal Services & Offices Condominiums**
<u>Entrance Corridor Tourism (ECT)</u>	Retail Dining Lodging Entertainment* Culture & Arts
<u>Community Business Tourism (CBT)</u>	Retail Dining Lodging Entertainment* Personal Services & Offices

*Including both outdoor and indoor uses, but excluding adult entertainment uses.

** Excluding such uses that are located on the ground level.

2. **INVESTMENT CRITERIA.** Eligible land uses, as specified under Section 75-74.C.1, shown above, are eligible to receive the tourism zone incentives of Section 75-74.D., shown below, only if all of the following criteria is met.

- a. A minimum new capital investment of \$25,000.
- b. A minimum creation of one new (1) job.
- c. Conformance with the Town's Comprehensive Plan.
- d. Compliance with the Town Code.

D. INCENTIVES.

1. **BPOL Tax Incentive.** BPOL Tax may be reduced for eligible land uses that meet the investment criteria, as specified under 75-74.C.2.

a. Eligible land uses shall be categorized into one of the following three (3) tier groups, depending on the amount of capital investment and quantity of jobs created.

TABLE 75-74.D.1.a.

Tier Group	Capital Investment	Jobs Created
Tier 1	\$10,000 - \$99,999	1-3
Tier 2	\$100,000 - \$499,999	4-10
Tier 3	\$500,000 or more	11 or more

b. The following table illustrates the duration that eligible land uses may receive BPOL tax reduction, based on the tier group they qualify for.

TABLE 75-74.D.1.b.

YEAR	1	2	3	4	5	6	7	8	9	10	11+
Tier 1	✓	✓	✓	✓	X	X	X	X	X	X	X
Tier 2	✓	✓	✓	✓	✓	✓	✓	X	X	X	X
Tier 3	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X

Note: X = not eligible; ✓ = Eligible.

c. Eligible land uses may receive up to 100% BPOL tax reduction for the number of specified years they qualify for under Table 75-74.D.1.b.

d. BPOL tax reduction is based on the estimated increase in BPOL tax, as calculated from estimated increased revenue after the proposed investment. BPOL tax reduction shall not apply to existing BPOL tax prior to the specific investment.

2. **Permit Fee Incentive.** All eligible land uses may receive up to 100% reduction in permit fees with the Town of Front Royal.

3. **Tap Fee Incentive.** Eligible commercial land uses may be allowed to make payment of required tap fees over a period of time that does not exceed ten (10) years, without interest or fees, subject to a lien on the property, or other guarantee, for the specified time period. Eligible residential land uses may be allowed to delay payment of required tap fees at a point of time agreeable to the Town of Front Royal, but before all dwelling units are occupied, subject to a lien on the property, or other guarantee, for the specific time period.

141 **E. ADMINISTRATION & INTERPRETATION**

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- 143 1. *The Town Manager, or designee, is authorized to administer tourism zones.*
- 144 2. *Interpretations of this section shall be determined by the Town Manager, after*
- 145 *consultation with the Town Attorney.*
- 146 3. *All eligible businesses must submit an application for tourism zone incentives to the*
- 147 *Town Manager's Office.*
- 148 4. *The Town Manager, or designee, shall draft a performance agreement for applicants*
- 149 *that qualify for incentives. The performance agreement shall be reviewed by the Town*
- 150 *Attorney, Director of Finance, Director of Planning & Zoning, or other departments,*
- 151 *authorities, committees, commissions or agencies, as determined appropriate by the*
- 152 *Town Manager.*
- 153 5. *Performance agreements shall specify all incentives that are to be authorized and may*
- 154 *include conditions of approval, such as, but not limited to, requirements that the*
- 155 *applicant maintain certain hours of operation, site improvement requirements, or*
- 156 *reduction of incentives from their maximum levels authorized by this section.*
- 157 6. *Incentives are not authorized until a performance agreement is approved by Town*
- 158 *Council, and nothing herein shall be interpreted to require or obligate the Town to*
- 159 *approving any incentives until a performance agreement is approved by Town*
- 160 *Council.*
- 161 7. *Town Council may revoke, reduce, or suspend incentives after approval of the*
- 162 *performance agreement if the conditions, or other terms, of the performance*
- 163 *agreement are not complied with.*
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166 **75-75 HISTORIC DISTRICT INCENTIVES FOR REHABILITATION.**

167 [\[Transfer the contents of Section 175-97 to 75-75 and reference under 175-97\]](#)

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170 **175-97 REAL ESTATE TAX EXEMPTION FOR REHABILITATION (Historic District)**

171 *Refer to Chapter 75, Section 75.*

- 172 A. ~~A partial exemption of real estate taxes for a period of ten (10) years shall be provided for the substantial~~
- 173 ~~rehabilitation of any structure [fifty (50) years or older] within a designated historic resource overlay area or~~
- 174 ~~to a structure which is listed on the National Register of Historic Places. For the purposes herein, substantial~~
- 175 ~~rehabilitation shall involve an investment of at least forty percent (40%) of the pre-rehabilitated assessed~~
- 176 ~~value of the structure.~~
- 177 B. ~~The partial exemption shall be equal to the increase in assessed value resulting from the rehabilitation.~~
- 178 ~~Rehabilitations cannot replace the original structure. Increases in total square footage may be permitted up to~~
- 179 ~~a maximum of fifty (50%) percent of the original structure.~~
- 180 C. ~~The exemption shall commence on January 1 of the year following completion of the rehabilitation and shall~~
- 181 ~~run with the real estate for a period of ten (10) years. An increase in an assessment occurring after the first~~
- 182 ~~year of the exemption shall not result in an increase in the exemption.~~
- 183 D. ~~No property shall be eligible for such exemption unless the appropriate certificate of appropriateness and~~
- 184 ~~building permits have been acquired and the Zoning Administrator and Commissioner of the Revenue have~~
- 185 ~~verified that the rehabilitation indicated on the application has been completed. Such rehabilitation shall be~~
- 186 ~~completed within two (2) years of issuance of the building permit for the work, except that the deadline for~~
- 187 ~~completion may be extended for up to two (2) additional years if the Zoning Administrator determines that~~
- 188 ~~reasonable progress has been made towards completion of the project.~~
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190 -----END

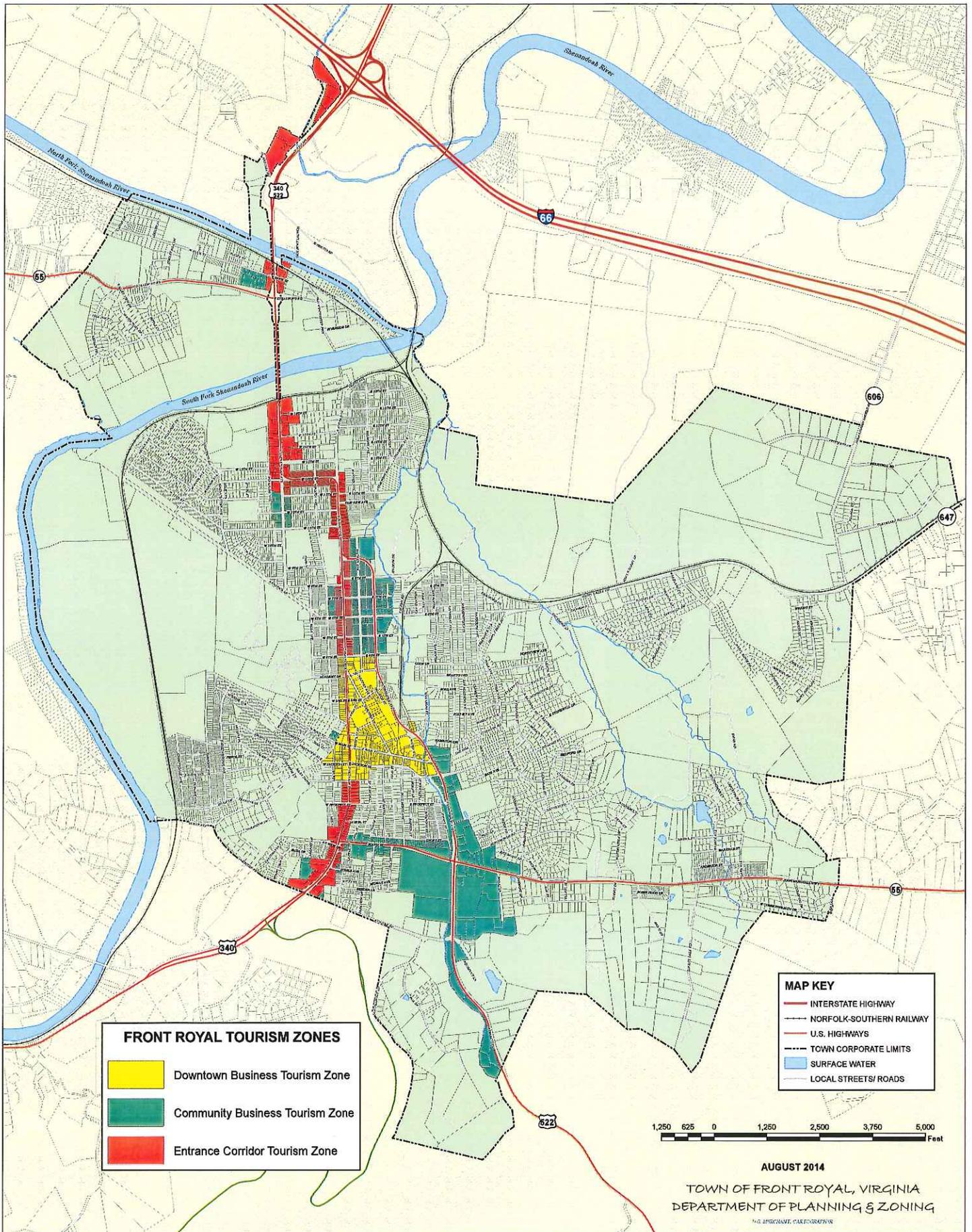
191 **Editorial Notes:** Proposed new text is shown in **highlight** and *italics*. Proposed deleted text is shown in

192 ~~strikethrough~~ font. Text shown in **BLUE** font is for information purposes only. Drafted 08/19/14 (JFC);

193 Revised 9/5/14 (JFC); Revised 10/28/14 (JFC).



Town of Front Royal TOURISM ZONE



§ 58.1-3851. Creation of local tourism zones.

A. Any city, county, or town may establish, by ordinance, one or more tourism zones. Each locality may grant tax incentives and provide certain regulatory flexibility in a tourism zone.

B. The tax incentives may be provided for up to 20 years and may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) reduction of any type of gross receipts tax. The extent and duration of such incentive proposals shall conform to the requirements of the Constitutions of Virginia and of the United States.

C. The governing body may also provide for regulatory flexibility in such zone that may include, but not be limited to (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ [62.1-44.15:67](#) et seq.), the Erosion and Sediment Control Law (§ [62.1-44.15:51](#) et seq.), or the Virginia Stormwater Management Act (§ [62.1-44.15:24](#) et seq.), and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

D. The establishment of a tourism zone shall not preclude the area from also being designated as an enterprise zone.

(2006, c. [642](#); 2008, c. [462](#); 2013, cc. [756](#), [793](#).)

Work Session

Town of Front Royal, Virginia Work Session Agenda Form

Date: February 2, 2015

Agenda Item: Referral of the Planning Commission
Resolution of Support for Town Building Inspections
Director of Planning & Zoning

Summary: During the January 21, 2015 Planning Commission Meeting, the Planning Commission passed the attached resolution. The resolution supports Town Council IF Town Council decides to establish a building inspections program that is administered by the Town of Front Royal. The resolution also recognizes that a positive benefit for establishing a Town Administered Building Inspections Program is to improve customer service, both by creating a one-stop permitting department, and by improving advocacy for new business growth.

Council Discussion: This agenda item is scheduled for a work session review on 02/02/15.

Staff Evaluation: Planning & Zoning Staff will be available during the February 2, 2015 Town Council Work Session to review the proposed draft amendment. Members of the Planning Commission have been invited to attend also.

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available at the upcoming work session.

Town Manager: The Town Manager will be available at the upcoming work session.

Council Recommendation:

Additional Work Session Regular Meeting No Action
Consensus Poll on Action: ___(Aye) ___(Nay)



TOWN OF FRONT ROYAL PLANNING COMMISSION
Resolution of Support for Town Building Inspections

WHEREAS, all localities within the Commonwealth of Virginia are required to adopt and promulgate the Virginia Uniform Statewide Building Code, as specified under Title 36 of the Virginia Code; and

WHEREAS, the Town of Front Royal currently elects for the Warren County Department of Building Inspections, including the Warren County Building Official, to administer the Virginia Uniform Statewide Building Code; and

WHEREAS, building code enforcement impacts all citizens of the Town and the Town's future economic development in the Town; and

WHEREAS, if the Town of Front Royal adopts its own building inspections program the Town will be able to establish more customer friendly procedures and policies within the Town, including the consolidation of the zoning and building permit procedures, and advocating with the applicant during the building permit process; and

WHEREAS, the Town of Front Royal Economic Committee included a recommendation to start a Town building inspections program as one of their three top priority recommendations to Town Council; and

WHEREAS, Town Council has recently held a public hearing where several citizens and groups spoke in favor of the concept of establishing a Town of Front Royal Building Inspections Program; and

NOW THEREFORE, BE IT RESOLVED, that the Town of Front Royal Planning Commission supports Town Council if they choose to establish a building inspections program that is administered by the Town of Front Royal; and

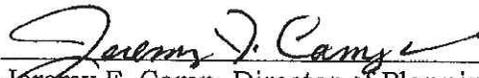
BE IT FURTHER RESOLVED, that the Planning Commission also generally recommends that such building inspection services, if established in the future, be integrated within the Town of Front Royal Planning & Zoning Department.

APPROVED:



Deborah Langfitt, Planning Commission Chair

ATTEST:



Jeremy F. Camp, Director of Planning & Zoning

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Planning Commission conducted on January 21, 2015, upon the following recorded vote:

Robert Ballentine	<u>Yes/No</u> --absent	Arnold M. Williams, Jr.	<u>Yes/No</u>
Christopher Morrison	<u>Yes/No</u>	Douglas Jones	<u>Yes/No</u> --absent
William Kline	<u>Yes/No</u>	Deborah Langfitt	<u>Yes/No</u>



Town of Front Royal, Virginia
Work Session Agenda Form

Date: February 2, 2015

Agenda Item: Waiver of Sidewalk Requirement on W. 15th Street – Aaron Hike
Director of Planning & Zoning

Summary: Aaron Hike has requested a waiver of the sidewalk requirement for two lots on 15th Street. He is currently in the process of developing these lots, and has submitted applications for two single-family dwellings. Sidewalks were required for future development when the lots were subdivided several years ago based on Section 148-41.A. of the Town Code. Mr. Hike is requesting a waiver of the requirement to install sidewalks on the basis "that there is no sidewalk in the area and that the lots are at the end of the street." The Town Code provides the guidelines for which Town Council should consider requests to waive sidewalks. Specifically, Section 148-41.A. states the following:

"For all subdivisions involving the creation of an additional buildable lot or lots, sidewalks shall be required on both sides of all public streets within the subdivision and on the side of each street touching the subdivision, unless other provisions have been made and approved by the town for an alternative system of pedestrian walkways. This requirement for sidewalks along existing public streets may be waived on vote of the Town Council in residential areas where curb and gutter has been waived to Section 149-40(C), or where any newly created lots exceed one-half acre in size, or where the existing development pattern would likely rule out the orderly creation of a complete sidewalk network in the long term. Such waiver shall not include existing streets designated in the Town Plan as important sidewalk linkages. Public sidewalks shall be required for all commercial developments and multifamily residential developments. Public sidewalks may be required by the town for industrial lots."

Section 148-41.A. authorizes the waiver of sidewalks, but only if one of the following three conditions are met: 1) Where curb and gutter is also waived; 2) When the lots exceed 1/2 acre; OR When Town Council determines that the orderly creation of a complete sidewalk network in the long term is unlikely to occur.

Council Discussion: This agenda item is scheduled for a work session review on 02/02/15.

Staff Evaluation: Based on the Town Code criteria, a waiver could be granted by Town Council. An illustration of the two lots is attached for supportive information on the properties (Attachment A). The closest sidewalk is adjacent to the 14th Street/Jefferson Avenue intersection. Another developer, for the two adjacent lots, was approved a similar waiver by Town Council approximately 1 year ago. Mr. Hike's letter of request is attached (Attachment B).

Budget/Funding: N/A

Legal Evaluation: The Town Attorney will be available at the upcoming work session.

Town Manager: The Town Manager will be available at the upcoming work session.

Council Recommendation:

Additional Work Session Regular Meeting No Action
Consensus Poll on Action: (Aye) (Nay)

January 7th, 2015

To Whom it may concern,

I have recently purchased two lots on west 15th street (tax map # 20A1-1-5-1B & 20A1-1-5-1C) and intend to build a single family dwelling on each. I am requesting a sidewalk waiver being that there is no sidewalk in the area and that the lots are at the end of the street.

I appreciate your consideration

Aaron Hike
(540) 683-1923

Town of Front Royal, Virginia
Work Session Agenda Form

Date: February 2, 2015

Agenda Item: FY15-16 Property Tax Rates

Summary: The current Property Tax Rates for the Town are: \$0.13 per \$100 for Real Estate Property Tax; \$0.64 per \$100 for Personal Property Tax; \$0.64 per \$100 for Machinery & Tools Tax; \$0.32 per \$100 for Emergency Services Providers; and \$0.13 per \$100 for Mobile Homes. Estimated total revenue from Real Estate Tax for FY14-15 was \$970,000, estimated direct revenue from all Personal Property Taxes was \$280,000, and estimated Personal Property Tax for vehicles transferred from the State was \$287,000.

Council Discussion: Council is requested to discuss any desired capital projects or operational changes that would warrant adjustment of the tax rate.

Staff Evaluation: Given staff's understanding of Council's Goals, staff does not recommend adjustment of the Real Estate Tax or Personal Property Tax rates. Warren County has indicated that the assessments for Town properties increased by approximately 3%. This would result in less than \$30,000 in additional revenue that does not warrant adjustment to equalize the tax rate.

Budget/Funding: The Director of Finance will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends to maintain the current Real Estate Tax and Personal Property Tax rates for the FY15-16 Budget.

Town Manager Recommendation: The Town Manager recommends to maintain the current Real Estate Tax and Personal Property Tax rates for the FY15-16 Budget.

Council Recommendation:

- Additional Work Session
 - Regular Meeting
 - No Action
- Consensus Poll on Action: ___(Aye) ___(Nay)





Item No. 5

Town of Front Royal, Virginia Work Session Agenda Form

Date: February 2, 2015

Agenda Item: Resolution to General Assembly Pertaining to State Corporation Commission and Regulation of Municipal Electric Utility Rates (SJR 300)

Summary: Councilman Connolly has requested that this item be placed on the work session

Council Discussion: Council takes desired action

Staff Evaluation:

Budget/Funding:

Legal Evaluation:

Staff Recommendations:

Town Manager Recommendation:

Council Recommendation:

Additional Work Session Regular Meeting No Action

Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session

TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA

**A RESOLUTION TO REQUEST THE GENERAL ASSEMBLY TO NOT ENACT
LEGISLATION GRANTING THE STATE CORPORATION COMMISSION THE
NON-DEMOCRATICALLY DERIVED ADMINISTRATIVE AUTHORITY TO
REGULATE MUNICIPAL ELECTRIC UTILITY RATES**

The Town Council of the Town of Front Royal, Virginia, by unanimous vote of all of its Members, with all Members present and voting, does, at its regular Meeting held on the 26th day of January, 2015, make the following findings and conclusions:

WHEREAS, the Town of Front Royal, Virginia (herein after, "Front Royal"), operates its own municipal electric utility system and sells to its residents electric power, and has done so for over 114 year; and

WHEREAS, Front Royal has been recognized by the Office of the Attorney General of the Commonwealth of Virginia as selling to its customers the lowest electric utility rates in the Commonwealth of Virginia; and

WHEREAS, the average privately-owned utility rates for residential users which are regulated by the State Corporation Commission are lower than the national average; and the rates charged by Front Royal's municipal electric utility system to residential users is the lowest in the Commonwealth, and thus are lower than privately-owned electric utility systems regulated by the State Corporation Commission; and

WHEREAS, requiring the State Corporation Commission, a State-appointed, politically appointed body of people who have little or no connection to or knowledge of the Town of Front Royal and its citizens, residents and businesses, instead of the Town's own elected Town Council composed of Town citizens and residents who speak for and are accountable to their own constituents, to regulate Front Royal's municipal electric utility system and rates, prevents Front Royal from effectively managing operations for its own citizens; is top-down, big government, undemocratic, intrusive, appointive, regulatory, bureaucratic, administrative government instead of small, local, democratically-elected government, and is more typical of the big-government, appointed bureaucratic approach one would expect to come from the halls of Washington, D. C. instead of the small government, democratically-elected local representative philosophical values of Thomas Jefferson and many other Virginians, and

WHEREAS, the Town Council of the Town of Front Royal feels that its citizens are much more directly and beneficially represented by its Town Council managing its own municipal electric utility system which has proved itself to be more economical and efficient than either the State Corporation Commission-regulated electric utility systems or the national average of electric utility systems.

WHEREAS, the Town Council of the Town of Front Royal, Virginia, having determined that it is in the best interests of said Town of Front Royal and its inhabitants to do so, and having determining the same to be in the best interests of the Commonwealth of Virginia thereby, the Town Council does hereby on January 26, 2015, approve by a vote of six (6) yeses, no (0) nos, and no (0) abstentions, with all Town Council Members being present and voting:

HEREBY RESOLVE AND ENACT by Hollis L. Tharpe (who is also Vice-Mayor), John P. Connolly, Bébhinn C. Egger, Daryl L. Funk, Bret W. Hrbek, and Eugene R. Tewalt, being all the Members of the Town Council of the Town of Front Royal, Virginia, a Municipal Corporation and a political subdivision of the Commonwealth of Virginia, as follows:

- A. Request the Town of Front Royal’s representatives in the General Assembly, the Honorable Mark D. Obenshain, Senator, the Honorable Mark J. Berg, the Honorable C. Todd Gilbert, Delegate, and the Honorable Michael J. Webert, to oppose Senate Joint Resolution No. 300 and any other bill or proposed legislation of a similar nature.

- B. Request the Town of Front Royal’s representatives in the General Assembly, the Honorable Mark D. Obenshain, Senator, the Honorable Mark J. Berg, the Honorable C. Todd Gilbert, Delegate, and the Honorable Michael J. Webert, to oppose all legislation in the 2015 Session of the General Assembly that would give the State Corporation Commission, or any other State-appointed administrative or regulatory agency, the duty or power to regulate the rates, charges, and services of municipal electric utilities, as local elected officials are more familiar with their own localities and own local conditions and are more accountable to their own constituents than distant, State-appointedes of regulatory agencies.

This Resolution shall be effective immediately upon enactment.

THIS RESOLUTION was adopted by unanimous vote of all Members, including the Vice-Mayor, all of whom were present and voting, of Town Council voting “Yes” below at a Regular Meeting of the Town Council of Front Royal, Virginia, on January 26, 2015, upon the following recorded vote:

Motion to Approve by: _____

Seconded by: _____

Votes:

Town Council Members

John P. Connolly _____ Bébhinn C. Egger _____
Daryl L. Funk _____ Bret W. Hrbek _____
Hollis L. Tharpe _____ Eugene R. Tewalt _____

APPROVED AS TO FORM AND LEGALITY:

Douglas W. Napier,
Town Attorney

Date