

TOWN COUNCIL WORK SESSION

March 14, 2016 @ 6:30pm
Warren County Government Center

1. CLOSED MEETING – Interviews for Planning Commission – Chris Jones

Motion to Go Into Closed Meeting

*Pursuant to Va. Code Section 2.2-3711. A.1. of the Freedom of Information Act, ===== moved, seconded by
===== that Town Council go into closed meeting to discuss, consider, and interview prospective candidates
for appointment to the position of Planning Commission of the Town of Front Royal.*

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 *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

===== moved, seconded by ===== that Town 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)

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 14, 2016, in the Warren County Government Center's Board Meeting Room. Mayor Darr led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Timothy W. Darr
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Eugene R. Tewalt
Vice Mayor Hollis L. Tharpe
Town Attorney Douglas W. Napier
Town Manager Steven M. Burke, P.E.
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Bret W. Hrbek

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Councilman Tewalt moved, seconded by Councilman Egger that Council approve the Regular Council Meeting minutes of February 22, 2016 as presented.

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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Mike McCool, of 125 W. 8th Street, noted that regarding food trucks, perhaps there should be an information sheet be put together to provide data to the public. He opined that the current information out there to the public and the brick and mortar businesses is that the food trucks will be taking away from the current brick and mortar businesses and that food trucks would not be paying any sales tax.

Mr. McCool asked how the Town will assure the current Town businesses that the meals taxes from the food trucks are being paid.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mayor Darr noted that a representative from the Northern Shenandoah Valley Regional Commission would be present at the next meeting for their report.

Sonja Carlborg, of the Appalachian Trail Community Committee of Front Royal-Warren County, noted that she had distributed a report for each member of Council. She thanked Mr. Burke and Councilman Egger for assisting with obtaining the additional trolley pick-up at the trail crossing and she asked about sending more information to the public in order to them well aware of that availability.

Mrs. Carlborg added that the group hosted a recent meeting in February of the trail communities from southern Pennsylvania to the Shenandoah National Park at the Town's Administration Building and many ideas came out of that meeting, including the option to have a library day pack for visitors. She noted that she would be doing some grant writing and working towards obtaining more supporters. Mrs. Carlborg asked that the Town consider a Jim Huttar Memorial Pocket Park in the future and she would bring more information to the Town on that item.

Mayor Darr stated that the new trolley arrived Wednesday and they would unveil the vehicle at 10 a.m. that day. He invited all to attend the unveiling at the gazebo downtown.

Mayor Darr recognized the Police Department Officer of the Year Marc Ramey and Senior Dispatcher Cindy Bailey as the Front Royal Police Department Civilian Employee of the Year. Council, all Town Staff and members of the public joined in congratulating Officer Ramey and Ms. Bailey for their well deserved honor.

Mayor Darr personally thanked the Police Officers for their outstanding efforts that they provide to the community. He added that considering recent news events, many times Police Officers may feel as though their hard work and dedication is over looked; Mayor Darr reiterated his appreciation for their sacrifice to the community and thanked every officer and their families.

Mayor Darr asked if there were any proposals for additions or deletions to the agenda.

CONSENT AGENDA

- A. COUNCIL APPROVAL – Bid for Easement Machine for Water and Sewer Department
- B. COUNCIL APPROVAL – Bid for Skid Steer Loader/Attachments for Streets Department
- C. COUNCIL APPROVAL – Liaison Committee Meeting Items including the addition of:
 - Local Labor Joint Resolution (Town)
 - Update of Corridor Agreement Pertaining to Funding from the County of Warren (Town)
 - *Town Commercial Waste Tipping Fee Structure (County)*
 - *Chris Ramsey Boundary Adjustment Request (County)*
- D. COUNCIL APPROVAL – Resolution for Main Street Extension
- E. COUNCIL APPROVAL – Virginia Commission for the Arts Local Government Challenge Grant Application

Councilman Connolly moved, seconded by Councilman Tewalt that Council adopt the Consent Agenda as presented.

Vote: Yes – Connolly, Egger, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Hrbek
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

RESOLUTION REQUESTING ECONOMIC DEVELOPMENT ACCESS PROGRAM FUNDING

IT FEDERAL LOT 6 OF ROYAL PHOENIX SITE

WHEREAS, the Town of Front Royal in partnership with the County of Warren and the Economic Development Authority desire to assist in the development Lot 6 of the Royal Phoenix site (former Avtex Superfund site) located south of Kendrick Lane and north of Main Street in the Town of Front Royal, Virginia within the Royal Phoenix; and,

WHEREAS, IT Federal has purchased property located in the Town of Front Royal and will soon enter into a firm contract to construct its facilities on that property for the purpose of technology and data management related service and additional retail and office development; and,

WHEREAS, this new facility is expected to involve new private capital investment in land, building, and equipment of approximately \$40,000,000 and the development by IT Federal is expected to employ 600 persons at this thirty (30) acre site; and,

WHEREAS, operations are expected to begin at this new facility on or about March 2017; and,

WHEREAS, the subject property has no access to a public street or highway and will require construction of a new roadway to connect with Kendrick Lane and ultimately Main Street; and,

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to extend Main Street; and,

WHEREAS, the Town of Front Royal hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right-of-way and utility relocations or adjustments for this improvement, if necessary will be provided at no cost to the Economic Development, Airport, and Rail Access Fund; and

WHEREAS, the Town of Front Royal acknowledges that no land disturbance activities beyond those associated with the recent reclamation of the site may occur within the limits of the proposed access project prior to any construction activity on this project as a condition of the use of the Economic Development, Airport, and Rail Access Fund; and

WHEREAS, the Town of Front Royal hereby guarantees that all ineligible costs and all costs not justified by eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby requests that the Commonwealth Transportation Board provide Economic Development Access Program funding to provide an adequate road to this property; and,

BE IT FURTHER RESOLVED that the Mayor and Council of the Town of Front Royal, Virginia that the Town Manager and/or his designee be authorized to act on behalf of the Town Council to execute any and all documents necessary to secure the funding through the Economic Development Access Program up to but not exceeding \$650,000 state funds.

PUBLIC HEARING – An Amendment to the Town’s Floodplain Ordinance Sections 175-74-175-81.3 (1st Reading)

Summary: Council is requested to affirm on its first reading an ordinance to the Town’s Floodplain Ordinance, including updates to sections 175-74 through 175-81.3 of the Town’s Municipal Town Code. The changes were requested by the Virginia Department of Conservation and Recreation as part of their review of the Town’s Floodplain Ordinance using the FEMA Region III Ordinance Review Checklist (VA), as presented.

Mayor Darr opened the public hearing. As no one came forward to speak, the public hearing was closed.

Councilman Egger moved, seconded by Councilman Connolly that Council affirm on its first reading an ordinance to the Town’s Floodplain Ordinance, including updates to sections 175-74 through 175-81.3 of the Town’s Municipal Town Code, as presented.

Councilman Tewalt noted that this seemed to be a natural ordinance that would apply to all towns and cities according to the Town's Planner. He stated that it was an ordinance moving forward based on matters as submitted by FEMA.

Vote: Yes – Connolly, Egger, Meza, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – Hrbek

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

PUBLIC HEARING – An Ordinance To Amend Town Code 175-65A and 175-65B Pertaining to I-2 Districts By Right Allowances (1st Reading)

Summary: Council is requested to affirm on its first reading an ordinance to amend the Front Royal Municipal Town Code Sections 175-65A and 175-65B that would allow Business Offices, Professional Offices, Technology Businesses and Schools in the I-2 District by right without the need for a special use permit, as presented.

Mayor Darr opened the public hearing. As no one came forward to speak, the public hearing was closed.

Councilman Connolly moved, seconded by Councilman Egger that Council affirm on its first reading an ordinance to amend the Front Royal Municipal Town Code Sections 175-65A and 175-65B that would allow Business Offices, Professional Offices, Technology Businesses and Schools in the I-2 District by right without the need for a special use permit, as presented.

Councilman Connolly stated that as industries develop it was appropriate to have government get out of the way. He added that the face of industry has been changing over the decades and this ordinance simply needs to move forward to make things easier for area businesses to develop.

Councilman Tewalt noted that he was not agreeable to the ordinance as the prior process worked better regarding schools, for example.

Councilman Egger voiced her agreement with Councilman Connolly, as it was a good step forward to not segregate businesses into any particular area.

Vote: Yes – Connolly, Egger, Meza and Tharpe
No – Tewalt
Abstain – N/A
Absent – Hrbek
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

PUBLIC HEARING – Fiscal Year 2016-2017 Tax Rates (1st Reading)

Summary: Council is requested to consider the Fiscal Year 2016-2017 real estate tax rate at \$0.14 per \$100 assessed value, which represents an increase of \$0.01 over the current year's rate with the additional \$0.01 to be used for the construction of the new Police Headquarters on Monroe Avenue and to be rescinded upon completion of the debt service payments for the project; personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rate. Council is further requested to affirm on its first reading an ordinance to amend Front Royal Town Code Section 75-44.C. accordingly.

Motion 1 from the Agenda:

Councilman Connolly moved, seconded by Councilman Egger that Council affirm on its first reading that the Fiscal Year 2016-2017 real estate tax rate remain the same at \$0.13 per \$100 assessed value, and the personal property tax rate remain the same at \$0.64 per \$100 assessed value. He further move that Council affirm on its first reading Front Royal Town Code Section 75-44.C.

Councilman Connolly opined that the Town had a solid plan to move forward to with building and paying for the police headquarters.

Councilman Tewalt noted that he was in favor of raising the amount, noting that there was \$8 million due for the architectural design of the police headquarters and Council had no idea where the funds were coming from.

Councilman Egger stated that she wanted to keep the headquarters design amount in check, though she was in favor keeping the tax rate the same as well. She noted that perhaps the Town was spending too much for the police structure. Ms. Egger used the Criser Road bridge project

from the last worksession as an example of how a firm can stay in budget for a project. She requested that Council consider staying in budget for the police headquarters.

Councilman Tewalt noted that they have given the architect a go ahead for a more expensive building, and without adding more taxes, Council would be in a pinch.

Vote: Yes – Connolly, Egger and Meza

No – Tewalt and Tharpe

Abstain – N/A

Absent – Hrbek

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

Mr. Napier noted that the matter required four votes, not just the majority present. Mayor Darr noted that it would be on the next worksession for discussion. Councilman Tewalt noted that he does not wish to belabor the issue. He added his concern was working towards adjusting matters relating to the police headquarters. Councilman Tewalt noted that the architects came back with an \$8 million building and unless that amount was lower, he could not vote for a lower tax rate. Councilman Connolly asked if matters can even be discussed without a motion on the floor.

Councilman Egger moved, seconded by Councilman Connolly, to suspend the rules.

Vote: Yes – Connolly, Egger, Meza, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – Hrbek

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

Councilman Tewalt expressed his concern with the current rate, as there would be nothing to cover the large amount required for the police building. Councilman Connolly stated that police protection to the community and to the entire Town was far more important than many other items that the Town does. Councilman Egger noted that it would be safer to vote for the increase and then lower the rate at a later time. She added that other matters of the budget may be able to be cut, though the budget has not been examined line by line. She added that the Police Department can provide for the community without an \$8 million building.

Mayor Darr asked about financing the building without the tax increase. Mr. Burke noted that there does seem to be opportunities to assist the Town that do not result in a tax increase, he added that the building is actually only \$5.5-6 million, though the design and estimate and furniture/equipment brings matters up to \$8 million.

Councilman Meza stated that it was a smart thing to move forward with a better designed building for the future of the community. He noted that there are some options on the table,

that Council are aware of, to move forward without raising the taxes. Councilman Tewalt stated that he did not operate on assumptions but rather on fact, regarding to financing,

Mr. Burke noted that with this design schedule, Mosely is anticipating a 9-12 month schedule and there will be no debt service this year. Mayor Darr asked if there was an alternative motion.

Motion 2 from agenda packet:

Councilman Tewalt moved, seconded by Vice Mayor Tharpe, that Council affirm on its first reading an increase of \$0.01 for Fiscal Year 2016-2017 real estate tax rate from \$0.13 to \$0.14 per \$100 assessed value, to be used for the construction of the new Police Headquarters on Monroe Avenue and to be rescinded upon completion of the debt service payments for the project. He further moved that Council affirm on its first reading an ordinance to amend Front Royal Town Code Section 75-44 accordingly.

Councilman Egger noted that she would not be supporting this matter as presented.

Vote: Yes – Tewalt and Tharpe

No – Connolly, Egger, Meza

Abstain – N/A

Absent – Hrbek

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

COUNCIL APPROVAL – An Ordinance to Amend Town Code Chapters 98 and 138 Pertaining to Food Trucks and Itinerant Merchandising *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading an ordinance to

amend Front Royal Town Code Chapters 98 (Business, Professional and Occupational Licensing) and Chapter 138 (Solicitors and Vendors) to provide expanded use of food trucks and itinerant merchandising in the Town of Front Royal. If approved, individuals seeking to conduct sales regulated by the Town Code would be required to obtain a permit through the Town Manager's Office prior to conducting sales. In addition, individuals would need to pay the appropriate business license fees and have a site approved by the Front Royal Planning Commission for itinerant merchandising. Council discussed this amendment further in a work session held on March 7, 2016 and it was suggested to reduce the Itinerant Merchant License Fee from \$500.00 to \$250.00 in Town Code Section 98-61.A.3.

Motion 2:

Councilman Egger moved, seconded by Councilman Connolly moved that Council adopt on its second and final reading an ordinance to amend Front Royal Town Code Chapters 98 (Business, Professional and Occupational Licensing) and Chapter 138 (Solicitors and Vendors) to provide expanded use of food trucks and itinerant merchandising in the Town of Front Royal. She further move to reduce the Itinerant Merchant License Fee from \$500.00 to \$250.00 in the ordinance presented at the public hearing held on February 22, 2016.

Councilman Connolly noted that they would be subject to the requirements that other food businesses would, adding that they would pay BPOL and meals taxes. He noted that the Town was attempting to have the playing field level for brick and mortar businesses.

Councilman Meza noted that other counties have other methodologies and the higher amount that is set would be a deterrent for said businesses. He added that this is a first step in trying to make it comparable for the food trucks.

Councilman Egger asked Town Attorney Napier about a possible amendment in [138-32-A-11 FINGERPRINTS](#) and the possibility of removing this section, or having it apply to just solicitors, not vendors.

Councilman Egger moved, seconded by Councilman Connolly, to amend the ordinance Section 138-3.2-A-11 regarding fingerprints, to have it just apply to solicitors.

Councilman Egger noted that they are not going door to door with a food truck, but rather solicitors are going door to door.

Vote: Yes – Connolly, Egger, Meza and Tewalt

No – Tharpe

Abstain – N/A

Absent – Hrbek

(Mayor Darr did not vote as there was no tie to require his vote)

Councilman Tewalt asked about bringing a businesses last year's tax receipts to the Town or whether the Town just goes with good faith report from the business. Mr. Burke noted that they go with a good faith report from the business. Councilman Tewalt asked about brick and mortar businesses. Mrs. Breeden stated that the brick and mortar businesses have to sign off that the information they are providing is sent to the County, though the Town has no access to what the business sends to the County.

Vote: Yes – Connolly, Egger, Meza, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – Hrbek

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call; Food Trucks as Amended)

RECEIVE PUBLIC INPUT/COUNCIL APPROVAL – An Ordinance to Amend Town Code Chapter 167 (Weapons) to add Urban Archery Hunting to replace the Deer Management Plan under grant adopted by Virginia Board of Game and Inland Fisheries and Town Council (1st Reading)

Summary: On February 22, 2016, Council moved to postpone action on the original ordinance as presented at the Public Hearing (Version 1 Ordinance). Council is requested to affirm on its first reading the revised ordinance as presented at the Work Session held on March 7, 2016 containing recommended changes from the Virginia Game and Inland Fisheries “VGIF” (Version 2 Ordinance) to amend Front Royal Town Code Chapter 167 (Weapons) to add Urban Archery Hunting to replace the Deer

Management Plan. Council discussed this ordinance amendment further in a work session held March 7, 2016 and asked for a definition of “appropriate backstop”. Staff have contacted VGIF for this information. The Town Attorney has confirmed that the revisions to the original ordinance are not substantial enough to advertise for a new public hearing.

Councilman Connolly moved, seconded by Councilman Egger that Council affirm on its first reading the version of an ordinance as modified by DGIF (Version 2) to amend Front Royal Town Code Chapter 167 (Weapons) to add Urban Archery Hunting to replace the Deer Management Plan, as presented.

Councilman Tewalt noted that his questions have yet to be answered. He expressed concerns with the safety of the hunting in Town. He reiterated his grave concerns with the dangers of the ordinance.

Councilman Connolly stated that they have had feedback from the administrative and enforcement side and the ordinance is very close to what other localities have in place. He expressed his contentment with the ordinance as presented.

Vote: Yes – Connolly, Egger, Meza and Tharpe
No – Tewalt
Abstain – N/A
Absent – Hrbek
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL – Resolution for AMP Solar Project

Summary: Council is requested to consider approval of a Resolution to proceed with the development and construction of the Solar Project with American Municipal Power (AMP) and NextEra to include the lease and interconnection agreement, as presented. Council is also requested to direct the Mayor, Town Manager, Town Attorney and the Director of Energy Services to sign all necessary documents.

Councilman Egger moved, seconded by Vice Mayor Tharpe moved that Council approve a Resolution to proceed with the development and construction of the Solar Project with American Municipal Power (AMP) and NextEra to include the lease and interconnection agreement, as presented. He further move that Council direct the Mayor, Town Manager, Town Attorney and the Director of Energy Services sign all necessary documents.

Vote: Yes – Connolly, Egger, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Hrbek
(Mayor Darr did not vote as there was no tie to require his vote)

COUNCIL APPROVAL – Budget Amendment and Acceptance of VML Insurance Reimbursement

Summary: Council is requested to approve a budget amendment and acceptance of a Virginia Municipal League (VML) insurance reimbursement in the amount of \$31,414.63 for a Town storage building that collapsed from the weight of the snow during the Town's major snow event that occurred from 1/22/16-1/24/16. The pole building is located at the "Farm" on Manassas Avenue Extended, collapsed from the weight of the snow. It was recommended by the VML insurance adjuster that the building was beyond repair and needed to be torn down and replaced. This is the estimate cost for demolition of the building as well as replacement.

Councilman Tewalt moved, seconded by Vice Mayor Hrbek that Council approve a budget amendment and acceptance of a Virginia Municipal League (VML) insurance reimbursement in the amount of \$31,414.63 for a Town storage pole building, located on the "Farm" on Manassas Avenue Extended, that collapsed from the weight of the snow during the Town's major snow event that occurred from 1/22/16-1/24/16.

Vote: Yes – Connolly, Egger, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Hrbek
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL REFER TO PLANNING COMMISSION the Property Maintenance and Rental Code

Summary: Councilman Hrbek has requested that Council consider referring the Property Maintenance and Rental Code to the Front Royal Planning Commission for evaluation.

Councilman Connolly moved, seconded by Councilman Egger that Council refer the evaluation of the Property Maintenance and Rental Code to the Front Royal Planning Commission.

Vote: Yes – Connolly, Egger, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Hrbek
(Mayor Darr did not vote as there was no tie to require his vote)

There being no further business, the Mayor declared the meeting adjourned at 8:02 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council