

COUNCIL MEETING MINUTES

March 27, 2017

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 27, 2017, in the Warren County Government Center's Board Meeting Room. Mayor Tharpe 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 Hollis L. Tharpe
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Jacob L. Meza
Councilman Christopher S. Morrison
Councilman William A. Sealock
Councilman Eugene R. Tewalt
Town Attorney Douglas W. Napier
Interim Town Manager Joseph E. Waltz
Clerk of Council Jennifer E. Berry, CMC

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

Councilman Tewalt moved, seconded by Councilman Egger moved that Council approve the Regular Council Meeting minutes of March 13, 2017 as presented.

Vote: Yes – Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Donald Cochrane, of 11 Richmond Road, noted that it had been about seven weeks since he and several neighbors came to Council regarding the UPS noise issue. He stated that for 16 years UPS has said that they would do better. Mr. Cochrane noted that he received a letter recently from Mayor Tharpe saying that the Town was afraid to make any changes. He added that nothing had been done. Mr. Cochrane stated that now that he had plans to speak with an attorney, Town Staff would not speak with him. He remarked that he had had enough and he was like a bulldog and he will not let go of the issue. He asked for a meeting with Council and for answers to the issue.

Mr. Cochrane stated that he and his neighbors wish that the noise ordinance was returned to how it was when their homes were built. He noted that what the Town has done to the neighborhood is deplorable and unacceptable. He added that UPS cannot plead ignorance and he would like an answer.

Mayor Tharpe noted that the Town Attorney researched the matter and the letter Mr. Cochrane received was the result of what the Town's actions over the years. Mayor Tharpe stated that both he and the Town Manager did visit the neighborhood and the Town would not be going in and overturning the matter.

Joe Patten, of 229 Virginia Avenue, noted that he heard that a tax increase is possible. He stated that one issue of the loss in revenue is a \$700,000 shortfall in electric revenues and some people not using as much electricity. He opined that is partially a good thing, as families are not using

as much power. He suggested that electricity fluctuates and depends on the season and Council takes this into consideration when they plan. Mr. Patten noted that this is similar to crops and commodities and he described crop analogies and how Council could mitigate the risk regarding electricity. He added that this economic problem could consider alternatives to the tax increase.

Linda Allen, 416 Salem Avenue, noted that a possible tax increase was being discussed for various reasons. She noted that the Town had a land use plan that had not been completed and she voiced support of more Staff in the Planning Office. She added that the Town also pays rent to the County for the temporary Police Department space. She voiced support of the homeless in the community that also need assistance. Ms. Allen stated that the increase in the taxes by one cent is certainly necessary.

Mr. Waltz noted that Wednesday yard waste begins this week and announced that the Town will soon begin their bi-annual flushing of hydrants in April. In response to Councilman Tewalt's questions, Mr. Wilson stated that in the General/Street Fund Debt Services:

Project/Debt	Payment/Amount	Ends
Leach Run Parkway Construction	\$148,790	2035
Repay Internal Loan-Town Hall Bldg.	150,000	2022
Leach Run Pkwy Land Purchase, Pd to EDA	105,920	2021
Happy Creek Tech Park, Pd to EDA	6,845	2021
Success Industrial Park, Pd to EDA	10,370	2021
Stephens Industrial Park, Pd to EDA	11,275	2021
Baugh Dr Extension, Pd to EDA	6,530	2021
Repay of Internal Loan for Criser Rd Trail	100,000	2021
TOTAL	\$540,180	

Mr. Wilson also reported:

GENERAL/STREET FUND PROJECTS		
Project	Est. Cost	Current Fund
Police Dept H'qrtrs Constructions	\$9,313,422	\$0
Mosely Architects (Remaining Expense)	158,755	\$158,775.00
Clerk of Works	200,000	29,339.65
W. Main Extended	2,500,000	365,681.39
Happy Creek Phase II	2,500,000	0
W. Main & Kendrick Ln Sidewalks	350,000	0
TOTAL	\$14,908,775	\$553,796.04

Councilman Tewalt stated that the Town was looking at a \$10 million pay back and Front Royal needed a tax increase to cover these projects. He stated that a tax increase is vital and if the Council does not begin to plan appropriately than they would not be going in the right direction.

The quarterly report from Director of Environmental Services, Jimmy Hannigan, was given. Mr. Hannigan noted that Criser Road bridge plans were received and they are working with residents regarding the land nearby. Mr. Hannigan stated that the punch list for Leach Run Parkway was being looked over and the Town had filed the Primary Extension Program and Paving Program to obtain funding possibly. He added that the Jamestown Road turning lane plans had begun. Councilman Tewalt asked about the slurry paving on tonight's agenda. Mr.

Hannigan stated that the contractor ride around will be in as soon as possible and he added that he hoped to move it forward as quickly as possible.

A report from the EDA Executive Director, Jennifer McDonald, was given. She noted that they had several site visits in March with Mr. Camp and Mr. Beahm, and she extended her thanks for the work they do for potential businesses considering sites around Town. Mrs. McDonald noted that work for a food truck lease continues, the Development Review Committee met March 22nd and the Workforce Housing efforts also continue. She stated that the Regional Training Academy work is ongoing and several EDA loans have been paid off and that has enabled the EDA to loan \$40,000 to REV3 Enabler.

Councilman Egger asked that the UPS/Richmond Road matter be placed on a worksession agenda for Council discussion.

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

Councilman Connolly moved, seconded by Councilman Egger to add a Closed Meeting, Property/Real Estate Discussion and Consultation with Legal Counsel (both Afton Inn) to the agenda.

Vote: Yes – Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

CONSENT AGENDA

- A. COUNCIL APPROVAL – Proclamation – Paint the Town Purple Day
- B. COUNCIL APPROVAL – Proclamation – disAbility Awareness Week 2017
- C. COUNCIL APPROVAL – Proclamation – Randolph-Macon Academy Anniversary
- D. COUNCIL APPROVAL – Donation of Radios to Parks & Recreation Department
- E. COUNCIL APPROVAL – Bid for Application of Slurry Seal

Councilman Tewalt moved, seconded by Councilman Egger that Council approve the consent agenda as presented.

PROCLAMATION **PAINT THE TOWN PURPLE**

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, tens of thousands of new cases of cancer are estimated to occur in our State, and approximately 13,900 people are expected to die from cancer this year; and

WHEREAS, the American Cancer Society is a voluntary community based health organization in Virginia dedicated to eliminating cancer as a major health problem, and

WHEREAS, the Relay for Life is a “Celebration of Life” benefiting the American Cancer Society; and

WHEREAS, the Relay for Life is a community affair held throughout the State of Virginia

which presents an opportunity to dust off our camping gear, slip on our walking shoes and network with business associates, family and friends;

NOW THEREFORE, I Hollis L. Tharpe, on behalf of the Town Council of the Town of Front Royal, Virginia, do hereby proclaim Sunday, May 7, 2017 as:

“Paint the Town Purple Day”

throughout Front Royal and we urge citizens to recognize and participate in the **Relay for Life** and **Paint the Town Purple** events held in this community.

disability AWARENESS WEEK 2017

PROCLAMATION

Randolph-Macon Academy

PROCLAMATION

Celebrating 125 Years of College-Prep Education

WHEREAS, Randolph-Macon Academy’s Front Royal campus was founded by the United Methodist Church in 1892 as an all-boys college-prep school;

WHEREAS, Randolph-Macon Academy added its military program, part of the National Defense Cadet Corps, in 1917 in response to the Great War;

WHEREAS, Randolph-Macon Academy survived a 1927 fire that destroyed the original building and the Great Depression, and successfully navigated the changes of becoming a co-ed school in 1974 and an Air Force JROTC program in 1975;

WHEREAS, Randolph-Macon Academy’s mission is to educate and inspire young men and women for success in every facet of life, with a focus on academic excellence, leadership, and character development rooted in honor, integrity, and purpose; and

WHEREAS, as a co-ed college-prep school of distinction, Randolph-Macon Academy’s students from around the world complete over 10,000 hours of community service in Warren County each year;

WHEREAS, Randolph-Macon Academy celebrates its 125th Anniversary in 2017, with a community-wide celebration on April 28, 29, and 30, 2017;

NOW, THEREFORE, the Mayor and Town Council of the Town of Front Royal, hereby proclaim and celebrate the 125th Anniversary of Randolph-Macon Academy and congratulate the Academy on a century and a quarter of good citizenship to the Town of Front Royal and Warren County.

Vote: Yes – Connolly, Egger, Meza, Morrison, Tewalt and Sealock

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

PUBLIC HEARING – Special Use Permit for Regional Criminal Justice

Academy (1st Reading)

Council is requested to affirm on its first reading a special use permit for the future development of a regional criminal justice academy on Progress drive. The requested exceptions are summarized below:

- 1) A request to extend Progress Drive above the maximum length of 800 feet
- 2) A request for an alternative hammerhead turnaround in lieu of a standard cul-de-sac with a 40-foot radius
- 3) A request for the proposed extension of Progress Drive to be thirty (30) feet in width, matching the existing street width, but less than the minimum required street width of 36 feet
- 4) A request to not include street lights, matching the existing street
- 5) A request to not include sidewalks, matching the existing street.

The Planning Commission recommended conditional approval of the preliminary plan and Special Exceptions 1 – 3 only. This allows the Economic Development Authority (EDA) to extend Progress Drive as designed, but with sidewalks and street lights for the extended portion, as required by the Town Code.

Mayor Tharpe opened the public hearing.

Josh Petersen, of 1190 Progress Drive, Virginia International Academy, noted that he would encourage Town Council to require the installation of the lights and sidewalks. He noted that the soccer fields are used throughout the year and the school is nearby. He noted that the lights and sidewalks would add layers of safety and security to the area for the children and families. Mr. Petersen stated that the Shenandoah Shores area had a lot of foot traffic and the sidewalks and lights would certainly add a layer of safety for the entire community.

As no one else came forward to speak, the public hearing was closed.

Councilman Connolly moved, seconded by Councilman Egger that Council affirm on its first reading conditional approval of Special Exception Application FRSPU-000066-2016, that includes five (5) special exceptions to the design standards of Chapter 148 of the Town Code, as requested by the Economic Development Authority, and submitted in association with a Preliminary Plan for the extension of Progress Drive and development of a regional criminal justice academy. The conditions of approval are as follows:

- 1) **Approval and recordation of 3 deed restrictions, titled “Declaration of Restrictions of Certain Parcels of Land Owned by the Industrial Development Authority of Front Royal”, operating as the Economic Development Authority (the “EDA”), as attached to and incorporated into this Motion; and**
- 2) **Approval and recordation of a right-of-way reservation, for the benefit of the Town, beginning from the end of Progress Drive and Intersection of the planned Future Road, as illustrated on Exhibit A, and traversing Property C to the**

planned location of the East/West Connector Road, or other public street that may connect with the East/West Connector Road.

3) He further moved that the Council direct the Mayor, Town Manager, Planning Director, and Town Attorney to execute all necessary documents to carry out the intent of this Motion.

Councilman Egger moved, seconded by Councilman Tewalt, to amend the motion to include only the three matters recommended by the Planning Commission (Progress drive extension, hammerhead alternative and matching 30' street width) and to strike the deed restrictions.

Councilman Connolly asked if it was to substitute with the original motion. Councilman Egger noted that that it was only to strike the exceptions and the deed restrictions. She added that that Planning Commission recommends that the Town approve the first three items as long as the right of way was included and reject the 4th and 5th exceptions (sidewalks and lights).

Councilman Connolly noted that he was uncomfortable with amending the deed restrictions document. He stated that should the amendment go through, he would most likely go against his own original motion.

Councilman Egger stated that the deed restriction document was just given to Council today and she felt that the Town Council should support the Planning Commission's recommendations and the EDA grants the right of way. She added that she was leery of approving the document, since Council just received it today.

Mayor Tharpe noted that the consensus of Council had been to instruct the Town Attorney to develop a plan to defer the installation of the sidewalks and lights until a later time – which is what was before Council at this time.

Councilman Meza inquired as to when the Town could begin the discussion to start installation of the improvements in the area. Mr. Waltz noted that they could start discussing it in July. Mr. Napier stated that the intent was to have the three parcels. Mr. Meza stated that the plan would be that once the Town commits to installing the lights and sidewalks in the area, at that point the property owner would be required to place their sidewalks and lights.

Councilman Tewalt noted that he will not discuss projects anymore until there is funding available.

Councilman Egger asked when the developer would be required to install the lights and sidewalks. Mr. Camp noted that the language states that when the Town begins the sidewalk projects.

Vote: Yes – Egger, Tewalt and Sealock
No – Connolly, Meza and Morrison,
Abstain – N/A
Absent – N/A
NO – Mayor Tharpe to break the tie
(By Roll Call; MOTION FAILED to amend)

Vote: Yes – Connolly, Meza and Morrison
No – Egger, Sealock and Tewalt
Abstain – N/A
Absent – N/A
YES – Mayor Tharpe to break the tie
(By Roll Call; Original Motion Carried)

COUNCIL APPROVAL – Fiscal Year 2017-2018 Tax Rates (2nd Reading)

Summary: Council affirmed on its first reading on March 13, 2017 that the Fiscal Year 2017-2018 real estate tax rate remain the same at \$0.13 per \$100 assessed value; the personal property tax rate remains the same at \$0.64 per \$100 assessed value; established personal property tax relief rate of 60% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1000; personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code§58.1-3524 and to amend Town Code 75-44 accordingly. Council is requested tonight to adopt on its second and final reading the Fiscal Year 2018-2018 Real Estate Tax rate at an amount as approved by Council; the personal property tax rate remaining the same at \$0.64 per \$100 assessed value; establish personal property tax relief rate of 60% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1000; personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code§58.1- 3524 and to amend Town Code 75-44 accordingly.

Councilman Connolly moved, seconded by Councilman Connolly that Council adopt on its second and final reading that the Fiscal Year 2017-2018 real estate tax rate remain the same at \$0.13 per \$100 assessed value, the personal property tax rate remain the same at \$0.64 per \$100 assessed value; establish personal property tax relief rate of 60% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1000 and personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code§58.1-3524. He further moved that Council adopt on its second and final reading an ordinance to amend Front Royal Town Code Section 75.44.C accordingly.

Councilman Tewalt, seconded by Councilman Sealock, to amend the motion to 14 cents with one cent going to the Police Department building, with a sunset clause once the structure was paid for.

Councilman Meza asked for clarification regarding a sunset clause. Mr. Napier noted that this Council can state their intention though future Councils can state their intent to reverse any and all votes and not honor previous Council's wishes.

Councilman Egger asked if the sunset clause would automatically go away, or would future Council's need to vote to reduce the amount. Mr. Napier stated that the amount would automatically drop and they would not need to vote to reduce the rate.

Councilman Connolly stated that there were many projects coming off of the books. He noted that the real estate taxes were not the Town's biggest ticket items and they could instead, perhaps, look at the \$400,000 slurry seal choice in the consent agenda for example. He opined that an entire cent increase was not warranted and perhaps next year it would be. Mr. Connolly stated that the Town was in good financial shape he did not see the need the for the one cent increase.

Vote: Yes – Sealock and Tewalt
No – Connolly, Egger, Meza and Morrison
Abstain – N/A
Absent – N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call, for 14 cents, MOTION FAILED)

Councilman Meza moved, seconded by Councilman Morrison, for a half cent increase with the amount going to the Police Department (raise to 13½ cents).

Councilman Meza noted that over the last 15 years the real estate taxes had not increased. He noted that there were many projects to address such as the Leach Run Parkway, the Police Department, and the West Main Connector. He added that the Staff and Council has gone through the budget carefully and all should keep in mind that the debt service would be coming to fruition. Councilman Meza noted that he would prefer to follow Staff's recommendation and move forward with the half cent increase.

Councilman Tewalt noted that he would support the increase as proposed. He voiced support of raising taxes only when they can designate the amount for a project, such as the Police Department.

Vote: Yes – Meza, Morrison, Sealock and Tewalt
No – Connolly and Egger
Abstain – N/A
Absent – N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call, for 13½ cents, MOTION CARRIED)

COUNCIL APPROVAL – Resolution – Signature Authority for VDOT Projects
Summary: Council has received a request from the Virginia Department of Transportation (VDOT) seeking approval of a Resolution granting signature authority for all Virginia of Department of Transportation (VDOT) Projects in the Town to the Interim Town Manager on the Town's behalf, as presented.

Councilman Tewalt moved, seconded by Councilman Egger that Council approve a Resolution granting signature authority for all Virginia of Department of Transportation (VDOT) Projects in the Town to the Interim Town Manager on the Town's behalf, as presented.

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

RESOLUTION

INTERIM TOWN MANAGER SIGNATURE AUTHORITY FOR VDOT

WHEREAS, Town Council approves various Virginia Department of Transportation (VDOT) Projects; and

WHEREAS, VDOT requests a Resolution by Town Council granting signature authority to the Interim Town Manager to execute agreements on various projects on the Town's behalf; and,

NOW, THEREFORE, IT BE RESOLVED by the Town Council of the Town of Front Royal to grant signature authority to the Interim Town Manager for various VDOT projects on the Town's behalf.

COUNCIL APPROVAL – Budget Amendment/Transfer – Future Funding for Results of Compensation Study

Summary: The Fiscal Year 2017 adopted budget includes funding that will not be used for employee salaries during Fiscal Year 2017 and is requested to be transferred from Personnel and Fringe Benefit line item to Reserve for Contingencies of Fund Balances. Council is requested to approve the budget transfers and amendments to the FY 2017-2018 budget in the amount of \$158,339.60, as presented.

Councilman Connolly moved, seconded by Councilman Egger that Council approve a Budget Amendment and Transfer in the amount of \$158,339.60 for future funding of the Compensation Study results.

Vote: Yes – Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

COUNCIL APPROVAL – Budget Amendment for Community Development

Summary: Council is requested to consider approval of a Budget Amendment in the amount of \$14,112.00 for the Community Development Director Position.

Budget/Funding: Encumbered carried over from prior year under account 1101-R43002 Council Professional Services for Community Development to be released into General Fund Balance

1000-3510110-General Fund – Appropriated Funds Forward \$ 14,112.00

1205-41001 – Office of Tourism – Salaries \$ 11,266.00

1205-42001 – Office of Tourism – FICA \$ 862.00

1205-42002 – Office of Tourism – VRS/Life Insurance \$ 1,984.00

Councilman Connolly moved, seconded by Councilman Egger that Council approve a Budget Amendment in the amount of \$14,112 for the Community Development Director Position. He further moved that Council allow

the Community Development Director to use \$20,000 of the encumbered funds carried over from prior years under account 1101-R43002 (Town Council Professional Services) for Community Development related expenses.

Councilman Connolly noted that all on Council seem very pleased with this full-time transfer into the Town employment.

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

COUNCIL REFER TO PLANNING COMMISSION – Amendment to Town Code pertaining to Flea Market Days of Operation and the addition of a Farmers Market

Summary: Council is requested to refer to the Planning Commission a request from Linda Andrick, owner and operator of the Flea Market located on Commerce Avenue, to allow the Flea Market to open on Fridays and to add a Farmers Market by Special Use Permit.

Councilman Connolly moved, seconded by Councilman Meza that Council refer to the Planning Commission a request to extended the operation of the Flea Market to include Fridays and the addition of a Farmers Market by Special Use Permit.

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

COUNCIL RECOMMENDATION – Board of Zoning Appeals (BZA)

Summary: Council is requested to consider a recommendation to the Judge of the Warren County Circuit Court for a re-appointment to the Front Royal Board of Zoning Appeals (BZA) to fill a five-year term ending May 1, 2022.

Councilman Connolly moved, seconded by Councilman Meza that Council recommend R. Wayne Sealock to the Judge of the Warren County Circuit Court for re-appointment to the Front Royal Board of Zoning Appeals (BZA) to fill a five-year term ending May 1, 2022.

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

(By Roll Call)
-----**CLOSED MEETING – REAL PROPERTY & LEGAL COUNSEL****Motion to Go Into Closed Meeting**

Councilman Connolly moved, seconded by Councilman Egger that Town Council go into go closed meeting for the following reasons:

- (1) Discussion or consideration of the disposition of publicly held real property, specifically, the former Afton Inn property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A.3., of the Code of Virginia.
- (2) Consultation with legal counsel employed or retained by Town Council regarding specific legal matters, specifically, the respective rights and duties of Town Council and the Economic Development Authority with respect to the former Afton Inn property, requiring the provision of legal advice by such counsel.

Vote: Yes – Connolly, Egger, Meza, Morrison, Sealock, and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

Motion to Certify Closed Meeting

Councilman Connolly moved seconded by Councilman Egger 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.

Vote: Yes – Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 8:22 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council