

TOWN COUNCIL WORK SESSION

Monday, July 17, 2017 @ 6:00 PM

Town Hall Conference Room

1. CLOSED MEETING – Interviews for Council Vacancy

Motion to Go Into Closed Meeting

Pursuant to Virginia Code Section 2.2-3711.A.1 of the Freedom of Information Act, I move that Town Council go into Closed Meeting to discuss, consider and interview prospective candidates for appointment to fill the vacancy on Town Council occasioned by the resignation of former Town Council Member Bébhinn Egger.

Motion to Certify Closed Meeting at its Conclusion

===== 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 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.

2. Continued Discussion of Proposed Ordinance Amendment - Flea Market Regulations Pertaining to Licensing Fees – Town Manager

Summary: During the June 26, 2017 work session Council requested staff to review the Town's Flea Market Ordinance relating to the licensing fees.

Council is requested to discuss if the Town should change licensing fees for flea markets to a flat annual licensing fee versus the per vendor fee that is currently associated with flea markets.

Staff Evaluation: Currently, Town of Front Royal municipal code 98-46 requires every vendor who is engaged in the sale or display of goods at a flea market to purchase a license and display the license. For every license to sell or display antiques or used or second-hand goods at a flea market there is a \$10 per year license tax or a \$1 per day license tax.

Frederick County does not have a per vendor fee for flea markets and charges the flea market an annual license fee of \$500 as a whole.

Budget/Funding: Revenue collected from business licensing may be effected

Legal Evaluation: Ms. Linda Henry had earlier asserted at a Town Council Work Session that her father and a previous Town Attorney had agreed years earlier that Town Code Section 98-46 was illegal and unenforceable, and as a result, she and her vendors had not been paying the license tax imposed therein since that time. Ms. Henry was unable to state the legal or factual basis for this assertion. I have researched this matter and have to been able to confirm that there is any illegality to Town Code Section 98-46, but rather, this ordinance does appear to meet the requirements of the Code of Virginia's enabling legislation and thus, Section 98-46 does appear to be legal and enforceable. Likewise, a flat \$500 flea market licensing fee would be legal and enforceable, as Va. Code § 58.1-3717.C states:

“Any tax imposed pursuant to § 58.1-3703 on peddlers and itinerant merchants shall not exceed

\$500 per year. ”

Staff Recommendations: Staff recommends to set a flat \$500 flea market licensing fee to the owner of the flea market that would cover all vendors who sell or display antiques or used or second-hand goods at the flea market.

Council End Discussion: Add a \$250 flat fee, possibly amend to motion next week at Regular Council Meeting

3. Continued Discussion of Property Maintenance – *Director of Planning/ Zoning*

4. Continued Discussion on Charter Revisions – *Town Attorney*

5. Council Discussion/Goals

6. CLOSED MEETING – VML Issues and Council Vacancy Interviews Review

Motion to Go Into Closed Meeting

===== move that Town Council convene and go into Closed Meeting for the following purposes regarding the VML

issues pertaining to Randolph Avenue: **(1)** Discussion or consideration of the investment of public funds where

competition or bargaining is involved, where, if made public initially, the financial interest of the governmental

unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia; **(2)** Discussion of the award of public contracts involving the expenditure of public funds, and discussion of the terms or scope

of such contract, where discussion in an Open Session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia; and, **(3)** Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring

the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia AND

Pursuant to Virginia Code Section 2.2-3711.A.1 of the Freedom of Information Act; AND **(4)** to discuss, consider and interview prospective candidates for appointment to fill the vacancy on Town Council occasioned

by the resignation of former Town Council Member Bebhinn Egger.

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 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.