

COUNCIL MEETING MINUTES

August 7, 2017

The SPECIAL MEETING of the Town Council of the Town of Front Royal, Virginia was held on August 7, 2017, in the Town Hall Conference Room. The roll was called at 7:00 p.m.

PRESENT: Mayor Hollis L. Tharpe
Councilman John P. Connolly
Councilman Jacob L. Meza
Councilman Christopher S. Morrison
Councilman William A. Sealock
Town Attorney Douglas W. Napier
Town Manager Joseph E. Waltz
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Eugene R. Tewalt

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

Councilman Connolly moved, seconded by Councilman Sealock, that Council add a Closed meeting to discuss interviewing prospective candidates for the Council vacancy position.

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

Motion to Go Into Closed to Discuss Prospective Candidates

Councilman Connolly, seconded by Councilman Meza, that Council convene and 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.

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

Councilman Connolly moved, seconded by Councilman Meza 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.

Vote: Yes – Connolly, Meza, Morrison and Sealock

No – N/A
Abstain – N/A
Absent – Tewalt
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPOINTMENT – Councilmember

Councilman Connolly moved, seconded by Councilman Sealock that Council appoint Gary Gillispie to fill an unexpired term, said term to expire December 31, 2018.

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

Councilman Meza noted that there were many qualified applicants and there were incredible well qualified, active members of the community. He added that Council appreciated everyone's patience during the review and discussion period to allow Council time for cordial arguments. Mr. Meza stated that he was very excited for Mr. Gillispie to be joining Council.

There being no further business, the Mayor declared the meeting adjourned at 7:20 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council



TOWN COUNCIL WORK SESSION

Monday, August 7, 2017 @ 7:00pm
Immediately following Special Meeting

1. Joint Tourism MOU with County of Warren – *Town Manager*

Summary: Since June 21, 1993 the Town of Front Royal has been responsible for funding the Visitor's Center and tourism for the community. At the time, the vast majority of hotels, motels, and restaurants benefitting from tourism were located inside the limits of the Town of Front Royal. With the growth of the lodging industry in the County outside of Town limits, Warren County recently adopted a 3% increase to the transient occupancy tax that increases the tax from 2% to 5% (effective July 1, 2017), which will allow the County to collect money to be spent for tourism purposes. It is understood that the intent of the County is not to supplant the current funding by the Town, but to allow the Town and County to put additional resources to branding and marketing the community as a destination. Additionally, this would allow the Town and County to support and enhance restaurants, lodging establishments, and the many amenities in the community.

The Town of Front Royal and County of Warren would like to appoint a Joint Tourism Advisory Committee to advise, assist, support, and advocate for tourism policies, programs, and activities to market and promote Front Royal-Warren County and its environs. This Committee will serve as the "local tourism industry organization" referred to in Section 58.1-3819 of the Code of Virginia, as amended, and will include local lodging partners as indicated in the Code section.

Staff Evaluation: Staff has reviewed and made appropriate changes in the creation of the MOA with Warren County

Council Discussion:

In response to Mayor Tharpe's questions, Mr. Waltz noted that the funding listed in the budget was for Community Development and would remain intact for Ms. Hart. Councilman Meza asked about whether they needed to go back and forth to Town Council and the Board of Supervisors; Ms. Hart noted that for many issues she can go back to her Tourism budget and consult with the Town's Finance Director in order to reallocate funding to support the needed projects. Mr. Meza stated that the Board seems be rather large, he suggested that perhaps the business owners be actual business owners in the community chosen by Ms. Hart. She explained the outreach that the Tourism Department has been diving into in order to enhance the community. Council noted that Ms. Hart was doing an excellent job with her work throughout Front Royal.

2. Proposed Ordinance Pertaining to Tethering of Dogs in Extreme Weather – *Town Attorney*

Summary: Proposed Section 66-11.1, Tethering Restriction for Dogs/Canines, a mirror ordinance to an ordinance proposed to be adopted by the County of Warren for ease of enforcement by Warren County Animal Control, is authorized by Virginia Code § 3.2-6543 *et seq.* to prevent cruelty to animals. As proposed, dogs and canines (dogs and wild dog hybrids) are, in certain circumstances, either may, are, or are not to be kept on a tether, or else are to be provided adequate shelter, to as to protect the animal from injury or from extreme weather conditions, such as extreme cold or extreme heat, to protect young dogs, or a or to protect female animals in heat from unwanted males. This proposed ordinance has come about as a result of practical observation and experience from both Animal Control Officers and from concerned citizens. A number of other jurisdictions have also

adopted similar ordinances, including Alexandria City, Arlington County, Chesapeake City, Danville City, Fairfax City, Fairfax County, Fauquier County, Hampton City, Newport News City, Norfolk City, Northhampton County, Portsmouth City, Richmond City, Town of Smithfield, Staunton City, Suffolk City, and Virginia Beach City.

Council is requested to consider whether or not it wants to adopt a mirror ordinance to the County's proposed dog and other canines tethering ordinance.

Staff Evaluation: From a standpoint of law enforcement, as well as prevention of possible animal cruelty, adoption of a mirror ordinance to the County's tethering restrictions for dogs and other canines would be helpful.

Budget/Funding: As almost all Animal Control measures are enforced by Warren County's Sheriff's Office Animal Control Officers, direct Town budgeting and funding are expected to be minimal to nonexistent, instead being paid through County-wide (including within already within the Town) budgeting and funding.

PROPOSED ORDINANCE:

AN ORDINANCE TO ENACT AND ORDAIN SECTION 66-11.1 OF THE TOWN OF FRONT ROYAL MUNICIPAL CODE TO AUTHORIZE TETHERING MEETING CERTAIN REQUIREMENTS; TO PROHIBIT CERTAIN TETHERING PRACTICES; AND TO SET THE PENALTY FOR VIOLATING THE ORDINANCE
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL that Section 66-11.1 of the Town of Front Royal Municipal Code, TETHERING RESTRICTIONS FOR DOGS AND OTHER CANINES, as follows:

Chapter 66 ANIMALS

ARTICLE I. GENERAL PROVISIONS

§ 66-6.1 Tethering Restrictions for Dogs and Other Canines

This ordinance is passed pursuant to Va. Code § 3.2-6543 *et. seq.* which authorizes localities to pass ordinances preventing cruelty to animals.

A. Tether means, when used as a noun, any device, including but not limited to a chain, leash, cable, tie down, or tie out, attached to a stationary point or object, trolley or run used to contain or restrain a dog or other canine (as used in this ordinance, "canine" shall mean a hybrid of the domestic dog and any other species of the Canidae family). When used as a verb, tether shall mean to attach a dog or other canine to such a device.

B. No person shall tether or cause to be tethered any dog or other canine except when the tether meets the following conditions:

(i) Appropriate to the age and size of the dog or other canine, the tether shall weigh no more than 10 percent of the animal's weight;

(ii) Attached to the dog or other canine by a properly applied collar, halter, or harness configured so as to protect the dog or other canine from injury and prevent the dog or other canine or tether from

becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the dog or other canine; and

(iii) At least three times the length of the dog or other canine, as measured from the tip of its nose to the base of its tail, except when the dog or other canine is being walked on a leash or is attached by a tether to a lead line.

C. It shall be unlawful for a person to tether any dog or other canine:

a. When the dog or other canine is four months old or younger;

b. When the dog or other canine is a female in estrus;

c. When the temperature is less than thirty-two degrees Fahrenheit or greater than ninety degrees Fahrenheit unless the dog or other canine is provided adequate shelter under Virginia Code § 3.2-6500;

d. If the tether weighs more than ten percent of the dog's or other canine's body weight;

e. On the same tether concurrently with another dog or other canine; or

f. For longer than twelve hours per twenty-four hour period on a cable run or four hours on a fixed tether per twenty-four hour period.

D. Any person found guilty of violating this section shall be punished by a Class 3 misdemeanor with a fine not to exceed \$500. Any animal control officer or other law enforcement officer may seize the unlawfully tethered dog or other canine pursuant to his or her authority under Virginia Code § 3.2-6569.

Council Discussion:

Council discussed whether animals in 91 degree heat without shade could be issued a summons. They also discussed the length of the tether had to be so specific; Mr. Napier noted that it had to be specific due to State Code. Mayor Tharpe noted that it was a matter to protect the animals who had owners that have common sense. Councilman Connolly stated that he could see where it would be helpful to those that make poor choices with their animals by leaving them outside day/night.

Carol Vorous noted that she has seen dogs chained and living in terrible situations. She spoke passionately about how common sense is not common and there has to be something written that gives Animal Control that requires individuals with animals to have common sense. Malcolm Barr thanked the Town Attorney for his work and spoke to the matter of whether of the tether wording was appropriate and may cause strangulation. He also noted that what is "adequate shelter" for one is not for others. Mr. Napier noted that it is defined in the State Code, and he read the full definition for Council. Council asked if they could require anything further than what is allowed in the State Code. Mr. Napier noted that it was nearly impossible to write an ordinance for every breed and size, and nearly impossible to pass something more than allowed by State Code.

Council discussed having the attorneys finalize the matter to determine if the matter is ready to move forward. Mr. Barr asked if Animal Control was given the opportunity to make changes or give their input; Mr. Napier noted that they were, in fact one of the earliest versions was written by Animal Control. The animal ordinance will return to worksession.

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

Summary: Attached with this coversheet is a DRAFT amendment to the Town Code (See Attachment A).

This draft amendment would accomplish the following:

- Establishment of a maintenance code that is applicable Town-wide; and,
- Establishment of a rental inspection program, within the central portion of the Town, as identified on the attached map (Attachment B).
- The amendment also makes other minor code changes associated with the above, and reaffirms Warren County as the current building inspections department for the Town, something that the current Town Code does not adequately address.

On July 20, 2016, the Planning Commission held an initial public hearing/public information meeting regarding the possibility of establishing a property maintenance code and/or rental inspection district program within the Town. This public hearing was scheduled after the topic was referred to the Planning Commission by Town Council, and following development of a study area for a potential rental inspection program. During the initial public hearing, six (6) members of the public spoke in favor of the concept and one (1) member of the public spoke in opposition. Following this first public hearing, the Planning Commission created the attached DRAFT amendment to the Town Code with assistance from Town Staff and input from the Warren County/Town Building Official. The draft was created to comply with Virginia Code §36-105 and §36-105.1:1.

On November 30, 2016, the Planning Commission held a second public hearing with the draft ordinance. During this meeting the Planning Commission passed a motion to *“recommend adoption of Ordinance Amendment ORD16-09-227, to establish a rental inspection district in the Town, as identified on the map titled “Front Royal Downtown Rental Inspection District”; to establish a property maintenance code for the entire town; and other minor changes to Chapter 9, as submitted.”* The recommendation included the necessary findings of fact, as listed under Section 9-300 in the draft ordinance amendment, and a reference to the Virginia Code’s definition of blight. A draft set of guidelines is attached for information purposes (See Attachment C).

This agenda item was scheduled for a work session review on July 3, 2017 but postponed until tonight. It will be a continuation of discussions that were tabled earlier in the year.

Budget/Funding: Town Council included funds (\$58,000) for 1 FT and 1 PT position, for half of the year, in the FY 2017/2018 Budget. A comparison of similar Towns is attached (See Attachment D) with data on staffing levels.

Council Discussion:

Council discussed having a public hearing and then holding a vote at a later meeting time. Mr. Camp noted that they would actively outreach to the property owners with tenants.

4. Proposal to Make Main Street One-Way – *Councilman Sealock*

Summary: Councilman Sealock asks that Council review and discuss a proposal to make Main Street One Way.

NOTE: Town Council was presented with a similar request in 2015 from the Mayor’s Economic Development Committee. The minutes from the Committee on January 14, 2015 and the Work Session of January 20, 2015 are attached, as well as the current proposal and preliminary layout Plan.

MEMO

TO: Front Royal Town Council

FROM: Main Street Business Community

RE: Request for Public Hearing to Consider One-Way Main Street Proposal

On behalf of downtown Front Royal businesses and building owners, we request the members of Town Council consider the attached rendering for the alteration of Main Street's traffic flow. Our request is that Main Street become one-way from Royal Avenue to Chester Street, flowing Eastward.

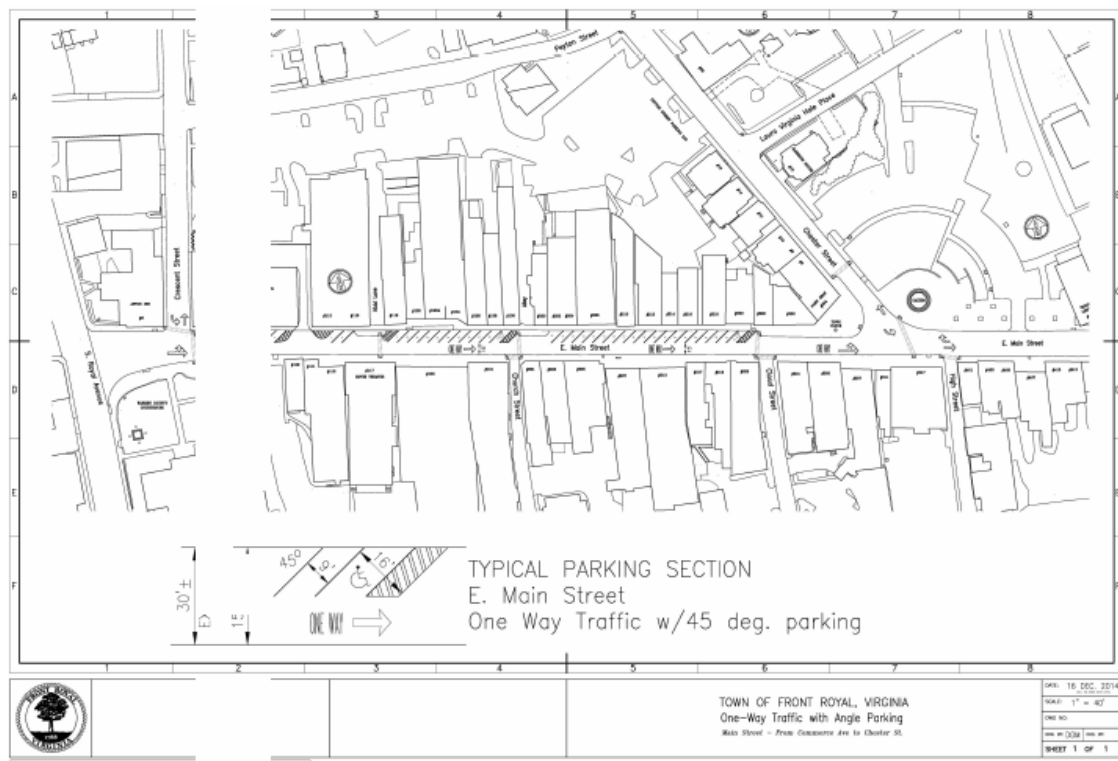
This change would allow for angled parking along Main Street, increasing the Main Street parking capacity by 12-15 spaces and easing the ability of visitors and customers to park (angled vs. parallel).

We look forward to the opportunity to review our plan before the Council, and have highlighted the primary purpose and benefits of our proposal below:

The overarching impetus behind this request is to enhance the economic vitality of Main Street by providing safer traffic flow and increased parking capacity for patrons.

Primary attributes of this proposal:

- 1) Increased parking capacity (12-15 spaces)
- 2) Improved ease of parking (angled vs. parallel)
- 3) Main Street businesses believe this will make a positive economic impact on downtown.



Council Discussion:

Rob MacDougall noted that it would increase the parking by 12-15 parking and would allow for angled parking, rather than parallel. Mr. MacDougall stated that

Mr. Waltz stated that the issue could move to the Planning Commission for review. Mr. Camp noted that it had not moved to the Planning Commission previously. Mr. Meza noted that the Planning Commission has actually reviewed the matter. Mr. Camp stated that the reviewed small portions during the Community Development Block Grant, etc., though it was not in great detail. Mayor Tharpe asked if updates could be brought forward when possible.

Councilman Connolly asked about changing the flow of traffic on other streets. Mr. MacDougall stated that the only request would only be for Main Street. Councilmen Connolly and Meza noted their excitement about the prospect of the change.

Council asked that Planning Commission consider the impact to festivals, parking issues, the direction of the alleyways, etc., Mayor Tharpe noted that it should certainly move to Planning Commission at this point and he asked if they could add it Monday's agenda to refer to the Commission.

5. Health Insurance Comparison - Councilman Meza

Councilman Meza has requested that Council review the attached Health Insurance Comparison.

Council Discussion:

Councilman Meza stated that they have reviewed comparisons previously and this was an update. He asked if the total for employer cost was 5%, though the overall amount was only \$40,000 saved. Ms. Bush stated that it was not a large savings, correct. She noted that the Town employees were mainly on the higher plan, though that plan was dropped, and the employees were mostly on that.

Councilman Meza noted that there is a reduction of employer funding and then there is changing your deductible. He asked if dollars will not change unless deductibles change. He stated that they are just transferring more money to employees and that was never the intent. Mr. Meza noted that he was unsure of the next step and it seemed that this has become a large process and burdensome. Ms. Bush stated that she was told to work with the current numbers. Mr. Waltz stated that as this point, he is hearing a better view of where Council wants to go. Mr. Meza noted that he was happy to schedule some meetings in order to come to an understanding with Staff.

6. Smoking at School Bus Stops – Councilman Morrison

Councilman Morrison has requested that Council discuss smoking at school bus stops.

Council Discussion:

Town resident, Mr. Asairio, noted that he is a parent of three children and he noted that there were issues with parents smoking at the bus stops and he had concerns with the health issues for the children. Mr. Napier noted that signs could be installed to deter individuals until the ordinance was passed. Another resident spoke, noting that she has four children and there were many children who have health issues that cannot have any air with smoke around them. She added that the City of Winchester for example, has signs that would keep individuals from smoking at the bus stop.

Captain Nicewarner noted that they will enforce what they can, and he added that the ordinance cannot be vague or it cannot be enforced.

Council discussed that it should be an emergency ordinance perhaps. Councilman Connolly noted that awaiting the other two Councilmen to the discussion at another worksession would be preferred.

7. Council Discussion/Goals

8. CLOSED MEETING – Planning Commission Interview

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Sealock that Council convene and go into Closed Meeting for the following purposes: the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, pursuant to Section 2.2 3711. A. 1., of the Code of Virginia.

Vote: Yes – Connolly, Meza, Morrison and Sealock

No – N/A

Abstain – N/A

Absent – Tewalt

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

(By Roll Call)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Councilman Meza 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.

Vote: Yes – Connolly, Meza, Morrison, Sealock and Tharpe

No – N/A

Abstain – N/A

Absent – Tewalt

(By Roll Call)

PRESENT: Mayor Tharpe, Councilman Connolly, Councilman Morrison, Councilman Meza, Councilman Sealock, Town Manager Waltz, Town Attorney Napier, Clerk of Council Berry, Director of Planning Camp, Director of Finance Wilson, Interim Director of Energy Services Jenkins, Police Captain Nicewarner, Director of Environmental Services Hannigan, Director of

Human Resources Bush, Director of Tourism Hart, members of the public and members of the press.

ABSENT: Councilman Tewalt