

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on August 14, 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 Gary L. Gillispie
Councilman Jacob L. Meza
Councilman Christopher S. Morrison
Councilman William A. Sealock
Councilman Eugene R. Tewalt
Town Attorney Douglas W. Napier
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 Connolly moved, seconded by Councilman Meza moved that Council approve the Regular Council Meeting minutes of July 24, 2017 and the Special Meeting Minutes of August 7, 2017 as presented.

Vote: Yes – Connolly, Gillispie, 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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts of petitions or correspondence from the public.

Mr. Waltz stated that school starts tomorrow in the community and he asked the citizenry to use caution and be aware of school buses and school children. Mr. Waltz noted that in two weeks the Town will hold a property maintenance public hearing and he encouraged everyone to come out and share their opinions on the subject.

A report from the County Administrator, Doug Stanley was provided to Council, he noted that:

Tourism – County and Town staff met today to discuss the Town's proposed changes on the Memorandum of Agreement for a Joint Tourism Committee. We hope to have a revised draft back to the Town in the next two weeks.

Building Inspections – Year-to-date, we had a total of 87 new home starts. Of that number, 6 were in Town limits and the remaining 81 outside of Town limits. As a comparison, in 2016 we had a total of 145 new home starts for the year and 75 through June 30th. Based on a projected total of 174 new starts, it represents an annual growth rate in housing stock of 1.03%. As projected, 2017 would be the 7th straight year of an increase in new home starts.

For FY2016-2017, the number of total permits was down slightly from 2,498 to 2,410 (3.52%) in addition to the total inspections that were also down from 10,528 to 10,090 (-4.16%). These numbers reflect the completion of the Dominion Power project.

Youth Center and Community Center Roofs – Work continues on the replacement of the Youth Center and Community Center roofs. Both projects should be completed by October.

Library Ad-Hoc Committee – Our committee for looking at Library operations held its second meeting on July 10, 2017. We continue to make progress and anticipate having recommendations to the Council this fall. Our next meeting is August 21st.

Reassessment – The County's reassessment firm, Wingate, will start field work for the 2019 General Reassessment in September.

Building Inspections Software – The Town and County have progressed into the citizen interaction side (CSS) of EnerGov. Again, we are on the cutting edge of the system with the newest product offered. We continue on a few details of coordination, but the process continues to move forward. We are also waiting on approval of the Memorandum of Agreement that will allow for County collection of Town fees on the system.

Development Review Committee – The Development Review Committee met on July 26th.

The Committee discussed projects in the County including:

- New Middle School, Skyline and Ressie Jeffries
- Proposed Contractor's Storage Yard (Walker and Brugh)
- The Marriott TownePlace Suite Project
- 340/522 Revenue Sharing Project Bid

The Committee also discussed Town projects including:

- Café Amore on Main Street
- Happy Creek Coffee & Tea (beside movie theatre)
- Try Thai Restaurant
- Brew Pub (name to be announced)
- B&G Goods Building Restaurant (name to be announced)
- Kibler Building contract
- Afton Inn application
- West Main Street lighting
- IT Federal Project Update

The Committee will meet again on August 23rd.

Project Updates

2nd Middle School – The project is complete. The contractor continues to work on punch list items. The opening ceremony was held on July 31st, and we thank the members of Council and Town staff that were able to join us for the event. The building officially opens tomorrow, August 15th, with the first day of school.

Ressie Jeffries Elementary School – The building addition and roof project is 91% complete, and the site work project is 95% complete.

Site Contract

- Rough Grading – 100%
- Curb & Gutter – 100%
- Additional Curb & Sidewalk – 100%
- Additional Curb at Islands – 100%
- Stone Subgrade Parking Lots – 100%
- Sidewalks – 100%
- Topsoil and Seeding – 100%
- Site Lighting – 100%
- Add Power Panel for Site Lighting – 80% (Will be completed this week)
- Paving and Line Striping – 80% (Balance to be completed after all contractors are off site. TBD)
- Landscaping Plants – 0% (Will be installed the first week of October)
- SWM Pond Media – 100%
- SWM Pond Piping – 100%
- Rainleader Piping – 100%

Building Addition and Roof

- Metal Truss Supports – 100%
- Metal Truss Installation – 100%
- Metal Decking at Truss – 100%
- Metal Roofing – 100%
- Wall Panels – 100%
- TPO Roofing – 100%
- Metal Fascia – 95%
- Gutters and Downspouts – 85%
- Roof Accessories – 80%
- Roof Hatch – 0%

- Soffit Framing – 100%
- Metal Canopy – 25% (Footings Complete. Canopy to begin Fabrication. Installation expected first week of October.)
- Plumbing – 100%
- Mechanical – 95%
- Electrical – 95%
- Lightning Protection – 10%
- Building Addition Footings and Slab – 100%
- Building Addition Masonry – 100%
- Stone Veneer – 100%
- Building Addition Structural Steel – 100%
- Interior Framing Rough-in – 100%
- Fire Proofing – 100%
- Air Barrier – 100%
- Doors and Hardware – 100%
- Storefront and Curtainwall – 100%
- Fiberglass Sandwich Panels – 100%
- Skylights – 100%
- Flooring – 25% (In progress. Will be completed this week)
- Window Blinds – In Fabrication. (Expected installation by end of this week.)
- Painting – 100%

Playground Project

County staff is working with Landscape Architect to finalize plans. We appreciate the Council's consideration of the abandonment of the right-of-way strip along the west side of the property. That is one of the issues that remains to be resolved. It is anticipated that we will be able to start site work in the next two weeks. Phases I and II of the project should be completed during the fall of 2017. Thanks to a \$5,000 donation and a five-year, \$25,000 donation match, Phases III and IV will be fully funded if the school can raise another \$25,000-\$30,000.

Leach Run Parkway – The project is complete, and a ribbon cutting ceremony was held on June 26th. The engineer is currently working with the contractor on remaining punch list items including the permanent establishment of grass.

VDOT/Totten Lane Turn Lane Project – The project has been completed at last.

VDOT/Marlow-Silek Revenue Sharing Project – The project will widen a portion of Route 340/522 South from the crossover in front of Shenandoah Motors to the Crooked Run Boulevard entrance by adding a 3rd lane and right

turn lane. The project will also extend the left turn lane for the crossover. The EDA received four bids for the project last week, and they are currently under review. Target completion date is mid-November.

VDOT/Morgan Ford Bridge – The project is approximately 38% complete based on earnings and remains on schedule for completion in June 2018. The contractor has completed constructing all substructures including both abutments and MSE walls. They are currently working on grading the southern approach and beams are expected to be delivered the last week of August. The contractor has begun installing a temporary work bridge that will provide construction access over the river in order to set the precast box beams and place the concrete deck.

VDOT/South Fork Bridge – The project is approximately 86% complete and still on schedule for completion in December 2017. The Contractor is working on Stage II of the new bridge. This stage will widen the structure and provide two additional lanes, a bike lane and sidewalk to the west. Stage II deck pours are complete, and there are three deck closure pours remaining that will connect the Stage I deck with Stage II deck. The Stage II bridge sidewalk is just over halfway complete and concrete railing has been installed for about one-third of the length of the bridge. The contractor is continuing grading work on Route 55.

Route 340/522 Trolley Project – Service to the corridor and LFCC started on July 31st. County staff has been blanketing the corridor with flyers and brochures to advertise the new service and will continue to do so over the next several weeks.

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
FRWC Airport Obstruction Removal	Summer 2016	\$804,000	Spring 2017	Under Construction
South Fork Bridge	9/2013	\$74,700,000	Fall 2017	Under Construction
Morgan Ford Bridge	12/2016	\$9,713,152	Spring 2018	Under Construction
Leach Run Parkway	6/2015	\$15,800,000 Estimated	Summer 2017	Completed
Totten Lane – Turn lane Project	Summer 2016	Unavailable	Spring 2017	Completed
2 nd Warren County Middle School	Winter 2015	\$44,100,000	Summer 2017	Completed
Freezeland Road Kiss-n-Ride	Fall 2014	Unavailable	Spring 2017	Phase I Completed

Ressie Jeffries Renovations	Fall 2016	\$4,990,077	Fall 2017	Under Construction
Rockland Park Athletic Fields	N/A	\$200,000-\$300,000	Fall 2017	Under Construction

The Town's Director of Finance, BJ Wilson, noted that the Department of Finance is currently working with Town auditors Mitchell & Company to finalize financial figures for fiscal year 2017 and compile information for the fiscal year 2017 Comprehensive Annual Financial report. He stated that Mitchell & Company should wrap up their field work in September and submit a draft of their report at the end of October which will be forwarded to Council.

Mr. Wilson stated that the preliminary FY2017 year-end figures show that revenue generated from sales of electric came in about 7% below budgeted amounts, adding that the electric rate increase that was implemented July 1st is helping to generate additional revenue in FY2018 for the sales of electric.

He noted that the preliminary FY2017 year-end figures show that revenue generated from the sales of out of town water/sewer came in below budgeted amounts also, and the revenue generated from water/sewer connections were over budgeted amounts which has helped offset some of the shortfall in water sales and almost the entire shortfall in sales of sewer.

Mr. Wilson stated that the number of new water/sewer connections has continually increased over the last 4 years:

- FY2014 – 9 new connections
- FY2015 – 25 new connections
- FY2016 – 55 new connections
- FY2017 – 72 new connections

He added that the preliminary General Fund Revenues for FY2017 are showing that lodging tax revenues were about 10% lower than originally budgeted, the PILOT fees collected on utility bills were about 15% lower than budgeted, the Meals tax revenue is about 10% higher than originally budgeted and the Sales tax was about 7% above budget.

Mr. Wilson explained that during FY2017 the Department of Finance issued 158 new business licenses, which is an increase of 15% when compared to the 139 issued in FY2016. HE noted that a draft calendar for the preparation of the FY2019 proposed budget will be presented to council at a future work session for comments. He reported, that as requested, the calendar moves a majority of the budget preparation process up to allow Council to have the proposed budget earlier than prior years and additional time for research & decision making.

Mayor Tharpe noted that Mr. Wilson was doing a fantastic job for the Town.

Mayor Tharpe welcomed the new Director of Energy Services, for the Town, David Jenkins, who reported that the AMI project was moving along. He noted that they were working with other departments to review the agreement, including legal, to ensure it was right for the Town. He stated that the Manassas Avenue substation agreement was being reviewed by legal as well, and it would then move forward.

Mr. Jenkins stated that with the South Fork bridge project there would be four or five services energized, the west side lights the traffic light and the message board, and then they will be finished with that project.

Mr. Jenkins reported that they had been working with EDA and the School System at Oden Street and Leach Run Parkway and they will be installing equipment at that site to finalize that project. He noted that in June more pole inspections were completed, with it being reported that there were 108 poles to be replaced.

Mr. Jenkins stated that the Wastewater Treatment Plant transformer was being worked on and the John Marshall Trail lighting has been completed. He stated that the Town had received many compliments on the trail. He noted that the crew had cleared 236 MISS Utility tickets, handled 425 customer move in/outs and at the electric charge car station on Main Street – there had been 46 charges since May. Mr. Jenkins noted that the Department has a Safety Meeting each month and they cover several topics, and have sent several employees to training as well.

Councilman Tewalt asked how long it would take to replace 108 poles. Mr. Jenkins noted that it would depend on the severity and what area the poles are in. He added that if the digging was terrible it was more difficult, and the poles that are more critical were replaced first.

Councilman Meza and Tewalt offered their congratulations to Mr. Jenkins on his promotion to the Directorship.

Mr. Waltz noted that the first pole inspection was about 90-some poles. He added that a pole took about a day to replace sometimes. Mr. Meza asked if notice was given. Mr. Jenkins stated that notice was given, and they tend to consider the weather whenever possible.

Vice Mayor Tewalt congratulated Councilman Gillispie on being appointed and wished him well.

Councilman Meza asked about the recent heavy rain event. Mr. Waltz noted that the Town had many cleanout areas and he hoped to have a full report by the end of the week.

Councilman Sealock asked that the corner of Stonewall and Marshall be reviewed, as the area was difficult to see as you pull out. He noted that the yellow lines need some attention.

Mayor Tharpe welcomed Mr. Gillispie to Council and he noted that Mr. Lockhart had made an agreement with the Town pertaining to the Criser Road bridge item. He stated that the matter can be removed from the agenda.

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

Councilman Connolly moved, seconded by Vice Mayor Tewalt that the Criser Road matter be removed from the agenda.

Mayor Tharpe thanked Mr. Napier for his work on the Lockhart agreement. Councilman Connolly asked if the agreement ultimately fit within the framework of the Town's needs. Mr. Napier noted that it did.

Vote: Yes – Connolly, Gillispie, 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 NONE

PUBLIC HEARING – Ordinance Amendment to Code §46-1 Public Drunkenness (1st Reading)

Summary: Council is requested to affirm on its first reading an ordinance amendment to Town Code §46-1 to expand the prohibited conduct to include a person being intoxicated in public from other intoxicants, in addition to alcohol, with a violation constituting a Class IV Misdemeanor as defined in Town Code § 1-15. If approved, the proposed amendment would allow for the charging and prosecution of those persons found intoxicated in public in the Town from other intoxicants, in addition to alcohol, and consistent with state law, as presented.

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

Vice Mayor Tewalt, seconded by Councilman Meza that Council affirm on its first reading an ordinance amendment to Town Code §46-1 to expand the prohibited conduct to include a person being intoxicated in public from other intoxicants, in addition to alcohol, with a violation constituting a Class IV Misdemeanor as defined in Town Code § 1-15, as presented.

Vote: Yes – Connolly, Gillispie, 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)

PUBLIC HEARING – Ordinance Amendment Pertaining to Flea Markets (1st Read)

Council is requested to affirm on its first reading to amend Town Code § 98-46; 175-3, 175-10.10; 175-44; 175-53.7.A.3; 175-63.C.3; 175-70.I.3 and 175-10.4.A that would allow flea markets to operate on Fridays with a Special Use Permit, subject to standards and review and potentially to have a Farmers Market; and, an amendment to §98-46.B to change the license tax for flea markets from a per vendor tax of \$10.00 per year, or \$1.00 per day, to a flat license tax of \$250.00 per calendar year to be paid by the proprietor of the flea market, as presented.

Mayor Tharpe opened the public hearing.

Elizabeth Schenk, of 1964 Bowman's Mill road, Middletown, noted that Andricks had been in the community for over 40 years and many generations of her family had worked in the flea

market for many years. She added that many come to the community and vendors from as far as Pennsylvania come to Front Royal to set up tables. She stated that those vendors stay in the area hotels and eat at the local restaurants and purchase gasoline here. Ms. Schenk stated that the flea market attracts many and also helps with fundraisers for the schools, churches and local rescues, who are given free or discounted tables; she added that the flea market is very pet friendly. She noted that over the past several years the flea market has been replacing all of the tables, adding that they are about 80% complete and it has improved the look of the site dramatically.

Ms. Schenk stated that only allowing the operation on the weekends and holidays, with rising costs is difficult and they are requesting Fridays as well. She noted that they also filled in pot holes and added gravel for aesthetics and safety measures. She explained that the site was a long standing part of the community and she requests Council's support for the special use permit.

Ann Orndorff, of 815 Warren Avenue, noted that she has nothing against the flea market and she hopes it remains. She stated that the dynamics have changed and the special use permit would allow them more opportunity to be unfair to the brick and mortar businesses in the Town. She stated that the article in the paper touched on the fact that the table costs have not been paid for and she would like policies to be followed. Ms. Orndorff stated that the Town Code regulations note that vendors should not be selling new goods at the flea market, but they are doing so. She added that the tables should be well kept and maintained and she has concerns with live animals being purchased even in 95 degree heat – and that is against regulation, but it is taking place often.

Ms. Orndorff added that the Town's Horticulturist, Ann Rose, is doing a great job all around the Town and the Farmer's Market should stay on Main Street. She thanked Mr. Waltz for coming by and speaking with her on the issue.

Jason Neale, of 415 Warren Avenue, noted that since May, there has been a Farmer's Market on Main Street and he assists with that operation. He gave a definition of a flea market and noted that when new items are being sold at the flea market it is not a flea market. Mr. Neale stated that produce is being sold there and a permit for a farmer's market had not been applied for. He noted that the common goal should be to work together, not a profit. He stated that the Farmer's Market money on Main Street should go towards the Wednesday night kid night with the children's moon bounce and other activities. Mr. Neale stated that the common goal should be to better the Town and work together.

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

Councilman Connolly moved that Council affirm on its first reading to amend Town Code § 98-46; 175-3, 175-10.10; 175-44; 175-53.7.A.3; 175-63.C.3; 175-70.I.3 and 175-10.4.A to allow flea markets to operate on Fridays with an Exceptional use Permit, subject to standards and review and potentially to have a Farmers Market. He further moved that Council amend Town Code §98-46.B to change the license tax for flea markets from a per vendor tax of \$10 per year, or \$1 per day, to a flat license tax of \$250 per calendar year to be paid by the proprietor of the flea market, as presented.

MOTION FAILED for lack of second

COUNCIL APPROVAL – Bid for Digger/Derrick for Energy Services Department

Summary: Council is requested to approve a bid from Terex for the purchase of a digger/derrick in the amount of \$313,189.00 to be used in the Energy Services Department.

Budget/Funding: Energy Services FY18 budget line item 9401-R47005, which is funding carried forward from FY17.

Vice Mayor Tewalt moved, seconded by Councilman Connolly that Council approve a bid from Terex for the purchase of a digger/ derrick in the amount of \$313,189.00 to be used in the Energy Services Department.

Vote: Yes – Connolly, Gillispie, 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 – Acceptance of Public Improvements and Release of Letter of Credit – Beau Ridge II Subdivision – Dodson Homes, Inc.

Summary: Council is requested to approve the acceptance of the public infrastructure within Beau Ridge II Subdivision and release the development surety (letter of credit) for the project in the amount of \$277,679.57 from United Bank as requested from Dodson Homes, Inc. The subdivision was approved on June 26, 2006. Town Staff (Planning/Zoning, Public Works and Energy Services) inspected the subdivision and all public improvements are complete. In accordance with the Town and State Code, the Town is required to release these funds upon completion of the required improvements by the developer.

Councilman Connolly moved, seconded by Councilman Meza that Council approve the acceptance of the public infrastructure within Beau Ridge II Subdivision and release the Letter of Credit for the project in the amount of \$277,679.57 from United Bank as requested from Dodson Homes, Inc.

Vote: Yes – Connolly, Gillispie, 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 – Proposal to Make Main Street a One-Way Street

Summary: Council is requested to refer to the Planning Commission a proposal to make East Main Street a One-Way Street

Councilman Meza moved, seconded by Councilman Sealock that Council refer to the Planning Commission a proposal to make East Main Street a One-Way Street.

Councilman Connolly stated that this is only to have the Planning Commission discuss the matter. He noted that many members of the community have asked that it be reviewed. Councilman Meza noted that it was a group of business owners that requested the issue and he was excited to see the review by the Planning Commission to respond to the business community.

Vote: Yes – Connolly, Gillispie, 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 RE-APPOINTMENT – Planning Commission

Summary: Council is requested to re-appoint a member to the Front Royal Planning Commission to a 4-year term to expire August 31, 2021.

Councilman Connolly moved, seconded by Councilman Sealock that Council re-appoint Joseph McFadden to the Front Royal Planning Commission to a 4-year term to expire August 31, 2021.

Councilman Connolly stated that Mr. McFadden had been appointed about 18 months ago and everyone seemed very pleased with the work he is doing and very happy he is willing to continue to serve the community.

Vote: Yes – Connolly, Gillispie, 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 7:46 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council