

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on August 28, 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.)

Vice Mayor Tewalt moved, seconded by Councilman Meza moved that Council approve the Regular Council Meeting minutes of August 14, 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 the Town's Business Office would be closed on Monday due to the Labor Day holiday, with refuse collection moved from Monday to Wednesday. He added that there would not be Yard Waste Collection that week.

Mr. Waltz stated that paving would take place September 5-8th along Happy Creek Road for asphalt repairs from 9am to 2pm (weather permitting) and traffic will be detoured at Wakeland Court and Ewell Street. He asked that motorists cautiously follow detour signs and use caution through residential areas.

A report from Warren County Department of Social Services Director, DeAnna Cheatham was given, she gave the following Department Overview:

How D.S.S. Serves the Community

Benefits

- ❖ SNAP (Formerly Known as Food Stamps) Supplemental Nutrition Assistance Program
- ❖ TANF (Temporary Assistance to Needy Families) Cash Payment
- ❖ VIEW (Virginia Initiative for Employment not Welfare)

- ❖ Medicaid (Including, FAMIS, LTC, ABD)
- ❖ Energy Assistance (Fuel, Cooling and Crisis Assistance)
- ❖ Childcare Assistance

In SFY 2015 9,780 Warren County Residents Received SNAP, TANF or Medicaid

In SFY 2016 9,337 Warren County Residents Received SNAP, TANF or Medicaid

Family Services

- CPS (Child Protective Services)
- Foster Care/Adoption
- Foster Care Prevention
- Crisis/Emergency Intake
- Adult Services/Adult Protective Services
- Resource Parents (Foster Parents)

Child Welfare Stats

Child Protective Services (CPS) Quantity 623

170 under the age of 4

254 aged 4 to 11

128 aged 12 to 17

71 unknown age at time of reporting

Child Abuse by the Numbers

- 56 cases of physical neglect
- 30 cases of physical abuse
- 7 cases of sexual abuse
- 6 cases of mental abuse
- 2 cases of medical neglect

Substance Abuse and Child Abuse/Neglect

- Substance Abuse Indicated in Referral (includes alcohol, illegal and prescription drugs)
- 37 cases last year

Foster Care

- 14 Current Number of Children in Foster Care
- 3 Current Approved Foster Homes in Warren County
- 11 Children placed in care outside of Warren County
- 32 Foster Care Prevention/Support Cases

Safe Sleep Initiative

- Kicked off August 23, 2017
- Partnership with Baby Box University
- Warren County DSS was the second Social Services Agency to become a distribution site in Virginia

- Free no eligibility requirements

Adult Services and Adult Protective Services

- Mandatory Services
- APS
- Home-based care
- Preadmission Screen
- Assisted living facility assessments and reassessments
- Guardianship Reviews

AS/APS Statistics

- 126 Reported APS Allegations
- 470 Adult Services Cases

How You Can Help?

- ✓ Become a foster parent
- ✓ See something, say something
- ✓ Spread the word about new initiatives
- ✓ Volunteer in the community

Councilman Tewalt asked about the \$54 million spent in Warren County. Ms. Cheatham noted that it was a number in line with other localities. She added that there were about 18% of the Town/County eligible for benefits, though it does not mean they are receiving benefits.

Ms. Cheatham stated that there is a difference between child discipline and abuse. She noted that living in poverty, lack of supervision, and medical neglect, are all abusive situations.

Councilman Connolly noted that he had received a few concerns about the road crossing issue of Leach Run Parkway. He stated that that the yellow crossing lights were apparently planned and would remedy some of the problem. Mr. Waltz stated that yes, the lights were shipped and the top priority was to install it once received.

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

Councilman Connolly moved, seconded by Councilman Meza, to remove the Budget Calendar for discussion.

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

~~A. COUNCIL APPROVAL – Budget Calendar for FY 2018-2019~~

- B. COUNCIL APPROVAL – Bid – Paving Parking Lot at Energy Services Department
C. COUNCIL APPROVAL – Budget Amendment to Accept Grant – Game/Inland Fisheries

Vice Mayor Tewalt moved, seconded by Councilman Connolly, to approve the consent agenda 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; sans item A - Budget Calendar)

COUNCIL APPROVAL - Budget Calendar for FY 2018-2019

Councilman Connolly moved, seconded by Councilman Meza, to approve the FY2018-2019 budget Calendar as presented.

Councilman Connolly noted thanks to Town Staff for their hard work, noting that the calendar would greatly assist Council with the budget work moving forward. He stated that the entire process would be much smoother with this layout from Staff and he was grateful.

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 – Receive Comments/Concerns and Approve an Ordinance to Vacate Portion of 16th St and Certain Alleys – David Butler (1st Reading)

Summary: Council is requested to receive comments and concerns from the public and affirm on its first reading an ordinance to conditionally vacate a portion of 16th Street and two (2) unimproved alleys addressed at 1521 N. Royal Avenue to David and Jean Butler. The vacation includes (1) an unimproved portion of 16th Street extension along Belmont Avenue, approximately 322 feet long by 60 feet wide; (2) an unimproved alley and right of way, running across the middle of the Estate of the Laura A. Denny (*Denny*) property (*North to South*), located adjacent to, near, and to the east of North Royal Avenue; and (3) an unimproved alley and right of way, approximately 150 feet long by 20 feet wide, located on the left (*West*) side of the said Denny property when viewed from Belmont Avenue. Town Staff and a Viewing Committee have reviewed this request (*reports are attached*). Adjacent property owners were notified of the original request and have been notified by certified letter inviting them to the public hearing.

Mayor Tharpe opened the public hearing.

Linda Allen, 416 Salem Avenue, encouraged Council to vacate the portions and opined that it would be in the best interest of the Town and the property owners surrounding the area. She added that the home would be restored and would be beautiful once completed.

Mary Wright, of 35 E. 17th Street, stated that she has lived at her parcel and she since the town has never done anything for the property she saw no reason that it should be deeded over to the prospective owner. She noted that Mr. Sloane, an adjoining property owner, had previously requested the property, and was told that the land could never be sold. Ms. Wright questioned why Mr. Sloane was told that he could not purchase the property and now Mr. Butler was allowed to purchase the parcel. She also expressed concerns with erosion issues around the property, especially along the downhill slope and the undue cost associated with the erosion which may take place.

George Sloane, owner of 35 E. 17th Street, noted that he asked about purchasing the property previously and he was told that it could not be sold. Mr. Sloane stated that it seems unfortunate that the property can be sold to one person now, but could not be sold to him previously. Mr. Sloane noted that he had taken care of the property for the last 15 years and he had concerns with how it is being handled at this point.

David Butler, of 1521 N. Royal Avenue, noted that when they had a survey done they determined the vacation of the property process. He noted that the initial subletting that Mr. Denny had been done previously was not currently permitted. Mr. Butler stated that in speaking with the Town's Planning Director he began to understand how they could divide the five lots for construction for single family homes and it would be a positive step for Town revenue and more people coming into the community.

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

Vice Mayor Tewalt, seconded by Councilman Connolly that Council affirm on its first reading an ordinance to conditionally vacate a portion of 16th Street and two (2) unimproved alleys addressed at 1521 N. Royal Avenue to David and Jean Butler as presented. He further moved that the ordinance on its second reading state that the lots that are created by the vacation of the right of way be substantially five (5) quarter acre lots, 75' in width by 150' in length, along Belmont Avenue, meeting all Town Code requirements as stated in Mr. Butler's "Our Intent" statement by David E. Butler, dated November 11, 2016.

Councilman Tewalt noted that these lots need tender loving care. He added that he made the adjustment to the motion as he did not wish to have the Butlers reconfiguring the lots differently from their stated intent. Mr. Tewalt noted that he did not want less than the specified five lots from the survey before Council, and he added that Mr. Butler seems to understand that it cannot that be altered.

Mr. Napier stated that he was asked by Mr. Tewalt to write the wording for the motion and he agreed that the Town could make that requirement at this time to the motion. Mr. Connolly asked if this came before the Town Council at a worksession. Mr. Napier stated that it had appeared before Council. Mr. Napier added that the ordinance needed to be recorded so the lots could not be sold until they are platted in accordance with the ordinance. Mr. Connolly asked if someone could answer Mr. Sloan's questions about the previous request to buy the parcel of land. Mayor Tharpe asked Mr. Waltz to speak with Mr. Sloane about the issue.

Mr. Tewalt asked if the motion could be postponed until full questions could be answered. Mr. Connolly thanked Mr. Tewalt for the offer, adding that he is fine moving forward with the matter at this time, though perhaps a worksession in between now and the second reading would be prudent.

Mayor Tharpe agreed with Mr. Connolly, noting that Mr. Sloane's questions should be answered.

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 TO RECEIVE PUBLIC INPUT on Proposed Establishment of a Property Maintenance Code and Rental Inspection Program within the Town

Summary: Council is requested to receive public input on the proposed establishment of a Property Maintenance Code and Rental Inspection Program within the Town.

Mayor Tharpe opened the public hearing.

Linda Allen, of 416 Salem Avenue, noted that the proposed ordinance is simple, is not as unrestricted as it could be, and should not restrict realtors for the most part. She added that this Code is critical to the residents with low paying jobs and those tenants with rentals with lead base paint. Ms. Allen stated that tenants are being manipulated and some landlords are refusing to help those in run down structures. She listed health and safety violations in the community for some families.

William Huck, of 409 E. Main Street, stated that when he moved into his commercial location on Main Street and they have put into over \$60,000 to bring matters to Code and to living standards. He asked for a property maintenance code in place because he cares about the community and because tenants should have their living places taken care of. Mr. Huck noted that more landlords should care about the housing they provide to residents in Front Royal.

Joan Harding, 218 Lee Street, stated that she had served almost ten years on the Board of Architectural Review. She stated that many apartments along Main Street are some of the sketchiest places she has ever seen. Ms. Harding noted that the rental units need to be maintained, as do other structure in the community.

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

Council takes no action.

COUNCIL APPROVAL – Ordinance Amendment to Code §46-1 Public Drunkenness (2nd Reading)

Summary: Council is requested to adopt on its second and final 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.

Councilman Connolly moved, seconded by Councilman Meza that Council adopt on its second and final 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.

Councilman Connolly stated that this is a matter of housekeeping to bring matters into line with State Code.

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)

AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 46-1 PERTAINING TO PUBLIC DRUNKENNESS

WHEREAS, Virginia Code §18.2-388 makes it unlawful for a person to be intoxicated in public “from alcohol, narcotic drug or other intoxicant or drug of whatever nature”. Town Code §46-1 only addresses public drunkenness from alcohol consumption; and,

WHEREAS, the Front Royal Police Department suggests that Town Code be amended to reflect the expanded offense allowing officers to cite violators using “local” summonses rather than “state” summonses; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that §46-1 of the Front Royal Town Code is hereby amended as follows:

46-1 PUBLIC DRUNKENNESS INTOXICATION

If any person ~~shall get or be drunk~~ is **intoxicated** in public in the town, **regardless of whether such intoxication results from alcohol, narcotic drug, or other intoxicant or drug of whatever nature**, he shall be deemed guilty of a **Class IV Misdemeanor as defined in Section 1-15 of this Code** and, ~~upon conviction, shall be fined not less than one dollar (\$1.) nor more than one hundred dollars (\$100.).~~

This ordinance shall become effective upon passage.

COUNCIL APPROVAL – Request from Warren Heritage Society Pertaining to Utilities

Summary: The Executive Director of the Warren Heritage Society has requested an in-kind donation from the Town to offset utility expenses incurred by the Society in the amount of \$15,000 for services at 101 Chester Street for FY2017-2018.

Budget/Funding:**ESTIMATED FOR FY17-18 ACTUAL EXPENSE FY16-17**

Electric Unrecognized Revenue:	\$12,252.68	\$10,647.72
Water Unrecognized Revenue:	\$ 979.06	\$ 850.81
Sewer Unrecognized Revenue:	\$ 1,599.06	\$ 1,389.61
Refuse Unrecognized Revenue:	\$ 169.20	\$ 169.20
	\$15,000.00	\$13,057.34

In accordance with the authority granted local governments by Virginia Code Section 15.2-953, Councilman Connolly moved, seconded by Councilman Sealock that Council make an in-kind donation of \$15,000 from the FY2017-2018 Budget, to be used toward payment of the utility bills beginning September 2017 of the Warren Heritage Society, Inc., a Virginia non-profit organization in the Town of Front Royal that is engaged in commemorating historical events, located at 101 Chester Street.

Councilman Connolly noted that this is credited to their utility bill annually. He described the annual services that the Heritage Society provides to the Town residents and visitors annually. He added that the Town couldn't possibly provide such services and he was pleased to assist the Heritage Society with this issue.

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 – Proposed Charter Amendments be Sent to General Assembly Representatives

Summary: Council is requested to authorize the Town Attorney to send the attached proposed Charter Amendments to the General Assembly representatives by November 1, 2017 to ensure enough time to review the contents and take appropriate action to advance Town Council's objectives.

Vice Mayor Tewalt moved, seconded by Councilman Connolly that Council authorize the Town Attorney to send the attached proposed Charter Amendments to the General Assembly representatives by November 1, 2017 to ensure enough time to review the contents and take appropriate action to advance Town Council's objectives.

Vice Mayor Tewalt noted that the Town has tried for many years and he is hoping this time the Town would be heard in order to have the Charter amended. He asked if the matter had been sent regarding dilapidated buildings to our representatives; Mr. Napier noted that it had.

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 – Resolution to Extend an Encroachment Agreement at 311 Blue Ridge Avenue – Karen Marshall

Summary: Council approved a resolution on September 10, 2012 of an encroachment of a chain link fence onto Blue Ridge Avenue right-of-way located at 311 Blue Ridge Avenue for property owner Karen Marshall. The resolution was approved for a period not to exceed five (5) years, which said authorization period may be extended by an additional five (5) year periods by further resolution of Council. Council is requested to approve the extension of the encroachment but to revise the motion that the extension of the additional five (5) year periods be executed by the Town Manager in the name of Town Council, as presented.

Councilman Meza moved, seconded by Vice Mayor Tewalt that Council approve a Resolution for an existing encroachment of a portion of Kimberly Dawn Wilson's property located at 821 Commerce Avenue for a period not to exceed (5) five years, which period may be extended by additional (5) year periods by further Encroachment License executed by the Town Manager in the name of Town Council, 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)

RESOLUTION

WHEREAS, Karen Elaine Marshall, the owner of improved real property located at 311 Blue Ridge Avenue, Town of Front Royal, County of Warren, Virginia, Warren County **Tax Map # 20A814-2-10C**, has requested that the Town Council of the Town of Front Royal, Virginia, renew the authorization of the existing encroachment of a portion of said improvements located on said real property into, on and over the Town's Blue Ridge Avenue right-of-way; and,

WHEREAS, pursuant to the authority granted the Town by Sections 15.2-2009 through 15.2-2011 of the Code of Virginia, 1950, as amended, Town Council is of the opinion and determines that it is in the public interest to renew the authorization of the existing encroachment into, on and over the Town's Blue Ridge Avenue right-of-way by a portion of the real property improvements located at 311 Blue Ridge Avenue, for a period not to exceed five (5) years, which said authorization period may be extended by additional five (5) year periods by further Encroachment License executed by the Town Manager in the name of the Town Council, all according to the terms and conditions stated in an Encroachment License to be executed by the parties, with plat of survey attached, to the extent as more particularly described therein.

NOW, THEREFORE, BE IT, HEREBY, RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the Town hereby renews the

authorization of the existing encroachment into the Town's Blue Ridge Avenue right-of-way by a portion of the real property improvements located at 311 Blue Ridge Avenue, said encroachment extending approximately One and Six-Tenths 2 Feet (1.6') into Blue Ridge Avenue, for a period not to exceed five (5) years, which period may be extended by additional five (5) year periods by further Encroachment License executed by the Town Manager in the name of the Town Council.

This encroachment authorization is conditioned upon the execution and recording of an Encroachment License by said property owner, with plat of survey attached, said survey to be obtained to be obtained at the expense of the property owner and the recordation thereof at the expense of the property owner, in the land records of the Circuit Court of Warren County, Virginia, authorizing said encroachment according to the terms and conditions stated herein and to the extent as more particularly described herein. The Town Manager is hereby authorized to execute an Encroachment License acceptable to Town on behalf of the Town.

There being no further business, the Mayor declared the meeting adjourned at 8:06 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council