



TOWN COUNCIL WORK SESSION
Monday, September 25, 2017 @ 6:00pm
Warren County Government Center

1. Bid Evaluation and Financing the new the Police Department – Moseley Architects/ Staff

Summary: Discuss awarding the construction contract, financing, and funding of the new police department. Council is requested to discuss the future direction of the Town relating funding and financing the construction of the new police department.

Staff Evaluation: The most recent estimate provided by Mosely Architects to build the new police department is \$10,037,331, the contract for the clerk of the works totals \$173,400.00 and the remaining payments to Mosely Architects total \$116,526.88. The total estimated remaining cost for the project is \$10,327,257.88.

Beginning in FY2012, the Town raised the real estate tax rates allocating a portion of the \$0.02 per \$100 real estate tax increase to the New Police Department, Leach Run Parkway, & the West Main Connector Road at the time allowed \$75,000 to be allocated to each project. In FY2015 an additional \$0.01 per \$100 of the real estate tax rate was allocated to the new Police Department, adding an additional \$112,500 in funding toward the project to bring the total allocation to \$187,500.

During FY2017 the real estate tax rate was increased \$0.005 per \$100 adding an additional \$55,000 toward the project to bring the total allocation from real estate taxes to \$242,500. Also in FY2017 there was \$100,000 added toward the allocation from not requiring the \$100,000 repayment of the Criser Road Trail making the total allocation for FY2017 the amount of \$342,500.

Currently, the remaining balance of encumbered funds from prior allocations & FY18 totals \$444,986.57. On August 8, 2016 council approved a resolution to participate in the New Market Tax Credit Program which allowed \$9,000,000 for the construction of the new Police Department. The Warren County Economic Development Authority can allow up to \$12,000,000 for the Police Department if Town Council approves a revised resolution.

Budget/Funding: New Market Tax Credit Funding for the project - \$10,0000.00
Previously allocated funds - \$327,257.88

Staff Recommendations: Staff recommends for council to approve a revised resolution for the New Market Tax Credit Program, then award the construction bid to the lowest bidder, and for council to consider raising the real estate tax rate in small increments over a period of years to accommodate the additional revenue needed to repay the debt service that will begin as a result of the New Market Tax Credit Program. Increasing the real estate tax incrementally over a period of years will help prevent a sudden high tax increase due to the end of the New Market Tax Credit Program. The additional funds could be set aside to then help decrease the amount of debt service required at the end of the New Market Tax Credit Program. Revenues and assessments change yearly, so it would be advisable to review revenues and adjust accordingly. Based on current rates/revenues/assessments a starting point may be to consider a \$0.005 per \$100 real estate tax rate

increase each year to accommodate the debt service associated with the new Police Department Building. An increase of \$0.005 per \$100 on a property assessed at \$200,000 would equate to an increase of \$10.00 annually.

Council Discussion: Mr. Wilson noted that New Market tax Credit resolution was to approve an amount of \$9 million. He stated that the allocation is about \$444,000 set aside at this point, and his recommendation after speaking with Jennifer McDonald of the EDA would be to approve a new resolution for the New Market Tax Credit Program up to \$11 million to help cover the cost of the new Police Department, as well as any type of contingencies that may come along.

Mr. Wilson reported that he has provided a breakdown of figures for Council, noting that if Council went with a 20-year bond on the amount and the figures showing the real estate tax revenue amounts as well. He noted that he would be happy to answer any questions. Councilman Tewalt asked after the seven years what would be the final per year, three? Mr. Wilson stated that was correct based on a 20-year bond. He added that a longer time period for a bond was rare and he was unsure if that was an option.

Mr. Waltz stated that he reviewed the bids and identified three areas within the bid for possible reduction, though when they thoroughly reviewed the items, it was noted that the items were necessary (a generator and retaining wall for example). He noted that the cost was still just over \$10 million. Mr. Sealock added that the building was oversized for approximately 40 years; Mr. Waltz stated that was correct. Mr. Tewalt suggested downgrading the entire building; adding that the Town cannot afford \$10 million. He noted that the taxpayers are not being considered to look at the building at such an expense.

Councilman Connolly noted the recommendation is the rate is 13.5 with a 3-4 cent increase total. Mr. Tewalt stated that the Town would still have to pay back \$7 million. He noted that the Town cannot be certain the New Market Tax Credits will even be there. He added that many times these types of programs do not pan out and the Town cannot rely on the NMTC.

Councilman Meza expressed his concern with Mr. Tewalt. He asked for similar scenarios with the Town paying for the Police Department, by not relying on the Tax Credit Program. Mr. Wilson noted that without the Tax Credits, should the town finance, the Town would need to pay \$750,000 annually at 3.75%. Mr. Meza stated that would be 5 cents increase to the property tax.

Mayor Tharpe noted that the Town Manager, some Police Department personnel, and Councilman Meza have been working on the project for about 2-3 years. He stated that they have looked extensively to discover ways to eliminate costs and be thorough in their due diligence. He encouraged Council to move forward on the Police Department. Mr. Meza noted that perhaps the comparable Police Departments per square foot could be shared with the rest of Council; he added that the Town of Front Royal is very much in line with area stations. He and Mayor Tharpe encouraged Council to move forward.

Council, except Mr. Tewalt, voiced support of moving forward as presented.

2. Final Plat/Subdivision Plan Application for the extension of Progress Drive and subdivision for the Criminal Justice Academy – *Director of Planning/ Zoning*

Summary: The Industrial Development Authority (Economic Development Authority) has

submitted a Subdivision Plan and Final Plat for the extension of Progress Drive, intended to access the property for a future criminal justice academy, and other possible future development areas. In addition to the Subdivision Plan and Final Plat, the applications includes the required bond, stormwater maintenance agreement, and deed of restrictions that Town Council required in association with the past Special Exception application. Pursuant to Town Code 148-315.D.3, Town Council is required to review and approve the Subdivision Plan and Final Plat for Major Subdivisions within 60 days from review by the Planning Commission. The Planning Commission is scheduled to take action on the application at their meeting on September 20, 2017.

FROM PLANNING STAFF REPORT:

APPLICATION SUMMARY:

The subject application is the Subdivision Plan and Final Plats for the extension of Progress Drive and associated subdivision for the criminal justice academy. The applicant's submission includes the following documents: Attachment A - Final Plat; Attachment B - Subdivision Plan; Attachment C - Bond Estimate; Attachment D - Stormwater Maintenance Agreement; and Attachment E – Deed Restrictions.

Site Address No address currently.

Zoning District R-1, Residential District

Overlay Districts Historic Area – NO Floodway - NO Entrance Corridor – NO

Tax IDs 20A221-1B

Location The subject property is located at the end of Progress Drive and adjoins the property of Front Royal Limited Partnership.

Existing Use Vacant lot

Proposed Use Street Extension and Subdivision for a future Criminal Justice Training Academy (public facility)

The Preliminary Plan was approved conditionally by the Planning Commission on February 15, 2017. The Preliminary Plan was approved in conjunction with the site plan for the Criminal Justice Academy and a Special Exception to allow for the extension of Progress Drive.

Town Code, Chapter 148, Section 310, specifies that “(a) Preliminary Plan is required for all proposed major subdivisions. The Preliminary Plan review process includes review and approval of the subdivision design before submission of a Subdivision Plan and Final Plats.

Town Code 148-315 of the Town Code requires major subdivisions to obtain approval of a subdivision plan and final plats within thirty-six (36) months of approval of the preliminary plan.

Unlike Preliminary Plans, Subdivision Plans and Final Plats require approval by Town Council. In addition, bonding is required.

For the Criminal Justice Academy project, a Stormwater Maintenance Agreement and Deed Restrictions (condition of Special Exception) are also required.

The Subdivision Plan has been revised to address the previous review comments identified on the Preliminary Plan. Furthermore, the applicant

has executed the Deed Restrictions that were required by Town Council as part of the Special Exception for the road extension.

Updated September 19, 2017 for Town Council:

The Planning Commission is scheduled to act on this application at their meeting tomorrow evening, September 20, 2017. The applicant submitted the attached bond (Attachment F) today, September 19, 2017.

Unless the Planning Commission has new input at tomorrow's meeting, the application is ready for approval by Town Council, conditional on the following:

1) The stormwater maintenance agreement (Attachment D) shall be signed and executed before any permits are issued for construction.

2) The Deed of Dedication language shall be submitted by the applicant and reviewed by the Town Attorney and Director of Planning before recordation of the final plat (Attachment A).

Mayor Tharpe noted that Planning Commission approved the matter at the recent meeting. Mr. Camp stated that there the bond estimate has been reviewed and approved by Public Works. He noted that there is the actual performance bond as well. Mr. Camp stated that the Deed of Dedication is being worked on by Dan Whitten by the County of Warren. Mr. Sealock expressed his confusion on what Council is actually approving. Mr. Camp noted that it was the subdivision plan, and the basic road extension. Ms. McDonald noted that the contractor was just waiting for the Town Council to move forward with the approval.

PRESENT: Mayor Tharpe, Vice Mayor Tewalt, Councilman Connolly, Councilman Gillispie, Councilman Morrison, Councilman Meza, Councilman Sealock, Town Manager Waltz, Town Attorney Napier, Clerk of Council Berry, Director of Planning Camp, Director of Finance Wilson, Director of Energy Services Jenkins, Police Chief Magalis, Police Captain Ryman, Director of Environmental Services Hannigan, members of the public and members of the press.

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 25, 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
Vice Mayor 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 Sealock moved that Council approve the Regular Council Meeting minutes of September 11, 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

Joe Andrews, of 735 Megeath Farm Road, noted that the Afton Inn was a historic building and it was a historic structure that he would like to see preserved for generations to come. He stated that he would not like the building torn down and replaced with something in Fairfax. Mr. Andrews added that there were people and plans that could save the building and he would hope Council would choose to save the building.

Curtis Siever, of 110 Teabury Drive, Winchester, opined that the building was restorable and a contractor could renovate the building. He noted that it was a gateway to the Main Street area and it would be a detriment to tear it down.

Matthew Tederick, of 21 Edgewood Street, noted that he was deeply disappointed in the physical state of the old Town Hall. He stated that the meeting minutes of when the Afton Inn and the Town Hall were “swapped” note that many were concerned about the future of the Town Hall. Mr. Tederick stated that the agreement has been breached repeatedly in many ways. He noted that he has been unable to find where the restrictive covenants were recorded. He added that the covenants stated that the former Town Hall shall be kept in a good state of repair. Mr. Tederick stated that currently that there are vines are growing all the way up the front of the structure, the paint is peeling, the grass and bushes are horrible, the pillars are in disarray, and there may be water damage. The interior was to be updated within two years

though nothing has been done. He asked that the Town invoke their right to purchase back the Town Hall according to the agreement.

Mayor Tharpe asked the Town Manager to touch base with Mr. Tederick tomorrow.

Mr. Waltz stated that the Town has issued a Voluntary Water Conservation Measure due to the flow of the Shenandoah River, according to their permit with the Department of Environmental Quality. He stated that conservation measures include water bushes and the lawn before 9 a.m. and after 4 p.m., limiting the washing of your automobile and the street, and other non-essential water use.

The report from Director of Community Development/Tourism, Felicia Hart noted:

- The Town missed the \$1M Community Development Block Grant by literally one point
- We scored 745. The ones above us scored 746, 747, 749 and 750;
- We were #16 out of the 15 grant recipients;
- Of the 15 recipients, 6 were Phase II or III;
- But we are #1 on their #2 list!;
- We've already had a joint phone call with DHCD to discuss where our weaknesses were and we are now working to make clearer some of our information;
- PMT has already met once and will be meeting again to look at, and adjust, our priorities going forward and will be updating Council soon.

New businesses opening their doors in Town –

- **Mountain Trails** – this will be their second store; the original is on the Walking Mall in Winchester;
- **Happy Creek Eatery** will be opening real soon and will be serving breakfast, lunch and dinner. This is an expansion of Happy Creek Coffee;
- **Café Amore** is awaiting final inspection from the County – they hope to be open in a couple weeks;
- If you haven't sneaked a peak at the two Barnhart properties – **brew pub, gallery and restaurant** – please do. Both properties have been completely gutted and work is progressing. Projected openings definitely by the end of the year. Façade work has already been started on the one. Floor has been poured in the Weaver Building.
- Robert MacDougall with TransForm has been working on his two properties.
- We've also had a number of one-on-one meetings with other businesses who are looking at either purchasing property and opening their businesses here in town or just renting existing space.
- In July we had 13 new business licenses applied for; August we had 6 and thus far in September we have 6;

- We're working with the Virginia Main Street group to highlight our story and those private investors helping to make a difference;
- We're still working on the 3-minute videos of some of the businesses here in town; more will be coming on this a little later.

VISITORS CENTER

- 2016 - 35,626 visitors and we're on track to break that record this year;
- Almost ready to reprint 40,000 of our Visitors Guides.
- Front Royal Rocks – Front Royal is literally all over the world now. Visitors are picking their painted rocks and taking them back to their home towns and hiding them as a “gift from Front Royal, VA.”
- We're getting great mentions on the Appalachian Trail social media sites bragging about how good (and cheap!) our trolley service is. Talk is definitely rampant about the free showers and laundry service that will be available in the Barnhart building too.

TOURISM

- Shenandoah Spirits Trail – we just released our new brochures and website with Front Royal/Warren County now a part of this;
- We were just awarded \$36,000 from the Virginia Tourism Corporation to help promote this trail; and
- We were also awarded \$22,000 from the Virginia Wine Board Marketing Office also to help promote trail;
- We just completed all the work (new signs installed, brochures printed) regarding our trolley service. We've worked hard to make it easier for people to understand (and know) about this important service

Ms. Hart also reviewed the economic impacts of Tourism in the area.

Economic Development Director, Executive Director Jennifer McDonald, noted that the workhouse project continues and is waiting for EPA permitting. She stated that IT Federal is awaiting site plan approval and revision of the 4th edition of said site plan. Mrs. McDonald stated that McKay Springs had continued interest this month and the Development Review Committee will soon meet as well. She added that the EDA met with Warren County regarding the DuPont settlement for assistance with the trails, and hopefully that would be quite beneficial.

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

CONSENT AGENDA - NONE

COUNCIL TO CONSIDER APPEAL OF THE ECONOMIC DEVELOPMENT AUTHORITY/AFTON INN REQUEST

Summary: Council is requested to consider an appeal from the Economic Development

Authority regarding the demolition of the Afton Inn on Main Street. The EDA had applied to the BAR for demolition of the derelict structure, however that request was denied. The BAR rendered their decision on September 12th. The EDA filed an appeal on September 15th with the Clerk of Council to hear the matter at the next regular meeting of Town Council. Town Council discussed the appeal at the work session on September 18, 2017.

MOTION FOR APPROVAL: *Finding that the Certificate of Appropriateness Application submitted by the Economic Development Authority for the demolition of 2 East Main Street, being the former Afton Inn property, together with the evidence and submissions submitted by the Economic Development Authority to Town Council, meets the intent and all appropriate purposes and objectives of the Town Code's Historic District Overlay Areas, and in particular, meets all appropriate guidelines and criteria for review as set forth in Town Code Section 175-91, and further finding that the appeal filed by the Economic Development Authority from the decision of the Board of Architectural Review rendered on September 12, 2017, denying said Application submitted by the Economic Development Authority, was timely and properly appealed in writing to Town Council, in accordance with Town Code Section 175-94.A., Councilman Connolly moved, seconded by Councilman Meza that Town Council grant the Economic Development Authority's Application for the demolition of 2 East Main Street, being the former Afton Inn property.*

Councilman Connolly noted that this issue initially compelled him to run for Council. He stated that the EDA has attempted to market the building and developers were lost because the building is too costly to renovate as it is in such disrepair. He added that the structure has been on the market for over two years and there was no path forward to renovate the building as it stands. Councilman Connolly stated that pieces of the structure continue to fall onto the Town streets as it deteriorates and it poses a strong safety concern.

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; to APPROVE the EDA's request to Demolish the Afton Inn)

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

Summary: 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, 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 \$500.00 per calendar year to be paid by the proprietor of the flea market, as presented.

Note: Council referred the request of the flea market to operate on Fridays, to the Planning Commission for further consideration and a recommendation on March 27, 2017. A Public Hearing was scheduled for July 24, 2017 but was postponed for staff to re-advertise the amendments together regarding opening on Fridays and the license fee. Another Public Hearing was scheduled for August 14, 2017 but died for lack of a second due to the amount of licensing fees being advertised at \$250.00 instead of \$500.00. Staff re-advertised for the higher fee.

Mayor Tharpe opened the public hearing.

Gerald Stone, of 302 Markham Farm Road, and a veteran, noted that he moved to Front Royal several years ago and he is fond of the fellowship, teamwork, respect and dignity that the flea market stands for that. He noted that the Andrick family has owned it for 30 years and they lead the operation with integrity and honor. Mr. Stone stated that many good things happen and Ms. Andrick does so much for many people and the community. He added that the flea market brings a lot to the area, and many people depend on the market to add to their income. He opined that the flea market is impressive and it is a caring organization. Mr. Stone stated that it was disappointing that is that the ordinance amendment has not passed yet. He stated that Front Royal is a great community.

Ann Orndorff, owner of Springtime Garden Center, noted that she has concerns that the flea market continues to violate the current Code. She stated that there was a vendor there Friday selling barbecue and the entire summer there has been a Friday vendor on site. She noted that the rules for flea market are not going to be enforced and a business that has not paid the revenue for the past six years could have paid the salary of a police officer or a first responder in the community. Ms. Orndorff stated that every other business owner has to pay the revenue and it is unfair that others are not required to do so.

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

Councilman Connolly seconded by Councilman Sealock 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 a Special 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 \$10.00 per year, or \$1.00 per day, to a flat license tax of \$500.00 per calendar year to be paid by the proprietor of the flea market, as presented.

Vice Mayor Tewalt noted that he would speak in favor of the flea market, though he expected the Town's Zoning Office to enforce the rules and he would like it taken care of. He reiterated that he would like all matters enforced.

Councilman Connolly stated that he attended the flea market several weeks ago and he met many vendors and retired seniors and those selling for enjoyment and for their income as well. He read the following letter into the record from Molly M. Bailey a 2nd generation vendor and 4th grade teacher:

I am writing this letter in support of the Front Royal Flea Market. I would first like to address the many positive contributions the Flea Market provides to the community.

1. The Front Royal Flea Market helps support the surrounding businesses in Front Royal. Many people from Front Royal, the surrounding counties, and other states, come to Town to shop at the Flea Market. Because they are in Town, they pick up their groceries, purchase their gas, and frequent the restaurants that Front Royal has to provide.
2. The Flea Market provides supplemental income for the many individuals who set up and sell their items there. This includes regular vendors, senior

citizens on fixed incomes, and the occasional individual who needs to sell unneeded items that are usable by others.

3. The Flea Market provides affordable purchases for those who would otherwise not be able to afford those items new. Many members of this community simply do not have the income to support new purchases of items that they need, and therefore are able to pick up these things used at a discounted price. It is recycling at its best.
4. The Flea Market provides needed income for the Town. This would include the purchase of the permit to sell new items, as well as any other fees that are collected.
5. And finally, the Flea Market provides a place for its diverse community to come together as one. Because there is such variety of items sold there, ranging from antiques, collectibles, and regular household items, people from many different walks of life and different socioeconomic backgrounds, frequently visit the Flea Market. Old friends gather there and new ones are made.

I would also like to encourage you to consider the proposal of including a farmer's market at the Front Royal Flea Market, as well as allowing it to open on Fridays. Again, this would bring additional revenue to the existing Town businesses, additional revenue to the Town of Front Royal, and likely draw new customers to the Flea Market.

Councilman Connolly added that he wished that the market should have more options to be open another day. He stated that there was no other business that had such a list limiting their use. He noted that many came from all other their regions and they stayed at area hotels and frequented area restaurants which helped the economy of Front Royal.

Councilman Connolly noted that he would wish for \$250, rather than \$500, and that was a point of contention. Councilman Sealock stated that the \$250 and six years of non-payment was definitely a concern for him. He expressed concern of the non-compliance of the current matter and he has been assured that the proposed ordinance would be fully followed. He stated that he would be quite upset if the ordinance was not managed properly.

Councilman Connolly moved, seconded by Councilman Gillispie, to amend to delete NUMBER 5, ITEM B (license permit item).

Vice Mayor Tewalt noted that the text should be cleaned up before the next meeting for the packet.

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; On Motion to Amend)

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 – Budget Amendment Primary Extension Project – Paving Commerce Avenue from South Street to Happy Creek Bridge - VDOT

Summary: Council is requested to approve a budget amendment to accept funds from the Virginia Department of Transportation (VDOT) to pave Route 522 South Commerce Avenue from South Street to the Happy Creek Bridge in the amount of \$196,880.00.

Budget/Funding: 4500-3410206 – Highway Maintenance Reimbursements - \$196,880.00
4500-47963 – Highway Maintenance VDOT Project Funding - \$196,880.00

Vice Mayor Tewalt moved, seconded by Councilman Connolly that Council approve a budget amendment to accept funds from the Virginia Department of Transportation (VDOT) to pave Route 522 South Commerce Avenue from South Street to the Happy Creek Bridge in the amount of \$196,880.00.

Mayor Tharpe stated that this is not revenue sharing, and he thanked Terry Lewis who pursued this. He expressed thanks to the Town employees and all that they do.

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 – Budget Amendment for Risk Management Grant

Summary: Council is requested to approve a budget amendment to accept funds from the Virginia Municipal League (VML) in the amount of \$3,429.00 for the purchase of a portable barrier (roll up fence) to be used as a barrier during events.

Budget/Funding: 1000-3310010 – General Fund Grant Proceeds
1202-47001 – Risk Management Equipment

Councilman Meza moved, seconded by Councilman Connolly that Council approve a budget amendment to accept funds from the Virginia Municipal League (VML) in the amount of \$3,429 for the purchase of a portable barrier (roll up fence) to be used during events.

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)

Subdivision Plan and Final Plats for Progress Drive Extension

Summary: The Industrial Development Authority (Economic Development Authority) has submitted a Subdivision Plan and Final Plat for the extension of Progress Drive, intended to access the property for a future criminal justice academy, and other possible future development areas. In addition to the Subdivision Plan and Final Plat, the applications includes the required bond, stormwater maintenance agreement, and deed of restrictions that Town Council required in association with the past Special Exception application. Pursuant to Town Code 148-315.D.3, Town Council is required to review and approve the Subdivision Plan and Final Plat for Major Subdivisions within 60 days from review by the Planning Commission. The Planning Commission is scheduled to take action on the application at their meeting on September 20, 2017.

Councilman Connolly moved, seconded by Vice Mayor Tewalt that Council conditionally approve the Subdivision Plan and Final Plats submitted by the Industrial Development Authority for the extension of Progress Drive, including acceptance of the required Performance Bond, Stormwater Management Facilities Maintenance Responsibility Agreement, and Declaration of Restrictions; subject to the following conditions:

- 1) The stormwater maintenance agreement (Attachment D) shall be signed and executed before any permits are issued for construction.**
- 2) The Deed of Dedication for the Final Plat shall be submitted by the applicant and reviewed by the Town Attorney and Director of Planning before recordation to ensure the required right-of-way reservation is appropriately established.**

Councilman Connolly noted that this essentially completes a project from many months ago and this would allow officers to complete their training locally.

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 – Budget Amendment for Leach Run Parkway

Summary: Council is requested to approve a budget amendment for additional revenue and expense for the Leach Run Parkway Project in the amount of \$ 736,613.39.

Councilman Connolly moved, seconded by Councilman Meza that Council approve a budget amendment for additional revenue and expense for the Leach Run Parkway Project in the amount of \$736,613.39.

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 – Bid for two (2) vehicles in Public Works

Summary: Council is requested to approve the bid from Virginia State Contract with Colonial Ford Truck Sales at a cost of \$64,754.40 for the purchase of two (2) ¾ ton Ford F250 4X4 pickup trucks for the Water Treatment Plant and Water & Sewer Maintenance department.

Budget/Funding: Funding available in the Department of Public Works FY18 budget, Water Treatment Plant line item 9601-47005 Motor Vehicle and split evenly with the Water Line Maintenance item 9602-47005 Motor Vehicles and the Sewer Line Maintenance line item 9802-47005 Motor Vehicles

Councilman Meza moved, seconded by Councilman Connolly that Council approve the bid from Virginia State Contract with Colonial Ford Truck Sales at a cost of \$64,754.40 for the purchase of two (2) F250 pickup trucks for the Water Treatment Plant and the Water & Sewer Maintenance 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)

PUBLIC HEARING – Adoption of Property Maintenance Code and Establishment of a Rental Inspections District (1st Reading)

Summary: Council is requested to affirm on its first reading to amend and re-enact Chapter 9 (Buildings) of the Front Royal Municipal Code to adopt a Property Maintenance Code and to establish a Rental Inspection District, pursuant to Virginia Code §36-105.1:1 and Part III, Virginia Maintenance Code of the Virginia Uniform Statewide Building Code, current adopted edition, as presented. If approved the Town would be able to address blight and deterioration of buildings and the Rental Inspection District would include the same boundaries as the Historic District and the designated CDBG Downtown Revitalization area.

Mayor Tharpe opened the public hearing.

Whitney Elaine Vasquez, of 122 Virginia Avenue, stated that there is an online forum that keeps coming up repeatedly that noted that asked that landlords be kept accountable under current ordinances. She opined that it was a public safety issue. She stated that lack of Town enforcement gave a negative impact to the Town and caused blighted buildings and renting families to be displaced.

Theresa Gill, 128 E. Main Street, Apt 1, noted that she has lived at many apartments with issues, including many with roaches and bed bugs, and other buildings falling apart around them. She stated her concerns with landlords with unlicensed property being taken care of and walls with

dangerous paint. Ms. Gill stated that roaches travel but bed bugs stay underneath a building for up to a year. She noted that it is affecting local businesses and there are so many families and children that have no choice but to live in these unsafe and unhealthy structures.

Kimberly Matejka, of 122 S. Royal Avenue, D, noted that she has sent the newspaper over 60 photos with just exposed slats in her ceilings. She stated that the lease was shoved under her door and it was filled with deplorable text that was harmful and non-caring that intimidated her as a woman. She noted that her landlord was inappropriate with women, children and families and caused harm to many with his practices.

Holly Givad, 122 S. Royal Avenue, B, had her comments read into the record by Ms. Gill, who stated that the conditions are affecting the health of many, such as repeated the asthma flare ups, and the roaches and the bed bugs caused her to lose her children as the living conditions were so deplorable. She asked that Council protect the community and protect the children. She noted that she got out, though so many people are still in those conditions.

Linda Allen, of 416 Salem Avenue, stated that many kinds of damage are being forced upon these people. She noted that there are illegal practices in these leases and people are trapped and intimidated. Ms. Allen stated that there are so many fees and penalties that is a criminal offense what is taking place. She noted that these are vulnerable people who are trying to get ahead, people that want to live in a safe comfortable environment and they live in retribution, with the threat of eviction hanging over them, and they are propositioned. She asked Council if these people worth Council's time.

Tim Ratigan, of 120 W. 6th Street, Apt. 6, noted that he ran for Mayor mainly because he wanted a rental inspection program for the Town. He noted that Mt. Vernon apartments should be torn down. He noted that over 75% of the Town residents rent and many lived in substandard facilities. Mr. Ratigan stated that the Town has taken a courageous step in the right direction.

William Huck, of 409 E. Main Street, noted that when it was passed, he asked that the landlords be asked would they spend the night in the structures that they are trying to rent to people. He asked that as landlords and as a community; we should take care of everyone. He noted that landlords should take care of their structures, things should be documented and all should be legal.

Chris Svenson, of 1446 Canterbury Road, noted that he is a landlord and he would like matters done properly and properties should be maintained. He noted that he adores the Town and his intention was to better the Town and have tenants that feel safe and the Town needs to work with the landlords as well.

Mr. Svenson noted that the fees should be reviewed, and he added that the fees would be passed onto the renters. He encouraged the Town to work with landlords and tenants to develop the ordinance completely.

David Silek, of Main Street, stated the previously this was tried before, he noted that rentals were held to an absurd standard. He noted that enforcing property maintenance previously was not done in the best manner. Mr. Silek stated that the ordinance should not be done as it is written. He added that it would be taken to court if it went forward as written. He stated that one bad landlord has created a public nuisance and the Town should address the matter appropriately.

Jon Fidero, of 179 Royal Elm Road, noted that he owns 42 units and he was in support of some type of change for landlords that have issues. He stated that he has concerns with the ordinance as it is stated. He expressed concerns with protecting landlords as it is written and how it addresses all areas of the community. Mr. Fidero noted that the margins for review of rentals are very small. He stated that an inspector that holds you up for a small issue is a great concern for him.

Wanda Snead, a property manager in Town, stated that she manages many buildings and during the last Town Property Maintenance Code, a paint requirement peeled a year later after a \$11,000 paint job. She stated that she was grateful for good tenants though there were tenants that did not take care of properties sometimes too. Ms. Snead asked for mercy for the good landlords. She noted that previously, an inspection was being done and the inspector for the Town made them remove a bed from a patient that was dying of cancer.

Nancy Heflin, of 126 S. Royal Avenue, noted that everyone knows that the nuisance law should apply to the Batouli properties, and she owns properties next to the problem property. She noted that anyone would be happy to stay at her properties and she has no need for a rental program. She expressed concern with the Town using the word “blight” and the Town should not legislate for some landlords.

David Silek, spoke again, noted that the Town pose a health and safety issue for first responders and the Town Attorney’s office could circumvent the statute by using an injunctive relief tomorrow.

Theresa Gill, spoke again, noted that the good landlords should have protection; however, the horrible landlords are currently protected. She asked if the nuisance law could be used to stop this health matter happening all over Town she would be in favor of such.

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

Councilman Morrison moved, seconded by Councilman Sealock that Council affirm on its first reading to amend and re-enact Chapter 9 of the Front Royal Municipal Code to adopt a Property Maintenance Code and Establish a Rental Inspections District, as presented.

Councilman Morrison thanked Mr. Silek for the free education and counseling. He noted that the community should not be divided. He stated that obviously that he lives next to a Batouli property and when he moved to Front Royal he saw what it could be. Mr. Morrison noted that there is a sense of ignorance and it is not right to have these citizens just ignored when they are appealing for help.

Councilman Connolly suggested that deliberation be postponed and suggested that some of the landlords be invited to an upcoming worksession and also have Town Staff review other legal recourse.

Councilman Connolly moved, seconded by Councilman Meza to postpone the matter until after a worksession can be held and the matter can then return to a regular meeting.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt
No – N/A

COUNCIL MEETING MINUTES

September 25, 2017

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 8:49 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council