

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 10, 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
Sr. Admin. Assistant, Tina L. Presley

ABSENT: 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 Vice Mayor Tewalt, that Town Council appoint and recognize Tina Presley as Clerk of the Front Royal Town Council pro tempore for the meeting of Front Royal Town Council on October 10, 2017 and for such additional and further meetings and times that are a continuation of the October 10, 2017 meeting at his/her services such as Clerk pro tempore may be needed.

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)

Vice Mayor Tewalt moved, seconded by Councilman Sealock moved that Council approve the Regular Council Meeting minutes of September 25, 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

Bruce Rappaport, of 300 W. Main Street, noted that he had concerns about the Afton Inn and how matters were handled. He stated that he was perplexed that a Council member would state that there was not a way to salvage the Afton Inn building. Mr. Rappaport noted that the Board of Architectural Review was appointed by Council and had been put in the position to have the confidence of Council placed in them and he had hoped that would take place. He stated that

another proposal had come forward to renovate the building and it could have been salvaged rather than been torn down. Mr. Rappaport opined that the building could be saved by a reputable company out of Winchester and once the building is demolished it could never return. He stated that it was the EDA Director's job to seek developers to renovate these buildings and salvage historic structures. He asked Council to reconsider the proposal given at the eleventh hour and review the information in full.

Matthew Tederick, of 21 Edgewood Street, thanked Council for their vote for the Afton Inn demolition. He noted that Council was placed in a precarious situation because of the previous Council's decision to swap the Town Hall for the Afton Inn. Mr. Tederick explained that the mission of the Board of Architectural Review is different from the mission of the Town Council and he added that the right vote had prevailed in the Afton Inn decision for the redevelopment at the site.

Mr. Tederick thanked the Council for their public service, noting that it was a thankless job and he sincerely commended their efforts. He reported that the owner of the Town Hall had removed the weeds that had grown up the front of the old Town Hall at least. He stated that he was uncertain of who to go to for answers, though apparently there are restrictive covenants in the former Town Hall property deed. Mr. Tederick stated that in February 2014, former Councilman Hrbek guaranteed the public that there were provisions going to be in place to protect the structure. He asked if the provisions were put in place, what the provisions were, and if they are being enforced. He further asked if they were not being enforced, then why – and what will be the outcome of the former Town Hall if it is not properly maintained. Mr. Tederick requested that the building be purchased back if at all possible. He noted that many members of the public are contacting him in support of salvaging the Town Hall and he asked Council to inform the public of the status of the structure.

Town Manager, Joseph Waltz, reviewed the mandatory water restrictions in place for the Town currently, which are:

1. The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation from Town water supplies (except indoor plantings, greenhouse and commercial nursery stocks, and new plantings less than one year old) between the hours of 9:00 a.m. and 4:00 p.m.
2. The outdoor washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment, except in a commercial vehicle wash facility.
3. The washing of private streets, driveways, parking lots, service station grounds, or other paved outdoor surfaces.
4. The operation of any ornamental fountains, unless the water is recycled. Municipal ornamental fountains shall be cleaned and closed within two (2) days of the mandatory water conservation restriction declaration.
5. The filling of swimming and/or wading pools, except that filled pools may be topped off to maintain the appropriate levels for use.

Chief Magalis conducted the ceremonial pinning of the following Police Officers of the Front Royal Police Department:

- Kevin Nicewarner from Captain to Major
- Crystal Cline from Sergeant to Captain
- Eric Sues from Master Police Officer (MPO) to Sergeant
- Jason Winner transfer from Patrol Sergeant to Criminal Investigations Division (CID) Sergeant.

The report from Director of Public Works, Jimmy Hannigan, was presented, and he noted that Criser Road Trail work has begun and the Leach Run Parkway punch list work continues. He noted that the Town was awaiting word from VDOT to move forward with the Westminster sidewalk installation. Mr. Hannigan stated that Commerce Avenue and Happy Creek Road were paved and the next phase of paving plan will move forward in the coming year. He reported that the crosswalk work was about 98% complete and the Leach Run Parkway crossbars were installed near the new Warren County Middle School. He stated that the mandatory water restriction levels continue to be monitored.

Councilman Connolly asked about the Westminster sidewalks and whether the “bat” issue was holding up matters. Mr. Hannigan noted that they were awaiting approval of a 100+ page document that was submitted to VDOT, and as long as concrete could be installed they can move forward with the project at any time in the year.

The report from Director of Planning & Zoning, Jeremy Camp, was given, and he stated that so far this year there were 254 zoning permits for new construction, and 135 zoning clearances for businesses. He stated that there is a new energy downtown, noting that it is attributed to new investors, the overall economic improvement in the area, an improved focus of downtown and ongoing downtown revitalization work as well. Mr. Camp stated that the Community Development Director reported that the Town did not receive the first round of funding for the Community Development Block Grant funding; however, there is still a good opportunity for the second round that may come open later this year or the resubmission in March.

Mr. Camp stated that there is also movement throughout Town, including Valley Health for the new hospital site, a potential new pharmacy, a fast-food restaurant, and a new gas station as well. He noted that residential developers Heptad LLC and Swan Estates continue to work on their submissions which will come to Town Council later this year.

Mr. Camp noted that using the team approach that the Town has implemented in recent years is beneficial, stating that he regularly meets with entrepreneurs, developers and citizens wishing to expand their homes. He explained that Planning & Zoning meets regularly with the Economic Development Authority, Warren County, the Community Development Director, and other Town Departments, and teamwork continues to assist the community in making progress.

Mr. Camp stated that the CIP is still in the drafting phase and will be very useful. He noted that Planning & Zoning submitted many projects and most are transportation and economic development related.

Councilman Connolly noted that he shared many of Mr. Tederick’s concerns regarding the former Town Hall building. He requested that the Town Council add that the status of the Town Hall covenants to an upcoming worksession for discussion.

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

Councilman Connolly moved, seconded by Councilman Tewalt, that Council remove Items 1, Potential Development and 2, McKay Spring, from the Agenda Item #13 CLOSED MEETING.

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

COUNCIL APPROVAL – Ordinance Amendment Pertaining to Flea Markets

(2nd Reading)

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

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

Councilman Connolly moved, seconded by Councilman Gillispie, to amend the motion to reduce the flat license tax to \$250 (from \$500).

Councilman Connolly explained that Council should slowly change the structure. He noted that they would force the flea market to raise fees if they raised the tax all at once.

Vote: Yes – Connolly and Gillispie
No – Meza, Morrison, Sealock and Tewalt
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 – MOTION FAILED)

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 Original Motion)

COUNCIL APPROVAL – Revise Previously Approved Resolution of Support and Participation of New Market Tax Credit Program

Summary: Council approved a resolution on August 8, 2016 to participate in the New Market Tax Credit Program which allowed \$9,000,000 for the construction of the new Police Department. The Economic Development Authority (EDA) can allow up to \$12,000,000. Council is requested to approve the revision of the previously approved Resolution of Support and Participation of New Market Tax Credit Program to reflect \$11,000,000, as presented.

Councilman Meza seconded by Councilman Connolly that Council approve the revision of the previously approved Resolution of Support and Participation of New Market Tax Credit Program to reflect \$11,000,000 as presented.

Vice Mayor Tewalt stated that the Police Department proposal has risen many millions of dollars and he cannot vote in favor to raise the price of the tax credit limit. He noted that should the matter come to fruition than the Town will be responsible for the full amount. He noted that tax credits can go away and he cannot in good conscience vote in favor of the matter.

Councilman Meza noted that the program was a creative financing way that enables the Town to have capital project funding, though it does not give the Town free money. It stated that the funds could disappear, though while the program is in place, the Town should take advantage of the available funding. Mr. Meza added that it was a good idea to continue to use the program while it is available, while also preparing the Town for the potential of the program dissolving.

Councilman Sealock noted that he was concerned about the present Police Department. He noted that he does have concerns with the tax credit program also and Council has discussed this in great length. He noted that it is Council's responsibility to build a new Police Department for the community.

Councilman Connolly stated that this returns to the initial plan to design the Police Department for the needs of a 40-year Department and the cost expands if the Town returns to add onto a structure if it does build it right the first time. He noted that the proposed building will last for some time and paying for it will be difficult, though with the size of the structure, this is a fair price and he will support the tax credit.

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

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 Police Department Construction

Summary: Council is requested to approve the bid from Dustin Construction in the amount of \$7,736,001.00 for construction of the new Police Department Headquarters

Councilman Morrison moved, seconded by Councilman Meza that Council approve the bid from Dustin Construction in the amount of \$7,736,001 for construction of the new Police Department Headquarters.

Vice Mayor Tewalt expressed his displeasure with the increased cost estimates of the Police Department and he noted that the Town of Front Royal cannot afford an \$11 million building. He stated that the structure should be rebid in order to not burden the taxpayer.

Councilman Meza stated that he was excited that the bid has finally come to an approval point. He added that the bids were similar in range, which told him that it was competitive and a fair price for the project. Mr. Meza stated that serving on the Police Department Building Committee for the last year and working with the different Police Officers and the architect involved in the project, and seeing the due diligence put forth, he noted his comfort with the design that has been established. Mr. Meza added that the structure would serve the needs of the Officers who are well overdue for a sufficient Police Department. He noted that new facilities were not cheap, and he hoped that Town Staff would work with Council to have the costs absorbed over the next few years. Mr. Meza stated that it was clear that the current structure was inadequate and he looked forward to breaking ground.

Councilman Connolly noted that the project was a necessity. He stated that when problems arise in this community, citizens want to have the ability to have a quick response from the men and women that serve Front Royal. He added that the only option was to build a sufficient facility for long-term use in mind.

Vice Mayor Tewalt noted that he was for a new, good Police Department. He voiced support for a nice facility, though he believed costs could be lowered. He expressed strong concern with a large financial burden falling on the taxpayers, noting that it could be as much as an 8-13 cent increase.

Councilman Meza stated that the Committee did ask for potential cost savings related to materials, fencing and more. He noted that the Committee also looked at going from a 2040 building to a 2020 building and phasing in the larger structure at a later time. Mr. Meza added that cost saving measures were fully investigated and due diligence was completed.

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

No – Tewalt

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 Road Salt

Council is requested to approve a bid for the purchase of deicing road salt during the upcoming winter season through April 30, 2018 to Cargill, Inc. at a cost of \$72.41 per ton.

Budget/Funding: FY18 Public Works Department Highway Maintenance Budget Line item 4500-45478 “Snow Removal”

Councilman Meza moved, seconded by Councilman Morrison that Council approve a bid for the purchase of deicing road salt during the upcoming winter season through April 30, 2018 to Cargill, Inc. at a cost of \$72.41 per ton.

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)

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Meza that Council convene and go into Closed Meeting for the following purpose (3) The disposition of publicly held real property, specifically, the sale or vacation of Town right of way, approximately 100 feet by 25 feet in size, located near 208 West Duck Street, to Jerry Bell, Jr., pursuant to Section 2.2- 3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Councilman Gillispie, 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, Gillispie, Meza, Morrison, Sealock, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned.

APPROVED:

Jennifer E. Berry
Clerk of Council