



TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING

Tuesday, October 13, 2015 @ 7:00pm

Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of September 28, 2015
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - 1) **Recognition of Police Officers**
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** – NONE
8. **PUBLIC HEARING** – FY2015-2016 Budget Amendment for Leach Run Parkway Construction
9. **PUBLIC HEARING** – Ordinance to Amend Town Code Chapter 170 "*Weeds and Debris*" (1st R)
10. **COUNCIL APPROVAL** – Bid – Road Salt
11. **COUNCIL APPROVAL** – Continued Discussion to Establish a Building Inspection Program

8



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: October 13, 2015

Agenda Item: PUBLIC HEARING – FY2015-2016 Budget Amendment for Leach Run Parkway Construction

Summary: Council is requested to approve a FY2015-2016 Budget Amendment in the amount of \$13,180,807.95 toward construction of Leach Run Parkway (\$868,225.00 for construction of a 12” water main and \$12,312,582.95 for construction of the road) increasing the current budget to \$44,766,938.95.

Budget/Funding:
Expense: \$12,312,582.95 – 4500-7957 Leach Run Parkway Construction
Revenue: \$5,324,050.00 – 4500-3410206 VDOT Revenue Sharing
 \$5,324,050.00 – 4500-3410001 Warren County Bond Proceeds
 \$832,241.48 – 4500-3420206 Future VDOT Funding
 \$832,241.48 – 4500-3410001 Future Warren County Bond Proceeds
Expense: \$868,225.00 – 9602-7513 Water Line Upgrades
Revenue: \$868,225.00 – 9601-3510110 Fund Balance - Water

Attachments: None

Meetings: Special Meeting held September 21, 2015

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council approve a FY2015-2016 Budget Amendment in the amount of \$13,180,807.95 toward construction of Leach Run Parkway (\$868,225.00 for construction of a 12” water main and \$12,312,582.95 for construction of the road) increasing the current budget to \$44,766,938.95.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: SB

9



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 9

Meeting Date: October 13, 2015

Agenda Item: PUBLIC HEARING – Ordinance to Amend Town Code Chapter 170 “Weeds and Debris” (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to amend Chapter 170 “Weeds and Debris”. If approved the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner, as presented.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held September 21, 2015

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council affirm on its first reading and Ordinance to amend Chapter 170 “Weeds and Debris”, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 170
“WEEDS AND DEBRIS”**

WHEREAS, the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 170 of the Front Royal Town Code is hereby amended as follows:

Section 170-1 DEFINITIONS

For the purposes of this Chapter, the following words shall have the meanings respectively ascribed to them by this Section:

DEBRIS - Includes cuttings of weeds, trees or bushes, trash, junk, ~~discarded motor vehicles~~ or any other material which may provide a hiding place for snakes or rats, or anything or any condition which may be a fire ~~menace~~ **hazard**, breeding place for mosquitoes or which gives off obnoxious or offensive odors.

~~**GRASS, WEEDS AND OTHER FOREIGN GROWTH** – Plants other than grass and weeds that the provisions of this Chapter also require property owners to cut, including poison ivy, poison oak, poison sumac, and invasive alien plants that are identified by the Virginia Department of Conservation and Recreation; however, the following are specifically excluded as being classified as foreign growth when they are routinely maintained and kept in reasonably good health: shrubs and flowers that are customarily used for ornamental purposes, common garden vegetables, fruit, trees, and underbrush within a forest or woodland area. Includes grass, weeds, brush, poison ivy, poison oak, honeysuckle or any other vegetable growth other than trees, ornamental shrubbery, flowers and garden vegetables.~~

Section 170-2 REMOVAL OF HIGH GRASS, WEEDS AND FOREIGN GROWTH

A. ~~Between May 1st and September 1st of each year, t~~The owner of any vacant **developed** or undeveloped property **located** within the Town, ~~including such property upon which buildings or other improvements are located,~~ shall **whenever any such growth exceeds a height of ten inches (10”),** cut the grass, weeds and ~~other~~ foreign growth on such property ~~or any part thereof~~, excluding areas that are farther than one hundred (100) feet from the principal building on such property, and from any building situated on an adjacent property. **Nothing herein shall apply to property zoned for or in active farming operation. Any such owner failing, refusing or neglecting to cut or remove such grass, weeds and other foreign growth, after ten (10) days notice, shall be in violation of this Section and, upon conviction, shall be subject to a civil penalty of not to exceed fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of \$100 for subsequent violations not arising from the same set of operative facts occurring within 12 months of the first violation. Each business day during which the same violation is found to have existed shall constitute a separate offense, however, the total amount of civil penalties arising from the same set of operative facts in a 12-month period shall not exceed \$3,000. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall**

a series of violations arising from the same set of operative facts result in civil penalties exceeding \$3,000 in a twelve (12) month period. Alternatively, the Town Manager, should he deem it necessary, may, after ten (10) days' written notice to the owner of record, with one such notice being sufficient notice for the entire growing season, have such grass weeds or foreign growth cut by the Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property, and any such charges may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

- B. ~~Whenever the grass, weeds or other foreign growth attains the height of fifteen (15) inches or more, whether such property is vacant or occupied, it shall be presumed to threaten the health, safety and general welfare of the residents of the Town. Under such circumstances, the Town Manager may after ten (10) days notice to the owners or occupants thereof, have such grass, weeds, and other foreign growth cut by its agents, contractors or employees, and the costs and expenses thereof shall be charged to and paid by the owner of such property, and may be collected as taxes and levies are collected, and shall constitute a lien upon such property until such charges are paid. Any owner of property who is aggrieved by the decision of the Town Manager under this provision Subsection may note an appeal of the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, or foreign growth etc., to be cut by the Town shall cease until the appeal has been decided by the Town Council.~~

Section 170-3 REMOVAL OF TRASH; TOWN ACTION ON FAILURE OF OWNER TO REMOVE.

~~Whenever the Town Council deems it necessary, because of unsightly, unsanitary or hazardous conditions, the owner of any property in the town shall, after reasonable notice, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, and should the owner fail, refuse or neglect to comply with the notice, he shall be subject to a fine not to exceed fifty dollars (\$50.), or, if the Town Council deems it necessary, it may, after reasonable notice, have such trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, removed by its agents or employees, and the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes and levies are collected, and such charge shall constitute a lien upon such property until paid.~~

- A. The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, refuse, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances to comply with such notice within then (10) days of receipt by disposing of such trash, garbage, refuse, litter, debris, or other substance in a manner authorized by law, shall be guilty of a Class IV misdemeanor. Alternatively, the Town Manager, should he deem it necessary, may, after ten (10) days' notice, have such trash, garbage, refuse, litter, debris and

other substances, which might endanger the health of other residents of the Town, removed by Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property and any such changes may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

B. Any property owner aggrieved by a determination of the Town Manager under this section may appeal such determination to the Town Council within ten (10) days of receipt of any notice required to be given herein, in which case any efforts by the Town to obtain compliance with this section shall cease until the appeal has been decided by Town Council.

Section 170-4 NOTICE TO OWNER WHEN UNKNOWN.

If the owner of the land property or lot is unknown or cannot be found, the notice mentioned in Sections 170-2 and 170-3 may be given to his the owner's agent and tenant or, if none, then such notice may be given by publication of the same once in a newspaper published one (1) of the newspapers published or circulated in the Town.

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2015, upon the following recorded vote:

John P. Connolly	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
Bébhinn C. Egger	Yes/No	Daryl L. Funk	Yes/No

A public hearing on the above was held on _____,2015 having been advertised in the Northern Virginia Daily on _____,2015 and _____,2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

10



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 10

Meeting Date: October 13, 2015

-
- Agenda Item:** COUNCIL APPROVAL – Bid – Road Salt
- Summary:** Council is requested to approve a bid for deicing road salt for the 2015-2016 winter season in the amount of \$77.89 per ton to Mid-Atlantic Salt.
- Budget/Funding:** FY16 Highway Maintenance budget line item 4500-45478 “Snow Removal”
- Attachments:** Memo and Tabulation Sheet from the Purchasing Agent
- Meetings:** None
- Staff Recommendation:** Approval X Denial
- Proposed Motion:** I move that Council approve a bid for deicing road salt for the 2015-2016 winter season in the amount of \$77.89 per ton to Mid-Atlantic Salt.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB



MEMORANDUM

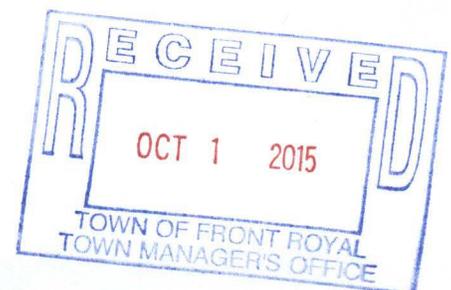
Date: September 30, 2015
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent *CH*
RE: Agenda Item

On Friday, September 25, 2015, I held a bid opening to set firm pricing for the purchase of road salt during the upcoming winter season through April 30, 2016. Out of 11 vendors directly solicited, I received six (6) responses (see attached tabulation sheet). The lowest quotation was submitted by Mid-Atlantic Salt, at a cost of \$77.89 per ton. This is one penny less than our cost of salt per ton during last year's winter season.

As we have no means of forecasting the quantity of salt we will use during a winter season, the request is for an estimated quantity of up to 2500 tons. Due to the dollar amount the Town historically spends for this commodity, the award will need Town Council approval. Please add this to the October 13, 2015 agenda, for their action.

During last year's winter season, we purchased approximately 1,918.6 tons of salt from Mid-Atlantic Salt for a total expenditure of \$149,458.95.

Staff recommends the award for deicing road salt for the 2015-2016 winter season be made to Mid-Atlantic Salt at a cost of \$77.89 per ton. Funding to purchase this commodity is in the FY16 Highway Maintenance budget line item 4500-45478 "Snow Removal".



TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: ROAD SALT

Quotation #23

Date: September 25, 2015

Mailed: 11

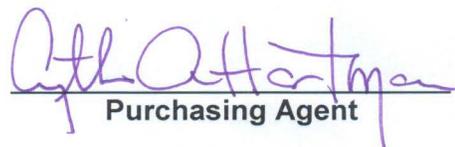
Replied 6

COMPASS MINERALS - N/Q
 AMERICAN ROCK SALT - N/Q
 EASTERN SALT CO. - N/Q

	CARGILL	MORTON SALT	MID- ATLANTIC	
	NORTH OLMSTEAD OHIO	CHICAGO ILLINOIS	NARBERTH PENN.	
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
FIRM DELIVERED PRICE THROUGH APRIL 30, 2016.				
ROAD SALT - PER TON	\$95.96	\$93.62	\$77.89	
ESTIMATED TONNAGE UP TO 2500 TONS				
TOTAL QUOTATION				

The above proposals verified to specifications and compliance with terms and conditions.

 Witness


 Purchasing Agent

11



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: October 13, 2015

Agenda Item: COUNCIL APPROVAL – Continued Discussion to Establish a Building Inspection Program

Summary: On May 26, 2015 Council moved to postpone the matter of establishing a Building Inspection Program to the first Council meeting of October 2015.

Budget/Funding: None

Attachments: Resolution approved on February 23, 2015; Resolution of Support from Planning Commission; Minutes of December 8, 2014, February 9, February 23, March 23 and May 26, 2015; Overview of Building Inspections Program; Table Comparison of Other Building Inspection Programs

Meetings: Public Hearing for Public Input was held on December 8, 2014. Work Sessions held February 2 and May 18, 2015. Regular Meetings held February 9, February 23, March 30 and May 26, 2015.

Staff Recommendation: Approval _____ Denial _____

Proposed Motion: Council takes desired action

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: SB

EXCERPT OF REGULAR COUNCIL MEETING MINUTES OF MAY 26, 2015

COUNCIL APPROVAL – Continued Discussion to Establish a Building Inspection Program

SUMMARY: On February 9, 2015 Council moved to postpone a Resolution to Establish a Building Inspections Program for the Town of Front Royal until their March 23, 2015 Council Meeting. On February 23, 2015 Council approved a Resolution to extend the date to reconvene discussion of a Town Building Inspection Program from March 23, 2015 to April 13, 2015. On March 30, 2015, Council approved the extension of the date to reconvene discussion of a Town Building Inspection Program from April 13, 2015 to May26, 2015.

Councilman Tewalt moved, seconded by Councilman Egger, that Council postpone the matter until the first Council meeting of October 2015.

Councilman Tewalt noted that there would not be enough votes at this time most likely, so he would rather postpone at this time to allow Council to review the matter in full.

Councilman Egger noted that she was grateful for Mr. Tewalt's motion and she would like some time to make more phone calls in order to make a better decision on the issue.

Councilman Connolly noted that he was concerned as they have delayed the building inspector matter for four months, and he added that at this time Council was simply waiting for enough votes to move forward.

Vote: Yes – Egger, Funk, Hrbek and Tewalt

No – Connolly and Tharpe

Abstain – N/A

Absent – N/A

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

(By Roll Call)

From: Jeremy Camp <jcamp@frontroyalva.com>

Date: Tuesday, May 19, 2015 at 2:15 PM

To: Steve Burke <sburke@frontroyalva.com>

Subject: Comparison of Building Inspections Programs - Updated Table A

Steve,

Below is an updated Table A that includes the Towns of Vienna, Abingdon and Farmville. Culpeper was already on the list, but does not have its own inspections department. Like Vienna and Leesburg, Culpeper uses their County for inspections. The Towns of Abingdon and Farmville both have their own building inspections department, as do the other Town's listed as previously shown.

Table A(2): COMPARISON OF BUILDING INSPECTION PROGRAMS

LOCALITY	POP.	BUDGET	STAFF	PLAN REVIEW	INSPECTIONS	PER CAPITA
City of Winchester	26,203	\$489,700	6.5	YES	YES	\$18.69
Town of Warrenton	9,611	\$255,380	3.5*	YES	YES	\$26.57
Warren County	37,575	\$443,191	5	YES	YES	\$11.80
Town of Blacksburg	42,620	\$390,000	6	YES	YES	\$9.15
Town of Wytheville	8,211	\$76,000	1	NO	YES	\$9.26
Town of Herndon	23,292	\$516,560	5.5	YES	YES	\$22.18
Town of West Point	3,306	\$82,000	3	YES	YES	\$24.80
Town of Leesburg	42,616	n/a	n/a	n/a	n/a	n/a
Town of Culpeper	16,379	n/a	n/a	n/a	n/a	n/a
Town of Vienna	15,687	n/a	n/a	n/a	n/a	n/a
Town of Abingdon	8,191	\$151,601	3	YES	YES (E&S by Public Works)	\$18.51
Town of Farmville	8,216	\$149,467	2*	YES	YES	\$18.19

* - some positions shared with Planning & Zoning Department

n/a - building inspections covered by County gov'ts

Version 2: Updated 5/19/15 to include Vienna, Abingdon and Farmville. Culpeper already included.

--Jeremy

Services

A Town building inspections program would ensure compliance with Federal, state and local ordinances related to erosion and sediment control and the building construction. Stormwater permitting would be handled by the State, although there would need to be general oversight of the state permitting process as it relates to compliance with local codes and permitting. Other duties would include elevator inspections and working with local emergency services to ensure fire code compliance.

Estimated Expenditures

Below is an updated estimate for establishing a start-up building inspections program that would allow for most services to be provided in-house. It includes funding for two (2) full-time positions and one (1) part-time position. Initial costs include adoption of the prerequisite ordinances; purchase of an inspection vehicle; reconfiguration for EnerGov software, and purchase of code books and equipment. This estimate is higher than the original estimate, because the guidelines provided for the original estimate was to prepare the most minimal budget possible. That included outsourcing plan review and commercial inspections. The following estimate would establish a more effective & efficient program from the customer's perspective.

INITIAL EXPENSES:

Code Amendments for Building Inspections Program	600
Vehicle	20,000
EnerGov Reconfiguration	15,000
Equipment	2,000
Code Books	1,400
	39,000

		ESTIMATED
		ON-GOING
		BUDGET:
Salaries – Regular (1) Building Official/Inspector	57,632	
Salaries – Regular (1) Building Inspector/Technician	35,000	
Salaries – Part time Administration (1 @32 hrs)	20,000	
Fica (7.65%)	8,617	
VRS/Life Insurance (20.29%)	19,000	
Medical Insurance	2,500	
Advertising	200	
Board of Building Appeals	1,000	
Professional Services	5,000	
Postal Services	200	
Telecommunications	750	
Office Supplies	700	
Auto Maintenance - Fuel	1,200	
Uniforms & Wearing Apparel	250	
Books & Subscriptions	250	
Travel & Education	700	
Dues & Memberships	400	
	\$153,399	

Estimated Revenue

Over the past four years, Warren County Building Inspections has recovered 42% of expenditures from permitting fees. The highest year being 2013, with a revenue recovery rate of 50%. This level of revenue recover is comparable to many similar jurisdictions in the region. In general, localities without new commercial growth areas have fared worse on average. A few areas like Stafford County have fared better than average due to a stronger housing market. Chart A, shown below, illustrates the trend in new dwelling permits. The same general trend is consistent with Zoning Permits issued in the Town of Front Royal during the same period of time (Chart B).

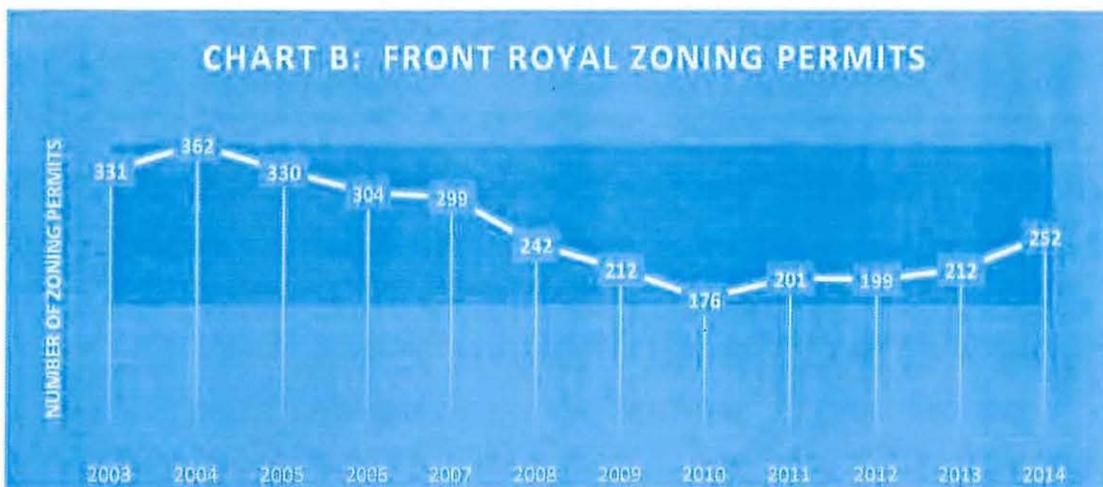
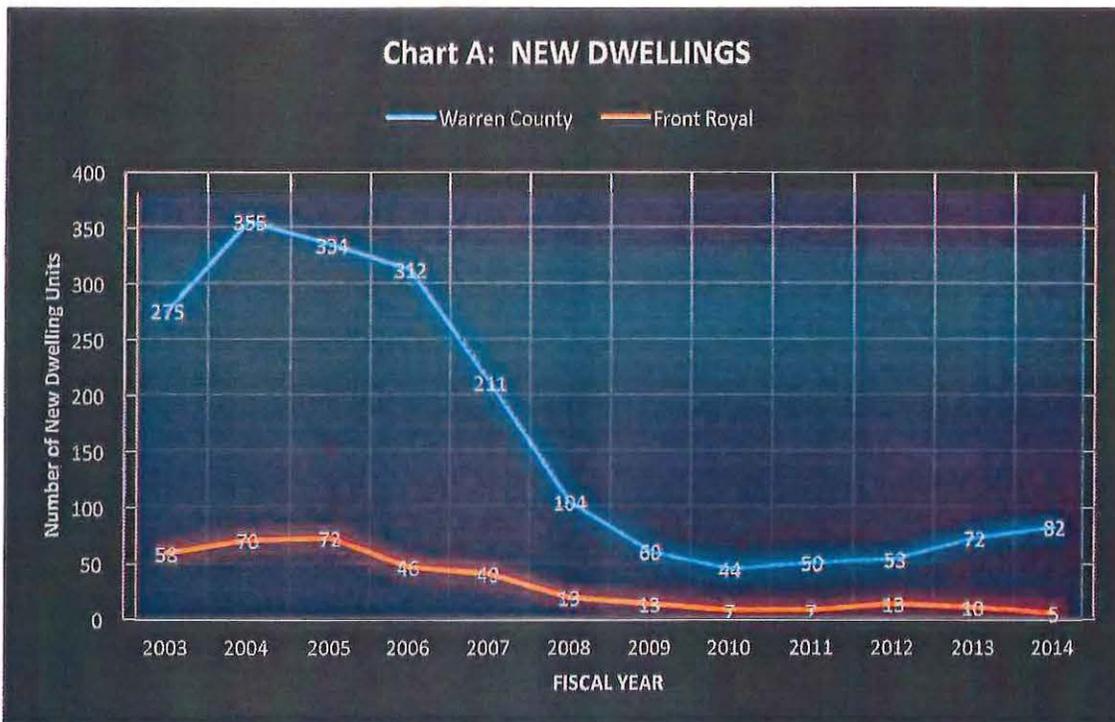


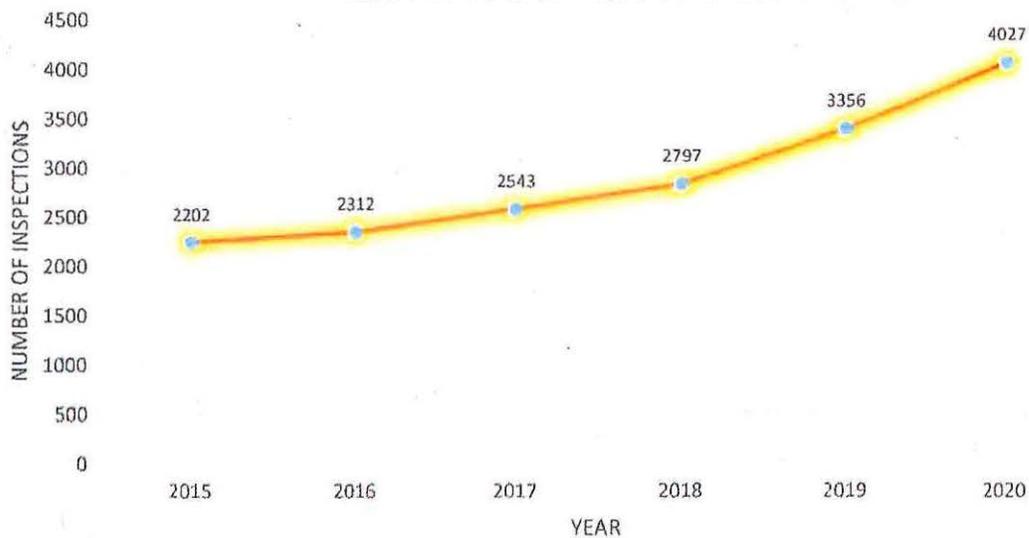
Chart C, shown below, illustrates how overall permits have fared since 2005. The highlighted areas of the chart are estimates for the next several years until 2020.

Chart C: PAST & FUTURE PERMITS



Chart D, shown below, illustrates the estimated number of inspections that would be associated with the estimated number of permits.

Chart D: ESTIMATED TOWN INSPECTIONS



EXCERPT FROM MARCH 30, 2015 SPECIAL COUNCIL MEETING MINUTES

COUNCIL APPROVAL – Extend Date in Resolution to Reconvene Discussion of a Town Building Inspection Program

Summary: On February 9, 2015 Council moved to postpone a Resolution to Establish a Building Inspections Program for the Town of Front Royal until their March 23, 2015 Council Meeting. On February 23, 2015 Council approved a Resolution to extend the date to reconvene discussion of a Town Building Inspection Program from March 23, 2015 to April 13, 2015. Council is requested to extend the date to reconvene discussion of a Town Building Inspection Program from April 13, 2015 to May 26, 2015.

Councilman Hrbek moved, seconded by Councilman Egger that Council approve the extension of the date to reconvene discussion of a Town Building Inspection Program from April 13, 2015 to May 26, 2015.

Councilman Tewalt asked if the postponement was with regard to not having the proper information; Councilman Hrbek noted that was correct. Mr. Burke noted that the Staff and Council would be working on the budget during April, and could further review this matter at a later time.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

EXCERPT FROM FEBRUARY 23, 2015 REGULAR COUNCIL MEETING MINUTES

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – “Second Amendment to Tower Site Lease Agreement” for T-Mobile on Fairground Road Water Tank
- B. COUNCIL APPROVAL – Resolution for Public Safety Telecommunications Week
- C. COUNCIL APPROVAL – Resolution for One Time Exception to Appraisal Policy
- D. COUNCIL APPROVAL -Resolution to Continue Discussion of Building Inspection Program**

Councilman Tewalt moved, seconded by Councilman Funk that Council approve the Consent Agenda as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)



Town of Front Royal, Virginia



RESOLUTION TO CONTINUE DISCUSSION ON BUILDING INSPECTION PROGRAM

WHEREAS, the Town Council voted to postpone discussion to implement a Town Building Inspection Program from their February 9th meeting until their March 23rd meeting; and,

WHEREAS, the Town Council has requested additional information from staff to more fully discuss the implementation of a Town Building Inspection Program; and,

WHEREAS, at their February 17th Work Session, the Town Council discussed extending the date to reconvene discussion of implementation of the Program until their April 13th meeting.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby agree to postpone discussion regarding the implementation of a Town Building Inspection Program until their April 13, 2015 regular meeting.

Adopted this 23rd day of February, 2015

APPROVED:

[Signature of Timothy W. Darr]
Timothy W. Darr, Mayor

Attest:

[Signature of Jennifer E. Berry]
Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council on 2-23-2015, upon the following recorded vote:

- List of council members and their recorded votes (Yes/No) for the resolution.

Approved as to Form and Legality:



Douglas W. Napier, Esq., Town Attorney

Date: 2-23-15

EXCERPT FROM FEBRUARY 9, 2015 REGULAR COUNCIL MEETING MINUTES

COUNCIL APPROVAL – Resolution to Establish a Building Inspections Program

Summary: Council is requested to consider the approval of a Resolution to Establish a Building Inspections Program for the Town of Front Royal.

Councilman Hrbek moved, seconded by Councilman Tewalt, that Council postpone the Building Inspections Program discussion until the meeting of March 23rd.

Councilman Hrbek stated that the Council needed proposed budget and expense details in order to give the matter their full consideration. He asked for Council support in postponing the matter. Councilman Funk stated that he wished such discussion had taken place at the worksession, as members of the public had come to hear the matter finalized.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

TOWN OF FRONT ROYAL PLANNING COMMISSION
Resolution of Support for Town Building Inspections

WHEREAS, all localities within the Commonwealth of Virginia are required to adopt and promulgate the Virginia Uniform Statewide Building Code, as specified under Title 36 of the Virginia Code; and

WHEREAS, the Town of Front Royal currently elects for the Warren County Department of Building Inspections, including the Warren County Building Official, to administer the Virginia Uniform Statewide Building Code; and

WHEREAS, building code enforcement impacts all citizens of the Town and the Town's future economic development in the Town; and

WHEREAS, if the Town of Front Royal adopts its own building inspections program the Town will be able to establish more customer friendly procedures and policies within the Town, including the consolidation of the zoning and building permit procedures, and advocating with the applicant during the building permit process; and

WHEREAS, the Town of Front Royal Economic Committee included a recommendation to start a Town building inspections program as one of their three top priority recommendations to Town Council; and

WHEREAS, Town Council has recently held a public hearing where several citizens and groups spoke in favor of the concept of establishing a Town of Front Royal Building Inspections Program; and

NOW THEREFORE, BE IT RESOLVED, that the Town of Front Royal Planning Commission supports Town Council if they choose to establish a building inspections program that is administered by the Town of Front Royal; and

BE IT FURTHER RESOLVED, that the Planning Commission also generally recommends that such building inspection services, if established in the future, be integrated within the Town of Front Royal Planning & Zoning Department.

APPROVED:



Deborah Langfitt, Planning Commission Chair

ATTEST:



Jeremy F. Camp, Director of Planning & Zoning

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Planning Commission conducted on January 21, 2015, upon the following recorded vote:

Robert Ballentine	<u>Yes/No</u> -absent	Arnold M. Williams, Jr.	<u>Yes/No</u>
Christopher Morrison	<u>Yes/No</u>	Douglas Jones	<u>Yes/No</u> -absent
William Kline	<u>Yes/No</u>	Deborah Langfitt	<u>Yes/No</u>

EXCERPT FROM DECEMBER 8, 2014 REGULAR COUNCIL MEETING MINUTES

PUBLIC HEARING FOR PUBLIC INPUT – Town Building Official Position

Summary: Council is requested to receive public input on whether the Town of Front Royal should adopt all or any part of the Virginia Uniform Statewide Building Code (“USBC”), including the documents incorporated by reference therein (DIBR 13 VAC5-63), and appoint a building official or other designated authority charged with the administration and enforcement of the USBC.

Alford Carter, area resident, noted that he was in favor of the position and they needed a vision. He stated that all implements needed to move towards the future should be used. He stated that the Council should have the ability to address blight immediately and it should not be handed to a third party. Mr. Carter stated that they supervise the Town and having an advocate, such as a building official, is not a duplicate of County efforts. He added that it was under the control of the Town Council and that would benefit the Town citizenry.

Tom Conkey, of 1401 N. Royal Avenue, stated that he fully echoes Mr. Carter’s comments because they are stated so eloquently. He added that the Town has the ability to have an official that would work with the businesses and the citizens, someone that would work proactively. Mr. Conkey stated that by having an inspector that reported to Council, the Town could help encourage new businesses coming into the Town. He noted that he was passionately in favor of the bringing in this inspector and he hoped the Council would support the position.

George McIntyre, of 457 Milldale Road, stated that he spoke on behalf of many groups, one of which was the Mayor’s Economic Committee. He noted that everyone knows the game that is played in this community of playing games between the Town and the County and they are attempting to get away from that game. He stated that the Council had worked hard for the community and the building official would be one way that would help the business community that would make things change for the better. Mr. McIntyre noted that with each delay it was a monetary delay that affected their bottom line. He commented that the SBDC were working on implementing items in Front Royal and things were changing; the building official would be another one of those Town changes. Mr. McIntyre stated that there were many things downtown that made it beautiful and that image was what was important and made the Town competitive.

Linda Allen, 416 Salem Avenue, noted that she recalls the complaints about the building inspector with the County. She stated that the Town has contributing issues and there are landlord issues as well. She noted that public safety and health matters at stake and she advocated the building code adoption. Ms. Allen stated that there were other landlords that took their properties seriously and some that live in bad places lack the education to seek assistance. She stated that they may not have the knowledge or the confidence to come and speak to Council about the living conditions in which they reside.

Craig Laird, of 203 E. Main Street, stated that he believed that the Council had done a lot to implement the Mayor’s Economic Committee and having a building official is something that would move the community forward. He noted that bringing the Avtex property online would be a substantial parcel

of land that must be rezoned and it was the right time. Mr. Laird noted that the Town needs this position.

George Cline, of the Warren County Builder's Association, noted that they were not for or against the position. He stated that they have many questions about the proposal. He stated that there were more than just inspections. He noted that the \$130,000 amount was a little low perhaps, in their opinion. Mr. Cline stated that they were paying for a building official currently and he understood that perhaps commercial plan review may have to be farmed out, and they questioned that portion. Mr. Cline stated that he would like to offer their questions to the Town, or perhaps sit down with the Town in order to have their questions answered.

Stanley Brooks, Jr., of 541 S. Royal Avenue, noted that time was money. He stated that to go back and forth between the Town and County was a tough road. He noted that many businesses have given up and the Council had heard some of these stories. Mr. Stanley stated that many years ago he was against a building official, and now he realizes that he did not know the way that the Town loses control of their own fate when they do not have their own building official. He noted that Front Royal was losing the competition of economic development, and they would continue to lose without their own building inspector, and they needed a level playing field. Mr. Stanley stated that they needed to make the process easy for the business community. He urged Front Royal to compete with other localities, as well as Warren County, as Front Royal should be a small business mecca. He stated that taxes would raise on residential if they did not build their commercial base.

Councilman Hrbek read the following into the record from Cory Michael, 77 Bowling View Road:

I support the Town's efforts in hiring a building inspector. I believe this can bring a more streamlined approach for businesses and citizens alike. The system currently is not very friendly to business when they attempt rezoning, build outs, or new construction. Our community has a terrible reputation for giving business' the strong arm and not making it as easy as possible to operate quickly and efficiently. I am personally tired of having to defend our community all the time for the reputations our government (Town and County) have allowed to exist. Those reputations keep good businesses and citizens from wanting to establish or relocate to our community. I encourage our citizens to speak with your local businesses and ask them to give examples of the struggles we always encounter. I support any efforts to make our Town more attractable to new and relocating businesses and citizens. I believe the Town of Front Royal hiring its own building inspector is a step forward in accomplishing that.

Mayor Darr closed the public hearing.

Vice Mayor Parker moved, seconded by Councilman Hrbek, to suspend the rules for discussion on the issue by members of Council.

Vote: Yes – Funk, Hrbek, Parker, Tewalt, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

Vice Mayor Parker noted that numbers were put together from Staff and the Builders Association would like to give input, and he was in favor of those measures. He added that it would take some time for work to be done to put matters in place, though it could be placed in the budget and it would also take some time to actually hire an individual. Mr. Parker noted that for two and a half years the Town has been indecisive as to whether to hire an Economic Development person, and he asked why those funds could not be used to offset some of the funds to move forward for this process.

Councilman Tewalt stated that in the 1970's they had a building official and it was a detriment to the Town and perhaps the cost may be more than the \$130,000, as it would require an office worker, and a part-time employee as well. He noted that it needed to be looked at from all angles. Mr. Tewalt stated that maybe the dilapidated building issue would move forward. He noted that currently he would not be in favor of the position at this time, though all possibilities could be looked at in the coming year. He added that the Town had a property maintenance code at one time, though the Council made so many concessions that it became unenforceable and very political. Mr. Tewalt noted that he would not be in favor without it being favorable to everyone.

Councilman Hrbek thanked everyone for coming to speak. He noted that the process was to bring the forward the items from the Committee, then perhaps meet with the Builder's Association, as Council would not know the answer to many of the questions. He added that the Town should do their due diligence to assemble the data in order to make decisions for the current population and the future growth of this community.

Councilman Sayre stated that many had spoken with him regarding the need to change the dilapidated buildings in the community in the Town, including his own wife. He noted that Mr. Napier has developed a proposed ordinance to send to the General Assembly and he thanked him for his work.