

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 8, 2019, 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: Councilman Gary L. Gillispie
 Councilman Chris W. Holloway
 Councilman Jacob L. Meza
 Vice Mayor William A. Sealock
 Councilman Eugene R. Tewalt
 Councilman Letasha T. Thompson
 Town Attorney Douglas W. Napier
 Town Manager Joseph E. Waltz
 Clerk of Council Jennifer E. Berry, CMC

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Councilman Gillispie moved, seconded by Councilman Tewalt, to approve the Regular Council Meeting minutes of March 25, 2019 as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
 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 the Police Headquarter funding had escalated extensively. He stated that the amount had gone from 4 million to 8 million, and he questioned where the management and oversight was with the project. Mr. Rappaport noted that Council would most likely vote for 30 years for \$580,000 annually, which is \$17 million over the life over the loan. He stated that the completion of the Connector Road is critical to future develop to the site and provided access to major routes, including connecting Routes 340 and 522 south. Mr. Rappaport opined that the actual road to nowhere was Leach Run Parkway. He added that Council should go with 20-year loan, then the savings would allow the road to be constructed in full.

David Means, of 210 W. 1st Street, stated that he when commitments are made the funding should be in place. He noted that when projects are laid out, then taxes should be raised to support the Town infrastructure, from water to streets. He noted that the Town’s most important part is the people that work here, every employee. and they should be considered. Mr. Means stated the mentality of not considering the workers of the Town is one he disagrees with. He noted that so many issues within the budget are being ignored and he asked Council to consider all aspects and be strong when faced with increases. Mr. Means stated that in general, tax matters are uncomfortable but should move forward as necessary.

David Jenkins, Director of the Electric Department, noted that it was an honor to highlight members of the team that graduated the Lineman College. He stated that the hands-on training and step by step process takes 4½ years to complete. Mr. Jenkins presented certifications to Ryan Lyerly and Chris Roland, thanked them for their work and dedication to the Town and the Department.

Councilman Meza clarified that the Town is setting the tax rate in the coming year. He noted that the Town had debated on whether to have a 20- or 30-year loan, and once decided they will move forward on that decision. Mr. Meza stated that he was not part of the initial discussion amount of Police Department costs. He noted that he was part of the oversight of the cost review, along with Mr. Hrbek, and a Clerk of the Works, and he is pleased with the results to safeguard the project costs. Mr. Meza stated that the funding for the East-West Connector Road and the Property Maintenance can be shifted, as the line items are still in place, and he added that the budget will be voted on at a later time. He noted that the site is ready with a road and a pump station for any business that may come in the future. Mr. Meza stated that all nice items come with a price tag and he thanked Mr. Rappaport, adding that he brought up important points and he thanked him for his time.

Councilman Tewalt noted that the 15 cents was initially passed, and when Council spoke Monday they reviewed the amount and it was adjusted. Mr. Tewalt noted that a limit should have been set on the Police Department amount, and he said that some time ago, as the funds were not put in place. He apologized to the citizens as money was not in place before the building was constructed. Mr. Tewalt added that the Town must pay for the building now, as the structure is in place at this time.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Proclamation for “*Building Safety Month*”
- B. COUNCIL APPROVAL – Proclamation for “*Arbor Day*”
- C. COUNCIL APPROVAL – Bid for Banking Services
- D. COUNCIL APPROVAL – Renewal of Tower Site Lease Agreement for Shentel

Councilman Tewalt moved, seconded by Councilman Gillispie that Council approve the consent agenda as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A
 (Mayor Tharpe did not vote as there was no tie to require his vote)
 (By Roll Call)

PUBLIC HEARING – To Receive Public Comments/Concerns and Approve an Ordinance to Vacate a Portion of an Alley - 208 W Duck St – Jerry Bell, Jr. (1st Reading)
 Council is requested to receive comments and concerns from the public pertaining to

the proposed vacation of a public right-of-way that includes the end portion of a twenty-five (25) foot alley located to the rear and adjacent to 208 W. Duck Street and owned by Jerry Bell, Jr. Council approved a similar vacation of the same alley to Mr. Bell in December 2017; however, after further review Mr. Bell realized that he needed more of the alley than originally indicated in his request in 2017. Due to this oversight, Mr. Bell is coming back before Council to request more of the alley. If approved, the original approved 2017 ordinance will be null and void.

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

Councilman Tewalt seconded by Councilman Thompson that Council affirm on its first reading an ordinance to conditionally vacate a public right-of-way that includes the end portion of a twenty-five (25) foot alley located to the rear and adjacent to 208 W. Duck Street and owned by Jerry Bell, Jr.; and to rescind the ordinance approved December 11, 2017.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

PUBLIC HEARING – Ordinance Amendment to Town Code Chapter 12-2 and 175-Summary: 137 Pertaining to FEES (1st Reading)

Council is requested to affirm on its first reading an ordinance to amend Town Code Chapter 12-2 (FEES) and 175-137 (FEES, CHARGES, EXPENSES) as presented. The highlights of these revisions include: Chapter 12: Implementing a fee of \$25.00 for 3rd and subsequent requests for Data Logs from a Water Meter within 12 months. Chapter 175-137: Including a \$25.00 application fee for ALL fence permits

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

Councilman Gillispie moved, seconded by Councilman Thompson, that Council affirm on its first reading an ordinance amendment to Town Code Chapter 12-2 (FEES) and 175-137 (FEES, CHARGES, EXPENSES) as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
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 – Contribution to the Humane Society of Warren County to use Trolley for “Waggin’ for Dragons” Event

Summary: Council is requested to approve a contribution of one Town Trolley to use for the Humane Society of Warren County's "Waggin' for Dragons" Event scheduled for August 3, 2019 in the amount of \$518.50.

Councilman Tewalt moved, seconded by Councilman Holloway that Council approve a contribution of one Town Trolley to use for the Humane Society of Warren County's "Waggin' for Dragons" Event scheduled for August 3, 2019 in the amount of \$518.50 as a final contribution.

Vice Mayor Sealock expressed his concern with charities requesting taxpayer funding. He noted that seed money being requested is one thing, though annual requests for ongoing contributions from the general fund is not something he would like to continue to support.

Vote: Yes – Gillispie, Meza, Tewalt and Thompson
 No – Holloway and Sealock
 Abstain – N/A
 Absent – N/A
 (Mayor Tharpe did not vote as there was no tie to require his vote)
 (By Roll Call)

COUNCIL APPROVAL – Resolution in Support of FOIA Request of Forensic Audit of EDA Summary: Council is requested to approve a Resolution in Support of Freedom of Information Act (FOIA) Request of Forensic Audit of Economic Development Authority (EDA) as presented.

Councilman Tewalt moved, seconded by Councilman Gillispie, that Council approve a Resolution in Support of Freedom of Information Act (FOIA) Request of Forensic Audit of Economic Development Authority (EDA) as presented.

Councilman Tewalt noted that the Town needs the EDA audit for complete review, as the Town has no idea what funds needs to be exchanged back to the Town. He asked the Town Attorney to draft the resolution.

Councilman Sealock noted that he spoke with the New Market Tax Credit representatives previously and the Town met with the representatives as well. Mr. Sealock stated that the Town was not presented with accurate information. He added that the Town was never told the full story and the Town was duped by the EDA. Mr. Sealock stated that the Town was told that they were eventually told that the Town did not qualify for New Market Tax Credit. He noted that the Council was misinformed in many ways.

Councilman Meza stated this is another step in the process though he is not optimistic that the audit will be turned over.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
 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 – Setting Fiscal Year 2019-2020 Tax Rates; FY19 Budget Amendment; Ordinance Amendment to Chapter 75-44 (2nd Reading)

Summary: Council is requested to adopt a tax rate, approve a budget amendment and adopt a Town Code Ordinance Amendment, as presented. Council voted at the March 25, 2019 Public Hearing a real estate tax rate of \$0.15 per \$100 of assessed value which represents an increase of \$0.029 per \$100 assessed value over the current year's rate.

As part of the motion Council approved reallocation of funds for the West Main Connector Road as included in the Proposed FY2019-2020 Budget in the amount of \$90,000 to be used for the construction of the new police department and associated debt services, as well as revise the Town Code accordingly. In the April 1, 2019 Work Session, Council discussed a tax rate of \$0.135 per \$100 of assessed value which represents an increase of \$.014 per \$100 over the current year's rate. Council also discussed reallocation of funds for the West Connector Road and the Building/Property Maintenance to be used for the construction of the new police department and associated debt services. Since the FY2019-2020 Budget has not been approved by Council, these reallocations will be included in the final adoption of the FY2019-2020 Budget.

Note: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with exclusions mentions above, would be \$0.121 per \$100 of assessed value. This rate will be known as the "decreased tax rate".

Councilman Meza moved, seconded by Councilman Thompson, that move that Council adopt on its second and final reading a real estate tax rate of \$0.135 per \$100 of assessed value which is the same rate as last year but which represents \$0.014 per \$100 assessed value over the current year's rate and to achieve the same amount of revenue in light of the recent increased assessment, to be used for the construction of the new Police Department Headquarters and associated debt services; personal property tax rate remain the same at \$0.64 per \$100 assessed value; decrease the personal property tax relief rate from 60% to 56% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% remain the same for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524 AND approve a FY2018-2019 Budget Amendment in the amount of \$183,445.24 to be used for the construction of the Police Department Headquarters and associated debt service. He further moved that Council adopt on its second and final reading an ordinance amendment to Chapter 75-44 (C), as presented.

Councilman Meza noted that he was in favor of the 20-year loan, though he did not wish to raise taxes to do so. He added that should Council wish to go with a 20-year loan, they should find the funds within the current budget to do so.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A
 (Mayor Tharpe did not vote as there was no tie to require his vote)
 (By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 7:41 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council