

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 24, 2018, in the Warren County Government Center's Board Meeting Room. Mayor Tharpe asked 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.)

Councilman Gillispie moved, seconded by Vice Mayor Tewalt to approve the Regular Council Meeting minutes of September 10, 2018 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

Inna Kolesnik, of 214 E. Main Street, noted that since her husband passed away last year she has been handling everything at her Main Street jewelry store on her own. She stated that when Mr. Downes of the Beer museum placed the fence at the rear of the property, it blocked access to some of the utilities and compromised her safety and that of her daughter. Mrs. Kolesnik stated that Mr. Downes and the Virginia Beer Museum has been violating building codes and the Town Council and the ABC Board should know, she added that there was no designated area for outdoor use and there were other violations as well. She commented that the violations should be fully looked into and the parking matter should also be examined.

Ralph Waller, of 304 E. Main Street, noted that he has lived in Front Royal since 1991 and he thanked the Planning Office and the Planning Commission for their work and voting against the Beer Museum's request. Mr. Waller expressed strong concern with the online, public, negative comments against Mrs. Kolesnik, Dr. Davis and other members of the Planning Commission, adding that Mr. Downe's bullying of women was despicable. He added that his post depicting Main Street employees implied that the pawn street was unethical and he, Mr. Waller, stated that he had never sold an unregistered firearm. He submitted printouts to the Clerk of Council and asked the Councilmen to examine them. Mr. Waller noted that the site was a "beer joint" not an upstanding establishment and he asked that Council not reward Mr. Downes with his parking request.

Amber Morris, of 3574 Howellsville Road, noted that there were rising concerns of downtown parking issues, and she expressed concerns with the bullying between opposing merchants. She spoke of hope for a mutual compromise and noted that the Planning Commission members were helpful, literate members who volunteer their time to the community. She noted that the Town Council will soon hold a worksession to address the parking request and she asked them to consider that many loved to walk Main Street and so many residents live on Main Street. Ms. Morris stated that the parking needs should be totally addressed to help the downtown area thrive.

Marilyn King, of 2676 Guard Hill Road, stated that the online negative posts against women concern her a great deal. She noted that the Beer Museum should not close off parking spots behind their site and then request spots on Chester Street. She added that Mrs. Kolesnik should also have her access re-opened as well.

Town Manager, Joseph Waltz, noted that the Criser Road bridge was slated to be reopened now around October 26th due to the many rain delays and the loss of 17 work days. He noted that rock issues caused additional work days as well. Mr. Waltz commended the work of the contractor during this time and they will continue the updates to advise the public.

Mayor Tharpe stated that no elimination of events are being discussed at the gazebo and the Town continues to review the matter related to the gazebo area.

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

CONSENT AGENDA ITEMS – NONE

COUNCIL APPROVAL – Liaison Committee Meeting Items

Summary: Council is requested to approve the addition of no new items to the Liaison Committee Meeting Agenda scheduled for October 18, 2018

1. ITFederal Main Street Project
2. Route 522 Corridor Water Upgrade Project
3. Phase II Happy Creek Road Project Update
4. Town Building Maintenance Code Enforcement Update
5. Septage Receiving Facility Issues Update
6. Development Review Committee
7. Building Inspections Software
8. Warren County's In-Town Projects
9. Joint Towing Board

Vice Mayor Tewalt moved, seconded by Councilman Sealock that Council approve the addition of no new items to the Liaison Committee Agenda of October 18, 2018.

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 – Purchase of Architecture/Engineering Services for Vehicle Maintenance Building

Summary: Council is requested to consider approval of an award to Baughan & Baukhages PLLC in the amount of \$61,000 for the purchase of Architecture and Engineering Services for a Vehicle/Equipment Maintenance Building.

Budget/Funding: Auto Maintenance FY19 budget line item 1203-R47009 “Buildings & Structures”

Councilman Connolly moved, seconded by Vice Mayor Tewalt that Council approve an award to Baughan & Baukhages PLLC in the amount of \$61,000 for the purchase of Architecture and Engineering Services for a Vehicle/Equipment Maintenance Building.

Vice Mayor Tewalt asked how long the item has been budgeted. Mr. Waltz noted that it has been in the works for a few years and has now come forward, and the funds have come forward at this time. He added that the facility will continue to be in operation during the upgrades.

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)

There being no further business, the Mayor declared the meeting adjourned at 7:32 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council



TOWN COUNCIL WORK SESSION

Monday, September 24, 2018
Warren County Government Center
After the Regular Meeting

1. Request to Reconsider Decision Pertaining to Curb/Gutter Waiver at 419/423 Luray Avenue – Susan Wines – Councilman Gillispie

Councilman Gillespie has requested that Council discuss the recent decision made by Council regarding the curb and gutter waiver at 419/423 Luray Avenue – Susan Wines, August 27, 2018. Below are the minutes of August 27, 2018:

EXCERPT FROM AUGUST 27, 2017 REGULAR MEETING

COUNCIL APPROVAL – Waiver of Curb and Gutter at 419/423 Luray Avenue

– Susan Wines

Summary: Council has received a request from Susan Wines to waive curb and gutter at 419/423 Luray Avenue. Ms. Wines owns both lots on Luray Avenue with a single-family house under construction on each lot. Curb and gutter is required per Town Code 148-850.C. The Town Engineer can waive the requirement when there are no more than two dwellings and when curb and gutter is not present within 200 feet of the property. Curb and gutter are located across the street and is within 200 feet of the property; therefore, curb and gutter can only be waived by Town Council.

Councilman Gillispie moved, seconded by Councilman Connolly that Council approve the waiver of curb and gutter at 419 & 423 Luray Avenue as requested for a period of five (5) years following the completion of construction with respect to each one of the homes on each lot, or upon the offer of sale of each home to another party, other than the current owners; he further moved, that the current owners execute a written contract and recordable form suitable to the Town Attorney suitable to the terms hereof to the Town with respect to each lot and home as a condition of this waiver, otherwise this waiver could be null and void.

Vice Mayor Tewalt noted that he was not in favor of the waiver as it was not following the Town ordinance. He added that even with the proposed motion, if it is not recorded at the courthouse, it has no bearing on the matter. Mr. Tewalt stressed that it include a lien against the properties as well to require payment for the curb and gutter.

Vice Mayor Tewalt moved, seconded by Councilman Sealock, to amend the motion to include the filing of a lien at the courthouse (rather than a “recordable contract”) on both lots for the installation of the curb & gutter.

Vote: Yes –Morrison, Sealock, and Tewalt

No – Connolly, Gillispie, and Meza,

Abstain – N/A

Absent – N/A

Yes – Mayor Tharpe, to break the tie

(By Roll Call; On the Amendment to include the Lien)

Council and the Town Attorney discussed the matter briefly, surmising that a recorded contract would in essence be “a lien” on the property.

Vote: Yes – Connolly, Gillispie, and Meza

No – Morrison, Sealock, and Tewalt
Abstain – N/A
Absent – N/A
Yes – Mayor Tharpe, to break the tie
(By Roll Call; on Motion As Amended to now include the Lien)

Council Discussion:

Councilman Gillispie requested that the lien be placed on different property owned by the Wines, as to allow the property owner to proceed without holding up the loan on the Luray Avenue sites. Vice Mayor Tewalt expressed his displeasure with going against the Town Code. Councilmen Morrison, Meza and Connolly expressed their agreement in proceeding with the arrangement with proceeding with the lien placed on property different from the site where the curb and gutter is to eventually be installed. Vice Mayor Tewalt and Mr. Sealock expressed the concern that it could be violating the Town's ordinance. Assistant Town Attorney Sonnett noted that it would not be violating the Town's ordinance, noting that the Town can choose this route in order to accommodate the property owner's request. Mayor Tharpe noted that it would be on an upcoming agenda for vote.

2. CLOSED MEETING – Expenditure of Public Funds

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Gillispie that Council go into a Closed Meeting for the following purposes relating to options and the feasibility thereof the Town might or should pursue concerning the future funding of a number of Town of Front Royal projects, including the new Police Department headquarters, the expansion of West Main Street through the former Avtex property, Phase II of Happy Creek Road, sidewalk extensions along West Main Street and Kendrick Lane, and Leach Run Parkway: (a) the discussion of the award of a public contract or contracts involving the expenditure of public funds, and discussion of the terms or scope of such contract or contracts, where discussion in an Open Session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia and (b) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

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 ----- moved, seconded by Councilman =----- 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 Action 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, Tharpe, and Tewalt
No – N/A
Abstain – N/A
Absent – N/A

(By Roll Call)

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, Interim Director of Environmental Services Boyer, Community Development Director Hart, IT Director Jones, members of the public and members of the press.