

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 9, 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 Bébhinn C. Egger
Councilman Jacob L. Meza
Councilman Eugene R. Tewalt
Town Attorney Douglas W. Napier
Interim 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 Tewalt moved, seconded by Councilman Egger moved that Council approve the Regular Council Meeting minutes of December 12, 2016 as presented.

Vote: Yes – Connolly, Egger, Meza, 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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts of petitions or correspondence from the public.

Interim Town Manager Joseph Waltz noted that:

- The Town Business Office would be closed this coming Monday in honor of the Martin Luther King, Jr. Holiday and he noted the changes in the schedule for refuse and that there would be no yard water collection for the coming week;
- That John Marshall Highway lane closures for Leach Run Parkway will begin on January 11th from 8:30 a.m. - 3 p.m.; and he
- Thanked all Staff that worked over the weekend during the cold weather.

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

Councilman Egger moved, seconded Councilman Connolly, to remove item #14 from the agenda.

Vote: Yes – Connolly, Egger, Meza, 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

- A. COUNCIL APPROVAL – Request to Name Alley to Maddox Lane
- B. COUNCIL APPROVAL – Resolution – Guidelines for Design-Build Construction Projects
- C. COUNCIL APPROVAL – Revise Resolution Pertaining to FOIA Officer
- D. COUNCIL APPROVAL – Letter of Support for Certificate of Public Need - Hospital

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

Vote: Yes – Connolly, Egger, Meza, 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)

PUBLIC HEARING – An Ordinance to Amend Town Code to Add Individual Member Remote Participation by Electronic Means (1st Reading)

Summary: Council is requested to affirm on its first reading an Ordinance to amend Front Royal Town Code by adding Section 4-1.1 pertaining to individual Town Council members attending meetings of Town Council by electronic communication means from a remote location that is not open to the public, as permitted by Virginia Code Section 2-2-3708.1., due to an emergency or personal matter, such participation being limited by the Code of Virginia, to two (2) meetings or 25% of the meetings of the Town Council per Town Council member each calendar year, whichever is fewer, and where Town Council votes whether to allow such participation.

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

Councilman Connolly moved, seconded by Councilman Egger, moved that Council affirm on its first reading an Ordinance to amend Front Royal Town Code by adding Section 4-1.1 pertaining to individual Town Council members attending meetings of Town Council by electronic communication means from a remote location that is not open to the public, as presented.

Councilman Connolly noted that Council began consideration of this issue last year and it will allow emergency attendance via electronic means up to two times annually.

Vote: Yes – Connolly, Egger, Meza, 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 to Receive Public Comment on Possible Sale of Town Real

Estate – 520A E. 6th Street

Summary: Council is requested to receive comments and concerns from the public as to the possible sale of the Town's improved real estate located at 520A E. 6th Street (Tax Map No 20A4721), to be sold "AS IS" and in its present condition, following receipt of bids for the property for cash money to be paid at closing. The property shall be advertised for sale once a week for two (2) consecutive weeks in the Northern Virginia Daily and in the Warren Sentinel, as well as on the Town's website, such bids shall be accepted by the Town's Purchasing Agent. The Town shall retain the right to accept or reject the best bid received at the first available regular Town Council meeting. The Town makes no warranties or representations as to the condition of the property except as to title. After receiving comments from the public, Council is requested to approve a Resolution authorizing the sale of the former Energy Services Department located at 520A E. 6th Street.

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

Councilman Connolly moved, seconded by Councilman Tewalt that Council approve a Resolution authorizing the sale of the former Energy Services Department located at 520A E. 6th Street as presented.

Vote: Yes – Connolly, Egger, Meza, 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 – Addendum to Contract of Purchase and Sale for 24 W. Main Street

Summary: On November 14, 2016 Council approved an Ordinance confirming the sale of the Town's-owned real estate located at 24 W. Main Street. The Town Attorney has received a requested from the purchaser requesting for an addendum to the Contract of Purchase and Sale dated November 18, 2016 to modify the Feasibility Study Period to 120 days rather than 75 days and the name of the Buyer shall be "Linden Brew Krew, LLC" rather than Gerald W. Welcome, Jr. as presented.

Councilman Egger seconded by Councilman Connolly that Council approve and direct the Mayor to sign an Addendum to Contract of Purchase and Sale for 24 W. Main Street, approved by Town Council on November 14, 2016 and ratified on November 18, 2016 as presented.

Vote: Yes – Connolly, Egger, Meza, 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 – To Sell, Vacate or Lease a Portion of 15

Cool Harbor Motel

Summary: Mahesh Patel, President of Arihanna Corporation dba Cool Harbor Motel wishes to upgrade his business by obtaining a Motel 6 franchise which will entail physical improvements to the facility. Mr. Patel further wishes to obtain a Small Business Administration (SBA) loan for the improvements. SBA requires that the lease of 675 square feet of right-of-way encroachment, Cool Harbor currently has with the Town, be for the full length of the loan (20 years) and not be terminable. This causes issues with the Constitution of Virginia if a lease is longer than five (5) years or is terminable. Other options from Staff would be for Council to vacate the 675 square foot encroachment area to Cool Harbor Motel per the Town's Vacation of Streets and Alleys Policy or sell the 675 square foot encroachment area to Cool Harbor Motel and follow the procedures for sale of Town-owned Real Estate.

Councilman Egger moved, seconded by Councilman Connolly that Council approve the request from Cool Harbor Motel by selling the 675 square foot portion of W. 15th Street that is currently addressed in a lease held between the Town of Front Royal and Cool Harbor Motel, said sale to follow the procedures for selling Town-Owned Real Estate.

Councilman Tewalt noted that he had no problem leasing the property but did not wish to sell the property. He noted that the 15 year lease has expired. He stated that he would only vote to lease the property. Mr. Tewalt stated that the Town should maintain their interest in the property and see what come in the future. He noted that the lease would allow the Motel 6 property to move forward.

Councilman Connolly stated that the building was accidentally constructed eight feet into the Town's right of way and allowing a small portion of the 100 feet not be detrimental to the Town. He stated that he would support motion as written

Councilman Egger opined that the property owners have plans to upgrade building and expand to a Motel 6 and this motion would support the local business. She added the Town Attorney Napier noted that the process to sell is a bit easier than vacating the property

Councilman Meza voiced agreement with Councilman Connolly as the right of way should have been tended to decades ago. He noted that the Town has no intent to tear down seven feet of the encroachment.

Vote: Yes – Connolly, Egger, Meza 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 APPOINTMENTS – Northern Shenandoah Valley Regional Commission (NSVRC) Elected Representative and Audit and Finance Committee

Summary: Council is requested to appoint an elected representative to serve on the Northern Shenandoah Valley Regional Commission (NSVRC), said term to expire when councilmember's term expires. Council is also requested to appoint two councilmembers to the Audit and Finance Committee, said terms ending December 31, 2017.

Councilman Connolly moved seconded by Councilman Egger, that Council appoint Councilman William A. Sealock as the elected representative to serve on the Northern Shenandoah Valley Regional Commission (NSVRC), said term to expire December 31, 2018. He further moved that Council re-appoint Councilman Eugene R. Tewalt and appoint Councilman Jacob L. Meza to the Audit and Finance Committee, said terms to expire December 31, 2017.

Vote: Yes – Connolly, Egger, Meza, 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)

COUNCIL APPOINTMENT – VICE MAYOR

Councilman Connolly moved, seconded by Councilman Meza, to appoint Councilman Eugene Tewalt as Vice Mayor for the Town of Front Royal to a (2) two-year term, said term to expire December 31, 2018.

Councilman Connolly noted that Councilman Tewalt had the leadership qualities needed and he knew the most intimate workings of the Town. He stated that he was the perfect fit for Vice Mayor

Vote: Yes – Connolly, Egger, Meza and Sealock
No – N/A
Abstain – Tewalt
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 7:16 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council