

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 23, 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 January 9, 2017 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:

- Yard Waste collection ends on Wednesday, January 25th though drop off for those items is still available at the Manassas Avenue location; and
- Happy Creek Road drainage work will take place, weather permitting, from Shenandoah Shores to the Town limits from January 30th until February 10th.

Jennifer McDonald, Executive Director of the Economic Development Authority, noted that the EPA has given the green light to put in trails on the Conservancy portion of the Avtex site, and the EDA has met with Mr. Stanley and Ms. Rosser about how to move forward. She added that hopefully within the year they will have a good plan for the trails to bring back to Council.

Mrs. McDonald stated that Construction has begun taking dirt to the EDA site. She thanked Jimmy Hannigan his Town crew for assisting with the mud clean up on Kendrick Lane recently.

She noted that the EDA continues their work with the letter of intent for the Afton Inn and they have completed the hotel site identification with Jeremy Camp, of the Town's Planning Office.

Mrs. McDonald stated that the EDA is working with the Workforce Housing issue and the meeting minutes are in the packet for Council. She stated that the Development Review Committee meets this week at the Government Center and the Regional Training Academy work also continues.

Councilman Tewalt asked about the hotel near Wal-Mart. Mrs. McDonald noted that the Marriot work continues, and she noted that the Marriot changed their entire look and plans were resubmitted to the County and now VDot for approval. She stated that the hotel will be located at that site

Jennifer McDonald, introduced the EDA's newest Board Member, Brendan Arbuckle, the Plant Manager with Toray.

Mayor Tharpe noted that they have had another pedestrian fatality in the Town. He asked that everyone use caution while walking and driving and he noted that the Town provides many crosswalk signals; he encouraged citizens and visitors to use them for safety.

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

Councilman Connolly moved, seconded by Councilman Egger that Council add the Kindness Proclamation to 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 - NONE

COUNCIL APPROVAL – An Ordinance to Amend Town Code to add Individual Member Remote Participation by Electronic Means (2nd Reading)

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

Councilman Connolly moved, seconded by Councilman Meza that Council adopt on its second and final 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 stated that the provision allowed for Council members to participate in Council meetings on an emergency basis via electronic means.

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)

ORDINANCE – REMOTE PARTICIPATION
AN ORDINANCE TO ADD SECTION
4-1.1 OF THE FRONT ROYAL TOWN CODE
PERTAINING TO INDIVIDUAL MEMBER REMOTE
PARTICIPATION BY ELECTRONIC MEANS

WHEREAS, the Virginia Code §2.2-3708.1 of the Freedom of Information Act allows for electronic participation, such as by telephone, in public meetings, such as Town Council Meetings and Work Sessions; and,

WHEREAS, the public body has adopted a written policy allowing for such electronic participation by the addition of such policy in the Town Code; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapter 4 of the Front Royal Town Code is hereby amended as follows:

4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS

A. Individual members of Town Council may participate in meetings of Town Council by electronic communication means from a remote location that is not open to the public, as permitted by Virginia Code § 2.2-3708.1., as that Section may from time to time be amended, or by other future applicable law. This policy shall apply to the entire membership of Town Council and without regard to the identity of the Town Council Member requesting remote participation or the matters that will be considered or voted on at the meeting.

B. Whenever an individual Town Council Member wishes to participate from a remote location, a quorum of Town Council shall be physically assembled at the primary or central Town Council Meeting location, and arrangements will be made for the voice of the remote Town Council Member to be heard by all persons at the primary or central Town Council Meeting location. The reason that the remote Town Council Member is unable to attend the Town Council Meeting and the remote location from which the Town Council Member participates will be recorded in the Town Council Meeting Minutes.

C. When such remote individual Town Council participation is due to an emergency or personal matter, such participation is limited by the Code of Virginia to two (2) meetings or 25 percent of the meetings of the Town Council per Town Council Member each calendar year, whichever is fewer.

D. Individual Town Council Member participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provisions of the Virginia Freedom of Information Act.

E. If a Town Council Member's participation from a remote location is challenged, then the Council shall vote whether to allow such participation. If Town Council votes to disapprove of the Town Council Member's remote participation because such participation would violate this ordinance or the provisions of the Virginia Freedom of Information Act, such disapproval will be recorded in the Town Council Meeting Minutes with specificity.

F. This policy applies to all Meetings, Work Sessions, and committees of Town Council.

COUNCIL APPOINTMENT – Councilmember

Summary: Council is requested to appoint a Councilmember to fill the expired term of former Councilman Hollis L. Tharpe, who was elected as Mayor of the Town of Front Royal, said term began January 1, 2017. Said term for the appointed Councilmember is December 31, 2018.

Councilman Connolly moved, seconded by Councilman Sealock that Council appoint Christopher Morrison as a member of Town Council to fill an expired term, said term to expire December 31, 2018.

Councilman Connolly noted that there were nine applicants for the seat and it was an impressive array of individuals to choose from. He added that Mr. Morrison was very familiar with the Town and had completed the Virginia Tech Civic Planning course and came from the Town's Planning Commission.

Councilman Tewalt noted that he was appalled at his fellow Councilmen. He stated that Mike McCool received the next highest number of votes and it was a slap in the face to Mr. McCool and the Town voters. He added that it was a shame that people cannot accept the voting results and this choice for Mr. Morrison was going against the public. Councilman Tewalt noted that Mr. McCool was more than qualified, had served on the Planning Commission and the Board of Zoning Appeals and the Council did not see fit to appoint him. He added that he was very upset over the issue and would not vote for Mr. Morrison.

Councilman Connolly noted that it was a question of procedure and approach and he reviewed the applicants and Council as a whole looked for who best suits the seat.

Councilman Egger noted that she would vote for the motion as presented, though she added that Mr. Morrison was not her first choice, but she was looking forward to working with him.

Councilman Meza thanked all of those that came forward to apply and those that take an interest in serving the Town. He noted that there were many that cared and took the time and effort to apply.

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 APPROVAL – Kindness Proclamation

Councilman Connolly moved, seconded by Councilman Egger that Council adopt the proclamation for the Kindness Challenge Week.

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)

CLOSED MEETING – Disposition of Publicly Held Property

Summary: Council is requested to go into Closed Meeting for the purpose of discussion or consideration of the disposition of publicly held real property, specifically, the former Department of Energy Services Building on Sixth Street, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Va. Code § 2.2-3711. A. 3.

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Egger that Council go into Closed Meeting for the purpose of discussion or consideration of the disposition of publicly held real property, specifically, the former Department of Energy Services Building on Sixth Street, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Va. Code § 2.2-3711. A. 3.

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)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Councilman Egger that Town 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, Egger, Meza, 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 at 7:39 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council