The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 14, 2014, in the Warren County Government Center's Board Meeting Room. Mayor Darr 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 Timothy W. Darr
Vice Mayor N. Shae Parker
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Eugene R. Tewalt
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

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

Vice Mayor Parker moved, seconded by Councilman Tewalt that Council approve the Regular Council Meeting minutes of April 14, 2014 as presented.

Councilman Sayre noted the correct spelling of Bébhinn Egger for the record.

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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Joan Richardson 1080 Stoney Bottom Road, and President of the Board of Trustees for Samuels Library, thanked Council for their support during the past year. She stated that the library faced difficult times and they were attempting to have their employees on par with Warren County and Town employees. Ms. Richardson stated that they had lost four Staff members in recent years due to the low pay amounts. She noted that they had about 70 people per hour on Sundays and they were reviewing whether to increase Staff pay or remain open on Sunday afternoons, adding that it was the goal of every public library be open seven days per week. Ms. Richardson asked Council to be mindful that the library was very conservative as they prepared their budget and they had used reserve money for their new kids furniture and new software, as well as conducting a fundraiser. She stated that they were asking the Town for $13,000 and the Library Board will match that with $13,000, with another $13,000 they would need to raise. Ms. Richardson stated that they would have a total of $39,000 to raise in order to remain open on Sunday afternoons and she appealed to Council for assistance. She added that the Library understood that the Town was under a tight budget year.

Mayor Darr asked Mr. Burke to place the item on the next budget worksession.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that the fire hydrant flushing continues through the community;
- Reminded the citizenry that curb and gutter, as well as sidewalk installation was ongoing on 6th Street, as well as Jefferson & Hillcrest;
- Commented that the Peyton Street parking lot line painting will be taking place soon;
- Noted that town wide line painting will occur throughout the community and asked drivers to use caution;
- Drive thru will be closed on Saturday, May 17th, as Main Street will be closed for the Wine & Craft Festival;
- Reminded citizens that Yard Waste collection has resumed; and
- The cornerstone items are on display at the Town Administration Building on Main Street..

Councilman Funk asked if we post what streets will be affected with hydrant flushing. Mr. Burke noted that the flushing is system wide and we post in the paper the appropriate notice.

Councilman Sayre asked about for more time capsule information. Mr. Burke noted that Patrick Farris of the Warren Heritage Society would prefer to place the time capsule items in an indoor location, such as the Main Street Administration Building for weather and temperature needs.

Councilman Sayre asked about the trail project. Mr. Burke stated that they were placing the benches and refuse containers. Mr. Sayre inquired about handicap access points. Mr. Burke stated that he was unaware of internal handicap access points.

Councilman Sayre asked for a brief synopsis of Leach Run Parkway. Mr. Burke stated that they were working with the EDA and they would be finalizing design for May submittal, with bid some time in June. He noted that the contractor should be awarded in the summer, and they would begin the project in the early fall hopefully. Mr. Burke added that three buildings along Happy Creek Road would be removed by the Fire Department as training exercise, and the Parkway should be complete by 2016.

Councilman Sayre asked out the second phase of Happy Creek Road. Mr. Burke noted that VDOT will be evaluating to see if they would be connecting to the new Leach Run Parkway.

Councilman Sayre noted that it would be up to the hospital if they would like to build there and the school construction had been delayed a year.

Jennifer McDonald, Executive Director of the Economic Development Authority:

- Stated that they continued to work with DEQ, the EPA, the DOJ and other stakeholders on the revisions to the Avtex easement;
- The Avtex dedication event is scheduled for September 20th from 10-4 p.m.;
- They continue to work with three fast food establishments, one pharmacy, one grocery store, one hotel and one gas station in the Corridor;
- The EDA has submitted three responses to RFP's from the partnership since February including two distribution centers and one food processing facility;
- They have met with Mr. Beahm and Mr. Camp at five locations for property site visits in the month of April (Rita's Ice, a bakery, transitional housing, and an insurance company);

- The EDA is working with Pennoni, the Town and the County on the design of the Parkway scheduled for May 15th;
- Work continues with the Chamber for the Brown Bag Lunch Series, the Education Committee, the Tourism Committee and the Main Street Committee;
- Their interactions and work with the swap of the Afton Inn and the Town Hall continues; and
- Noted that they are creating an annual entrepreneurship café that will showcase local entrepreneurs.

Councilman Tewalt asked about the Leach Run Parkway plans and how much time Council would have to review the documents. Mrs. McDonald noted that they would have about one month to look over the paperwork.

Councilman Sayre noted that the Hess revitalization looks very nice. He asked about the building next to Popeye's Chicken. Mrs. McDonald stated that it was an office building available for lease.

Doug Stanley, County Administrator, presented the following report to Council:

County Administration
***Reassessment* –** The County Reassessment process for the 2015 Reassessment began on September 3, 2013. To date approximately 8,958 of the 26,451 parcels have been completed. Work is now being done in the Town of Front Royal. Appraisers will be in that area viewing properties, which may include taking photographs and knocking on doors to verify information. Each vehicle used by Wingate will be marked with magnetic signs that read "Real Estate Assessment – Wingate Appraisal Service".

Community Development
***Development Review Committee* –** The Development Review Committee met on April 23rd. The Committee discussed several projects in the County including: two new applications for short-term tourist rentals; a proposed retreat center; a doughnut shop at Riverton Commons; the Marriott hotel; a possible fast-food restaurant in Linden; and the subdivision variance application for Blue Ridge Shadows. The Committee discussed several projects in the Town including: a special use permit application for a bed and breakfast; the new Middle School rezoning application; the site plan application for upgrades to the Wastewater Treatment Plant; a proposed Hooka Lounge; the Health and Human Services building; a new bakery on Main Street; a potential new business on Water Street; and the possible re-location of a restaurant to Commerce Avenue. The Committee appreciated the County's Fire Marshal attending this meeting to answer several questions regarding the bed and breakfast and hotel. The Committee will meet again on May 28th.

Capital Improvement Plan – The Board approved the FY2014-2015 Capital Improvement Plan at its meeting on April 15th. A copy of the plan is available on the County's website under resources.

***Building Permits* –** The County had a total of 16 new home starts for the first quarter of 2014. All 16 were located outside Town limits. The 16 represents a slight decrease from 2013 (19 starts).

Warren and Clarke Counties Microenterprise Assistance Program – County representatives continue to work with People Inc. and Clarke County on finding small existing or start-up businesses looking for an opportunity to grow. People Inc. held workshops on Small Business Survival and Understanding Credit: Good or Bad on April 22nd at the Warren County Community Center. Anyone that is interested in this program should contact People Inc. at (540) 459-9096.

Project Updates

Dominion Project – As of last week 1,112 employees were on-site. The project is approximately 84% complete.

RSW Regional Jail – The project is 98% complete. The ribbon cutting has been scheduled for June 17, 2014 at 10:00 am. An open house will be held following the ribbon cutting for the public from 12:00 pm – 4:00 pm.

2nd Middle School – The Warren County Board of Supervisors has delayed the opening of the 2nd Middle School until fall 2017. The construction will be pushed back from a fall 2014 start to a spring 2015 start. This delay will provide additional time to complete the boundary adjustment, rezoning and site plan approval of the site with the Town.

Health and Human Services Complex – Moseley is working on the design of the facility and Pennoni is nearly complete with the redesign and expansion of the parking lot.

Rockland Park – Site work for the playground and parking area is scheduled to start in the next several weeks. The site plan has been approved and all necessary permits have been obtained.

Route 340/522 Landscaping Project – The County has received an $8,545 grant from the Department of Forestry's Virginia Trees for Clean Water program. The project will begin as soon as the grant agreement is executed.

Simpson's Landing Boating Access Project –Staff has completed the required Joint Permit Application and submitted it to the Virginia Marine Resource Commission. Construction of the boat slide is ready to begin once the necessary environmental permits have been obtained. The project should be completed by this summer.

Solid Waste

Catlett Mountain – Pennoni has submitted a final draft of the plans for the Catlett Mountain project to Town and County staff for review. Pending acceptance by the Town, County and DEQ, the project should be out to bid in the next few weeks.

Project	**Ad/Bid Date**	**Cost**	**Estimated Completion Date**	**Status**
Rockland Park Disc Golf Course	N/A	$15,000	Fall 2014	Waiting until Parking Lot Completion
Indian Hollow Bridge	Spring 2013	$5,134,833	Spring 2015	Under Construction
Oregon Hollow Road	11/20/13	$2,458,506	Fall 2014	Waiting on Utility Relocation

Gooney Creek Bridge	11/20/13	$14,664,392	Fall 2015	Under Construction
South Fork Bridge	9/2013	$74,700,000	2018	Under Construction
Health and Human Services Complex – Renovation	Spring 2014	Unavailable	Summer 2015	Request for Construction Documents will be on 5/6 BOS Agenda
Health and Human Services Complex – Parking Lot	Spring 2014	Unavailable	Fall 2014	Working on Site Plan
Old Treasurer's Office	Fall 2013	$5,000	Spring 2014	Need to Finish Paint Removal
Rockland Park – Recreation Access Project	Spring 2014	$600,000	Fall 2014	Behind Schedule
Rockland Park – Playground/Shelter/ Parking Lot Project	Spring 2014	$300,000	Summer 2014	Pre-con Meeting 3/24
Linden Entrance Sign		$2-5,000	Spring 2014	Under Construction – To be completed by 5/17

Councilman Tewalt subdivision variance issue and the impact to Blue Ridge Shadows. Mr. Stanley stated that there should not be any impact to the Town. He noted that the developer did not own the properties at first, and most of the properties are mainly agricultural and have to go through the rezoning process. He added that the matter was two fold, as they desired the variance whether they obtained the additional lots or not; and if they want to expand then the issue has to be addressed regardless.

Councilman Tewalt asked if the Department of Social Services would be moving to the renovated building on 15th Street. Mr. Stanley stated that the Warren County Health Department and Social Services would both be moving to the 15th Street structure.

Councilman Hrbek asked about the plans for the vacated buildings. Mr. Stanley noted that the Health Department structure belonged to the Williams Chapel and they planned to use the building for church purposes. He stated that the Social Services building would be sold.

Councilman Sayre asked about the Regional Jail being at 98% complete. Mr. Stanley stated that they plan to relocate prisoners the last week of June. He noted that the remaining minor issues were small security related matters.

Councilman Sayre noted that on June 17th, those under the age of 18 can enter to tour the Regional Jail facility and encouraged all to take advantage of the opportunity.

Mayor Darr thanked Mr. Stanley for his assistance with the prompt response to the issues that arose recently with some citizens relating to park matters. He noted that the matter would soon be discussed at a worksession in the near future to assist with help with some park matters to partner with the County

Councilman Hrbek stated that the United Way had postponed their Day of Caring due to the storm. He noted that as it is scheduled this coming Friday, the same weekend as Apple Blossom, there will be some scheduling conflicts for some families. He asked those that could assist to please contact the United Way if they could help out.

Councilman Sayre asked for a Visitor Center update. Tim Smith, Visitor Center Coordinator, stated that they had nearly 800 visitors during a recent week and hopefully with the weather that trend will continue.

Mayor Darr stated that he attended the Friends of Scouting Dinner recently and it was always great to support the scouting community. He noted that he met with the third grade class at Leslie Fox Keyser and answered their questions about local government.

Mayor Darr noted that he attended the Arbor Day Celebration and it was the Town's 15th consecutive year being named a Tree City USA.

Mayor Darr commended Mr. Burke and his Staff for their work to make the $50 million interest free loan possible for the Wastewater Treatment Plant work. He noted that this week the Town also received an almost $12 million grant for the Wastewater Treatment upgrades as well. Councilman Tewalt asked about any grant time constraints. Mr. Burke noted there were none other than the three year construction period.

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

CONSENT AGENDA ITEMS

A. COUNCIL APPROVAL – Proclamation – *"Alcohol Awareness Month 2014"*
B. COUNCIL APPROVAL – Acceptance of Byrne Justice Assistance Grant – Police Department
C. COUNCIL APPROVAL – Budget Amendment for the Purchase of Pistols from Asset Forfeiture Monies – Police Department

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve the Consent Agenda as presented.

Vote: Yes – Funk, Hrbek, Parker, Sayre, 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)
(On Consent Agenda)
(By Roll Call)

RESOLUTION: ALCOHOL AWARENESS MONTH

NCADD Alcohol Awareness Month 2014

HELP FOR TODAY, HOPE FOR TOMORROW

WHEREAS, Alcohol is the most commonly used addictive substance in the United States; and

WHEREAS, one in every 12 adults (17.6 million people) suffers from alcohol abuse or dependence; and

WHEREAS, more than half of all adults have a family history of alcoholism or problem drinking; and

WHEREAS, 100,000 persons die each year from alcohol-related causes: drinking and driving crashes, other accidents, falls, fires, alcohol-related homicides and suicides; and

WHEREAS, more than 7 million children live in a household where at least one parent is dependent on or has abused alcohol; and

WHEREAS, alcohol is a primary factor in the 4 leading causes of death for young persons ages 10-21; &

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, alcohol-related problems cost America $224 billion ($746 per person) in lost productivity, absenteeism, healthcare costs, crime and family-related problems; and

WHEREAS, the typical American will see 100,000 beer commercials before he or she turns 18;

NOW, THEREFORE, I, **Timothy W. Darr**, Mayor of Town of Front Royal, join the National Council on Alcoholism and Drug Dependence, Inc. (NCADD) and do hereby proclaim that April 2014 is **NCADD Alcohol Awareness Month** in Town of Front Royal, Virginia.

As the Mayor of Town of Front Royal, I also call upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, schools and colleges in (REPEAT NAME OF AREA) to support efforts that will reduce stigma, increase community awareness and increase support for individuals and families coping with alcoholism.

Through these efforts, together, we can provide ***"*Help for Today, Hope for Tomorrow*"*** for those in our community who are facing challenges with alcohol use and abuse. ***Therefore****, be it resolved, that April 2014, is hereby declared* **"**ALCOHOL AWARENESS MONTH 2014 *in the Town of Front Royal."*

PUBLIC HEARING – "Envision Front Royal: A Vision for the Town of Front Royal"

Summary: **Council is to receive public input and consider approval of *"Envision Front Royal: A Vision for the Town of Front Royal"*, written by Renaissance Planning Group and Herd Planning & Design, LTD, with assistance, direction and input from the Town's Department of Planning & Zoning, the Front Royal Planning Commission and the general public. The Planning Commission recommended approval of *"Envision Front Royal"* on February 19, 2014. Approval of *"Envision Front Royal"* will conclude Phase 2 of the 6-Phase process to update the Town's Comprehensive Plan.**

Mayor Darr opened the public hearing.

George McIntryre, of Apple House Deli and The Apple House, noted that he was impressed because Council was taking a leading role in the County in many ways. He stated that the Vision process was taking a common sense approach and the guidance within the proposal was to start in the center of the town and work outward. Mr. McIntyre noted that a lot was happening in the community and it was important that citizens take this matter into their hands. He stated that over the years we have been taught a lot of bad lessons. He added that many have talked about how things should progress, some have had some plans in place from others, and we have a neat community. Mr. McIntyre stated that with this vision before us, we can move forward from here and it needs to be done professionally and with a sense of order. He asked Council to implement the study and spend some money to make this happen to send the community in the right direction.

Ron, Llwellyen, of 905 Virginia Avenue, noted that he wished to make Council aware of a VDOT change order in the Shenandoah Avenue area of the new bridge construction. He stated that they planned to put in a new median dividing strip down across the road and it would make it almost impossible to develop the properties commercially in said area. Mr. Llwellyen showed conceptual plans to Council and how the median would affect the properties future development. He stated that the Corridor has grown and his property is less than a mile from the Corridor. He noted that he asked VDOT if they would consider a four way intersection, and they stated that they would consider that possibility with the support of the Town.

Mayor Darr noted that it appeared to be an item for a Council worksession. Councilman Tewalt stated that he was unaware of a median at that location. Mr. Llewellyn noted that they were told about the change about four months ago.

As no one else came forward to speak, the public hearing was closed.

Councilman Hrbek moved, seconded by Vice Mayor Parker, that Council approve "Envision Front Royal: A Vision for the Town of Front Royal", that will conclude Phase 2 of the 6-Phase process to update the Town's Comprehensive Plan.

Councilman Funk moved, seconded by Councilman Tharpe for discussion, to strike pages 7-14.

Councilman Funk noted that he would like to support the statement, however; he was unsure of that some matters can be implemented. He stated that perhaps they could be included in the comprehensive plan in the future, giving the example of whether the Afton Inn should be torn down or revitalized. Mr. Funk noted that there were individual action items that should be considered.

Councilman Hrbek disagreed, stating that the summary stated that the Planning Commission recommended approval of the matter and they have taken the items into full consideration. He noted that the vision states that it links the document to the comprehensive plan and should reflect the ideas of the community. Mr. Hrbek noted that the visioning process drew people in to obtain a different demographic of ideas and it was not necessarily what *Council* wants but actually what the *citizens* wants. He added that there were things in the visioning document to get excited about, and there were items that he was not thrilled about and items they could not achieve. He explained though, that the list is inclusive to note matters that the people of the community are wanting and asking for.

Councilman Hrbek noted that he adamantly opposed the elimination of those pages, as it was the meat and the potatoes of the document.

Councilman Tewalt voiced his complete agreement with Councilman Hrbek.

Councilman Funk stated that he listed adding sidewalks throughout Town, which no one on Council would be willing to support. He expressed concern in giving the people the illusion that such a goal is attainable. He thanked everyone that worked on the project and added that the ideas merit consideration, however; the Council has no business approving the items they would not support.

Councilman Sayre noted that the Town could possibly support some action items, but they were not saying that they would definitely complete them. Councilman Hrbek stated that was precisely correct, it was just a list of ideas of the community, and Council was in no way giving them artificial hope. He added that no member of Council, nor member of the community, was under the impression that the Town would be spending millions to place sidewalks everywhere.

Vice Mayor Parker noted that what Mr. Funk is being asked to strike is just the background information that we are going to send back to the Planning Commission for them to consider

Councilman Funk noted that some listed were great ideas and should be part of the comprehensive plan.

Vote: Yes – Funk
No – Hrbek, Parker, Sayre, Tewalt 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)

Councilman Sayre asked if Council would be open to consider including an option for bike and walking trails in the new growth and housing area, that could perhaps connect Christendom College to the Town as well.

Mayor Darr noted that he would prefer to keep this document intact, though perhaps Council could include that item in the Comprehensive Plan.

Councilman Hrbek stated that they are gathering data at his church based on the visioning document to determine what the needs of the community are. He noted that the church used the document to determine where the community wanted to go to ensure their organization is in line with what the citizenry wanted.

Vote: Yes – Hrbek, Parker, Sayre, Tewalt and Tharpe
No – Funk
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL – Two Party Voluntary Settlement Agreement Between Town and County; and Ordinance to Approve Both Two Party Voluntary Settlement Agreement and Three Party Voluntary Settlement Agreement Pertaining to Front Royal Limited Partnership (FRLP) *(2nd Reading)*

Summary: On August 12, 2013, Town Council approved the draft 3-party Voluntary Settlement Agreement (VSA) with the Board of Supervisors and the Front Royal Limited Partnership (FRLP), for the annexation of 604.76 acres of undeveloped land into the Town. On January 6, 2014, the Commission on Local Government (COLG) issued its report and recommendations regarding the proposed annexation, and noted that, in the opinion of COLG, under the terms of Va. Code § 15.2-3400 which governs voluntary settlement agreements, the VSA must be between the County and the Town, and cannot include FRLP as a party. The Town Attorney and County Attorney drafted a revision to the VSA last November, making it a 2-party agreement, and including all the same terms as the 3-party agreement. The COLG noted at its January 6, 2014 meeting, that it had reviewed the revised VSA and its recommendation of approval of the annexation is based on that revised 2-party agreement.

However, both the Town Attorney, the County Attorney, and the attorney for FRLP continue to have significant reservations if FRLP can legally be excluded as a party to this VSA, as the underlying Annexation Petition which gives rise to the VSA was filed by FRLP and therefore, the parties feel that FRLP may be a necessary party to the VSA and the subsequent annexation suit. Further, the Town's Planning and Zoning Director has pointed out the difficulties in the Town attempting to collect monetary and other proffers on behalf of the County under the VSA if FRLP is not a party to the VSA, and if the VSA is not binding on FRLP and its successors in interest.

The change from the 3-party agreement approved by Town Council last August to a 2-party agreement is simply that the VSA is to be between the Town and the County (FRLP is not to be a party). The edited 2-party VSA is attached. The VSA rewords the proffer provisions simply to say that the Town will not approve any rezoning for any part of the FRLP property unless FRLP makes the same proffers on cash contributions to the County, the cap on total number of market rate housing units, and the minimum size of the units that were included in the original 3-party VSA.

To move forward with the proposed annexation, the Town and County and the Town should approve the VSA, by Ordinance, after a public hearing. The Town has proposed that each governing body approve both the 3-party agreement and the revised 2-party agreement (the County has already approved both VSAs). In that manner, both VSAs can be submitted to the Special Annexation Court, in the alternatives, and the Court can approve whichever version it feels appropriate.

In order to address valid concerns that Town Council members have expressed about the Town entering into a Voluntary Settlement Agreement that Front Royal Limited Partnership is not a party to and that a Court might approve, which could potentially leave the Town in a position of having an agreement with the County to try to collect proffers from a landowner who in the future is not willing to make the proffers, the current landowner, FRLP has agreed to enter into an Agreement to be Bound with the Town, the County, and FRLP; and/or a Covenant to Be Bound, which is a declaration of restrictive covenants to be executed by FRLP only. Both documents have the same effect, to bind FRLP, and its successors in interest, to be bound to the terms of the VSA, including the two party VSA, in any future rezoning application. In this manner, no matter which version of the VSA is approved by the Court, FRLP and any future owner of the annexed property is bound by the terms of the VSA, and the interests of the Town and County are protected.

Vice Mayor Parker moved, seconded by Councilman Hrbek, that Council approve the following:

A) The Voluntary Settlement Agreement between Town and County as conformed to the Commission on Local Government recommendation (two party Voluntary Settlement Agreement between the Town and the County), upon condition that Front Royal Limited Partnership first execute and record the Covenant To Be Bound by Front Royal Limited Partnership as approved by the Town Attorney for Town of Front Royal and the County Attorney for Warren County, and if so required by said Town Attorney and County Attorney, that the Agreement To Be Bound as approved by said Town Attorney and County Attorney, also be executed and recorded by Front Royal Limited Partnership, the Town of Front Royal, and the County of Warren.

B) The Ordinance to approve both the two party Voluntary Settlement Agreement to conform to the Commission on Local Government Recommendation, and the three party (Town, County, and Front Royal Limited Partnership) Voluntary Settlement Agreement previously approved by Town Council on August 12, 2013, for the annexation into the Town of Front Royal of approximately 604.76 acres of land belonging to Front Royal Limited Partnership, as reviewed by the Commission on Local Government.

Councilman Tewalt asked about the agreement signed by FRLP. Mr. Napier stated that FRLP agreed to be bound by said documents and they will record them once Council approves this matter. He added that it had not been executed at this point. Mr. Tewalt stated that he will not support this as presented until the document has been executed.

Councilman Sayre asked if it was possible to have an amendment to satisfy Mr. Tewalt's request.

Vice Mayor Parker asked if FRLP were not to record the document what would take place. Mr. Napier stated that Council's motion was conditioned upon them executing the agreement. Mr. Parker explained that the Commission was expecting the Town and the County to act expeditiously on the matter, as everyday FRLP does not come to terms they are losing money and there is quite an incentive to move forward with the document. Mr. Napier agreed with Mr. Parker.

Councilman Sayre asked if the County needed to approve something of this matter; correct Mr. Stanley noted that they did not.

Vice Mayor Parker asked if postponing the matter until May 12 would be possible. Mr. Napier stated that it could be done.

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council postpone until May 12th.

Councilman Hrbek stated that he will vote against the amendment, as it sends the wrong message regarding the agreement. He noted that postponing was clearly symbolic.

Vote: Yes – Parker and Tewalt
No – Funk, Hrbek Sayre 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; To Postpone, Motion Failed)

Vote: Yes – Funk, Hrbek, Parker, Sayre, and Tharpe
No – Tewalt
Abstain – N/A
Absent – N/A
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call; On FRLP VSA)

COUNCIL RECOMMENDATION – Board of Zoning Appeals (BZA)

Summary: **Council is requested to consider a recommendation to the Judge of the Warren County Circuit Court for re-appointment to the Front Royal Board of Zoning Appeals (BZA) to fill a five-year term ending May 1, 2019.**

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council recommend David Gedney to the Judge of the Warren County Circuit Court for re-appointment to the Front Royal Board of Zoning Appeals (BZA) to fill a five-year term ending May 1, 2019.

Councilman Tharpe noted that there were many interviewees, Councilman Sayre expressed his agreement. Mr. Tharpe stated that it was one of the best interview panels they have experienced. Mayor Darr stated that many individuals were very overly qualified for the board positions and they were very viable candidates.

Vote: Yes – Funk, Hrbek, Parker, Sayre, 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)

COUNCIL NOMINATIONS – 2014 Virginia Municipal League (VML) Policy Committees

Summary: **Council is requested to make nominations to the Virginia Municipal League (VML) Policy Committees. Policy Committees members are nominated each spring. They serve May through December 2014. They generally meet once during the year in July. Nominations are due to VML by May 2, 2014.**

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council nominate the following to the various Virginia Municipal League (VML) Policy Committees, said terms to expire December 31, 2014.

1) **Vice Mayor Parker and Councilman Sayre to the Community & Economic Committee**
2) **Town Manager Steve Burke to the Environmental Quality Committee**
3) **Councilman Funk and Finance Director Kim Gilkey-Breeden to the Finance Committee**
4) **Town Attorney Doug Napier to the General Laws Committee**
5) **Councilman Hrbek and Councilman Tharpe to the Transportation Committee.**

Vote: Yes – Funk, Hrbek, Parker, Sayre, 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)

COUNCIL APPROVAL – Encroachment License for 125 W. 4th Street - McMahon

Summary: **Council is requested to approve a request from Martin P. and Rachel M. McMahon, owners of property located at 125 W 4th Street for a five year encroachment license to maintain the existing encroachment of their front open porch into W. 4th Street.**

Councilman Sayre moved, seconded by Councilman Tharpe, that Council approve the request from Martin P and Rachel M McMahon, owners of property located at 125 W 4th Street for a five year encroachment license to maintain the existing encroachment of their front open porch into W. 4th Street.

Councilman Sayre asked if he had any reason to note a conflict of interest as he knew the applicants personally. Mr. Napier stated that he did not.

Vote: Yes – Funk, Hrbek, Parker, Sayre, 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)

CLOSED MEETING – Acquisition of Real Property; Investment of Public Funds; and, Consultation with Legal Counsel

Motion to go Into Closed Meeting

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council convene and go into Closed Meeting for the purpose of 1) discussion or consideration of the acquisition of real property for a public purpose, namely, Leach Run Parkway, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia; 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, the Town's franchise and pole attachment agreements with Comcast, requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711.7 of the Code of Virginia; 3) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, the Route 522 Corridor Feasibility Study, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia; and, 4) pursuant to Virginia Code § 2.2-3711.7, for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, issues that have arisen as a consequence of the 1998 voluntary settlement agreement, and amendment and Court proceedings relating thereto, between the Town of Front Royal and the County of Warren, which requires the provision of legal advice by such counsel.

Vote: Yes – Funk, Hrbek, Parker, Sayre, 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)

Motion to Certify Closed Meeting at its Conclusion

Vice Mayor Parker moved, seconded by Councilman Tewalt, 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 – Darr, Funk, Hrbek, Parker, Sayre, 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 9:24 p.m.

APPROVED:

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Jennifer E. Berry
Clerk of Council