

TOWN COUNCIL WORK SESSION

July 24, 2017 @ 6:30pm -- Warren County Government Center

1. CLOSED MEETING – Council Vacancy Interviews Review

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Meza, that Town Council convene and go into Closed Meeting to discuss, consider and interview prospective candidates for appointment to fill the vacancy on Town Council occasioned by the resignation of former Town Council Member Bebbinn Egger.

Vote: Yes – Connolly, Meza and Sealock
No – N/A
Abstain – N/A
Absent – Tewalt and Morrison
(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 Connolly moved, seconded by Vice Mayor 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 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, Meza, Morrison, Sealock, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(By Roll Call)

COUNCIL MEETING MINUTES

July 24, 2017

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on July 24, 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 Jacob L. Meza
Councilman Christopher S. Morrison
Councilman William A. Sealock
Councilman 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.)

Vice Mayor Tewalt moved, seconded by Councilman Sealock moved that Council approve the Regular Council Meeting minutes of July 10, 2017 as presented.

Vote: Yes – Connolly, 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

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

Mr. Waltz stated that the free downtown Thursday movie this week is Casablanca. He noted that the paving contractor would be returning for line paving and crosswalk work and asked the community to be aware of their work sites. Mr. Waltz stated that the work on the railroad crossing work on 6th Street would soon commence.

Report from EDA Director, Jennifer McDonald, who noted that the IT Federal work on west Main Street extended continues, with the Town recently submitting the lighting and landscape requirements recently. She stated that they hope to have a walking trail along the river and obtain grants. Mrs. McDonald stated that the EPA concluded their five-year site review and all passed with flying colors. She noted that they had a group from the Chesapeake Bay Watershed at the site as well. Mrs. McDonald stated that the EDA was working with a fast food company, and others, a prospect for Main Street and a potential Afton Inn developer also.

Mrs. McDonald noted that the Leach Run Parkway ribbon cutting was held and a meeting would be held soon for the final punch list items on the road. She added that about \$150,000 had been granted through the EDA's small loan program, three inquiries went through on the McKay Spring property, and \$5,500 had been given in EDA scholarships.

Mayor Tharpe stated that there was a letter received regarding the Wine & Craft Festival concerns and he would be giving the letter to Mr. Waltz in order to work on the matters for next year.

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

CONSENT AGENDA

- A. COUNCIL APPROVAL – Budget Amendment for VML Insurance Claim Reimbursement
- B. COUNCIL APPROVAL – Proclamation for “Warren County, Virginia Fair Week”
- C. COUNCIL APPROVAL – Balance of Bid for Pavement Marking Materials and Installation
- D. COUNCIL APPROVAL – Bid for Trailer for Streets Department
- E. COUNCIL APPROVAL – Bid for Fire Hydrants

Councilman Tewalt moved, seconded by Councilman Sealock, that Council approve the Consent agenda as presented.

Vote: Yes – Connolly, 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)

PUBLIC HEARING – Ordinance Amendment Pertaining to Flea Markets (1st Reading)

Summary: Council is requested to affirm on its first reading ordinance amendments to Town Code Sections 98-46; 175-3, 175-10.10; 175-44; 175-53.7.A.3; 175-63.C.3; 175-70.I.3 and 175-10.4.A that would allow flea markets to operate on Fridays with a ExceptiONal use permit, subject to standards and review, as presented. Note: Council referred this request to the Planning Commission for further consideration and a recommendation on March 27, 2017.

Mayor Tharpe opened the public hearing.

Ann Orndorff, owner of Springtime Garden Center, noted that the appearance as you entered Front Royal concerned her and others. She stated that the flea market had broken tables, there were many ruts in the road, and the condition of the structure at the site was poor to say the least. She noted that it was not what should be presented as one of the entrance points to Front Royal and should not be a first impression of the community. Ms. Orndorff also stated that the Town needed a clear definition of flea market. She stated currently there were vendors selling new products in the old building at the flea market, some were selling fireworks and many were concerned about the business rules that were not being followed. Ms. Orndorff added that Springtime Garden Center could rent tables and sell hanging baskets, produce and trees – others do, and by doing so they would avoid many taxes and certain fees that they currently pay to the Town. She stated that they have asked for many years for a clear definition of “flea market”.

Ms. Orndorff stated that by selling produce there, near the port a potties, with no running water, with high temperatures, she had concerns about the safety of the produce as well.

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

Councilman Connolly moved, seconded by Councilman Meza that Council affirm on its first reading ordinance amendments to Town Code Sections 98-46; 175-3, 175-10.10; 175-44; 175-53.7.A.3; 175-63.C.3; 175-70.I.3 and 175-10.4.A that would allow flea markets to operate on Fridays with a Special Use permit, subject to standards and review, as presented.

Councilman Meza asked about the “subject to standards and review” notation. Mr. Waltz noted that it pertained to the special use permit. Councilman Tewalt asked about the charge for the flea market. Mr. Waltz noted that the Town chose the \$250 flat fee and would move forward at a different public hearing. Mr. Napier confirmed the details as described by the Town Manager.

Vice Mayor Tewalt stated that the motion should be to postpone until the ordinance was proper. Mr. Meza voiced his support to postpone.

Vice Mayor Tewalt moved, seconded by Councilman Connolly, to postpone the flea market matter at this time.

Vote: Yes – Connolly, 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; to POSTPONE)

COUNCIL APPOINTMENT – Councilmember

Summary: Council is requested to appoint a Councilmember to fill the unexpired term of former Councilman Bebhinn Egger, who resigned June 30, 2017. Said term for the appointed councilmember is December 31, 2018.

Councilman Connolly moved, seconded by Councilman Sealock that Council postpone the appointment of a Councilmember to an unspecified date.

Councilman Connolly noted that it was a difficult choice and in the interest to give everyone their full time it should be postponed. He added that Council is attempting to do their best.

Vote: Yes – Connolly, 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)

CLOSED MEETING – Afton Inn Property and Ongoing UPS Noise Issue

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Meza that Town Council go into closed meeting for the following purposes, in relation to the Afion Inn Property and Ongoing UPS Noise Issue: 1) Discussion or consideration of the disposition of publicly held real property, pursuant to Section 2.2- 3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; 2) Discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711. A. 5. of the Code of Virginia; and, 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, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

Vote: Yes – Connolly, 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 Connolly moved, seconded by Councilman Sealock moved 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 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, Meza, Morrison, 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 8:38 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council