

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on December 10, 2018, 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 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 Councilman Sealock to approve the Regular Council Meeting minutes of November 26, 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

Timothy Ratigan, of 6079 Stonewall Jackson Highway, invited the Town Council to the American Legion Community Band Christmas Concert to be held December 18th at 7:30 at Boggs Chapel, Randolph Macon Academy. He stated that this is a volunteer band within the community and of all the area concerts he has attended, this concert is by far one of the best. Mr. Ratigan added that it was also a time to give back, as the collection proceeds go to CCAP and they have raised up to \$750-1,000 some evenings for those in need.

Town Manager, Joseph Waltz, noted that the Town Hall and other Departments would be closed for the holiday on December 24 and 25 for the Christmas observance. He stated that yard waste would not be collected, and he stated the trash collection adjustments for the week.

Chief Magalis introduced new Police Officer, Seth Teachout and his parents, noting that he was a native of the area, a 2017 Virginia Tech graduate, and November 2018 graduate of the Police Academy. Officer Teachout's mother officially "pinned" her son with his badge. Council congratulated Officer Teachout on this great accomplishment and welcomed him to the Town.

Councilman Morrison noted that he would like to conclude and reflect on his time on Council, pointing out that adaptability does not mean conformability and leaders cannot be historians for example. He stated that the property maintenance was a journey and he thanked those involved in his time serving.

Councilman Connolly noted that it had been a tremendous four years serving the Town and he wished everyone had a chance to serve as a member of Council. He stated that it was a very educational experience and it was with gratitude that he was departing Council. Mr. Connolly stated that he specifically wanted to thank Town Manager Joe Waltz, Finance Director BJ Wilson, Planning Director Jeremy Camp, and those that work under Mr. Waltz; as well as the Town Attorney Doug Napier who does a tremendous job, and Clerk of Council Jennifer Berry, who is efficient, organized and keeps Council moving forward. Councilman Connolly stated that Council does not always see eye to eye, though it had been an honor to serve with this Council.

Vice Mayor Tewalt expressed his appreciation to Councilmen Morrison and Connolly, adding that serving on Council was as difficult job and many tasks were taken on. Mr. Tewalt wished the Councilmen well and expressed hope that they would run again. He also wished everyone a Merry Christmas and Happy New Year.

Mayor Tharpe wished everyone a Merry Christmas and a Happy New Year.

Mayor Tharpe recognized the service for Councilmen Connolly and Morrison and presented each with a plaque in honor of their dedication to the Town citizenry.

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

CONSENT AGENDA ITEMS

A. COUNCIL APPROVAL – Liaison Committee Meeting Items

1. IT Federal Main Street Project
2. Route 522 Corridor Water Upgrade Project
3. Phase II Happy Creek Road Update
4. Town Building Maintenance Code Enforcement
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

B. COUNCIL APPROVAL – Bid for Manhole Rehabilitation

C. COUNCIL APPROVAL – Amend Prior Franchise Agreement for Telecommunications Services – Shentel Communications, LLC

Councilman Gillispie moved, seconded by Vice Mayor Tewalt, that Council approve the consent agenda 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)

PUBLIC HEARING – Ordinance Amendment to Town Code Chapter 72**(Special Events) (1st Reading)**

Summary: Council is requested to affirm on its first reading an Ordinance to amend and reenact Front Royal Town Code Chapter 72 pertaining to Special Events in particular the full and partial closures of Main Street and the Gazebo Parking Lot located at Chester and Main Streets, as presented.

Mayor Tharpe opened the public hearing.

William Huck, of 409 E. Main Street, thanked Council for allowing him the opportunity to hold the event he has each year. He stated that it grows the community in a positive way and he expressed support for others who wish to hold their events downtown. He stated that he knows it can be discouraging for some businesses at times to hold their events.

Rick Novak, of 117 E. Main Street, noted that the entire street closures twice a month would be burdensome at times for his movie theater business. He stated that the closures affect his business and he would drastically hurt him financially if the ordinance passed as written with twice a month street closures. Mr. Novak noted that when the larger movies open and the street closed, it would affect their sales by up to \$6,000 at times. He stated that partial closures were not a concern for him.

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

Councilman Meza moved, seconded by Councilman Sealock, that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Chapter 72 pertaining to Special Events, as presented.

Vice Mayor Tewalt stated that during the worksession he noted that 12 closures annually was too much, and he still felt that way. He voiced support of a lower number of closures. He noted that perhaps 8 times would be better. Mr. Tewalt asked Mr. Waltz about items B and C under #5; Mr. Waltz stated that it could not differentiate between partial and full closures with said wording.

Councilman Meza commended Council on their intent of the ordinance in order to reduce barriers and remove fees. He stated that the 12 closures annually was to allow flexibility for the Town Manager and the time of the events held. He stated the Town Manager stated that Mr. Waltz would use discretion in order to not close the street 3-4 times per month. Mr. Meza noted that there is ambiguity purposefully in ordinance to allow the Town Manager that flexibility.

Vote: Yes – Connolly, Gillispie, Meza, Sealock and Tewalt

No – Morrison

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 to Town Code Sections 158-9 and 158-17 pertaining to the removal of the 1993 On-Street Parking Policy and Rescind 1993 Resolution Pertaining to the Same (1st Reading)

Summary: Council is requested to affirm on its first reading an Ordinance to amend and reenact Front Royal Town Code Sections 158-9 and 158-18 pertaining to the removal of the 1993 On-Street Parking Policy and to rescind the 1993 Resolution Pertaining to the same, as presented.

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

Vice Mayor Tewalt moved, seconded by Councilman Sealock that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Sections 158-9 and 158-18 pertaining to the removal of the 1993 On-Street Parking Policy and to rescind the 1993 Resolution Pertaining to the same, as presented.

Councilman Sealock stated that Chief Magalis, Mr. Waltz, and he met many times as the signs were very confusing. He noted that ordinance was also scattered as well. He added that the enforcement could not be handled as previously written and this change would clear matters.

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)

PUBLIC HEARING – Ordinance Amendment to Town Code Sections 148-870.A.17 and 175-127 to Exempt Property from Off-Street Parking Requirements – David Downes – 14/16 Chester Street (1st Reading)

Summary: On June 21, 2018 a request was received from David Downes to amend Town Code 175- 127.3 to exempt the requirement of “off street parking” requirements for property located on Chester Street. Due to it being a zoning ordinance amendment request, it went to the Planning Commission for a recommendation. On September 19, 2018 the Planning Commission unanimously recommended against the requested change after a public hearing because it did not believe that it was appropriate to add more exemption in the downtown area for any uses or properties until a parking strategy was developed to address the increasing demand for parking in the downtown area. There were three drafts included for the Planning Commission’s consideration at the public hearing.

- 1) Amend Town Code 175-127.3 and 148-870.A.17 so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking
- 2) Amend Town Code as in #1 above, but requires approval of a Special Use Permit

3) Amend Town Code as in #1 above but would exempt museums and art galleries from off-street parking requirements within the Historic Overlay District

The property currently qualifies for a separate “lesser” exemption that applies to all legally existing commercial and industrial buildings (175-127). The exemptions does not require Mr. Downes to meet the off-street parking quantity requirements, but it does require that existing parking not be eliminated.

Therefore, the applicant is required to maintain the rear parking area of his property and use it in conjunction with the businesses on the property (Beer Museum and Office)

Council is requested to choose one of the options above OR to accept the Planning Commission’s recommendation and deny the request until a parking strategy is developed to address the parking in the downtown area.

Mayor Tharpe opened the public hearing.

David Downes, of 160 Old Browntown Road, thanked each member of Council and Planning’s Staff for their help in understanding the ordinance. He stated that a comment had been made that the “Town does not want to make any more exemptions” and the same ordinance is for everyone; but because he is in a certain spot it is limiting his ability and he is being treated differently. Mr. Downes stated that he previously had only used two spaces for many years and he is trying his best to generate his business. He asked for Council’s assistance with the exemption.

William Huck, of 409 E. Main Street, noted that Mr. Downes should be granted the exemption as he requested, noting that each side of the coin brings good points. He stated that from a business perspective he feels he should receive the exemption.

Inna Kolesnik, of 214 E. Main Street, stated that planners intend that the area would be used for parking and the business should retain the areas for parking. She noted that more downtown parking would be available if Mr. Downes had not blocked off his own parking behind his building. Ms. Kolesnik stated that the parking requirements should not relaxed or exempted. She also she noted, that the Beer Museum had been violating ordinances repeatedly and he should not be rewarded for his ongoing violations.

Ralph Waller, of 304 E. Main Street, he stated that the Planning Commission is a group of highly trained professionals and the Planning Commission decided unanimously not allow his request. Mr. Waller noted that nothing has changed since the Planning Commission made their recommendation. He added that Mr. Downes likes to threaten people by saying if he does not get his way that he will seek legal action or relocate, in order to intimidate the Town Council to get what he wants. He stated that the Town will not lose any revenue since The Beer Museum is apparently a non-profit entity. Mr. Waller added that Council has a responsibility to the community and be asked that they also consider the ongoing ABC incidents reported with guns and other violent matters that have taken place on sight.

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

Councilman Morrison moved, seconded by Councilman Meza that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, but exempt museums and art galleries from off-street parking requirements, as presented.

Vote: Yes – Meza, Morrison and Sealock
No – Connolly, Gillispie and Tewalt
Abstain – N/A
Absent – N/A

Mayor Tharpe voted – YES (to break the tie)

(By Roll Call; Motion Carries on 1st Reading, second reading on Jan 14th)

Urban Forestry Advisory Commission (UFAC)

Summary: Council is requested to appoint a member to the Urban Forestry Advisory Commission (UFAC) to a four-year term ending December 20, 2022.

Councilman Connolly moved, seconded by Councilman Gillispie that move that Council appoint Vincent Resch to the Urban Forestry Advisory Commission (UFAC) to a four-year term ending December 20, 2022.

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 7:45 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council