

COUNCIL MEETING MINUTES

April 22,

2013

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 22, 2013, 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 8, 2013 as presented.

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

Tim Ratigan, of 241 Church Street, noted that this evening Council will most likely finally vote on moving the elections. He stated that he was impressed with Mr. Funk's concern with moving the elections to November and how it may encourage partisanship. Mr. Ratigan noted that Mr. Funk referenced being severely concerned that going forward that partisanship would be the name of the game. Mr. Ratigan stated that he was encouraged by Mr. Funk's comments and commended his words. He voiced concern with Councilman Funk's past actions, opining that Mr. Funk's Council campaign was very partisan. Mr. Ratigan questioned if Councilman Funk, or anyone on his behalf, would initiate a court battle, to overthrow the will of the Town Council, should this effort pass.

Sue Riner Biggs, of 263 Bowling Green Road, noted that Patricia Windrow had done so much for the community, including renovating various buildings in the area and painting many murals throughout the schools and restaurants in Town. She noted that Ms. Windrow had woven threads of art throughout the community and left more than a simple footprint in Front Royal. Mrs. Biggs urged Council to approve the proclamation in her honor.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Stated that the Business Forum would be held Thursday, April 25th at 6 p.m. at the Town's Administration Building on Main Street;
- Reminded Council and the public that on April 27th the Arbor Day ceremony would be held at 9 a.m. at the Arboretum;
- Noted that the Town's auction would be held at the Public Works Center on April 27th;
- The Carnival would begin on Wednesday, May 1st; and
- The Farmer's Market would begin on Saturday May 4th at the Village Commons around the Main Street Gazebo.

Mr. Burke extended thoughts and prayers on behalf of the Town to the families of those affected by the catastrophic events in Boston, Colorado, Texas recognize the law enforcement and first responders for their work in responding to such events.

Economic Development Authority Director, Jennifer McDonald:

- Noted that the Leach Run Parkway RFP's are due this week;
- Stated that the Development Review Committee continues their work;
- Reported that they continued to plan with Shenandoah University for the Regional Summit in July;
- Stated that they are working with two retail shops on Main Street and one manufacturing facility;

Vice Mayor Parker and Mayor Darr congratulated Ms. McDonald on her recent nuptials.

Crime Prevention Specialist, Janice Hart:

- Noted that they had held 11 Neighborhood Watch Meetings;
- Stated that the Citizens Academy continues with 20 students;
- Reminded them that the shredding event was held recently and the truck was maxed out;
- Commented that planning continues for their spring and summer activities in the community;
- Reminded Council that the wellness fair was held with over 150 children fingerprinted;
- Noted that the VIPS Ceremony was held prior to the meeting and she thanked Council for attending;
- Stated that they would be assisting at DARE Day and the Memorial Service VIN Etching and National Night Out as well;
- Noted that the media has been very good for the Department; She has continued her classes and training as well; and
- VIPS has donated 412 hours for January-March and they have interviewed and accepted two new volunteers for training;

Mayor Darr thanked Mrs. Hart for inviting Council to the VIPS Ceremony and for her work with the Police Department.

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Councilman Sayre stated that he had one email with Delegate Webert regarding the passing of Commissioner Smedley. He noted that for transparency purposes he wanted to say that he had just that one email.

Councilman Sayre stated that he attended the 20th anniversary of the Fantasyland Park. He noted that many from the community were in attendance.

Councilman Sayre noted that he also attended a recent dinner and sat with Beverly Sherwood. He stated that the Richmond Delegates put in a significant number of hours.

Mayor Darr stated that he was honored to attend the Fantasyland Park event. He noted that the park was originally built by volunteers and it was such a good testimony to the quality of the people of the Front Royal community. He noted that the park still stands today and still looks as good today as it did when it was originally constructed.

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

Councilman Sayre moved, seconded by Councilman Tharpe, to remove Item 12: National Day of Prayer Special Event Permit \$25.

Councilman Sayre submitted a check for \$25 for this permit expense.

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)

CONSENT AGENDA ITEMS

A. COUNCIL APPROVAL - Proclamation - "Arbor Day"

~~B. COUNCIL APPROVAL - Proclamation - "Patricia Windrow Day"~~ - Removed for separate discussion & vote

C. COUNCIL APPROVAL - Proclamation - "Sue Krause Recognition"

D. COUNCIL APPROVAL - Acceptance of Donation from Beautification of Front Royal Committee and Front Royal/Warren County Tree Stewards

Councilman Tewalt 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)

(By Roll Call)

e **PROCLAMATION - Arbor Day** f

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called **Arbor Day**, was first observed with the planting of more than a million trees in Nebraska, and **Arbor Day** is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and,

WHEREAS, Front Royal has been recognized as a Tree City USA by **The National Arbor Day Foundation** and desires to continue its tree-planting practices;

NOW THEREFORE BE IT RESOLVED that I, Timothy W. Darr, Mayor of the Town of Front Royal, do hereby proclaim April 27, 2013 as Arbor Day

in the Town of Front Royal, and urge all citizens to celebrate **Arbor Day** and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well being of this and future generations.

e PROCLAMATION - Sue Krause Recognition f

WHEREAS, Sue Krause is a lifelong resident of Front Royal and she is active in her community and church;

WHEREAS, Sue has diligently served our community for 37 years, during her employment with Comcast and; Growing up in Front Royal, she has become “the Face of Comcast” to many of our citizens;

WHEREAS, Sue has developed a clientele that spans from grandparents to grandchildren;

WHEREAS, Sue has helped our citizens through the many faces of technology. Transitioning from the early days of about 20 TV channels, to now over 500 channels of TV, Internet, Home Phone, and Home Security;

WHEREAS, Sue is always willing to assist those in with a friendly smile and lend a friendly Front Royal helping hand;

NOW, THEREFORE, the Mayor and Town Council do hereby present this proclamation of recognition to Sue Krause as she retires in 2013 in the Town of Front Royal, and extend our well wishes to Ms. Krause on behalf of the citizenry of the Town.

COUNCIL APPROVAL - Proclamation - “Patricia Windrow Day”

Vice Mayor Parker moved, seconded by Councilman Funk, that Council approve a proclamation proclaiming Thursday, September 12, 2013 as “Patricia Windrow Day” in the Town of Front Royal.

Vice Mayor Parker noted that Ms. Windrow was a mentor of his and he was pleased that the Sills had brought the proclamation to the Town for recognition on her behalf. Mr. Parker stated that if the Town could recognize Ms. Windrow during the celebration of the 225th Anniversary it would be a fine way to honor her memory during the Pat Windrow Day. Vice Mayor Parker noted that the Town had lost many special people in the community, including Mr. Lancaster, Mr. Duncan and Ms. Windrow this last year. He added that he was brave enough to have Ms. Windrow critique his art years ago. Mr. Parker noted that the sundial downtown was sculpted by Ms. Windrow.

e PROCLAMATION - Patricia Windrow Day f

WHEREAS, Patricia Windrow Klein passed away March 5th, 2013, and;

WHEREAS, Ms. Windrow distinguished herself through her many professional accomplishments in film, radio, stage, and television acting; and

WHEREAS, Ms. Windrow also created an internationally recognized body of work in painting and sculpture, over a 91-year life; and

WHEREAS, Ms. Windrow lived and worked in the Town of Front Royal for over 22 years; and

WHEREAS, Ms. Windrow opened a gallery in Front Royal in 1991 by renovating a then-derelict building at 401 E. Main Street; and

WHEREAS, Thenceforward Ms. Windrow became a “one-woman Urban Renewal project” by renovating some 42 structures during her life, often by her own hand; and

WHEREAS, Ms. Windrow’s indelible mark on the Town of Front Royal through her murals, sculptures, and other art projects will be long and warmly remembered; and

WHEREAS, Ms. Windrow never stopped thinking about ways to improve the cultural heritage of the Town, in her hallmark direct personal style; and

WHEREAS, her vision and aspiration for the community will be sorely missed;

NOW THEREFORE, the Mayor & Town Council of the Town of Front Royal, in recognition of the manifest and numerous contributions of Patricia Windrow Klein to the community as a whole, hereby proclaim September 12th as “**Pat Windrow Day**” in the Town of Front Royal.

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)

2013

PUBLIC HEARING - Rezoning Application from VFW Post 1860

Summary: Council is requested to approve a rezoning application (REZ12-07-68) submitted by Col. Samuel R. Millar, VFW Post 1860, requesting that the Town downzone 10.66 acres from the I-1 District to the A-1 District, including all of Parcel A and a portion of Parcel B. Proffers are submitted that would restrict manufactured housing and tenant housing.

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

Vice Mayor Parker moved, seconded by Councilman Funk, that Council approve a rezoning application (REZ 12-07-68) submitted by Col. Samuel R. Millar, VFW Post 1860, to downzone 10.66 acres from the I-1 District to the A-1 District, including all of Parcel A and a portion of Parcel B, with proffers that would restrict manufactured housing and tenant housing.

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)

PUBLIC HEARING - Special Use Permit Application from VFW Post 1860

Summary: Council is requested to approve a Special Use Permit application (SUP12-07-258) and Site Development Plan Application (DEV12-06-206) submitted by Col. Samuel R. Millar, VFW Post 1860, requesting a Special Use Permit for a Flea Market on 10.66 acres referenced in the Rezoning Application. The Flea Market is proposed to ultimately have (70) tables, with site improvements including new parking areas including handicap parking spaces, landscaping and an emergency access lane to be developed in three phases.

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

Vice Mayor Parker moved, seconded by Councilman Tharpe, provided that Council approve on its second reading a rezoning application (REZ12-07-68) submitted by Col. Samuel R. Millar, VFW Post 1860, to downzone 10.66 acres from the I-1 District to the A-1 District, that Council approve a Special Use Permit Application (SUP12-07-258) and Site Development Plan Application (DEV12-06-206) submitted by Col. Samuel R. Millar, VFW Post 1860, for a Flea Market on 10.66 acres referenced in the Rezoning Application, 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)

COUNCIL APPROVAL - An Ordinance Approving and Agreement Between the Town, The Boisseau Family LC/LCII and Royal Plaza Associates for Easement of a Walking and Biking Trail (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an ordinance approving an agreement between the Town and the Boisseau Family L.C., the Boisseau Family, L.C. II and Royal Plaza Associates. If approved, the ordinance and agreement will grant to the Town a deed of permanent easement, temporary construction easement, special warranty deed to parcels and other responsibilities in connection with a walking and biking trail near Royal Plaza Shopping Center.

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an ordinance approving an agreement between the Town and the Boisseau Family L.C., the Boisseau Family, L.C. II and Royal Plaza Associates for a walking and biking trail near Royal Plaza Shopping Center, as presented.

Vice Mayor Parker noted that Council should remember this agreement as Council works through the budget cycle. He added that Samuels Library has requested additional funding to be open on Sundays as well.

Councilman Sayre added that the Town held a Finance Committee Meeting recently and they discussed finding the funding for the completion of the trail project.

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 - Enact Chapter 10, ELECTIONS, to the Town Code (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an Ordinance to enact Chapter 10, ELECTIONS, to the Front Royal Municipal Town Code. If approved, Town Elections will be held the Tuesday following the first Monday in November in even numbered years; current members of Town Council and the Mayor shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire; term members of all Town Council members and the Mayor shall begin the first day of January next following the election; and candidates for Town Council and the Mayor shall not be nominated or identified on the ballot by political party affiliation.

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Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an Ordinance to enact Chapter 10, ELECTIONS, to the Front Royal Municipal Town Code, as presented.

Councilman Sayre noted this would increase the term by six months, though he would prefer to lessen the terms and have the opposite years. He stated that it would make matters more partisan but the Town would move forward and try to make everything work.

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)

CLOSED MEETING - Acquisition of Real Property

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council go into Closed Meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held property, 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.

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)

Vice Mayor Parker moved, seconded by Councilman Tharpe, 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 7:34 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council