

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 28, 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 Funk, that Council approve the Regular Council Meeting minutes of January 14, 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

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

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Reported that the Town Hall offices transitioned over to 102 E. Main Street and have opened. He noted that the Finance Offices will open later during the month of February;
- Noted that VDOT has submitted comments regarding the design of Leach Run Parkway; and
- Stated that the Town’s 225th Anniversary Celebration has kicked off with various merchandise and planning. He noted that information on the Town’s website gave sponsorship details for those interested in participating.

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

2012 Building Permits – The County had a total of 66 new home starts in 2012. Of that number, 13 were located inside Town limits. This represents the second year in a row of increased permit activity countywide. As a comparison, in 2011 we had a total of 57 new home starts. The 66 starts represent an annual growth rate in housing stock of .41%. The growth rate is well below our 2-3% maximum outlined in the Warren County Comprehensive Plan and is well

below the 1.36% average experienced since 2002. The total growth rate in new home starts since 2002 is 14.98%.

Development Review Committee – The Development Review Committee met on January 23rd. At this meeting, they discussed a proposed bed and breakfast in the County on Remount Road. The Committee heard from the owner of Blue Wing Frog, a new bakery opening on Chester Street about her project. The Committee discussed several other items in the Town including the proposed Town electrical substation on Rt. 55 West, cell tower additions and road priorities. They received updates on several ongoing projects as well including North Fork Resort and Front Royal Christian Schools. The Committee continues to enhance communication between the Town and County, other agencies, and applicants to help streamline review processes.

Building Inspections Department – The Department has instituted new permit review timeframes for residential and commercial building permits. Under the guidelines residential single family dwelling permits would be reviewed within 5-9 working days, simple plans for a finished basement/deck within 3-4 days. A copy of the complete schedule is attached and is available on the County website. Town and County staffs have scheduled a site visit to Gaithersburg, Maryland to review a permitting software package.

Shenandoah Farms Sanitary Districts – The County is currently advertising for a “Working Foreman” position. We hope to have the position filled in the next 30 days. Mr. Childress has submitted a draft Capital Improvement Plan (CIP) to the POSF Board for review and comment. The CIP is based on the recently completed Road and Drainage Study and includes a top 10 proposed project list. The list, once finally approved, will be used to prioritize projects in the upcoming construction season. The County will be moving forward with four rural addition projects in the 2013 construction season.

Eastham Trail/Phase II – The County received 5 bids for the project on January 22nd. We are in the process of reviewing the bids and will hopefully be in position to award a contract in February. County staff have completed clearing for the project over the past two weeks.

Community Center – Final revisions for the proposed parking lot expansion at the Warren County Community Center have been submitted to the Town. Staff will bid out this project this winter with an expected spring construction start.

Gertrude Miller Park/Little League Drive – The County has received final approval from the Town for proposed improvements to install stormwater facilities and to pave Little League Drive behind Bing Crosby Stadium. The project is out to bid with bids due on January 31st.

Skyline Soccerplex – County staff has started construction of a maintenance building to serve the site. The building should be completed in the next several weeks and will replace the sea container that has been used to store equipment since the site was opened.

North Warren Fire Station – Staff is working with the North Warren Title Holding Company to hold a celebration of the transfer of the station from the Holding Company to the County on March 30th. The event will recognize those

businesses, including the Town, in the corridor that partnered with the County to construct the facility.

Public Safety Building – Staff is working with the contractor to wrap up the final punch list items and complete building systems commissioning. It is hoped that this work will be completed in the next 30-60 days.

Health and Human Services Building – Contractor should be complete with the re-roofing project by January 31st.

Jennifer McDonald, Executive Director of the Economic Development Authority, noted that:

- They continued to work with the EPA and the Department of Justice regarding the covenants and restrictions pertaining to the Royal Phoenix site, adding that the meeting had been delayed again until March or April;
- A new bakery would soon be opening on Main Street, Baked Bagels & More;
- The EDA was assisting a coffee roaster on Main Street in order to identify financing;
- There was the possibility of a restaurant on Chester Street;
- A photographer was looking for space on Main Street;
- The Second Chance & The Vintage Swank buildings have been shown to prospects;
- An interested party is examining the Victoria's Restaurant building;
- Work continues with both Shenandoah University & the local high schools;
- They continue to work on the industrial round table regarding their issues & concerns;
- Large industrial interests: Project PJ Blue (200-300 jobs), Project Osprey (35-50 jobs);
- Two prospects are looking at the North American Housing Building on Strasburg Road;
- Project Wax – unsure of their product, though they are a manufacturer;
- Project Basil – food processing company prospect they are working with (325 jobs);
- There have been working with two prospects examining the Royal Phoenix site;
- Two prospects also on the Happy Creek site as well; and
- There has been interest and site visits to the McKay Springs property.

Councilman Sayre expressed his hope that the Town would be the type of community with a downtown gathering area such as Chicago. He noted that when he visited Chicago he noticed that their downtown drew people to gather, to eat, shop and have activities for all.

Councilman Sayre stated that some had asked about what would become of the Town Hall at this point. He noted that the site seemed to be doable for a Police Department if it were to be fully renovated.

Councilman Sayre noted that County Administrator Stanley had spoken to the Town some time ago about the LEEDS program and allowing the County to collect and use their rainwater. Mr. Sayre voiced hoped that the Town had not dropped the ball on the LEEDS issue.

Mayor Darr stated that he and other members of Council were fortunate enough to attend the Annual Front Royal Fire Department Banquet and it was so nice to participate in the recognition of those that serve the community. He expressed his appreciation to all they do the citizenry.

Councilman Tharpe moved, seconded by Councilman Sayre that Council add a second closed item to the agenda: consultation with legal counsel regarding the provision of legal advice pertaining to the Rappahannock-Shenandoah-Warren Regional Jail's decision to handle its waste water treatment through an on-site package plant.

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)
(By Roll Call)

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

CONSENT AGENDA ITEMS

A: COUNCIL REFER TO PLANNING COMMISSION: Make Recommendations to Town Code that would Restrict Unfinished Fence Sides from Facing Neighboring Properties

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council approve the Consent Agenda 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)
(By Roll Call)

COUNCIL APPROVAL – An Ordinance to Amend Town Code Pertaining to Freedom of Information Act (FOIA) Requests (2nd Reading)

Councilman Tewalt moved, seconded by Vice Mayor Parker, that Council adopt on its second and final reading an Ordinance to amend Front Royal Town Codes 12-6, 175-137.C, and 148-58.C pertaining to Freedom of Information Act (FOIA) requests.

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)

☞ ORDINANCE: §12-6 & 175-137.C – FOIA REQUESTS ☞

Ordinances To Amend Section 12-6 & 175-137.C Of The Front Royal Town Code Pertaining To Freedom Of Information Requests

WHEREAS, Town Code Chapter 175-137.C was modified on June 11, 2012 to include reference to charges associated with record requests submitted to the Town's Planning & Zoning Department under the Freedom of Information Act; and,

WHEREAS, the Town desires to fully define such FOIA requests and associated charges for general Town and for Planning & Zoning requests; and,

WHEREAS, the Town desires to provide availability to information in a timely fashion and provide simple requests requiring less than ½ hour of staff time or less than 10 pages of 8 ½” x 11” paper;

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapters 12-6 and 175-137.C. of the Front Royal Town Code is hereby amended as follows:

12-6 MISCELLANEOUS FEES

- Town Code, Hardcopy - \$100.00
- Update Town Code, Hardcopy - \$40.00 Per Year
- Town Right-Of-Way Vacation Application - \$100.00

Freedom of Information Act (FOIA) requests for available information shall be submitted to the appropriate Department that maintains the records sought for processing. Any request for records or documents from the Town is considered a FOIA request. All FOIA requests shall be communicated by the Department to the Town Manager and Town Attorney.

FOIA regulations allow the Town to assess a reasonable charge for the costs to access, search, duplicate, and supply the requested materials if they exist. The Town shall not assess fees if staff time is less than thirty (30) minutes and ten pages of 8 1/2 x 11 paper.

An individual requesting materials through a FOIA request will be notified as soon as practicably possible. The Town shall conform to all FOIA regulations established by the Commonwealth of Virginia to ensure access to all available Town documents.

175-137 FEES, CHARGES, & EXPENSES

C. Freedom of Information Act (FOIA) requests for available information shall be submitted to the appropriate Department that maintains the records sought for processing. Any request for records or documents from the Town is considered a FOIA request. All FOIA requests shall be communicated by the Department to the Town Manager and Town Attorney. FOIA regulations allow the Town to assess a reasonable charge for the costs to access, search, duplicate, and supply the requested materials if they exist. The Town shall not assess fees if staff time is less than thirty (30) minutes and ten pages of 8 1/2 x 11 paper. An individual requesting materials through a FOIA request will be notified as soon as practicably possible. The Town shall conform to all FOIA regulations established by the Commonwealth of Virginia to ensure access to all available Town documents.

COUNCIL APPROVAL – An Ordinance to Amend Town Code Pertaining to Utility Accounts (2nd Reading)

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council adopt on its second and final reading an ordinance to amend Front Royal Town Code 134-71 pertaining to utility accounts 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)

⌘ ORDINANCE: §134-71 – Utility Accounts ⌘

Ordinances To Amend Section 134-71 of The Front Royal

Town Code Pertaining To Utility Accounts – Payments/Termination of Service

WHEREAS, Town Code Chapter 12 was amended June 23, 2008 to increase the fee for a returned check. Town Code Chapter 12 was again amended June 25, 2012 to include other fees that include reconnection fees for non-payment; and,

WHEREAS, the Town desires to include the fees, previously approved for Chapter 12, to correspond with fees in Chapter Sections 137-71.B.1 and 137-71.D; and,

WHEREAS, the Town also desires to revise 134-71.C.4 “Persons in Poor Health” to allow utility account holders an extension on payment before utility service is disconnected due to non-payment; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapter Sections 134-71.B.1; 134-71.C.4 and 134-71.D of the Front Royal Town Code are hereby amended as follows:

134-71 UTILITY ACCOUNTS – PAYMENTS/TERMINATION OF SERVICE

B. PAYMENTS:

1. Due Date - Fines and Charges: All payments for water, sewer, electric, and garbage collection services shall be due within 20 days of the date of billing. Accounts, for which full payment is not received within 20 days, are delinquent. A late charge of 2% of the delinquent bill immediately shall be charged to the delinquent account. If the account remains delinquent for 10 days after the original notice, an additional service charge of \$10.00 shall be charged. Finally, a service charge will be required to reconnect service that has been discontinued due to non-payment. If the reconnection occurs during normal business hours, the reconnection fee shall be \$20.00-first reconnection fee; \$30.00-Second reconnection fee; \$40.00-third reconnection fee; \$50.00 reconnection fee for all other times per account.

2. Allocation of Payments: During a delinquency in the payment for any service (electric, water, sewerage, or garbage collection) any subsequent payment received for services will be applied first against the most delinquent account which is not subject to a defense of any applicable statute of limitations.

3. Budget Billing: Notwithstanding the foregoing, the Director of Finance, in his discretion, may enter into agreements with customers for alternative billing and payment schedules with persons on fixed or limited incomes.

C. TERMINATION OF SERVICES:

1. Notice: The Director of Finance shall notify the customer in writing of all 20 day delinquencies, imminent service termination, and right to contest as set forth below. Notice also shall be posted on the door of the premise with the delinquent account.

2. Protest: The customer may contest the bill by contacting the Director of Finance for the Town of Front Royal who will immediately schedule a hearing on the customer's claim that his account is not delinquent.

3. Disconnection of Service: If the matter is not successfully contested by the customer and arrearages remain 10 days after the date of the aforementioned notices, water service shall be disconnected. If the account remains delinquent after another 2 days, electric service shall be disconnected. If, however, the customer has not secured water service, electric service (rather than water) will be disconnected after 10 days. Notwithstanding the foregoing, no services shall be disconnected prior to a requested hearing.

4. Persons in Poor Health: Customer may seek an additional 30 days before water & electric services are disconnected if the Director of the Warren County Health Department certifies in writing to the Town of Front Royal Director of Finance that the customer has a serious medical condition or the customer resides with a family member with a serious medical condition. Upon providing certification the service termination may be delayed twice within a 12-month period, but may not be consecutive. Certification shall be valid for period of 365 days.

5. Conditions for Reconnection of Service:
Once disconnected, services shall not be restored to that customer until the outstanding balance (service fee(s), penalty, and reconnection fee(s)) for that service location is paid in full, unless the Director of Finance has approved other arrangements for payment in full.

D. RETURNED CHECK POLICY:
If a check is returned to the Town for any reason, the Director of Finance shall notify, in the same manner as provided above, the Customer. If payment, in full, plus a \$35.00 service charge is not received by the close of business three days after the date on the notice, all utility services to the customer's service location shall be disconnected. If the customer presents the Town with more than two bad checks during any twelve month payment, payment by check will no longer be accepted.

COUNCIL APPROVAL – An Ordinance to Amend Town Code Pertaining to Outdoor Display, Outdoor Sales and Outdoor Storage *(2nd Reading)*

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an ordinance to amend Front Royal town Code Chapter 175, Section 3, 44, 52, 53.7, 63, 70, 98.4, 98.5 100, 109.2 and 110.2 and Chapter 158, Section 19.1 pertaining to outdoor displays, outdoor sales and outdoor storage.

Vice Mayor Parker clarified that the version within the packet was the current version for approval. Mr. Camp noted that the version was correct.

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)
(By Roll Call)

ORDINANCE: Chapters 175 & 158 Sections Regarding Outdoor Displays
Outdoor Display, Outdoor Sales, & Outdoor Storage

Chapter 175

● **GENERAL PROVISIONS**

Section 175-3 DEFINITIONS

OUTDOOR DISPLAY – The keeping of products, goods, merchandise, and/or materials, excluding signs, outside of an enclosed building for the purpose of making it known that similar items or related services are available for purchase.

OUTDOOR SALES – The retail selling of products, goods, merchandise, and/or materials, outside of an enclosed building.

OUTDOOR STORAGE – The keeping, without retail sale, of products, goods, merchandise, and/or materials outside of an enclosed building.

PORTABLE STORAGE CONTAINERS - A large portable container, other than trailers and semitrailers, and which are typically referred to as “PODS” or cargo containers, that are transported to a desired location for use as storage of products, goods, merchandise, and/or materials. Portable storage containers are subject to the provisions of Section 175-109.2.

RECREATIONAL VEHICLE- also known as a “**MOTOR HOME**” and “**TRAVEL TRAILER**, every-vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use, that either has its own motive power or is mounted in, or is towed by another vehicle. The basic entities are: travel, fifth wheel trailer, camping trailer and motor home. The parking and storing of such vehicles is guided by Section 175-100. Such term refers also to travel trailers.

TEMPORARY TRAILERS – A transportable manufactured building, similar to a manufactured home, but not used for residential purposes.

TRAILER –Every vehicle without motive power designed for carrying property and passengers wholly on its own structure and for being drawn by a motor vehicle.

TRAVEL TRAILER - Any recreational vehicle.

● **COMMUNITY BUSINESS DISTRICT (C-1)**

Section 175-44 PERFORMANCE STANDARDS

A. Screening:

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building.
2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.

- a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.
3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-44.A.2.b.
- a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers, yard sales, and itinerant merchants that have obtained approval from the Town.
 - e. Pre-manufactured buildings.
 - f. Vending machines.
 - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.
 - h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.
4. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of ~~five (5)~~ six (6) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.
5. The provision of subsection 24 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.
- B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be directed so that the lighting does not extend beyond the property boundary. Lighting facilities shall be required

along private and public streets and within parking areas, installed at the developer's expense.

C. Miscellaneous:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
2. All fuel, and raw materials stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.
3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.
5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

D. Landscaping: All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.

• **DOWNTOWN BUSINESS DISTRICT (C-2)**

Section 175-52 PERFORMANCE STANDARDS

A. Screening:

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building.
2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.
 - a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping.

The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.

3. The following types of outdoor storage, outdoor display or outdoor sales shall be exempt from the requirements of Section 175-52.A.2.b.
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
 - e. Pre-manufactured buildings.
 - f. Vending machines.
 - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.
 - h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.
4. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of six (6) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.
5. The provision of subsection 2 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.
 - B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be down-directed so that the lighting does not extend beyond the property boundary. Where needed, lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.
 - C. Miscellaneous:
 1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

2. All fuel, and raw materials stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.
3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.
5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

• **HIGHWAY CORRIDOR BUSINESS DISTRICT (C-3)**

Section 175-53.7 PERFORMANCE STANDARDS

A. Screening:

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building.
2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.
 - a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.
3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-53.7.A.2.b.
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
 - e. Pre-manufactured buildings.
 - f. Vending machines.

- g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.
 - h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.
- 3. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of ~~five (5)~~ six (6) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.
- 4. The provision of subsection 2 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.
- B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be down-directed so that the lighting does not extend beyond the property boundary. All gasoline canopy lighting shall be down-directed and shielded to direct the lighting to the area under the canopy only. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.
- C. Miscellaneous:
 - 1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
 - 2. All fuel, ~~and raw materials and products~~ stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.
 - 3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
 - 4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.

5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

D. Landscaping:

1. All new developments shall provide for the planting, replacement and/or maintenance of trees on the site to the extent that, at maturity of twenty (20) years, minimum tree cover shall be at least ten (10) percent of the site area. Such sites shall be planted in accordance with the provisions of Section 148-46.
2. All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.

E. Building location and treatment:

1. Integrated development. All buildings within a property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically. Architectural treatment shall be designed so that all building facades of the same building (whether front, side or rear) that are visible from the public right-of-way shall consist of similar architectural treatment in terms of materials, quality, appearance and detail.
2. Building bulk and mass. All buildings and parking areas should be designed with treatments to break up the mass and bulk. The treatment of buildings shall include vertical architectural treatment at least every fifty (50) feet to break down the scale of the building into smaller components. Any facade with a blank wall must be screened in a manner approved by the Zoning Administrator. Architectural details shall continue on all facades visible from the public right-of-way.
3. Materials. Building materials for structures and retaining walls should be typical of those prevalent in Front Royal and Warren County, including stucco, brick, wood siding and standing seam metal roofs. Inappropriate materials include reflective glass, and plastic and fiberglass replications of natural materials. No facade visible from adjoining property or the corridor highway shall be constructed of unadorned cinder block, concrete, corrugated metal or sheet metal.
4. Color. The permanent color of building materials (to be left unpainted) should resemble primarily earthen tones.

● **LIMITED INDUSTRIAL DISTRICT (I-1)**

Section 175-63 PLANS REQUIRED; ADDITIONAL REQUIREMENTS

- A. Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show compliance with substantive provisions of this chapter and the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator

shall refer these plans to the Planning Commission for its recommendation. Modification of the plans may be required. Such plans shall be drawn in accordance with Sections 175-116 and 175-117.

- B. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building.
- C. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.
 - 1. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - 2. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.
 - 3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-63.C.2.
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors. Plants and other landscaping products typically sold with plants.
 - c. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
 - d. Pre-manufactured buildings.
 - e. Vending machines.
 - f. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.
 - h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.
- D. The Planning Commission may require landscaping within any established or required front setback area. The plans and execution must take into consideration traffic circulation. Landscaping may be permitted up to a height of three (3) feet and to within fifty (50) feet from the corner of any intersecting streets.
- E. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking, which shall be in accordance with the provisions set forth in Section 175-104.
- F. The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty-day period. Failure on the part of the

Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

• **INDUSTRIAL EMPLOYMENT DISTRICT (I-2)**

Section 175-70 PERFORMANCE STANDARDS

The following performance standards shall apply to all uses within the I-2 Industrial Employment District:

A. Vibration:

1. No continuous, frequent or repetitive vibrations shall be produced which are discernible to a person of normal sensitivities, without instruments, on land that is not zoned for industrial uses.
2. Vibrations from temporary construction and vehicles leaving the property (such as trucks or trains) are excluded. Vibrations from on-site equipment or vehicles that remain primarily on-site are included.
3. Vibrations of no more than five (5) minutes in any one (1) day between the hours of 7:00 a.m. and 7:00 p.m. shall not be deemed continuous, frequent or repetitive.

- B. Glare: Any operation or activity producing intense light or glare shall be performed in such a manner as not to create a glare effect across lot lines. Direct illumination from any source shall be screened from adjoining properties.

C. Heat:

1. Heat from an industrial use shall not at any time cause a temperature increase in the air on any adjacent property in excess of ten degrees Fahrenheit (10 F.).
2. Heat from an industrial use shall not at any time cause a temperature increase in a stream, wetland, lake or any other body of water, at or beyond the property line of the lot on which it is located, that would have an adverse effect on any aquatic life.

D. Liquid or solid wastes:

1. No industrial use shall result in the discharge of liquid or solid waste into any public sewer, private sewage system, public waters or into the ground except in compliance with applicable federal, state or local laws governing such discharge.
2. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects.
3. All discharges into any public sewer shall comply with the provisions of Section 134-2, et seq.

E. Smoke and particulate matter:

1. Open storage and open processing operations, including on-site transportation movements which are the source of windborne dust or other particulate matter or which involve dust or other particulate air contaminant generating equipment (such as

used in paint spraying, grain handling, sand or gravel processing or sandblasting) shall be conducted so that dust and other particulate air contaminants are not transported in visible quantities across the boundary line of the tract on which the industrial use is located.

- 2. All industrial uses shall comply with state and federal air pollution control regulations.

F. Toxic and hazardous materials:

- 1. All toxic and hazardous materials used in industrial operations shall be registered with the Front Royal Fire Department for purposes of safety.
- 2. Activities involving the storage or use of materials or products which decompose by detonation shall be registered with the Front Royal Fire Department.
- 3. Explosives shall be stored, used and manufactured in accordance with applicable state and federal regulations.

G. Odor:

- 1. No continuous, frequent or repetitive emission of odors or odor-causing substances of such intensity and character as to be detrimental to the health and welfare of the public or neighboring landowners or to interfere with the comfort of the public or neighboring landowners at or beyond the property line shall be permitted. Any such odor or odor causing activity or substance shall be removed, stopped or so modified as to remove the odor.
- 2. An odor which is evident no more than once in any one (1) day for a period not exceeding five minutes shall not be deemed as continuous, frequent or repetitive within the meaning of these regulations.

H. Noise:

- 1. No industrial activity shall generate noise that tends to have an annoying or disruptive effect upon uses located beyond the property boundary.
- 2. Where technical evidence of violation is warranted, sound levels shall be measured at locations specified in Section 175-71 with a sound level meter and associated octave band filter, manufactured in accordance with the American Standards Association. Measurements shall be made using the flat network of the sound level meter. No sound pressure level shall exceed the decibel levels in the octave bands shown herein.
- 3. Maximum permitted sound levels (in decibels):

TABLE 175-70.H.3.

Octave Band Cycles Per Second	Maximum Permitted Sound Level in Decibels
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0 to 75	72
5 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	41
2400 to 4800	38
Above 4800	35

I. Screening:

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building.
2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.
 - a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.
3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-70.1.2.b.
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
 - e. Pre-manufactured buildings.
 - f. Vending machines.
 - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.
 - h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.

4. All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.
5. Automobile graveyards and junkyards, including those in existence at the time of the adoption of this chapter, shall completely screen, on any side open to view from a public road, the operation or use by a solid masonry wall, a uniformly-colored solid fence or dense evergreen plantings at least six (6) feet in height at the time of planting.

- **ENTRANCE CORRIDOR OVERLAY DISTRICT (EC)**

- **Section 175-98.4 REVIEW FOR DESIGN COMPLIANCE**

- A. When Required: The requirements of the EC District shall be applicable to any property located within the EC boundaries for new development, exterior renovations, and new land use activities that propose outdoor lighting, outdoor storage, outdoor sales, and/or outdoor display areas, except that the following exceptions shall be exempt from the requirements of the EC.

1. Regular maintenance of structures, including minor alterations that do not significantly alter the appearance of the structure.
2. Single-family detached dwellings.
3. Accessory buildings under 200 square feet in area.
4. Additions less than 500 square feet in area for buildings existing as of January 1, 1999.
5. Exempt signs and temporary signs.
6. Authorized temporary or seasonal activities and structures.

- B. Review Authority: The review authority responsible for the review and approval of projects in accordance with the EC shall be the Director, except for the construction of new buildings and new non-exempt ground-mounted signs, which shall be reviewed by the Planning Commission. Such review shall take place in conjunction with the review of the site development plan or a zoning permit for the property.

- **Section 175-98.5 SITE AND DESIGN STANDARDS**

- A. Outside storage, outdoor display or outdoor sales: In addition to the standards for the underlying zoning district, outdoor storage, outdoor display and/or outdoor sales within the EC District shall be reviewed by the Planning Commission when located within the required yard adjacent to Route 340. The Planning Commission may place reasonable design conditions on such activities, including the designation of a specific area to be used, and/or the requirement of a distance buffer, screen or landscaping.

Section 175-100

RECREATIONAL VEHICLES AND TRAVEL TRAILERS.

- A. Recreational vehicles and travel trailers may be stored in a side, corner side, or rear yard of a lot, provided they are stored in a location that meets the minimum yard requirements as would be required for an accessory structure of the same dimensions. Except as provided in subsection B below, no recreational vehicles shall be stored closer to a street than the minimum setback line or yard requirement in any district and occupancy shall be prohibited. Other restrictions, as found under Chapter 158, Section 19.1, apply to the parking of recreational vehicles within the public right of way.
- B. Temporary parking of recreational vehicles and travel trailers may be allowed in the front yard only for the following circumstances:
 - 1. Temporary parking of up to three (3) consecutive days, located entirely on private property, and on a paved driveway, for the sole purposes of cleaning and preparing the unit for use or storage.
 - 2. Temporary parking of up to fourteen (14) days within any calendar month, up to three times during the calendar year, for temporary accommodation of visitors. The vehicle shall not be permanently connected to public utility system. However, the vehicle may be connected to electricity temporarily for charging batteries or other purpose related to the preparation of the vehicle for use.
 - 3. Temporary parking for the purpose of camping where campgrounds are permitted, or permitted by special use permit.
 - 4. Extensions of time to the above restrictions of this subsection may only be granted under the same conditions as found under Section 175-109.2.E.

Section 175-109.2 PORTABLE STORAGE CONTAINERS.

- A. Portable Storage Containers - Notwithstanding any contrary provision of the Town Code, portable storage containers located outside of a fully enclosed building or structure shall be permitted in all zoning districts, subject to the following restrictions:
- B. In residential districts and commercial business districts, no more than one (1) portable storage container shall be allowed on a lot of record, and for no longer than a total of thirty (30)-days in any consecutive twelve (12) month period. In industrial districts, the use of portable storage containers shall be limited to a period of time not to exceed (90) days, unless the portable storage containers are converted to permanent structures that comply with all applicable zoning and building code requirements.
- C. In agricultural districts, on lots where the principal use is a bona fide agricultural activity, and in industrial districts, there shall be no restriction on the number of portable storage containers permitted as accessory uses.
- D. In commercial business districts, portable storage containers may be allowed for more than thirty (30) days in any consecutive twelve (12) month period upon approval of a special use permit.
- E. In any district, if the owner or lawful occupant of property can demonstrate, to the reasonable satisfaction of the Zoning Administrator, the need to continue the use of a

portable storage unit on the property to alleviate an issue or problem to permit or allow the reasonable use or repair of the property occasioned on or to the property due to an act of God (defined herein as a natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by natural or non-negligent accidental causes), the Zoning Administrator may extend the use of portable storage containers on the property for a period of thirty (30) days longer than the corresponding period otherwise allowed in that district. The Town Manager may authorize additional extensions when such extension of time is necessary to permit or allow the reasonable use or repair of the property for the reasons set forth in the above sentence.

- F. In residential districts, no portable storage containers shall have dimensions greater than sixteen feet (16') in length, eight feet (8') in height or eight feet (8') in width. Portable storage containers in commercial business districts shall be limited to twenty feet (20') in length, eight feet six inches (8' 6") in height or eight feet (8') in width.
- G. No portable storage container shall be located closer than five (5) feet from the side or rear property line.
- H. Portable storage containers shall not be located closer than eight (8) feet from required parking spaces, and shall not project into any area required for vehicular mobility and maneuvering.
- I. Portable storage containers shall be allowed only upon issuance of a permit by the Zoning Administrator. The fee for such permit shall be set by Town Council by resolution.
- J. Only one (1) portable storage container per one (1) calendar year period shall be allowed per lot or parcel of record in residential and commercial districts; and only one (1) portable storage container per twelve (12) consecutive month period shall be allowed per owner or lawful occupant of property.

Section 175-110.2 TRUCKS AND SEMITRAILERS.

- A. In the zoning districts listed below in this subsection, it shall be unlawful for any person, firm or corporation to keep, park or store upon any lot any tractor truck or semitrailer designed to be used with a tractor truck, as defined in Virginia Code Section 46.2-100, or any truck with a registered gross weight in excess of twelve thousand (12,000) pounds. These provisions shall apply regardless of whether such a vehicle is kept, parked or stored in the open or within an enclosed structure.
 - 1. R-1 District.
 - 2. R-1A District.
 - 3. R-2 District.
 - 4. R-3 District.
 - 5. PND District (only within areas approved solely for residential use).
- B. The provisions of subsection 175-110.2.A. shall not apply to any of the following vehicles:

1. School buses, church buses and other buses engaged in public transportation.
 2. Pickup trucks with a registered gross weight of twelve thousand (12,000) pounds or less.
 3. Panel truck with a registered gross weight of twelve thousand (12,000) pounds or less.
 4. Motor homes, camping trailers and recreational vehicles as defined in Virginia Code Section 46.2-100. See 175-100 for recreational vehicle regulations.
 5. Trailers of every type, except semitrailers designed to be used with a tractor truck.
 6. Hospital mobile units and fire and rescue vehicles.
 7. Vehicles owned and operated by public utilities.
 8. Farm vehicles used in agricultural pursuits on parcels of land one (1) acre or larger.
- C. The provisions of subsection 175-110.2.A. shall not apply to any vehicle which comes upon property for pickups, deliveries and service to property made in the regular course of business or which comes upon the property in the course of construction, maintenance or improvement to the property or adjoining streets and facilities.
- F. Other than areas where semitrailers are restricted, as listed above under subsection A, trailers may be used for temporary storage; provided that, (i) the location of the semitrailer(s) is not located in the required yard area adjacent to any public street, (ii) the location of the semitrailer(s) does not interfere with required parking, vehicular mobility and vehicular maneuvering, (iii) the location is on an all-weather surface material, (iv) all fire and building code requirements are complied with, (v) a zoning permit is obtained from the Town, and (vi) no more than one trailer for temporary storage shall be permitted on property in any commercial zoning district. A 6' high opaque fence, hedge, landscape screen, wall, building wall, or berm may be used for screening to prevent view of a trailer used for temporary storage.

CHAPTER 158

Section 158-19.1. PARKING OF TRUCKS AND TRAILERS

- A. Definitions. For the purpose of this section, the following words and phrases shall have the meanings as stated herein.

MOTOR HOME - Every private motor vehicle with a normal seating capacity of not more than (10) persons, including the driver, designed primarily for use as living quarters for human beings. Motor homes with a registered gross weight in excess of seven thousand five hundred (7,500) pounds are also classified as trucks.

... [Editor's note: all other definitions not shown but remain the same]

- B. Residential Zoning Districts

It shall be unlawful to park trucks, tractor trucks, trailers or semitrailers upon the public streets and alleys of the Town of Front Royal located in any residential zoning district.

COUNCIL APPROVAL – Funding for Water and Sewer Systems at the Guard Hill and Crooked Run Pump Stations

Vice Mayor Parker moved, seconded by Councilman Tewalt that Council approve funding in the amount of \$51,500 for development of a Preliminary engineering Report, hydraulic mode and design for upgrades needed to the Guard Hill Water Pump Station and Crooked Run Sanitary Sewer Pump Station to supply water and wastewater services to Virginia Dominion Power, contingent upon reimbursement from Virginia Dominion Power as per agreement with the Town, he further moved to have Staff work with CHA Consulting, Inc. and the Virginia Department of Health to meet Dominion Power’s expedited schedule.

Mayor Darr asked Mr. Burke to explain some of the philosophies on the matter. Mr. Burke clarified that Staff received contact from Dominion requesting an accelerated schedule at the site. He noted that they have been working to develop the bid documents and have coordinated with Dominion to ensure matters are in place with CHA. Mr. Burke added that CHA submitted a revised schedule to the Town and parallel schedules would run and additional schedules would be coordinated with the Department of Health.

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)
(By Roll Call)

Councilman Tharpe suggested that the Town look at the Criser Road area for upgrades.

COUNCIL APPROVAL – Budget Transfer and Funding for the Front Royal-Warren County Power of Partnerships Alliance (POPA) Proposal

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council approve a Budget Transfer in the amount of \$3,800 to fund the proposal from the Front Royal-Warren County Power of Partnership Alliance (POPA); and he further moved that Council authorizes Staff to use \$3,800 from the Community Development Position with funds being reimbursed to POPA after authorization by Tourism.

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)
(By Roll Call)

CLOSED MEETING – Acquisition of Real Property for a Public Purpose/Disposition of Publicly held Real Property and Personnel Matter

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council is requested to convene and go into a Closed Meeting for the purpose of 1) discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real 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; 2) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of a public body, pursuant to Section 2.2-3711.A.1 of the Code Virginia; and 3) for the purpose of consultation with legal counsel employed or retained by a public

body regarding specific legal matters, requiring the provision of legal advice by such counsel, namely, the Rappahannock-Shenandoah-Warren Regional Jail's decision to handle its wastewater treatment through an on-site package plant pursuant to Section 2.2-3711.A.7 of the Code of Virginia.

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)

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 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, Tewalt, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 9:45 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council