

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on June 23, 2014, in the Warren County Government Center’s Board Meeting Room. Mayor Darr led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Timothy W. Darr
Vice Mayor N. Shae Parker
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Eugene R. Tewalt
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

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

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council approve the Regular Council Meeting minutes of June 9, 2014 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

Rev. Kelyla Spicer, of 288 Meadow Branch, Middletown, in Warren County, noted that she spoke of a representative of her community. She stated that she was pagan, though she clarified that she was not a gypsy. She explained that this was not a religious debate and the Town Council should remove the law. Rev. Spicer stated that she disagreed entirely with the speakers at the previous meetings. She noted that George Washington spoke of the unimportance of a person’s religious basis in the quote: “If they are good workmen, they may be from Asia, Africa or Europe; they may be Mahometans, Jews, Christians of any sect, or they may be Atheists,” and asked that Council remember that people should be looked upon as good men by their actions, not by their faith.

Rev. Spicer noted that her group of people was being tragically mislabeled and the law was written illegally and it is discriminatory. She stated that people should be educated, as they were not Satanists. Rev. Spicer stated that her group of people raised money for the elderly in the community, provided assistance to the library, and to women in abusive relationships as well; and that was just a few examples. She noted that Town’s current law is degrading, adding that there are many members working in the hospital and at the police department and there is no need to have degrading law on the books. Rev. Spicer stated that it is against their belief system and it is discriminatory, illegal and wrong.

Rev. Esmeralda Barnes, of 525-K E. Market Street, Leesburg, Virginia, read the following statement into the record:

I've driven a long way and despite very serious health issues, to stand with the family of earth-based religions of this community—pagans, Druids, mystics, Gypsies and witches, to name a few of us. I have lived and worked in the Shenandoah community both as a minister and priestess and on an organic farm, in the fields. I still have counseling clients who live here in Front Royal. Your municipal code 110-17 contains insidious, ignorant and racist language that has no place in a country laying claim to being “home of the free,” including the freedom to practice the religion of one’s choice, not the religion of the majority’s choice. Before I address that, I offer some brief background on myself and the issue at hand.

I'm a seminary-trained interfaith minister and a proud 4th degree high priestess in a 13-degree tradition that honors many earth-based and mystical paths, including my own Craft of the Wise, also known as witchcraft. My counseling practice of some 15 years now includes clients from atheists to Zoroastrians.

I partner with doctors, social workers and others who share my commitment to doing what it takes to help people heal from the many wounds this world inflicts and the self-inflicted wounds that arise out of hatred, loathing and fear. Some of us (including me and, for example, some well-trained and spiritually focused licensed therapists and social workers) work with mystical tools, such as tarot, an ancient oracle rich in both religious and psycho-spiritual symbolism with many healthy uses in both spiritual and mundane therapy, for those so inclined. But like any tool, including so-called holy books, such as the Bible, what separates beneficial from detrimental uses is knowledge, interpretation, intent and perhaps, as we say in my circles, reverence for the many paths up the mountain of spiritual growth. Reverence for these many paths is perhaps the hardest, as our world, never-mind our country, remains embattled in blood unholy wars over this very issue.

Holy wars don't belong here. But your ordinance invokes a fight, as it maligns innocents indiscriminately, guilty until proven innocent.

Regardless of the tools we use, classifying us as “fortune-tellers” is as offensive to us as it would be to call a priest an altar boy. We train. We teach. We help heal. We offer tools and ways to empower. We help sometimes when other more traditional ministers or pastors turn their backs. Should we become aware of a so-called charlatan among us—more on that shortly—most of us will not sit passively. We re-educate or re-direct the would-be victim with simple and healthy tools and ways to restore their balance, power and peace. If we have to, we have no problems reporting harmful practices to the authorities. Often, we take no personal payment for these cases and the client only pays for the cost of the tools we recommend to effectively address the problem, which often costs no more than a couple of dollars for supplies available at a local grocery store. If we have these tools on hand, we often offer those too, free of charge. When a client comes to us and they have no or little money, many of us help anyway, full-service. Wealthier clients help us redistribute wealth to pay for those who need us and can't pay. This is our mission first. We aren't in this for the money.

The practice in traditional Christian churches of giving prophecies to parishioners and even doling out “anointed cloths” or other artifacts with promises of divine blessings or protection is something I have both witnessed live in churches and among many televangelists nationwide. In your town, it appears this would be acceptable among your traditional pastors. Should we do that, those of off-the beaten spiritual paths and religions, it appears you would classify us as charlatans or peddlers or so-called “fortune-tellers” with an inflection that is totally disrespectful and belittling, given not only our respective legacies but our actual work.

This inequity channels bigotry, not to mention racism, specifically. We are not business people first. We are ministers first, to restate the point. Tell your local (mystical) ministers to obtain a \$400 business license, when they are doing the same thing your Christian ministers do, just with different tools—to tell these ministers who do not make a sizeable living and are merely practicing their religions right down to ministering to those who seek their help—is to favor the local majority religion. Do your local Catholic or Christian clergy have to purchase business licenses?

While we are on the subject, the Catholic Church, from the incense mix of frankincense, benzoin and myrrh right down to transubstantiation, the mystery of turning the Eucharist and wine into the body and blood of Jesus Christ, borrowed elements of pagan paths and repackaged them as original to the Catholic Church. We use holy water to purify too. Why is it more OK for them to perform mystical services for their congregants than it is for us to do the same without being labeled and sent to purchase business licenses?

There are ministers, and I bet some local to you, who also divine, but they call it “prophecy” as part of their spiritual expression, and they share that gift (called one of the “gifts of the spirit”) with those who seek them, using the same tools we do. If it is not “demonic” or illegal then, if a traditional minister does not have to obtain a business license to perform his or his prophecy service, why must we of so-called alternative religions? You clip the wings of our ministries when you reduce us to fortune-tellers peddling our wares and asses us with a special licensing fee. This is gravely wrong, both ethically and legally.

I could not convince to come with me today my Gypsy friends and clients, some of whom are practitioners of their beautiful and ancient spirituality. The wounds from discrimination and cruelty—all caused by those invoking an allegedly righteous god—run deep and across generations. These are good and beautiful and deeply spiritual people hailing from Romania and Bulgaria and elsewhere, but now also Americans—Americans with rights that should be inviolable. So today, I stand for them, as a Latina woman of mixed race following a much-maligned spiritual path who is intimately familiar with such wounds.

As a minister of interfaith, I stand for all people who are maligned with the broad brush stroke of ignorance in the name of some god, an oxymoron, as no loving god worth honoring would sanction such. It is blasphemous pure and well-beneath the dignity of well-educated people.

Charlatans—and we needn't look far neither in distance nor in time—exist across religions, in every culture, in every community the world over. To officially assign corruption to ONE group of people, when it is so overtly pervasive among HUMANS, is to see only the splinter in your neighbor's eye, and miss the beam in your own.

In the context your ordinance employs, the use of the word "Gypsy" is a racial epithet. To permit one racial epithet is to permit all of them. For when discrimination in this form is sanctioned against one group, all are in danger of the same.

An ordinance that boldly births this cruelty and racism and exclusion can only infuse a community with a malignancy—the same type of malignancy that has streets running red with blood in unholy wars the world over. Nobody wins those.

Across churches in this country, the tithing force—the conviction compelling parishioners to open their wallets supports the administrative and other costs of running those ministries, not the least of which the Catholic church and its Vatican, all functioning businesses in their own rights, ministries aside. Those practicing alternative religions also have ministries that require dollars and cents, and by the way, families to feed, just as more traditional ministers do. None of us can call Verizon or any vendor or debtor and make payment with prayers, good intention and Reiki or white light energy.

To make such a callous judgment indicting the many practitioners of misunderstood paths—mystics, including Gypsies, spiritual teachers, high priests and priestesses, healers, shamans all—to effectively indict US who accept payment for healing services (while your own churches do the same under the same spirit of religious freedom) is to draw a dangerous distinction dripping in hypocrisy and entitlement, not many shades different than the discriminatory and inhumane laws that forbade African Americans the same rights afforded to white Americans.

Where one is not free, none are. Where one faces discrimination, all do. What we do to others, we do to ourselves. Human history has taught us painful lessons on the cost of denying anyone fundamental human rights, including the right to feed and clothe our families, even as ministers and spiritual teachers from so-called alternative, off-the-beaten path religions.

Those who live in glass holy houses should not throw stones. If ignorance is not met with education, then we all are in danger of repeating the violent mistakes of our collective past.

I stand here in the name of peace and the right of every human, every American to practice the religion of their choice, free of prejudice, discrimination and stereotypes that get people hurt and killed. This includes the right to dedicated one's life to healing and helping others from the principles of one's respective, chosen religion or tradition and be compensated for some of the time we spend with those who seek us out. It is apparent that you don't know us. That is no crime. What is a crime, what is shameful is choosing ignorance over education and therefore spreading and

allowing hatred that endangers lives. The hysterical and misinformed responses of some of your townspeople come right out of a true darkness, born right out of their unchecked fears. I'm not sure they, nor you, see it.

This darkness has a name. It's called ignorance and it's about as benign as Christianity's Lucifer appearing as an angel of light. Cast it out of your community, beginning with the ordinance and ending with making it safe for people of all religions to show up here, stand up fearlessly, because we all have a right to be here. We should not have to justify ourselves or apologize for existing, especially if your other ministers don't have to. We would fight for your rights just as hard as we will fight for our own.

Make Front Royal a leader for justice and peace, and don't wait for the streets to run red with the blood of innocents. I'd like to thank my priestess sister in spirit, Maya White Sparks, for her courage and integrity. To you, this council, I leave you with these last words. Make ignorance your enemy, not us.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that the Town's utility payment would be closed in the coming days for maintenance;
- Noted that the July 4th offices and trash collection would be rescheduled for the holiday; and
- Reminded citizens that Town has been recognized by the GFOA FY12-13 CAFR 27th consecutive year for being recognized for compliance and commended Mrs. Gilkey-Breden for her work

Jennifer McDonald, Executive Director of the EDA, stated that the open house event plans continue to be organized for this coming fall. She announced that individuals continue to fish from one of the ponds on the Royal Phoenix property, though no admittance is currently allowed on the site. She stated that the new Police Department property paperwork was processed and they went through closing recently. Mrs. McDonald noted that the Naughty Girls Donut Shop in the Corridor would soon be holding their grand opening and invited everyone to attend. She stated that a proposal was being submitted for a local golf course in the community. She mentioned the fast food establishments, a pharmacy, bakery and other businesses the EDA continued to work with in the past month, as well as developers on Main Street. She stated that the Leach Run Parkway work continues, with a contractor on site in the fall most likely and an 18 month timeline for the roadway. Mrs. McDonald thanked the Planning Office of Front Royal for their efforts in sending out the new business license list to the EDA.

Councilman Hrbek asked about the Route 55 location for the Leach Run Parkway entrance. Mrs. McDonald noted that it was right next to Dynamic Life.

Councilman Sayre asked about the September 20th event. Mrs. McDonald stated that congressmen and EDA representatives would give speeches, as well as local representatives including vendors and tours of the site, along with kid's activities. She added that currently there were no options for walk-thrus of the area.

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

Flood Damage – The County is nearly complete with repairs to Gertrude Miller Park to address damage caused by the storm and subsequent flooding we experienced on May 15th-16th. Both of the softball fields and the Champs 53 field along Happy Creek were wiped out. The ball diamonds and outfield fences have been replaced at the two softball fields and work continues on the Champs 53 field. There is also some asphalt that will need to be repaired adjacent to the concession stand at the Champs 53 field. The total cost of these repairs came to \$56,450. This figure does not include non-overtime labor costs.

Reassessment – The County Reassessment process for the 2015 Reassessment began on September 3, 2013. To date approximately 14,398 of the 26,451 parcels have been completed. Work is now being done in the Town of Front Royal and the Shenandoah Farms area. Appraisers will be in that area viewing properties, which may include taking photographs and knocking on doors to verify information.

Community Development

Development Review Committee – The Development Review Committee met on May 28th. The Committee discussed several projects in the County including: pending applications for short-term tourist rentals; a new cross-fit gym in Linden; a doughnut shop at Riverton Commons; the Marriott hotel; and the subdivision variance application for Blue Ridge Shadows. The Committee discussed several projects in the Town including: the possible relocation of a restaurant from Main Street to Commerce Avenue; an insurance business on North Royal Avenue; and the possible utilization of the second floor of the Salvation Army building for temporary housing. The Committee will meet again on June 25th.

Shenandoah Farms Sanitary District – The County has received approval of the local agreement for Old Oak Lane – Phase I. The engineer is working on the road design on for Old Oak Lane. Staff is hoping to construct that project this construction season.

Warren and Clarke Counties Microenterprise Assistance Program – County representatives continue to work with People Inc. and Clarke County on finding small existing or start-up businesses looking for an opportunity to grow. People Inc. held classes in Warren County on May 13th, 14th and 16th on Business Basics, EBay and Etsy basics, Marketing and Social Media, Understanding Your Credit, and Customer Service. Anyone that is interested in receiving assistance should contact People Inc. at (540) 459-9096.

Project Updates

Dominion Project – The project is approximately 87.3% complete. As of last week 855 employees were on-site. The employee totals should continue to drop about 100 per month until completion of the project.

DEQ held a public hearing on the modifications for the air permit for the facility at the Warren County Community Center on May 12th. The proposed amendment will not substantially change air quality impacts as compared to the original permit application for this project. Results of the updated air quality analyses for the facility for both Class I and Class II PSD areas demonstrate compliance with all applicable state and federal air quality standards.

RSW Regional Jail – The facility has been completed. The ribbon cutting was held on June 27th and more than 1,500 people toured the facility.

Old Treasurer's Office – Work has been completed on the renovation of the Old Treasurer's Office in front of the Courthouse. The ASAP program will relocate from the Teledata Building to that location. The Treasurer's Office was originally constructed in 1876. Renovation included removal of paint on the brick and repointing of the brick, reconstruction of the chimneys and restoration to the original look of the building including repainting the roof the original black color. On the inside staff repainted, and installed new carpet, heaters, and bathroom fixtures. Thanks to Jeff Hayes Project Manager, Construction Project Coordinator Alan Munson and the various staff members and inmates that worked on the project.

Leach Run Parkway – Final plans for the project will be submitted to VDOT last month for approval. It is anticipated that the project will be bid in August with bids due in September. County and EDA staff continue working with Davenport and the Virginia Resource Authority on financing for the project.

Health and Human Services Complex – Pennoni has submitted the site plan last month for the parking lot expansion/improvements to the Town for review and approval.

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

Route 340/522 Landscaping Project – County staff have been working to install the 3rd phase of the project on the stretch of median between Fairgrounds Road and the McKay House. Work should be completed within the next week.

Simpson's Landing Boating Access Project – Staff has completed the required Joint Permit Application and submitted it to the Virginia Marine Resource Commission. Construction of the boat slide is ready to begin once the necessary environmental permits have been obtained. The project should be completed by October 1st.

Solid Waste

Catlett Mountain – Pennoni will be putting the plans for the Catlett Mountain project out to bid this week with bids due mid-July.

VDOT

Revenue Sharing – At the CTB meeting last week, VDOT approved the County’ five revenue sharing (rural addition) projects for FY 2014-2015. These projects include:

Priority	Project	Total Estimated Cost	County Share	Subdivision Sanitary Dist Share	State Contribution
1	Pine Ridge	\$486,000	\$121,500	\$121,500	\$243,000
2	Valley Overlook	\$325,000	\$81,250	\$81,250	\$162,500
3	Old Oak Lane - Phase II	\$554,000	\$138,500	\$138,500	\$277,000
4	Fellows Drive Phase III	\$255,000	\$63,750	\$63,750	\$127,500
5	Old Oak Lane - Phase III	\$411,500	\$102,875	\$102,875	\$205,750

The following is an update of ongoing projects:

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
Rockland Park Disc Golf Course	N/A	\$15,000	Fall 2014	Waiting until Parking Lot Completion
Indian Hollow Bridge	Spring 2013	\$5,134,833	Spring 2015	Under Construction
Oregon Hollow Road	11/20/13	\$2,458,506	Fall 2014	Waiting on Utility Relocation
Gooney Creek Bridge	11/20/13	\$14,664,392	Fall 2015	Under Construction
South Fork Bridge	9/2013	\$74,700,000	2018	Under Construction
Health and Human Services Complex – Renovation	Summer 2014	Unavailable	Summer 2015	Request for Construction Documents will be on 5/6 Agenda
Health and Human Services Complex – Parking Lot	Summer 2014	Unavailable	Fall 2014	Site Plan Submitted to Town
Old Treasurer’s Office	Fall 2013	\$7,500	Spring 2014	Completed
Rockland Park – Recreation Access Project	Spring 2014	\$600,000	Fall 2014	Behind Schedule
Rockland Park – Playground/Shelter/ Parking Lot Project	Spring 2014	\$300,000	Summer 2014	Pre-con Meeting 3/24

Linden Entrance Sign	Spring 2014	\$7,000	Spring 2014	Completed
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Councilman Tewalt asked about the Morgan Ford Road bridge. Mr. Stanley stated that they awaited documents from the State, pertaining to the aesthetic look of the bridge.

Councilman Sayre asked about the flooding at the Gertrude Miller Park. Mr. Stanley noted that the County would be on board with any enhancements with correcting the flooding in the area, however; there would be difficulty in solving the issue permanently.

Vice Mayor Parker noted that in reference to the tarot card reading matter that some speakers made mention of, the Town Council did not know of the Code Section, nor did they enact the Code referenced. He added that there is another section of the Code that does prevent the prior section from being enforced and the offensive Code was written many, many years ago and it is Council's intention to rectify the matter. Vice Mayor Parker personally thanked Ms. Sparks for bringing to the Town's attention.

Councilman Hrbek noted that there were issues with many words in the Code and he would like to see the Code rewritten, as the original purpose was to prevent peddlers. He added that it was written some time ago, during a different time. He asked that Council bring the matter back, amended without the inappropriate language.

Councilman Sayre asked if someone could do their tarot card reading under the business license process with the \$400 fee. Town Attorney Napier noted that they could under the current law in place. Mr. Sayre asked if they need not change the Code currently. Mr. Napier noted that it was best to change the Code to clean up the language, though, as written it is not enforceable.

Mayor Darr stated that the new Regional Jail was well made and will serve the community for many years.

Mayor Darr noted that there have been many articles in the paper and reminders to the community about children and families on bicycles and he asked all to be mindful of the youth and families on bikes this time of year and throughout the remainder of the summer.

Mayor Darr announced that this Wednesday, the Town of Front Royal would be sponsoring the Front Royal Cardinals game and he invited the public to attend.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL: Bid – UV Disinfection Equipment for Water Treatment Plant
- B. COUNCIL APPROVAL: Bid – Chemicals for Water Treatment Plant
- C. COUNCIL APPROVAL: Bid – Chemicals for Wastewater Treatment Plant
- D. COUNCIL APPROVAL: Bid – Various Grades of Stone for FY15
- E. COUNCIL APPROVAL: Bid – Various Grades of Asphalt for FY15
- F. COUNCIL APPROVAL: Deed of Easement - Bedford Drive Curb/Gutter Installation
- G. COUNCIL APPROVAL: Deeds of Easement for Acceptance of Water and Sewer Facilities for the RSW Regional Jail

Councilman Tewalt moved, seconded by Councilman Funk 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)

PUBLIC HEARING – Ordinance to Amend Town Code Pertaining to Emergency Access to Water Meters and For Non-Emergency use of Water from the Fire Departments (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to amend Sections 134-41 and 134-46 of the Front Royal Town Code pertaining to emergency access to water meters and for non-emergency use of water from the fire departments as presented.

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 Tewalt, that Council affirm on its first reading an Ordinance to amend Sections 134-41 and 134-46 of the Front Royal Town Code pertaining to emergency access to water meters and for non-emergency use of water from the fire departments as presented.

Councilman Tewalt asked about a plumber submitted question he received regarding a leak between the house and the meter, and as whether that is considered an actual emergency. He encouraged Council to consider protecting the public as well as the Town.

Mayor Darr asked if it was included and could it be included. Mr. Burke noted that they would need to contact the Police Department to have Town Staff make the non-emergency cut off. He stated that such requests have been received and typically it is about 30 minutes for Staff arrival time, though plumbers tend to say it is about two hours in length.

Councilman Tharpe stated that though plumbers can turn water on and off, the Town has experienced issues with individuals falling into the crocks.

Councilman Funk moved, seconded by Councilman Tharpe, to amend section C to remove wording related to authorized agents.

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

Vote: Yes – Funk, Hrbek, Parker, Sayre, Tharpe and Tewalt
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 – Ordinance to Amend & Re-enact Code Section Pertaining to Adoption by Reference of State Motor Vehicle Laws *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Section 158-6 of the Town Code pertaining to adoption by reference of the State Motor Vehicular Laws as presented.

Councilman Tewalt moved, seconded by Vice Mayor Parker that Council adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Section 158-6 of the Town Code pertaining to adoption by reference of the State Motor Vehicular Laws 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)

There being no further business, the Mayor declared the meeting adjourned at 7:52 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council