

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 28 2015, 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
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Eugene R. Tewalt
Vice Mayor Hollis L. Tharpe
Town Attorney Douglas W. Napier
Town Manager Steven M. Burke, P.E.
Clerk of Council Jennifer E. Berry, CMC

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

Councilman Tewalt moved, seconded by Councilman Egger that Council approve the Regular Council Meeting minutes of September 14, 2015 and the Special Meeting minutes of September 21, 2015 as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Lynda Sue McDonovan, 1205 High Top Road, Linden, noted that she had concerns about the pedestrian experience throughout Town. She stated that Front Royal is the most dangerous Town in the area and vehicles did not yield to those in designated crosswalks as needed. Ms. McDonovan explained that signs have been placed that announce the designated crosswalks though there is another that notes that pedestrians have the right of way in the crosswalks. She added that unmarked crosswalks are anywhere sidewalks meet and motor vehicles must yield to pedestrians whether the crosswalks are marked or not. She stated that it would not cost a lot of money for the Town of Front Royal to install the signs for citizen safety.

Linda Allen, of 416 Salem Avenue, noted that she listed potential

On 9/14/15, I listed potential consequences to the new water/sewer MOU with the county and a Council member responded to that talk with erroneous information.

To clear up the public record of what I said and to encourage more Councilmen to do their homework, the following:

Point 1. The rebuttal was made to me that the Council has not violated the water policy, (Chapter 134, Town Code, section C. paragraph 1). My comment was that Council will have to write our water policy to suit the county. I didn’t say you violated the policy. I meant that you signed away the right to boundary adjust or annex, therefore, paragraph 1, of our ordinance

may be null and void. Is that legal? It is not our process for changing an ordinance which requires a public hearing.

Point 2. The statement was made that the Court ruled against the contracts in place with corridor businesses—spoken as if there were an absolute prohibition about our PILOT fees. Correction: the court decision was to the effect that PILOT fees are legal but the contracts under review were not written in a manner that made the fees legally collectible. We do have correctly written contracts and collect about \$400,000 from those.

Point 3. It was said that the corridor has been studied in such a way as to make believers out of one and all that the corridor has been studied so much it's just nonsense to think further. Correction. The answer is that the recent studies sometimes dealt with fair funding formula which is not relevant to this issue.

Only two studies are known publicly of recent nature about the corridor businesses: (a.) the Springsted study commissioned by the County; and (b.) the Carter Glass study commissioned by the town.

In research, technically, neither study is acceptable for the entire body politic. An acceptable study would be one funded jointly and equally by the town and county and conducted by an entity totally independent of the prior studies or relationships to either the town or the county. There may be exceptions but you have not presented any.

Then, September 21, Council work session acknowledges that the water policy had not been violated **yet**. Meaning that only when a property owner and the county asked for water/sewer, thus a boundary adjustment, would we violate the water policy, Chapter 134, C. Paragraph 1. And, several on the Council agreed that they wanted to keep that paragraph.

You know you are going to violate policy according to that conversation. But the MOU says that they don't have to ask in that manner. Then, what? Maybe you don't even have the right to do anything about anyone asking for water. See paragraph 8 on page 3 of the new MOU. It says property owners and the county will **not** need a boundary adjustment. It does seem that you will have to put water in when it is wanted.

You also acknowledged state law by saying that if the water pipe went by your place in the county, you could not have septic, therefore, you would have to connect to the water and sewer system. In addition, it is very likely to have a proximity effect. For example, if Crooked Run West, then the hotel that wants to build on the east side of 340/522 N gets water and sewer, too.

You do owe us an explanation on the meaning of the water and sewer MOU. We are entitled to know if our best interests are being served.

Also, Councilman Hrbek on 9/21/15 did ask consideration of lowering lodging tax from 6% to 2% to create a level playing field with lodging available in the county. The loss of revenue from that adjustment will just about equal the amount of revenue from the new MOU if they county does pay in December

of 2016. We have a zero effect, what will we do for revenue to make up for that? Thank you.

Stan Brooks, Jr., of 541 S. Royal Avenue, noted that he would like to speak relating to the 522 Corridor issue and the possibility of holding a public hearing. He stated that this will be the third requested public hearing that Council did not hold, and in doing so they shut down the opportunity to hear from their constituents. Mr. Brooks noted that the Town Council is the final authority on issues, however; people do have a voice and public hearings are that opportunity when an issue is vital. He explained that Front Royal is a corporation, with the Council as the board and the Town citizens as the stockholders. He added that the 522 Corridor is merely a client, not a stockholder. Mr. Brooks opined that Town water is the commodity and Council has sold it on the cheap.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Noted that the contractor has begun to mill for the road work on John Marshall Highway and the work will begin at night and shoulder work will take place after the paving;
- Stated that the Town's contractor has completed the Main Street tree removal project for the end of the tree replacement program
- Commented that Town crews will begin day time hydrant flushing in the coming weeks;
- Announced that the "From Bah Humbug to Booming Holiday Sales" seminar will be held on Wednesday, September 30, 2015 in the Town Administration Building Conference Room and he invited area businesses to attend;
- Announced that Hometown Halloween will be held on October 31st again on Main Street from 6-8 p.m. and he encouraged local area businesses to sign up on the Town's website;
- Stated that the EDA was currently negotiating matters related to the Leach Run Parkway to advance the project;
- Noted that the Town's Business Office drive thru would be closed on Saturday, October 10th during the Town's Festival of Leaves event; and
- Thanked the businesses that sponsored the Gazebo Flick outdoor movies held during the series the past several weeks.

To answer Council's questions, Mr. Burke noted that the South Fork bridge contractor had given the Town a timeframe of Thanksgiving for the new bridge section to be opened for traffic. He noted that they will then transition to the other side and begin work.

Rita Biggs, Vice President of the United Way and resident of the Town of Front Royal, thanked the Town Council for their leadership. She stated that the Town allows payroll deduction for their employees. Ms. Biggs noted that the United Way supports 11 area agencies in the community and their campaign goal is \$166,000 for the year 2016. She stated that the area United Way is proud of the people of Front Royal and their capacity to give to those in need.

Mayor Darr noted that he has seen the United Way video and it was quite impressive and he is amazed at the work the organization is able to complete each year for their agencies. Mr. Burke noted that the United Way video can be shown on the Town's television channel and they would be pleased to do so.

Jennifer McDonald, Executive Director of the Economic Development Authority, noted that they went to closing for IT Federal project at the Royal Phoenix site. She announced that Congressman Goodlatte had rescheduled his visit for the 26th of October to the site. Mrs. McDonald noted that the EDA continued their work with a real estate office and a hair salon who were looking along Main Street, as well as a fast food spot location. She stated that the workforce housing project grant application work is being conducted and once the site place is finalized they will submit the special use permit to the Town. She noted that the McKay Springs property had received one inquiry during the last month as well.

Councilman Hrbek asked about the timeline for dirt moving at the Leach Run Parkway location. Mrs. McDonald stated that it could be in a couple weeks after paperwork matters were finalized.

Councilman Egger asked about putting up the sign in front of the old Police Department on Main Street. Mrs. McDonald noted they were waiting for the sign to be delivered, as it had been ordered and paid for.

John Madera, of the Northern Shenandoah Valley Regional Commission noted that they recently took delivery of new highway signs for the RideShare program and they would soon be holding an area Bike & Pedestrian Plan meeting on October 8th to gather information. He announced that the NSVRC will hold a regional housing market meeting on October 1st and an outside recreational tourism survey is being conducted. Mr. Madera stated that International Walk to School Day would be October 7th and they are promoting various ways to strive for safe walking routes to walk and bike to school.

Councilman Egger asked that discussion of the gazebo surveillance cameras be added to an upcoming worksession agenda.

Councilman Funk thanked Ms. Biggs, of the United Way, for attending the Town Council meeting and advising Council and the public of their activities. He added that he has viewed the video and is aware of the great work their organization provides to the community. Councilman Funk also thanked Councilman Hrbek for his leadership with the local United Way.

Mayor Darr commented that he had the privilege of attending the Warren and Page Branch of the NAACP's 58th Annual Banquet Saturday, September 19th at the Northern Virginia 4-H Education Center, and it was a very well attended event.

Mayor Darr stated that he and other Council members were pleased to attend the Town sponsored Royal Cruze In Car Show with very good turn out recently. He noted that the event was held downtown and they hope to have another event in the spring if possible. Mayor Darr added that the Brews & Blues event was on Saturday, and the crowd was strong.

Mayor Darr and Mr. Burke stated that the Town plans to air the United Way video on Channel 16 for the viewing of the community.

Mayor Darr stated that a house fire was on Polk Avenue recently and during the fire two of the Town's police officers, Tony Clingerman and Robbie Lowery, bravely risked their lives to save those within the home. Mayor Darr added that those officers did an outstanding job going outside of their normal line of duty and they would soon be properly honored at an upcoming Council meeting.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Budget Amendment - DMV Highway Safety Grants
- B. COUNCIL APPROVAL – Warren Heritage Society Request for Utility Funding
- C. COUNCIL APPROVAL – Employee Handbook Amendments

Councilman Tewalt moved, seconded by Councilman Egger that Council approve the consent agenda as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

PUBLIC HEARING – Special Use Permit for Angel’s Korner Daycare

Summary: Council is requested to consider approval of a Special Use Permit (SUP 15-07-262) for Angel’s Korner Daycare, 629 Commerce Avenue (Tax ID 20A4 – 2 – 12, 13 & 14), to expand their existing daycare business. The Planning Commission has recommended approval of the Special User Permit with the following conditions:

- 1) Permit is only valid for the purpose of authorizing the daycare use to expand into the other units of the building (Commerce Square), when such units may become available for use. Any construction or utility changes requires review by the Town.**
- 2) All existing playground, landscaping, crosswalk and parking facilities shall be maintained in good condition.**
- 3) Compliance with the Commonwealth of Virginia licensing requirements**
- 4) Town Council or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including but not limited to, the conditions placed on the special use permit. Upon inspection if it is found that the property is not in compliance the Town may revoke the permit after notice to the applicant and public hearing.**

Mayor Darr opened the public hearing.

Rosemary Comstock, co-owner of Angels Korner, thanked Councilman and the Virginia, Warren County Fire Marshall’s office, Department Social Services, BOS, and the parents within the community for making Angel’s Korner a success for the last 25 years. She noted that they had served over 1,800 families in this community and they saw a need to have a safe place to go for children. She stated that they had seen various changes through the years and they always had taken pride in their staff and their parents, children and the community. Mrs. Comstock invited

Council to view the inspection reports of the local daycare centers online and she asked for approval to expand the Commerce Avenue facility for the infant and toddler program at their location.

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

Councilman Connolly moved, seconded by Councilman Funk that Council approve a Special Use Permit (SUP 15-07-262) for Angel's Korner Daycare, 629 Commerce Avenue (Tax ID 20.A4 – 2 – 12, 13 & 14), to expand their existing daycare business with the following conditions: 1) Permit is only valid for the purpose of authorizing the daycare use to expand into the other units of the building (Commerce Square), when such units may become available for use. Any construction or utility changes requires review by the Town; 2) All existing playground, landscaping, crosswalk and parking facilities shall be maintained in good condition; 3) Compliance with the Commonwealth of Virginia licensing requirements; 4) Town Council or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including but not limited to, the conditions placed on the special use permit. Upon inspection if it is found that the property is not in compliance the Town may revoke the permit after notice to the applicant and public hearing.

Councilman Hrbek asked if condition #4 (inspection/revocation) was a typical condition. Mr. Burke noted that due to the nature of the special use permit it seemed to be appropriate to keep the condition of the property orderly.

Councilman Funk thanked the co-applicants for their work and preparation on the special use permit.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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 to Amend Town Code Pertaining to Fines and Costs for Traffic and Parking Violations (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Front Royal Town Code Sections 158-27 “Enforcement; Violation and Penalties”, and 158-53 “Uniform Fines and Costs for Traffic and Parking Violations”. If approved, procedures for paying or contesting parking tickets will be amended, with fines doubling for failing to act within seven (7) days, and the schedule of fines will be updated to reference all Town parking ordinances, and to reflect changes in fines, the doubling of fines if not paid or contested within seven (7) days, and the elimination of administrative fees as presented and effective upon passage.

Councilman Tewalt moved seconded by Councilman Egger that Council adopt on its second and final reading an ordinance to amend Front Royal Town Code Sections 158-27 “Enforcement; Violation and Penalties”, and 158-53 “Uniform Fines and Costs for Traffic and Parking Violations”, as presented and effective upon passage.

Councilman Funk noted that, in some instances, it should result in less of a fine for those paying promptly.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE SECTIONS 158-27 and 158-53
PERTAINING TO TOWN PARKING VIOLATIONS, FINES AND PROCEDURES**

WHEREAS, a request has been by the Front Royal Police Department to amend Section 158-27 regarding the time limit and procedure for paying or contesting parking tickets (Notice of Violation “NOV”) by expanding the time for paying and contesting NOV’s, by providing for the doubling of fines and by providing a procedure for contesting NOV’s in General District Court; and,

WHEREAS, it has further been requested to amend Section 158-53 to revise the parking violation schedule of fines; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that 158-27 and 158-53 of the Front Royal Town Code is hereby amended as follows:

158-27 ENFORCEMENT; VIOLATIONS AND PENALTIES

A. It shall be the duty of the police officers of the Town, ~~acting in accordance with instructions issued by the Town Manager,~~ in the event that a vehicle is found ~~parking~~ **parked** in violation of a Town ordinance, ~~other than a parking meter violation,~~ to attach to the vehicle in question a notice to the **registered** owner ~~or operator~~ thereof that such vehicle ~~has been~~ **was** parked in violation of a Town ordinance (**“Notice of Violation”**), and instructing such owner ~~or operator~~ as follows:

1. ~~Uncontested~~ **If contest of a notice of violation is waived**, payment of said parking violation may be made in person or by mail to the Treasurer of the Town of Front Royal in the amount provided by law (**Town Code §158-53**) and **as** indicated on the face of the Notice of Violation. ~~Said Payment shall be made within forty-eight (48) hours~~ **seven (7) days** from the **date of** issuance of the Notice of Violation.

2. The vehicle owner ~~or operator~~ may contest the **a Notice of Violation** by **submitting a Notice of Violation Contest Form to** ~~notifying the Town Treasurer’s office or the Front Royal Police Department within forty-eight (48) hours~~ **seven (7) days** from the **date of** issuance of the Notice of Violation. A court date and time ~~shall~~ **will** be provided to those persons ~~wishing to contesting~~ **a Notice of** Violation.

3. Failure to ~~contest or pay without~~ **or** contest **within seven (7) days** ~~shall~~ **will** result in the **doubling of the fine indicated on the Notice of Violation.** ~~issuance of a summons by the town to the registered owner of said vehicle requiring him or her to appear in court and answer to said violation.~~

B. **The Clerk of the General District Court for Warren County will be provided with copies of** ~~Notice of all~~ **Notice of Violation Contest Forms.** ~~contested cases shall be given in writing by the town to the Clerk of the General District Court.~~

158-53 UNIFORM FINES AND COSTS FOR TRAFFIC AND PARKING VIOLATIONS

For any **Fines assessed for parking in violation of Town parking ordinances shall be in accordance with the following fine schedule:** ~~listed below where such violation does not result in an accident, a driver may enter a written appearance, waiver of court hearing, plea of guilty, pay fines and costs as provided below:~~

Description of Violation	Ordinance	Fine	Processing Fee	Total
Parking on sidewalk	158-16(A)(1)	\$20.00	\$30.00	\$50.00
Interfering with driveway	158-16(A)(2)	\$20.00	\$30.00	\$50.00
Parking within an intersection	158-16(A)(3)	\$20.00	\$30.00	\$50.00
Parking within 15 ft. of fire hydr.	158-16(A)(4)	\$20.00	\$30.00	\$50.00
Parking on a crosswalk	158-16(A)(5)	\$20.00	\$30.00	\$50.00
Parking within 20 ft. of a corner	158-16(A)(6)	\$20.00	\$30.00	\$50.00
Parking in a Restricted Zone	158-16(A)(8)	\$20.00	\$30.00	\$50.00
Parking near Fire Station	158-16(A)(10)	\$20.00	\$30.00	\$50.00
Double Parking	158-16(A)(12)	\$20.00	\$30.00	\$50.00
Parking upon a bridge	158-16(A)(13)	\$20.00	\$30.00	\$50.00
Parking violation of official sign	158-16(A)(14)	\$20.00	\$30.00	\$50.00
Parking in Fire Lane	158-16(A)(15)	\$20.00	\$30.00	\$50.00
Parking in Loading Zones	158-18	\$20.00	\$30.00	\$50.00
Parking on Highway	158-21	\$20.00	\$30.00	\$50.00
Obstructing Traffic	158-21	\$20.00	\$30.00	\$50.00
Parking in Handicap Space	158-1	\$150.00	\$30.00	\$180.00
Failure display current Va. Plates	46-2-600(state)	\$25.00	\$30.00	\$55.00
Failure to display Town auto license sticker	160-1	\$25.00	\$30.00	\$55.00

Description of Violation	Town Ordinance	Fine	Double Fine*
Parking in Handicapped Space	158-1	\$100.00	\$200.00
Parking on Sidewalk	158-16(A)(1)	\$25.00	\$50.00
Interfering with Driveway	158-16(A)(2)	\$25.00	\$50.00
Parking within an intersection	158-16(A)(3)	\$25.00	\$50.00
Parking within 15' of fire hydrant	158-16(A)(4)	\$25.00	\$50.00
Parking on a crosswalk	158-16(A)(5)	\$25.00	\$50.00
Parking within 20' of corner/crosswalk	158-16(A)(6)	\$25.00	\$50.00
Parking w/in 30' of stop sign/ traffic signal	158-16(A)(7)	\$25.00	\$50.00
Parking w/in 50' of railroad grade crossing	158-16(A)(9)	\$25.00	\$50.00
Double Parking	158-16(A)(12)	\$25.00	\$50.00
Parking upon a bridge	158-16(A)(13)	\$25.00	\$50.00
Offcl Sign prohibiting parking / yellow pt.	158-16(A)(14)	\$25.00	\$50.00
Parking in Fire Lane	158-16(A)(15)	\$25.00	\$50.00
Failure to park right wheels to curb	158-16(A)(16)	\$25.00	\$50.00
Parking trucks, trailers (residential)	158-19.1(B)	\$25.00	\$50.00
Stopping on highway / Obstructing traffic	158-21	\$25.00	\$50.00
Failure to display current VA plates	158-26(A)	\$25.00	\$50.00
Parking inoperative vehicle over 10 days	158-26(B)	\$25.00	\$50.00
Failure to display Town auto sticker	160-10(D)	\$25.00	\$50.00

Invalid State Inspection	\$25.00	\$50.00
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COUNCIL APPROVAL – Designation of AMP as Agent

Summary: Council is requested to approve the designation of American Municipal Power, Inc. (AMP) as the Load Serving Entity (LSE) for Regional Transmission Organization (RTO) services and operations performed by AMP on behalf of the Town. Council is also requested to designate the Town Manager to execute the Designation of AMP as Agent form on behalf of the Town, as presented.

Councilman Tewalt moved, seconded by Vice Mayor Tharpe that Town Council approve the designation of American Municipal Power, Inc. (AMP) as the Load Serving Entity (LSE) for Regional Transmission Organization (RTO) services and operations performed by AMP on behalf of the Town. He further moved that Council direct the Town Manager to execute the Designation of AMP as Agent form on behalf of the Town, as presented.

Mr. Burke stated that due to some regulations by AMP they are required to have a formal agent designation, which had previously not been required.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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 AUTHORIZATION TO ADVERTISE FOR PUBLIC HEARING to Reduce Lodging Tax Rate

Summary: Councilman Hrbek has requested that Council authorize Town Staff to advertise for a public hearing to reduce lodging tax rate from \$0.06 to \$0.02.

Councilman Hrbek moved, seconded by Councilman Egger that Council authorize Town Staff to advertise for a public hearing to reduce lodging tax rate from \$0.06 to \$0.02.

Vive Mayor Tharpe noted that the Town Council needed to have a worksession on this matter before they have a public hearing in his opinion. He added that the signing of the recent MOA was not in conflict with the one hotel and to reduce the Town’s budget mid-year by approximately \$200,000 certainly called for a worksession.

To answer Councilman Connolly’s question, Mr. Burke noted that the Town was collecting about \$325,000 from the collection of the 6 cent tax, so in effect it would reduce that by 2/3, or \$200,000-\$250,000.

Councilman Connolly stated that Council has not been told how a \$200,000 gap in the budget could be closed, though perhaps they could look at this plan in the future. He noted that he does like to reduce taxes, though he likes a balanced budget even more.

Councilman Connolly moved, seconded by Councilman Funk, to postpone the motion until a future worksession could be held on the subject.

Councilman Egger noted that the Council could vote to schedule the public hearing at this current meeting and then proceed with the worksession for more discussion. Mayor Darr noted that she was correct. He added that there would be a public hearing to change taxes and a public hearing on such a change to the budget, so there could be as many as three public hearings possibly.

Councilman Connolly noted that he was open to hearing feedback from the public, though it was unfair to ask the citizens to provide feedback on something the Council has not looked into. Vice Mayor Tharpe noted that he was not against the public hearing, though Council needed more information before they put it out into the public as something to be considered.

Councilman Tewalt noted that he will vote for the public hearing. He stated that he was willing to listen to the public, though he was not willing to remove hundreds of thousands of dollars from the Town's budget this year, though Council could discuss it for next year's budget

Councilman Hrbek noted that he does not mind waiting for the public hearing for when the MOA goes into effect, and he added that he had no issue with holding a worksession to discuss the item, as long as the worksession is a time for fact gathering and not a time for debate.

- Vote: Yes – Connolly, Funk and Tharpe
 - No – Egger, Hrbek and Tewalt
 - Abstain – N/A
 - Absent – N/A
 - No – Mayor Darr
- (By Roll Call; On Motion to Postpone)

Councilman Hrbek moved, seconded by Councilman Egger, that the motion be amended to direct Town Staff to advertise for the public hearing at the 2nd meeting in November to reduce the lodging tax from 6 cents to 2 cents.

Mayor Darr and Mr. Burke discussed dates and whether Council was cutting themselves short with the number of meetings to be held.

- Vote: Yes – Egger and, Hrbek
 - No – Connolly, Funk, Tewalt and Tharpe
 - Abstain – N/A
 - Absent – N/A
- (Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call; to advertise the 2nd meeting in November)

Councilman Tewalt noted that he was in favor of allowing discussion on the topic, though he would not be in favor of any action on the issue.

Councilman Funk opined that this item and discussion was beyond playing politics with the Town's budget. He stated that nothing was said about lowering the lodging tax during the budget process, adding that he would be in favor of the item when it is the appropriate time. Mr. Funk noted that the Town has a process for such matters and that this was hindering the progress of the Town.

Councilman Hrbek noted that he was surprised by his Councilman Funk's response. He stated that the Council was fundamentally transforming the Town with recent actions and the area has

a hotel about to be built. Mr. Hrbek added that it certainly was not welcoming to have the in-Town businesses charge more than the Corridor locations.

Councilman Tewalt moved, seconded by Councilman Egger, that the motion be amended to add “for discussion only” for clarification.

Councilman Egger voiced that that she strongly feels that Council should hear from the public on this matter. She noted that it has been an unlevel playing field and the adjustment will be a tourist friendly move. Ms. Egger added that holding a worksession is fine, though a public hearing on the matter was vital.

Councilman Connolly noted that as long as matters are how they are, how can the public hearing be held with little information provided to the citizens. He reminded Council that when the Town’s lodging rate was set months ago not one person came out to speak at the public hearing.

- Vote: Yes – Egger, Hrbek and Tewalt
- No – Connolly, Funk and Tharpe
- Abstain – N/A
- Absent – N/A
- Yes – Mayor Darr

Mayor Darr noted that he will not support any matters to change the budget mid-year, though it was important to hear from the public on such an issue.

(On Motion to Add: For Discussion Only Wording)

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- Vote: Yes – Egger, Funk, Hrbek and Tewalt
 - No – Connolly and Tharpe
 - Abstain – N/A
 - Absent – N/A
 - (Mayor Darr did not vote as there was no tie to require his vote)
 - (By Roll Call; FINAL MOTION AS AMENDED)
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CLOSED MEETING – Disposition of Publicly Held Real Property

Summary: Council is requested to go into Closed Meeting for the discussion or consideration of the disposition of publicly held real property, specifically, the former Afton Inn property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Councilman Egger moved, seconded by Councilman Connolly that the Town Council go into Closed Meeting for the discussion or consideration of the disposition of publicly held real property, specifically, the former Afton Inn property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

- Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

Councilman Connolly 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 – Connolly, Darr, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 8:20 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council