

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 14, 2019, in the Warren County Government Center’s Board Meeting Room. Mayor Tharpe led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

**PRESENT:** Mayor Hollis L. Tharpe  
Councilman Gary L. Gillispie  
Councilman Chris W. Holloway  
Councilman Jacob L. Meza  
Councilman William A. Sealock  
Vice Mayor Eugene R. Tewalt  
Councilman Letasha T. Thompson  
Town Attorney Douglas W. Napier  
Town Manager Joseph E. Waltz  
Clerk of Council Jennifer E. Berry, CMC

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

*Councilman Gillispie moved, seconded by Vice Mayor Tewalt to approve the Regular Council Meeting minutes of December 10, 2018 as presented.*

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
No – N/A  
Abstain – N/A  
Absent – N/A  
(Mayor Tharpe did not vote as there was no tie to require his vote)  
(By Roll Call)

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**RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC**

David Downes, of 160 Old Browntown Road, and owner of The Virginia Beer Museum, noted that he was requesting the approval of the off-street parking amendment because it was fair, it would help revitalize the downtown, and improve the perception of that the Town is business friendly. Mr. Downes stated that the Planning Commission does consist of highly trained professionals; however, they did not vote on the amendment that is currently before Council. He commented that waiting to study parking was not a solution and the Planning Commission’s analysis was outdated. Mr. Downes opined that the space behind the building was not used for parking, so there was no net gain to change the matter now. He asked Council to allow the amendment.

Inna Kolesnik, of 214 E. Main Street, noted that the Council keep the Planning Commission’s recommendation. She stated that she still believes that violators should not be rewarded with amendments to the Town Code. Ms. Kolesnik stated that only the art museum downtown is on East Main Street. She opined that the Virginia Beer Museum, who uses the name Helltown Saloon on the front and side of their business, does not have typical museum hours, but rather bar hours. She asked Council not to allow Mr. Downes to have the Code amendment as requested.

Ralph Waller, of 304 E. Main Street, stated that Mr. Downes seems to have all of the answers and does not need the Planning Commission. He noted that he was in favor of the Planning Commissions recommendation to deny the request as submitted.

James Mooser, of 275 Grandview Drive, noted that he supported Ms. Kolesnik’s position and asked Council to deny the request of Mr. Downes.

Town Manager, Joseph Waltz, noted that the Town Hall and other Departments would be closed for observance of Martin Luther King Day on Monday, January 21<sup>st</sup>. He stated that yard waste would not be collected, and he stated the trash collection adjustments for the week.

Mayor Tharpe congratulated Councilmembers Holloway and Thompson and wished them great success while serving on Council.

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

**CONSENT AGENDA ITEMS**

- A. COUNCIL APPROVAL – Bid for Westminster Sidewalk Construction
- B. COUNCIL APPROVAL – Resolution of Support for Submission of VDOT State of Good Repair/Primary Extension Paving Program Application
- C. COUNCIL APPROVAL – Budget Amendment to Accept Monies for Transformer Replacement

*Councilman Meza moved, seconded by Vice Mayor Tewalt that Council approve the consent agenda as presented.*

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
 No – N/A  
 Abstain – N/A  
 Absent – N/A  
 (Mayor Tharpe did not vote as there was no tie to require his vote)  
 (By Roll Call)

**PUBLIC HEARING – An Ordinance Amendment to Chapter 70 ELECTRICITY (1<sup>st</sup> Reading)**

**Summary: Council is requested to affirm on its first reading an Ordinance to amend Front Royal Municipal Town Code Chapter 70 pertaining to Electricity to bring it upto-date and consistent with other areas of the Town Code, as presented.**

Mayor Tharpe opened the public hearing.

Tom Reber, 104 Jamestown Road, asked about the Power Cost Adjustment (PCA) charges and solar charges on the Town utility bills. He noted that the charges seem to fluctuate quite a bit and he was seeking some clarification and understanding.

Joe Waltz, Town Manager, explained that the PCA costs were like fuel cost adjustments, noting that they were pass through costs/congestion charges on the electric lines. He stated that the

PCA charges were to recover the Town’s funds and the Town could not eliminate them unfortunately. Mr. Waltz explained that soon the Town would be conducting a cost of service study in order to adjust the rates shown and lower the Power Cost Adjustment amount shown on each utility bill.

Mr. Waltz stated that the solar farm serves about 300 homes in the community, about 2-3% of the Town’s electricity users.

Tracy Aheimer, 104 Jamestown Road, asked about the electric bills fluctuating, as well as water and sewer. She noted that she felt that her meter was being estimated each month rather than being actually read. Mr. Waltz noted that the Finance Department is as transparent as possible and he would be happy to have Mr. Wilson, the Finance Director, contact her first thing in the morning.

David Greth, of Church Street, stated that the PCA charge has become an obscene charge on the bill every month and shared that he had four years worth of bills showing how much it has gone up in recent years.

Stephanie Chambers, of 1322-A Madison Avenue, noted that she has been waiting for her bill to adjust for some time, though the electric portion keeps increasing and she is wondering why.

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

*Vice Mayor Tewalt moved, seconded by Councilman Gillispie that Council affirm an Ordinance to amend Front Royal Municipal Town Code Chapter 70 pertaining to Electricity to bring it up-to-date and consistent with other areas of the Town Code, as presented.*

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
No – N/A  
Abstain – N/A  
Absent – N/A  
(Mayor Tharpe did not vote as there was no tie to require his vote)  
(By Roll Call)

**PUBLIC HEARING – An Ordinance Amendment to Chapter 156-3 Pertaining to the Composition, Appointment and Terms of Office for UFAC (1st Reading)**

**Summary: Council is requested to affirm on its first reading an Ordinance to amend Front Royal Municipal Town Code Chapter 156-3 pertaining to the Composition, Appointment and Terms of Office for the Urban Forestry Advisory Commission (UFAC), as presented. If approved, UFAC shall be made up of not less than five (5) members.**

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

*Councilman Gillispie moved, seconded by Vice Mayor Tewalt that Council affirm on its first reading an Ordinance to amend Front Royal Municipal Town Code Chapter 156-3 pertaining to the Composition, Appointment and Terms of Office for the Urban Forestry Advisory Commission (UFAC), as presented.*

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
 No – N/A  
 Abstain – N/A  
 Absent – N/A  
 (Mayor Tharpe did not vote as there was no tie to require his vote)  
 (By Roll Call)

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**PUBLIC HEARING – An Amendment to the FY2019 Budget in the amount of \$700,000 for the Community Development Block Grant (CDBG)**

**Summary: Council is requested to approve an amendment to the FY2019 Budget in the amount of \$700,000 for the Community Development Block Grant (CDBG).**

**Due to this item being a routine matter the second reading shall be waived.**

*Note: An increase of greater than 1% of the original budget requires a public hearing.*

**Budget/Funding:**

- 9130-3310113 Community Development - Grant Revenue – CDBG \$700,000.00
- 9130-43026 Community Development – Admin Expense \$70,000.00
- 9130-47983 Community Development – Façade Improvement \$357,500.00
- 9130-47984 Community Development - Public Improvements \$130,000.00
- 9130-47019 Community Development – Signage \$127,500.00
- 9130-43080 Community Development – Branding & Marketing \$15,000.00

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

*Vice Mayor Tewalt moved, seconded by Councilman Gillispie that Council approve an amendment to the FY2019 Budget in the amount of \$700,000 for the Community Development Block Grant (CDBG). He further move that Council waive the second reading due to this item being a routine matter.*

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
 No – N/A  
 Abstain – N/A  
 Absent – N/A  
 (Mayor Tharpe did not vote as there was no tie to require his vote)  
 (By Roll Call)

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**COUNCIL APPROVAL – Ordinance Amendment to Town Code Chapter 72 (Special Events) (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 Chapter 72 pertaining to Special Events in particular the full and partial closures of Main Street and the Gazebo Parking Lot located at Chester and Main Streets, as presented.**

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

Councilman Meza noted that the much work went into the Town Code revision and in order to moderate the areas to assist the businesses and support the events and reduce fees. He stated that the events uplift the Town and have placed guidelines in order to fine tune the overall changes.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
 No – N/A  
 Abstain – N/A  
 Absent – N/A  
 (Mayor Tharpe did not vote as there was no tie to require his vote)  
 (By Roll Call)

**COUNCIL APPROVAL – Ordinance Amendment to Town Code Sections 158-9 and 158-17 pertaining to the removal of the 1993 On-Street Parking Policy and Rescind 1993 Resolution Pertaining to the Same (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 Sections 158-9 and 158-18 pertaining to the removal of the 1993 On-Street Parking Policy and to rescind the 1993 Resolution Pertaining to the same, as presented.**

*Councilman Sealock moved, seconded by Councilman Gillispie that Council adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Sections 158-9 and 158-17 pertaining to the removal of the 1993 On-Street Parking Policy and to rescind the 1993 Resolution Pertaining to the same, as presented.*

Councilman Meza asked for clarifications for the two items; this issue and the next agenda item for museums. Councilman Sealock noted that this ordinance clears up the Main Street signage and around the Gazebo area.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
 No – N/A  
 Abstain – N/A  
 Absent – N/A  
 (Mayor Tharpe did not vote as there was no tie to require his vote)  
 (By Roll Call)

**COUNCIL APPROVAL – Ordinance Amendment to Town Code Sections 148-870.A.17 and 175-127 to Exempt Property from Off-Street Parking Requirements – David Downes – 14/16 Chester Street (2nd Reading)**

**Summary:** On June 21, 2018 a request was received from David Downes to amend Town Code 175-127.3 to exempt the requirement of “off street parking” requirements for his property located on Chester Street. On September 19, 2018 the Planning Commission unanimously recommended against the requested change after a public hearing because it did not believe that it was appropriate to add more exemption in the downtown area for any uses or properties until a parking strategy was developed to address the increasing demand for parking in the downtown area. The property currently qualifies for a separate “lesser” exemption that

applies to all legally existing commercial and industrial buildings (175-127). The exemptions does not require Mr. Downes to meet the off-street parking quantity requirements, but it does require that existing parking not be eliminated. Therefore, the applicant is required to maintain the rear parking area of his property and use it in conjunction with the businesses on the property (Beer Museum and Office)

On December 10, 2018 Council was given four (4) options to approve this request. They were:  
1) APPLICANT'S REQUEST I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17. so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking, as presented;

2) SPECIAL USE PERMIT ALTERNATIVE I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking but requires approval of a Special Use Permit, as presented;

3) APPLICANT'S ALTERNATIVE I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, but exempt museums and art galleries from off-street parking requirements, as presented; and

4) APPROVAL OF PLANNING COMMISSION'S RECOMMENDATION I move that Council approve the recommendation of the Front Royal Planning Commission to deny the request from David Downes to exempt the requirement of "off-street parking" requirements for his properties located at 14 and 16 Chester Street.

**Council approved Option 3 on the first reading on December 10.**

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

Councilman Meza noted that it is difficult when downtown businesses have disagreements and it is unfortunate, though it is not Council's position to moderate those. He stated that he would prefer that Mrs. Kolesnik would have the access to her property without the fence, but it is up to Mr. Downes. He stated that the Town does need a strategy for parking downtown, though that may take multiple years for an actual parking plan. He noted that he would vote in the affirmative for the exemption.

Councilman Sealock noted that his real concern was there was no authority to note the past history of what took place within the area. He stated that he had concerns with the entire situation, including parking and safety, and he would be going with the Planning Commission's recommendation. Mr. Sealock stated that there were four motions listed on Council's last agenda and he did not have time to do his research. He noted that he was concerned also with the annual peepers and the traffic flow when it becomes a bottle neck at times.

Vote: Yes – Meza and Thompson

No – Gillispie, Holloway, Sealock and Tewalt  
Abstain – N/A  
Absent – N/A  
(Mayor Tharpe did not vote as there was no tie to require his vote)  
(By Roll Call)

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**COUNCIL APPOINTMENT – Planning Commission**

**Summary: Council is requested to appoint a member to the Front Royal Planning Commission to an unexpired term to expire August 30, 2020.**

*Councilman Gillispie moved, seconded by Vice Mayor Tewalt that Council appoint William C. Gordon to the Front Royal Planning Commission to an unexpired term to expire August 30, 2020.*

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
No – N/A  
Abstain – N/A  
Absent – N/A  
(Mayor Tharpe did not vote as there was no tie to require his vote)  
(By Roll Call)

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**COUNCIL APPOINTMENTS – Audit and Finance Committee**

**Summary: The Audit and Finance Committee is composed of the Mayor, two Councilmembers, the Finance Director, the Town Manager and the Town’s Auditor. Council is requested to appoint two Councilmembers to the Audit and Finance Committee, said terms ending December 31, 2019.**

*Councilman Holloway moved, seconded by Councilman Gillispie that Council re-appoint Councilman Tewalt and Councilman Meza to the Audit and Finance Committee along with the Mayor, Town Manager, Finance Director and the Town’s Auditor, said terms to expire December 31, 2019.*

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
No – N/A  
Abstain – N/A  
Absent – N/A  
(Mayor Tharpe did not vote as there was no tie to require his vote)  
(By Roll Call)

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**COUNCIL APPOINTMENT – Vice Mayor**

**Summary: Council is requested to appoint a Vice Mayor for the Town of Front Royal to a (2) two-year term, said term to expire December 31, 2020.**

*Vice Mayor Tewalt moved, seconded by Councilman Holloway that Council appoint William Sealock as Vice Mayor for the Town of Front Royal to a (2) two-year term, said term to expire December 31, 2020.*

COUNCIL MEETING MINUTES

January 14, 2019

Councilman Meza thanked and recognized Mr. Tewalt for his work as Vice Mayor. Mr. Tewalt noted that he does not wish to relinquish it, but everyone should take a chance to serve at times. Mayor Tharpe congratulated Vice Mayor Sealock on his appointment.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson  
No – N/A  
Abstain – N/A  
Absent – N/A  
(Mayor Tharpe did not vote as there was no tie to require his vote)  
(By Roll Call)

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There being no further business, the Mayor declared the meeting adjourned at 7:44 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council