

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on February 11, 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
Vice Mayor William A. Sealock
Councilman 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 Councilman Tewalt to approve the Regular Council Meeting minutes of January 28, 2019 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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts or petitions from the public.

Town Manager, Joseph Waltz, noted that the businesses would be closed on February 18th for observance of President’s Day and he announced the changes for the refuse schedule.

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

Councilman Tewalt moved, seconded by Vice Mayor Sealock, to add a closed item for consultation of legal counsel regarding David Downes and probable litigation re: the Beer Museum.

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

CONSENT AGENDA ITEMS - none

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

COUNCIL APPROVAL – Request to Revise Proffers for Vacant Lot on John Marshall Highway – BMW Real Estate LLC (2ND Reading)

Summary: Council has received a request from BMW Real Estate LLC to revise the proffers for their vacant commercial property located west of 986 John Marshall Highway to assist with the selling and development of the land. The request is to amend the proffers for the property that were approved as part of a rezoning application in 2000. The Planning Commission approved the revisions in 2018. On December 3, 2018, Council requested the applicant revise the proffers to restrict evening hours for retail uses. The applicant revised the proffers and a new proffer statement includes the new language that restricts retail stores that are open between the hours of 9:00pm and 6:00am. On January 7, 2019 Council requested that at the time the property is developed, the existing evergreen trees along the rear of the property shall be removed and replanted with new trees that comply with the specifications of Town Code 156-5 and in addition, an opaque vinyl fence will be placed along the entire rear property line eight (8) feet in height. Council is requested to affirm on its first reading a revised proffer statement submitted by BMW Real Estate L.L.C., owner of 1.68 acres, which is a vacant lot located to the west of 986 John Marshall Highway, to include the last two conditions made on January 7, 2019.

Councilman Thompson moved, seconded by Councilman Tewalt that Council adopt on its second and final reading a revised proffer statement submitted by BMW Real Estate L.L.C., owner of 1.68 acres, a vacant commercial lot located to the west of 986 John Marshall Highway, to include the following two conditions: 1) that at the time the property is developed, the existing evergreen trees along the rear of the property shall be removed and replanted with new trees that comply with the specifications of Town Code 156-5 and 2) an eight (8) foot opaque vinyl fence be placed along the entire rear property line.

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 APPOINTMENT – Urban Forestry Advisory Commission (UFAC)

Summary: Council is requested to appoint a new member to the Urban Forestry Advisory Commission (UFAC). Council adopted the ordinance amendment on January 28, 2019 to add a sixth member to UFAC. The new term will be a four-year term ending December 20, 2023.

Councilman Meza moved, seconded by Councilman Holloway that Council appoint Jason Lanham to the Urban Forestry Advisory Commission (UFAC) to a four-year term ending December 20, 2023.

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)

CLOSED MEETING – Consultation with Legal Counsel

Motion to Go Into Closed Meeting

Vice Mayor Sealock moved, seconded by Councilman Tewalt that Council convene and go into Closed Meeting for the following purposes:

- 1) Consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, legal mechanisms related to handling potential future debt service related to current and future budget years with respect to the former Afton Inn building, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8 of the Code of Virginia; AND 2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, legal mechanisms relating to handling potential debt service related to prior and current budget years with respect to the Economic Development Authority, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.*

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)

Motion to Certify Closed Meeting at its Conclusion

Vice Mayor Sealock moved, seconded by Councilman Tewalt 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 Act 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 – Gillispie, Holloway, Meza, Sealock, Tewalt, Tharpe and Thompson

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 8:19 p.m.

APPROVED:

 Jennifer E. Berry
 Clerk of Council