



TOWN COUNCIL WORK SESSION MINUTES

Monday, April 14 2014 @ **6:00pm**
Front Royal Administration Building

WORKSESSION NOTES HERE:

Napier noted that the entered into a 3 party agreement

Commission entered into an agreement between localities, just the Town and the County, not the private landowner and that gave the Town concern, as this annexation petition was initiated by FRLP, the property owner

Napier explained that the proffer aspects were to be completed on behalf of the Town and the County and the concerns were in place for the two party agreement

Napier noted that the Council had concerns that the two party agreement would not sufficiently handle the protect the interests of all involved

The covenants presented would protect the parties and noted that FRLP and their successors if any would be bound and their

Tewalt asked if the agreement would be binding and the Town would be protected with the covenants signed by FRLP

Napier noted that they would be

Sayre asked Mr. Camp's opinion

Camp noted it was an unorthodox approach, though it was a creative one that Mr. Napier developed and he was supportive of Mr. Napier's proposal

Tewalt noted that they would not know what the court would choose; Mr. Napier stated that was correct, they are not

Parker asked if it was \$16 million in proffers

Mr. Vazzana was correct

Sayre asked if some of the proffers were being paid for, such as Leach Run Parkway

Present: All Council

Burke

Berry

Breeden

Napier

Sonnet

Camp

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 14, 2014, in the Warren County Government Center's Board Meeting Room. Mayor Darr and **Boy Scout Troop #52** 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 Sayre that Council approve the Regular Council Meeting minutes of March 24, 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

Tim Ratigan, of 1476 Canterbury Road, stated that Town Government is operated and run in a way in which citizens gather and vote for those to the operations of Front Royal. He noted that those elected do not answer to a party, and they do not answer to a partisan committee, and he wished to stress the importance of the non-partisan aspect of Council. Mr. Ratigan noted that a friend explained to him once that there is not a republican way or democratic way of providing water, sewer, or other Town service. He stated that he had always been a champion of a non-partisanship way of answering the needs of citizens, not a republican or democrat way. He noted that Council should not answer to the party first and the citizen second.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that work has begun throughout the community on Commerce Avenue, Biggs Drive and Richmond Road and asked that residents use caution as they traverse the roadways;
- Reminded the citizenry that public hearing is scheduled in late April for the Town's Vision Statement;
- Commented that April 21st week hydrant flushing will occur through the community, periods of low water pressure and other water issues may take place; and

- Reviewed the Town budget with the public, noting that it is an abbreviated version of what was presented to Council at their worksession recently.

Councilman Tewalt asked about the increase in the water and sewer rate increases and how they were attributed by the Federal mandates being handed down by the Government. Mr. Burke noted that was correct.

Mr. Burke stated that the fence was being installed on Criser Road for the trail. Councilman Hrbek asked for a summer date possibly for a dedication event; Mr. Burke stated that he would check on scheduling the event and provide information to Council and the public.

Councilman Sayre noted that Bevin Eggers was present and he hoped she continued to attend meetings and learn as much as she could about the Town.

Mayor Darr noted that prior to the Council meeting the VIPS Ceremony was held in order to recognize those that volunteer their time to the Police Department. He stated that the Department could not move forward with many of their activities without these valuable volunteers. He encouraged others who wished to get involved to contact the Police Department.

Mayor Darr stated that he attended the Blue Ridge Arts Council Annual Citizen of the Year event, where Katie Tewell was recognized as the Outstanding Citizen for the Town of Front Royal. He congratulated Ms. Tewell for all of her efforts to the community.

Mayor Darr noted that the Fine Arts Festival was held at Skyline High School on Saturday for the local area schools and it was a huge success with many in attendance. He stated that the Chamber of Commerce Awards Banquet was held with Detective Eric Rosemack being recognized as the Public Safety Personnel of the year. He congratulated Det. Rosemack.

Mayor Darr stated that he attended the Young Life of Warren County event and it was a very high spirited and great night, with the individuals working within the organization doing an outstanding job with the group for this community. He noted that the community was lucky to have them in Front Royal.

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

Vice Mayor Parker moved, seconded by Councilman Tharpe, to add Item 10 – FRLP, Voluntary Settlement Agreement, to the agenda.

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)

CONSENT AGENDA ITEMS

A. COUNCIL APPROVAL – Resolution of Support for YouthBuild

B. COUNCIL APPROVAL – Shentel Request to Install Additional Facilities on Water Tank by Agreement

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

(On Consent Agenda)

(By Roll Call)

≈ RESOLUTION: YOUTH BUILD ≈

RESOLUTION OF SUPPORT FOR YOUTHBUILD OF FRONT ROYAL

WHEREAS, YouthBuild is a comprehensive youth and community development program simultaneously addressing several core issues facing low-income communities such as education, housing, jobs, and leadership development; and,

WHEREAS, YouthBuild uniquely addresses the status of unemployed young men and women who have dropped out of school and have no apparent path to a productive future, allowing them to simultaneously serve their communities and building their own futures; and,

WHEREAS, the YouthBuild program has been carefully designed by community activists with the input of young people in several neighborhoods over several decades; and,

WHEREAS, young people of all background have participated and benefited from the program; and,

WHEREAS, the program is appealing to groups in rural as well as urban neighborhoods

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Front Royal lends its support and endorsement to the YouthBuild of Front Royal Program

COUNCIL APPROVAL – An Ordinance to Amend Chapter 80 of the Town Code Pertaining to Fireworks (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Chapter 80 of the Town Code pertaining to fireworks as presented.

Councilman Tewalt moved, seconded by Councilman that Council adopt on its second and final reading an Ordinance to amend Chapter 80 of the Town Code pertaining to fireworks, as presented.

Councilman Funk moved, seconded by Councilman Sayre, to add the words “, but not limited to,” in section 80-1 PROHIBITIONS after the words “VAC 27-95 to include” and to strike the word “misdemeanors” and insert the words “a class III misdemeanor.” [from the first reading amendment]

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; On the Amendment)

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 TO AMEND CHAPTER 80 OF THE FRONT
ROYAL TOWN CODE PERTAINING TO FIREWORKS**

WHEREAS, the County of Warren has instituted a Fire Marshall to oversee and regulate fire related issues in the County; and,

WHEREAS, the County of Warren regulations currently require approval of the Town Manager for storage and display of fireworks within the Town limits; and,

WHEREAS, the Town desires to simplify the process of regulating the storage and display of fireworks by requiring that permits be obtained from the Warren County Fire Marshall instead of Town Council; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia the Chapter 80 of the Front Royal Code be hereby amended as follows:

80-1 PROHIBITIONS

No person, firm or corporation shall store, use, possess, manufacture, sell or offer for sale **firework as defined by VAC 27-95 to include** any firecracker, torpedo, skyrocket or other substance or thing of whatever form or construction **that contains any explosive or inflammable compound or substance.** ~~containing nitrates, chlorates, oxalates, sulfides of lead, barium, antimony, nitroglycerin, phosphorous or any other explosive or flammable compound or substance and intended or commonly known as "fireworks".~~

80-2 EXCEPTIONS

A. This chapter shall not apply to the use or the sale of **permissible fireworks as defined by VAC 27-95** ~~sparklers, fountains, pharaoh's serpents, caps for pistols or to pinwheels commonly known as "whirligigs" or "spinning jennys",~~ provided that said fireworks listed in this section may only be used, ignited or exploded on private property with the consent of the owner of such property.

B. This chapter shall have no application to any officer or member of the **Town Police Department or the** Armed Forces of this state or the United States while acting within the scope of his authority and duties as such, nor shall it be applicable to the **sale or** use of said materials when used or to be used by any person for signaling or other emergency use in the operation of boat, railroad train or other vehicle for the transportation of persons or property.

80-3 PERMITS FOR FIREWORKS DISPLAY

~~The Town Council of Front Royal shall have the power to provide for the issuance of permits, upon application in writing, for the display of fireworks by fair associations,~~

~~amusement parks or by any organization or group of individuals under such terms and conditions as the Town Council may prescribe and upon payment of an application fee of fifty dollars (\$50.) After such permit has been issued, sale, storage, use and possession of fireworks may be made for use under such permit.~~ **Any storage or display of fireworks within the Town limits shall be required to obtain a permit from the Warren County Fire Marshall**

80-4 VIOLATIONS AND PENALTIES

Violations of this chapter shall be punished as misdemeanors.

This ordinance shall become effective upon passage.

COUNCIL APPROVAL – Extension of Proffer Deadlines for Proffer Statement by Heptad, LLC for Rezoning Application

Summary: Ratification of the act of the Mayor in executing the Extension of Proffer Deadlines agreement on April 7, 2014, which extends proffer deadlines contained in Heptad, LLC Proffer Statement relating to Leach Run Parkway Improvements. The Proffer Statement was approved by Council on April 9, 2012. The additional one hundred and twenty (120) days will allow for completion of right-of-way acquisition, for submission of the Applicant's development plan showing the location of the Leach Run Parkway road dedication, and for entering into a memorandum of understanding between the Town and the Applicant addressing various aspects of the Leach Run Improvements. Copies of the Extension of Proffer Deadlines agreement and Heptad, LLC's recorded Proffer Statement are provided herewith.

*Councilman Sayre moved, seconded by Councilman Tharpe, that Council ratify the act of the Mayor in executing the **Extension of Proffer Deadlines** agreement on April 7, 2014.*

Councilman Sayre stated that Mr. Napier disqualified himself on that matter and had submitted a disclosure for the record. Mr. Burke noted that Assistant Town Attorney Sonnet has been meeting on the matter with HEPTAD and there were some dates on the proffers to review. He added that this vote would simply extend the time and commitment.

Mayor Darr read the disclosure into the record which states:

Please note that, for reasons that have been disclosed of record with the Town Council and with the Clerk of Council, I disqualify myself from acting or participating with respect to Item 9, Extension of Proffer Deadlines by Heptad, LLC. Dated April 14, 2014

Signed Douglas W. Napier, Town Attorney

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)

recessed for worksession 7:24 p.m.

reconvened 7:34 p.m.

COUNCIL CONSIDERATION/APPROVAL/DISAPPROVAL: Adoption of two (Town and County only parties, Front Royal Limited Partnership [FRLP] not a party) Voluntary Settlement Agreement (VSA)

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve the following:

- A) Voluntary Settlement Agreement between Town and County to the Commission on Local Government recommendation (two party Voluntary Settlement Agreement) upon condition that Front Royal Limited Partnership execute and record Covenant To Be Bound and Agreement to Be Bound by Front Royal Limited Partnership; and**
- B) An Ordinance to approve both the two party Voluntary Settlement Agreement to conform to the Commission on Local Government Recommendation and the three party (Town, County, and Front Royal Limited Partnership) Voluntary Settlement Agreement previously approved by the Town Council on August 12, 2013**

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 7:34 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council