

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 14, 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 Hollis L. Tharpe  
Town Manager Steven M. Burke, P.E.  
Town Attorney Douglas W. Napier  
Clerk of Council Jennifer E. Berry, CMC

**ABSENT:** Councilman Eugene R. Tewalt

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

*Vice Mayor Parker moved, seconded by Councilman Tharpe that Council approve the Regular Council Meeting minutes of September 22, and the Special Meeting Minutes of September 29, 2014 as presented.*

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

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

Timothy P. Ratigan, 1476 Canterbury Road, noted that August 21 in the Northern Virginia Daily, stated that the Vice Chairman of a local political party stated that the Town Council had chosen to overtly violate State and Federal Law. Mr. Ratigan added that statement had been left hanging and the individual had not note which laws had been violated. He questioned if the Council would task the Town Attorney or Town Manager to address the statement or follow-up on the matter and he requested some feedback. Mayor Darr asked that Mr. Burke look into the issue.

Bébhinn Egger, of 721 Campbell Circle, thanked Council for their assistance and openness during this campaign. She noted that it had been good getting to know Council, and a wonderful, fun experience. Mrs. Egger stated that Staff and Council had both been helpful and during her campaign she had focused on what people love about Front Royal, and many responses came in. She listed several, including the following that she had received: the Town's good people, Royal Cinemas, the Shenandoah National Park, the Shenandoah River, the small town feel, that Front Royal was a "real" town, the civil war history, the library and

cemetery, the stores and their low prices, the funny people, the Festival of Leaves, the DMV wait line is never long, there are mountain views no matter where you look, and the Farmer's Market. Council thanked Mrs. Egger for sharing the responses with them.

**REPORT OF THE MAYOR, COUNCIL & STAFF**

Town Manager Steve Burke:

- Updated Council on the voluntary water restrictions that were currently still in effect;
- Stated that the Bradford Pear tree removal project was still being conducted along Main Street;
- Noted that the Business Forum would be held on Thursday, October 23<sup>rd</sup> and encouraged all to attend;
- Reminded citizens that the FrontRoyalWorks.com website was up and running;
- Stated that leaf collection has been suspended this week due to the holiday; and
- Announced that Councilman Sayre was recognized by VML for the Virginia Elected Officials Leadership Academy.

Councilman Hrbek asked about the timing of the removal of the downtown flower baskets. Mr. Burke noted that it was the scheduled time for removal, though some baskets were replaced with autumn flair options, Councilman Hrbek asked if the flowers were disposed of or were they replanted. Mr. Burke stated that the baskets were reused annually and the flowers were added to the Town's mulch pile.

Councilman Sayre asked about a possible Leach Run Parkway kick-off event. Mr. Burke stated that they were awaiting an update on the ongoing bat issue and a VDOT clearance was also required. He noted that no festivity was planned, though a groundbreaking would be held.

Lee Smith Osina, Executive Director of the United Way of Front Royal-Warren County, explained that their concept began over one hundred years ago. She noted that there were 1,800 in the world, though they are run by THIS community and they are independent. Ms. Osina stated that all funds raised in *this* community, unless sent elsewhere by the donor, stay in *this* community. She explained that The United Way raises funds so they can allow their agencies to focus on the services that they provide. She reviewed the crisis they experienced last year with losing the women's domestic shelter program. Ms. Osina noted that their goal this year was to fund the 11 agencies with \$15,000 more than any other goal they have set previously; she then showed the recent United Way video. Mayor Darr thanked Ms. Osina and Mr. Hrbek for their work in the community on behalf of those in need.

Councilman Hrbek noted that one individual had approached him about the DEQ/Dominion Power email response. He asked that it be posted on the Town's website, the Town's Facebook page and include it in the meeting's minutes regarding the air quality. Mr. Hrbek stated that with the Shenandoah National Park being so close, Dominion Power had to be even more stringent with their requirements.

*DEQ/DOMINION POWER NOTATION FOR RECORD:***AIR QUALITY PERMIT MODIFICATION FOR DOMINION (VIRGINIA ELECTRIC & POWER CO)**

The Department of Environmental Quality (DEQ) has prepared the following responses to a Front Royal citizen inquiry regarding the air quality permit modification for the Dominion (Virginia Electric & Power Co.) Power Plant for the Front Royal facility.

**1. How does DEQ test compliance with the discharge for the 39.6 tons per year of sulfur dioxide and 30.57 tons per year of sulfuric acid mist generated at the site?**

Sulfur dioxide (SO<sub>2</sub>) and sulfuric acid mist (H<sub>2</sub>SO<sub>4</sub>) emissions from the facility result from and are directly related to the amount of sulfur in the fuel consumed, as both pollutants are formed from oxidation of the sulfur in the fuel once it is burned. Therefore, monitoring the amount of fuel (i.e. natural gas) used and the sulfur content of that fuel provides a reliable indicator of compliance with the SO<sub>2</sub> and H<sub>2</sub>SO<sub>4</sub> emissions limits. Accordingly, the permit for Warren County Power Station (WCPS) includes thorough fuel monitoring, recordkeeping, and reporting requirements. Such requirements include initial and periodic (at least annual) fuel sampling and analysis or stack testing for each combined-cycle unit (combustion turbine and duct burner) and recording the amount of fuel used in each unit monthly and as a rolling annual total. Note that the permit limits sulfur content of natural gas to 0.00096 percent by weight (i.e., 0.32 grains per 100 dry standard cubic feet) on a 12-month rolling average basis. Dominion is also required to verify compliance with the natural gas sulfur content limits and SO<sub>2</sub> and H<sub>2</sub>SO<sub>4</sub> emissions limits by use of the sulfur content provided in a current, valid purchase contract, tariff sheet or transportation contract for the fuel, or by determining and recording the sulfur content of the fuel used at least once each operating day. The permit requires that annual emissions of SO<sub>2</sub> and of H<sub>2</sub>SO<sub>4</sub> be calculated monthly as the sum of each consecutive 12-month total, using the 12-month rolling average fuel sulfur content or fuel sampling data. DEQ verifies the fulfillment of these requirements by periodic on-site inspections and ongoing review of recordkeeping and reports that are required to be submitted regularly to DEQ. We believe that these permit requirements provide considerable assurance of the actual amounts of sulfuric emissions and that the limits are not being exceeded.

**2. What are potential health hazards if these limits are exceeded, and what are the consequences to Dominion for exceedance?**

While high concentrations of SO<sub>2</sub> can inflame and irritate the respiratory system and aggravate existing heart disease, these concentrations are well above the National Ambient Air Quality Standards (NAAQS). EPA established NAAQS for specific pollutants, including SO<sub>2</sub>, precisely to prevent ambient air from reaching such levels, in order to protect public health and welfare, including vulnerable members of the population such as children and the elderly.

NAAQS specify maximum concentrations of a pollutant for various averaging times, below which the air quality is considered acceptable with an adequate margin of safety. The Clean Air Act requires that each NAAQS be reviewed every five years, ensuring that the NAAQS reflect the most current health effects data and remain sufficiently protective of public health.

Before a Prevention of Significant Deterioration (PSD) permit is issued, an applicant must demonstrate that its emissions will not cause or contribute to an exceedance of a

NAAQS. The PSD permitting program includes requirements providing special protection to Class I areas (such as Shenandoah National Park (SNP)). A facility proposing to locate (or modification of an existing facility) within 10 km of a Class I area is subject to more stringent thresholds and requirements because of its proximity to a protected area. WCPS is located within 10 km of SNP and its proposal was therefore evaluated under the more rigorous requirements.

Exposure to H<sub>2</sub>SO<sub>4</sub> in an inadequately-ventilated enclosed environment can cause irritation and burning of the skin, eyes, nose and throat, and shortness of breath. For ambient air, there are currently no NAAQS or Significant Ambient Air Concentration (SAAC) established for H<sub>2</sub>SO<sub>4</sub>. Although it is specifically regulated under the PSD permitting program, it is not a regulated hazardous air pollutant under Section 112(b)(1) of the Clean Air Act. H<sub>2</sub>SO<sub>4</sub> emissions are considered condensable particulate matter and were included in the WCPS PM<sub>2.5</sub> modeling that demonstrated compliance with the PM<sub>2.5</sub> 24-hour and annual NAAQS.

If a permitted facility exceeds its emissions limits, it would be subject to enforcement action by DEQ and/or EPA, which may include a civil penalty (monetary fine) and a plan and schedule for preventing future violations.

**3. Is there a method for an individual to measure the air quality at their residence for these constituents?**

An individual could contact one of the air testing companies but that would probably be expensive. Draeger tubes are available (see below) and can be used for grab samples and possibly for exposure measurements.

Information regarding Air Testing Companies is available on the DEQ Website here:

<http://www.deq.virginia.gov/Portals/0/DEQ/Air/SmallBusinessAssistance/airconsultantlisting.pdf>

If you have additional questions regarding measuring air quality please contact Barry Brandon, the Air Compliance Inspector at 540-574-7894 or [Barry.Brandon@deq.virginia.gov](mailto:Barry.Brandon@deq.virginia.gov).

Councilman Sayre stated that there was an agreement signed regarding the Morgan Ford bridge, and perhaps there would soon be a two lane bridge in the new year.

Councilman Hrbek noted that they did a local tour of Richmond with VDHA. He stated that he would encourage the Economic Development and perhaps have them visit Front Royal about some opportunities regarding

Councilman Sayre noted that the City of Roanoke was located in a very strategically placed referenced the Indian

Mayor Darr thanked everyone for attended the Festival of Leaves

personally thanked the RMA Interact Club  
Kendrick Lane in good condition  
Saturday morning

Mayor Darr – VML is doing an essay contest for 7<sup>th</sup> graders called “If I Were Mayor” and submit it to VML and sharing it with local schools.

Mayor Darr noted that VML conference – what was offered was a tour, four different buildings that had been developed and how parts had been subsidized, with some parts used by students

Entire conference was very informative this year

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

**CONSENT AGENDA ITEMS**

A. COUNCIL APPROVAL – Proclamation – “*Juvenile Diabetes Walk Day*”

B. COUNCIL APPROVAL – Bid for Purchase of Fire Hydrants

C. COUNCIL APPROVAL – Donation of Tree for Gazebo During Holidays

*Vice Mayor Parker moved, seconded by Councilman Sayre that Council approve the Consent Agenda as presented.*

Councilman Sayre recognized Springtime Nursery for the tree donation.

Vote: Yes – Funk, Hrbek, Parker, Sayre and Tharpe

No – N/A

Abstain – N/A

Absent – Tewalt

(Mayor Darr did not vote as there was no tie to require his vote)

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**PUBLIC HEARING** – An Ordinance to Amend Chapter 34 of the Town Code Pertaining to Election Precincts. *(1<sup>st</sup> Reading)*

**Summary: Council is requested to affirm on its first reading an Ordinance to amend Chapter 34 of the Town code, “Election Precincts”. In 2011, Warren County amended the Warren County Code Chapter 16 which re-codified and re-numbered its election ordinance and set out the Elections Districts and Precincts including the Town’s. The County eliminated the Riverton Precinct inside the Town. By State Law and Town Code, a town election for town offices held in November must use the regular polling places for the county. Chapter 34 of the Town Code, pertaining to elections, should be brought into conformity with the County Code for the sake of clarity. Polling places for Town of Front Royal elections and voters will remain unchanged since the past Town election.**

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

*Councilman Sayre moved, seconded by Councilman Tharpe that Council affirm on its first reading an Ordinance to amend Chapter 34 of the Town code, "Election Precincts" as presented.*

Councilman Sayre noted that basically this just parallels County and updating our laws

Mr. Napier noted that was correct

Mr. Sayre added that for public to understand, we are going to have five precincts for the voters

Vote: Yes – Funk, Hrbek, Parker, Sayre and Tharpe

No – N/A

Abstain – N/A

Absent – Tewalt

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

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**CLOSED MEETING – Prospective Business, Disposition of Public Property and Consultation with Legal Counsel**

**Motion to Go Into Closed Meeting**

*Vice Mayor Parker moved, seconded by Councilman Tharpe that Council convene and go into Closed Meeting for the purpose of 1) discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711. A. 5. of the Code of Virginia; 2) discussion or consideration of the disposition of publicly held real property, specifically, the former Town Hall property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia; and 3) consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, the ownership and transfer of ownership of former Town Hall, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.*

Vote: Yes – Funk, Hrbek, Parker, Sayre and Tharpe

No – N/A

Abstain – N/A

Absent – Tewalt

(Mayor Darr did not vote as there was no tie to require his vote)

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**Motion to Certify Closed Meeting at its Conclusion**

*===== moved, seconded by =====that 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 – Darr, Funk, Hrbek, Parker, Sayre, Tharpe and Tewalt

COUNCIL MEETING MINUTES

October 14, 2014

No – N/A  
Abstain – N/A  
Absent – N/A

(By Roll Call)

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There being no further business, the Mayor declared the meeting adjourned at =====  
p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council



## **TOWN COUNCIL WORK SESSION MINUTES**

Tuesday, October 14, 2014 (to follow regular meeting)  
Warren County Government Center

### **1. Budget Calendar**

#### **Council Discussion:**

Hrbek stated that the Town was setting an income amount without knowing how much we need to spend

Burke noted that we could accelerate the budget schedule more if need be

He added that as the Town grew by more people, eventually there would be another shift of Police needed as well as meter readers, trash collection, etc.

Council was in favor of the schedule as presented and chose to adopt on their next regular agenda

### **2. Budget Amendment – Outstanding Purchase Orders**

**Council Discussion:** Council chose to place it on the next Regular Agenda

### **3. Revenue Sharing Projects – John Marshall Highway and Criser Road Bridge Replacement**

**Council Discussion:** Noted that they would be on the agenda as two separate items on the next agenda

### **4. Liaison Committee Meeting Items**

#### **Council Discussion:**

Mayor Darr unable to attend, Vice Mayor Parker will attend in his place, Hrbek due as Councilman  
Date: November 20<sup>th</sup>

Town is open to meeting quarterly if County is open to removing some of the stagnant items

### **5. Council Discussion/Goals**

Hrbek spoke with Chief of Police regarding, Westminster lack of sidewalk area, grant money possible

Discussion on next worksession