

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on February 9, 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 Vice Mayor Tharpe that Council approve the Regular Council Meeting minutes of January 26, 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

Mike McCool, of 125 W. 8th Street, noted that he serves on the Mayor's Economic Committee and a portion of what they have recommended was to have the Town with their own Building Inspections program. He noted that it gave the Town a tool to assist with development. Mr. McCool stated that the Building Inspections program affects development greatly and there were obvious issues with the current problems in Front Royal currently. He noted that it would be money well spent, as it only takes one or more developers to go elsewhere to give up their investment funding which could be placed into our community. Mr. McCool voiced that it was unfortunate that the County does not want to give up control.

Timothy Ratigan, of 1476 Canterbury Road, noted that while he does not agree with Vice Mayor Tharpe on the recent Corridor resolution issues, he spoke with him and thanked him for his candor, noting that it was courageous of Mr. Hrbek to take on the issue to begin with. Mr. Ratigan thanked Mr. Hrbek for standing up for the best interests of the Town of Front Royal. He stated that also reached out to Mr. Connolly though he responded with a statement of: "No comment for the press at this time." Mr. Ratigan stated that once they established that he was not member of the press, Mr. Connolly noted that he would answer questions in the public forum. Mr. Ratigan questioned matters relating to the Corridor resolution amendment (Item #10) pertaining to how it would affect expansion and economic growth in Front Royal. He added that Mr. Connolly was elected as a Front Royal Town Councilman and he asked about how it would affect the ability of Front Royal to grow.

Clare Schmitt, of 719 W. 13th Street, read the following into the record:

I'd like to preface my remarks by saying that I live here in Front Royal, I love Front Royal, my husband and I have two properties here. I work in Alexandria, and people ask me all the time why I drive so far. It's because I'd rather commute to where I work, and be able to live where I want to live, which is Front Royal.

Tonight I am here to address you on the vote that occurred two weeks ago on the proposed resolution to compromise on the 522 corridor. When the item came up for discussion, Councilman Hrbek made a motion for an amendment to eliminate item #10 on the resolution which stated that the town will not pursue any annexation legal filings. I thought he made a compelling argument for why passing the resolution as it was written would be a vote against Front Royal and its growth. I think limiting the town in that way is a huge mistake.

I am shocked and upset that 4 of you, Councilman Connolly, Councilman Funk, Vice Mayor Tharpe and Mayor Darr, cast your vote in what seems to be a vote against Front Royal.

Then another motion was made for an amendment to a 5 year limit, which was then voted down by Councilman Connolly, Councilman Funk, Vice Mayor Tharpe, and Councilwoman Egger.

Then a third and final attempt to limit the ramifications of Item # 10 on this resolution proposal, was made by Councilman Hrbek to limit it to just the 522 corridor area. Thankfully, this amendment was passed, but to my shock and dismay, both Councilman Connolly and Vice Mayor Tharpe voted against it.

It is my understanding that it is the mission of the Council to provide representation and leadership on behalf of the citizens of Front Royal and to represent their best interests. I feel that those of you who voted against these amendments were not living up to that mission. I am confident that the county thanks you for this gift at the expense of our town. Thank you for your time.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Noted that the Town offices would be closed for President's Day;
- Stated that the 17th Street would be paved in the spring; and
- Noted that the Town would be continuing their work at the corner of Main and Chester Streets.

Councilman Funk stated that he and Vice Mayor Tharpe attended VML Legislative Day in Richmond about two weeks ago with Town Manager Burke and they had a great opportunity to hear from the Governor, the Lt. Governor, and the Attorney General. He added that they also spoke with some of our Delegates and Senators about the issues important to Front Royal.

Mayor Darr stated that he and other Council members attended the event for Roy & Sharon Boyles recently and it made him pleased to see so many come out to support them during their hard time, and very proud to be a part of the Front Royal community.

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

CONSENT AGENDA ITEMS: None

COUNCIL APPROVAL – Rezoning Application by County of Warren to Accommodate a Future Public School (2nd Reading)

Summary: Council is requested to adopt on its second and final reading a conditional rezoning application submitted by the County of Warren, containing approximately 4.71 acres from the A-1 (Agriculture) District to the R-1 (Residential) District. The rezoning application is subject to a pending annexation of a portion of the property into the Town of Front Royal. The rezoning is intended to accommodate a future public school. [RZ14-02-69 – Tax Map 20A21, Section 2, Parcel 7 and Tax Map 21, Parcel 26; also in conjunction with RZ14-02-070]

Councilman Connolly moved, seconded by Councilman Funk that Council that Council to adopt on its second and final reading a conditional rezoning application submitted by the County of Warren, containing approximately 4.71 acres from the A-1 (Agriculture) District to the R-1 (Residential) District to accommodate a future public school.

Councilman Funk noted that everyone seems pleased with the new schools over the last 1015 years, and many improvements have been made. As a member of Council, there are few times to participate in the improvement of schools, and he is thankful to be a part of this.

Vote: Yes – Connolly, Egger, Funk and Tharpe

No – Hrbek and Tewalt

Abstain – N/A

Absent – N/A

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

(By Roll Call)

COUNCIL APPROVAL – Rezoning Application by Economic Development Authority (EDA) to Accommodate a Future Public School (2nd Reading)

Summary: Council is requested to adopt on its second and final reading a conditional rezoning application submitted by the Industrial Development Authority of the Town of Front Royal and the County of Warren, also referred to as the Economic Development Authority (EDA), containing approximately 19.31 acres from the R-S (Suburban Residential) District and A-1 (Agriculture) District to the R-1 (Residential) District. The rezoning application is subject to a pending annexation of a portion of the property into the Town of Front Royal. The rezoning is intended to accommodate a future public school. [RZ14-02-70 – Tax Map 20A21, Section 2, Parcel 4D, 5, 6, and 12; also in conjunction with RZ14-02-069]

Councilman Funk moved, seconded by Councilman Connolly that Council adopt on its second and final reading a conditional rezoning application submitted by the Industrial Development Authority of the Town of Front Royal and the County of Warren, also referred to as the Economic Development Authority (EDA), containing approximately 19.31 acres from the R-S (Suburban Residential) District and A-1 (Agriculture) District to the R-1 (Residential) District, intended to accommodate a future public school.

Councilman Hrbek noted that Mr. Tewalt and he were not against the public school system, though rather it was their responsibility to look out for the full measures of safety and infrastructure needs of the community and that area. He added that he did not wish to see the citizens of Front Royal stuck with the bill for the improvements for the County schools. Mr. Hrbek stated that his children would most likely be attending there and he was a great advocate of the school system, though every aspect of the proposal needed to be reviewed.

Councilman Tewalt stated that he worked with the school system, as did his wife over the years. He stated that there were obvious safety issues that have not been addressed regarding the road concerns. Mr. Tewalt noted that he was glad the school system has improved and was continuing to work towards their expansion, however; safety should be a major factor and Happy Creek Road issues have not been addressed and those needs should be focused on before moving forward.

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

COUNCIL APPROVAL – Resolution/Ordinance to Amend 2014-2015 Budget to Include Bond and Grant Proceeds for the Waste Water Treatment Plant Expansion Project (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an amendment in the form of a Budget and Appropriations Resolution and Ordinance to the 2014-2015 Budget and Appropriations Ordinance to include interest free Bond and Grant proceeds from the Virginia Water Facilities Revolving fund in the amount of \$11,667,489.00 Grant proceeds and \$39,377,600.00 Bond proceeds (\$51,045,089.00 total) received for the Waste Water Treatment Plan Expansion Project, which proceeds are the result of the December 17, 2014 closing for the funding project. One reading is required because of the specific budget requirements in the State Code (Va. Code § 15.2- 2507.A.; 68-69 Va. AG 79) and the Town Code, Section 4-4. B.

Budget/Funding: Grant proceeds \$11,667,489.00 [9801-3310001]
Bond proceeds \$39,377,600.00 [9801-3510111]
WWTP Expansion \$51,045,089.00 [9801-7015]

Councilman Tewalt moved, seconded by Vice Mayor Tharpe that Council adopt on its second and final reading a Budget and Appropriations Resolution and Ordinance to the 2014-2015 Budget and Appropriations Ordinance to amend the Budget so as to include and appropriate interest free Bond and Grant proceeds from the Virginia Water Facilities Revolving fund in the amount of \$11,667,489.00 Grant proceeds and \$39,377,600.00 Bond proceeds (\$51,045,089.00 total) received for the Waste Water Treatment Plan Expansion Project.

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 APPROVAL – Award of Solid Waste Management Consulting Services

Summary: **The Department of Environmental Services has solicited bids to provide consulting services to assist in the management of solid waste collection and disposal in the most cost-effective manner. Council is requested to approve the award of the consulting services to MSW Consultants in an amount not to exceed \$20,000.00.**

Vice Mayor Tharpe moved, seconded by Councilman Funk move that Council approve the award of consulting services to complete an evaluation of the Solid Waste Division in the amount of \$20,000.00 to MSW Consultants.

Councilman Tewalt stated that he had been involved in similar studies and they have never been productive. He noted that out of state consultants have no idea how to do Town trash pick up. He reiterated that \$20,000 for a study should be spent.

Councilman Funk stated that when he came on Council the Town's Solid Waste division was running at a deficit and while the gap has been closing, some expert services cannot be obtained through current Staff, that perhaps an expert can be given. He expressed his support for the study.

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

COUNCIL APPROVAL – Resolution to Establish a Building Inspections Program

Summary: **Council is requested to consider the approval of a Resolution to Establish a Building Inspections Program for the Town of Front Royal.**

Councilman Hrbek moved, seconded by Councilman Tewalt, that Council postpone the Building Inspections Program discussion until the meeting of March 23rd.

Councilman Hrbek stated that the Council needed proposed budget and expense details in order to give the matter their full consideration. He asked for Council support in postponing the matter. Councilman Funk stated that he wished such discussion had taken place at the worksession, as members of the public had come to hear the matter finalized.

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 APPROVAL – Waiver of Sidewalk Requirement on W. 15th St – Aaron Hike

Summary: Council has received a request from Aaron Hike to waive the requirement for the installation of a sidewalk for two lots on W 15th Street that he is in the process of developing and where as he has submitted applications for two single-family dwellings.

Vice Mayor Tharpe moved, seconded by Councilman Connolly that Council approve a request from Aaron Hike to waive the requirement for the installation of a sidewalk for two lots on W 15th Street that he is in the process of developing and where as he has submitted applications for two single-family dwellings.

Councilman Egger noted that she would not be supporting the waiver. She stated that sidewalks must start somewhere, and this would be the perfect place to begin.

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

COUNCIL APPROVAL – Proclamation for Youth Art Month

Summary: Council has received a request from Andrea Stuart, President of the Blue Ridge Region Art Education Association seeking to proclaim March as Youth Art Month in the Town of Front Royal.

Councilman Tewalt moved, seconded by Councilman Funk that Council approve a Proclamation proclaiming March 2015 as Youth Art Month in the Town of Front Royal.

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)

There being no further business, the Mayor declared the meeting adjourned at 7:26 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council