

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 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
Vice Mayor Hollis L. Tharpe
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Eugene R. Tewalt
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 Councilman Funk that Council approve the Regular Council Meeting minutes of February 23, 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

Chris Ramsey, of 400 Fulton Lane, read the following into the record:

As a follow up of the Town Council Meeting of 2/23/2015, I am somewhat taken back by what I perceive is a lack of appreciation for what developers do and have done in this community. First there would be no Front Royal Virginia if it wasn't for developers. There would be no homes, roads, business, or need for public services. Front Royal simply would not exist. Second, you said "I am working for the citizens not the sub dividers here tonight". Please Excuse me, I take that personal. I am a citizen of the town of Front Royal. I pay a lot of taxes and I vote in town elections. Yes, when you took the office, I am one of those citizens paying your salary. I have been involved in development in this town for 30 years and as for the residential side of development, the Lone Ranger for the past 25 years. During that time I have seen the Town stymie many good projects that showed promise and potential for making Front Royal a more viable community. I have had to sue and threaten law suit at every stage of the way to force the Town to honor the code that legally existed at the time.

Every requirement that you place on a development is a cost to be borne by the purchaser of the product of that development. It results in higher prices for products in a commercial setting, it results in higher housing costs in a residential setting and potentially lower wages in an industrial setting. The costs are borne by the Citizens you claim to represent. By driving up costs to the consumer in an arbitrary manner, it results in fewer opportunities to those Citizens you represent. Fewer housing options, fewer shopping options, less employment options and fewer services and amenities. Have you not noticed other communities in our area that are flourishing while we are stagnate.

You give lip service to creative development ideas and then vote to approve ordinances that go the way of less creativity and more stringent regulations. We

have had an open space ordinance on the books for 25 years or more. Have you not noticed that no one has done a subdivision under that ordinance – why? because it doesn't work. We have spent countless resources on PND (Planned Neighborhood Development) if it was workable would we not have one by now? Let's get real and do something constructive rather than hide behind the façade of lip service.

The Bottom line is that your vision of the Town of Front Royal, in my opinion, is very narrow, very expensive and very selfish.

Few people know the true legacy that you and previous administrations leave us, and the next generation to deal with. The flawed decisions and installations, that you were directly involved in and with, will cost the Citizens that you claim to be looking out for, countless millions of dollars in maintenance and corrective measures. It is time that you recognize “who” you represent, because from where I stand, I see the orderly growth and development of our community happening in spite of you and not because of you.

Tim Ratigan, of 1476 Canterbury Road, noted that Front Royal is considering re-opening the building inspection office of the Town and he has spoken recently with several members of Council. He stated that the Council could bring in new businesses and opportunities for Front Royal by moving forward with opening said office. Mr. Ratigan challenged the Town to successful lower real estate and personal property rate.

Tom Conkey, of 1401 N. Royal Avenue, noted that he had asked Councilman Connolly for information regarding the way he voted on matters prior. Mr. Conkey stated that previously the Town and County paid for items jointly, 50/50, and it seemed fair years ago. Now, he noted, it was obvious that the problem was that each Town citizen was paying more than a County citizen. Mr. Conkey explained that since the Town citizens are also County citizens, the Town was paying twice in many instances. He opined that when the Town is working a deal with the County, the County is not doing the Town any favors by paying for the library, or the EDA, or the Sheriff's Department, as the Town citizens are also paying for those items as well. He asked members of Council to keep these sentiments in mind as they moved forward.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Thanked those employees involved in the snow removal efforts during the past week;
- Noted that the Riverton Substation Ribbon Cutting was held and he thanked the crews for their work in making this project come to fruition;
- Stated that the VDOT steel beam delivery would be taking place tomorrow morning;
- Reported that the Town has contracted to have updated aerials taken of Front Royal;
- Commented that the Town will begin paving on W 17th, Manassas Avenue, and Braxton Road, just to name a few;
- Stated that next week was *National Fix a Leak Week* and he encouraged citizens to take advantage of ways to reduce leaks and save money on their water bills;
- Noted that yard waste would begin next Wednesday for area citizens in Town.

Martha Shickle, Executive Director, of the Northern Shenandoah Valley Regional Commission:

- Noted that there was a Neighborhood Stabilization Project home for sale in Front Royal;
- Stated that the RideSmart program had Twitter and FaceBook at this point and encouraged Council to follow online;

- Reported that Amber Joiner-Hill was their new Continuum of Care Coordinator who is working with regional agencies for the homelessness needs of area communities;
- Commented that they will be reviewing the transportation planning work documents next Thursday, specifically to make recommendations for the six-year improvement funding;
- Stated that they will be looking at Community Development Priorities, as well as Affordable Housing Priorities which are scheduled for public comment, which includes rental housing assistance needs in Warren County; and
- She thanked Mr. Burke for the meeting on Friday with NSVRC Staff as they were given a lot of updated Town information.

Mayor Darr thanked the Town Staff, specifically the Water & Sewer Crew, the road crew, and our law enforcement for their ongoing efforts to keep the Town up and running during the recent snow storms.

Mayor Darr commended the Town's Electrical Department for the Riverton Substation work. He noted that there was an extensive amount of work completed by Front Royal employees and it was impressive.

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

PUBLIC HEARING – Ordinance Amendment to Chapter 175 Pertaining to Sandwich Board Signs *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance of Section 175-106.A.9.e, of the Town Code, as recommended by the Planning Commission after referral by Town Council, and referred to under the title “Sandwich Board Signs”. The draft would allow for the Zoning Administrator to allow one (1) additional sandwich board sign for businesses under certain specifications, and other minor changes to the sign regulations, as presented.

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

Councilman Funk moved, seconded by Vice Mayor Tharpe, that Council affirm on its first reading an Ordinance Amendment to Chapter 175-106.A.9.e, of the Town Code pertaining to “Sandwich Board Signs”, 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)
(By Roll Call)

PUBLIC HEARING – An Ordinance Amendment to Establish Tourism Zones *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance amendment that would establish three (3) tourism zones in the Town of Front Royal. The zones are proposed for the purpose of

promoting business growth in the Town by offering incentives that will encourage economic development that will attract visitors, increase tax revenue and enhance the general welfare of the public. The proposed incentives would be added to Section 75-74 of the Town Code. The amendment also proposes the addition of 75-75, where the incentives for historic district rehabilitation would be relocated from Section 175-97.

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

Councilman Funk moved, seconded by Councilman Connolly, that Council affirm on its first reading an Ordinance to amend the Town Code by establishing three (3) tourism zones to Chapter 75-44 and enacting Chapter 75-75, as well as an amendment to Chapter 175-97, as presented.

Councilman Funk noted that he had pledged to make Front Royal more business friendly and this tourism zone ordinance and the changes to the sign ordinance were steps in the business friendly direction. He noted that the changes keep Front Royal competitive and he thanked Councilman Hrbek and the Planning Commission for their efforts.

Councilman Hrbek noted that it was a great tool to recruit new businesses, though without a specific economic development person reporting to the Town Council and without a Town building inspector for the Town, this would not be fully implemented.

Vote: Yes – Connolly, Hrbek, Egger, Funk, 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)

PUBLIC HEARING – Ordinance to Adopt PPEA Policy Guidelines (1st Reading)

Summary: Council is requested to affirm on its first reading an Ordinance to adopt Policy Guidelines pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 (the “PPEA”), which grants responsible public entities, such as the Town, the authority to create public-private partnerships for the development of wide range of projects for public use if the public entities determine there is a need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion.

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

Councilman Tewalt moved, seconded by Councilman Egger, that Council affirm on its first reading to enact an Ordinance for the Town Code, that would adopt Public-Private Education Facilities and Infrastructure Act (PPEA) Policy Guidelines, 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)

(By Roll Call)

PUBLIC HEARING – Setting of Real & Personal Property Tax Rate (1st Reading)

Summary: Council is requested to affirm on its first reading a real property tax rate of \$0.13 per \$100 assessed value, which represents an increase of \$0.0025 per \$100 assessed value from the current year's rate associated with the average increase in property values from the reassessment of properties completed by Warren County; the Personal Property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; the Machinery and Tools Tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; and the Mobile Homes tax rate at \$0.13, which represents no increase over the current year's rates, for Fiscal Year 2015-2016.

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

Vice Mayor Tharpe moved, seconded by Councilman Tewalt, that Council affirm on its first reading a Real Property tax rate of \$0.13 per \$100 assessed value; Personal Property tax rate at \$0.64 per \$100 assessed value; Machinery and Tools Tax rate at \$0.64 per \$100 assessed value; Mobile Homes tax rate at \$0.13.

Councilman Connolly noted that he had difficulty absorbing the topic fully. He stated that the Town is required to advertise the matter as an increase, even though it is not an increase over last year's rate. Mr. Burke noted that was correct.

Councilman Funk stated that he had requested that the rate be advertised at a level rate, and unfortunately the property values have risen to the point where a majority of Warren County and Front Royal landowners will be paying more in taxes this year. Mr. Funk noted that he did not see a need to raise taxes this year, adding that he ran on a platform promising not to raise taxes. He stated that there may be scenarios where he might consider tax increased, this was not such a case; he noted that he would be voting against the tax increase.

Councilman Hrbek asked if it was a \$20,000 increase, if there was a 100% rate of collection. Mr. Burke noted that Mr. Hrbek was correct.

Vote: Yes – Connolly, Hrbek, Tewalt and Tharpe

No – Egger and Funk

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 – Part-Time Community Resource Officer Position

Summary: Council is requested to consider the approval of the hiring of a part-time Community Resource Officer (CRO) for the Front Royal Police Department at a cost of \$12,000.00 for the remainder of the FY2014-2015 Budget Year.

Councilman Hrbek moved, seconded by Councilman Tewalt, that Town Council approve hiring a part-time Community Resource Officer (CRO) for the Front Royal Police Department at a cost of \$12,000.00 for the remainder of the FY2014-2015 Budget Year.

Councilman Funk noted that this position was about safety and the Police Department needs to do community outreach, while allowing the officers on the street the ability to continue their regular duties. Mr. Funk stated that he would support the Police Chief in this request.

Councilman Connolly commended the Chief and his Staff for the proposal and their efforts for community outreach. He noted that the duties had added many additional tasks to the current officers and he supports the request to make matters more efficient.

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 – Liaison Committee Meeting Items

Councilman Tewalt moved, seconded by Councilman Connolly that Council approve the addition/deletion of the following items to the Liaison Committee Meeting Agenda for the March 19, 2015 Meeting:

- 1) Add “Catlett Mountain Landfill Recreation Use”
- 2) Add “Updates on Warren County’s In-Town Projects”
- 3) Add “Avtex Property – Main Street Extension”
- 4) Remove “Proposed Revised Liaison Mission Statement/Policies
- 5) Remove “Installation of Monitors in Board Room”

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)

**CLOSED MEETING – Investment of Public Funds; Consultation with Legal Counsel;
Award of Public Contract
Motion to Go Into Closed Meeting**

Councilman Connolly moved, seconded by Vice Mayor Tharpe, that Council convene and go into Closed Meeting pursuant to Virginia Code Sections 2.2-3711.A. 6., 7., and 29., for the following purposes in connection with a potential proposed voluntary economic growth-sharing agreement or agreement(s) with the Board of Supervisors of Warren County to consider the following: 1) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit

would be adversely affected, **AND**, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, **AND**, Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

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)

Councilman Connolly moved, seconded by Vice Mayor Tharpe, 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 – Connolly, Darr, Egger, Funk, Hrbek, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – N/A

(By Roll Call)

COUNCIL APPROVAL – PILOT MEALS & LODGING TAXES

Councilman Egger moved, seconded by Councilman Hrbek that Council authorize the Town Manager to send the Memorandum of Agreement compromise for the PILOT Meals and Lodging Taxes to the County Administrator that excludes Crooked Run II and includes a cost sharing of the equivalent of 37% of the meals and lodging tax collected by the County to the County Administrator; as the Town has no information nor development plan for Crooked Run II to evaluate the utility demand for the site; and the Town will consider Crooked Run II through our Out-of-Town Utility Policy when a development plan is submitted.

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)

There being no further business, the Mayor declared the meeting adjourned at 8:34 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council