



TOWN COUNCIL WORK SESSION/SPECIAL MEETING

Monday, March 30, 2015 @ **6:30pm** in Front Royal Administration Building

1. **Closed Meeting** – 1) Planning Commission Interview and 2) Consultation with Legal Counsel;
Award of Public Contract

Motion to Go Into Closed Meeting

===== moved, seconded by ===== that Council convene and go into Closed Meeting for the purpose of 1) assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia and 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia and discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, 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, pursuant to Section 2.2-3711. A. 29. of the Code of Virginia.

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)

Motion to Certify Closed Meeting at its Conclusion

===== moved, seconded by ===== 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)

7:00pm – TOWN COUNCIL SPECIAL MEETING

TOWN COUNCIL WORK SESSION CONTINUED

2. **Budget Amendment for Utility Work on Rockland Road** - Director of Environmental Services

Summary: The Town entered a contract with the Virginia Department of Transportation (VDOT) in January 2011 where VDOT constructed a section of

highway (Rockland Road) that necessitated changes in the Town's water and sanitary sewer facilities. Council authorized \$38,000 to fund the Town's costs for the utility location in 2011. VDOT, through their highway contractor, completed the relocation in November 2012. As the Town received no request for funds, the purchase order was cancelled at the end of 2013. VDOT submitted the attached invoice in March 2015. The contract stated that the Town would be responsible for 45.1% of the cost and VDOT responsible for the remaining 54.9% of the project total. The completed project cost \$63,313.78 with the Town's share at \$28,554.51.

Council is requested to review and approve the payment to the Virginia Department of Transportation in the amount of \$28,554.51.

Budget/Funding: Budget amendment to pay total amount due of \$28,554.51
Fund Reserves – 9601 – 35110101 [water] \$14,277.26
Fund Reserves – 9801 – 35110101 [sewer] \$14,277.26
Expense will be paid from line item 47998 [Water and Sewer line Expansion – Warren County]

Staff Recommendations: Staff recommends approving the necessary funds to pay the past due amount to VDOT to cover the cost of relocating the water and sanitary sewer lines.

Council noted that it should be moved to a regular agenda.

3. VDOT Local Administration of Happy Creek Rd Phase II Project - Dir of Environmental Services

Summary: The Virginia Department of Transportation (VDOT) is requesting that the Town of Front Royal appoint an individual to administer the Happy Creek Road Phase II Project. The Director of Environmental Services, Carl J. Hannigan Jr, requests approval to be appointed Local Responsible Person to administer the Happy Creek Rd Phase II Project through VDOT.

Council is requested to review and approve the information submitted by the Department of Environmental Services regarding the Request to Administer Project application to VDOT.

Staff Evaluation: DES has completed the Request to Administer Project application that would allow for Mr. Hannigan to be the full-time local government employee who would be responsible for all major project decisions. Staff recommends appointing Carl J Hannigan, Jr as the local responsible person for the Happy Creek Road Phase II project.

Councilman Tewalt asked if they had the revealed potential cost. Mr. Burke noted that it may be \$2.5 million, though that was including the funding for traffic assistance and would also include two primary right of way acquisitions. Councilman Hrbek asked about shutting down that section of Happy Creek. Mr. Burke noted that it would be shut down for about six months for road completion.

Councilman Tewalt noted that he had concerns with tractor trailers going through the subdivision. Mr. Burke noted that they would go down Leach Run Parkway or the other direction, and they would not run truck traffic through that area at all. Council noted that it would go on the Consent Agenda.

4. Catlett Mountain Recreational Area – *Town Manager*

Summary: The Town has received a request from Warren County to consider the reuse of the Catlett Mountain Landfill for recreational activities. The County proposes to use the site for hiking trails, walking paths, a practice ball field, picnic shelter, mountain bike skills course, and a parking lot. The County requested at Liaison Meeting that the Town provide authorization to the County to submit the request to DEQ prior to their submittal to DEQ. The County has indicated that ownership will remain joint between the Town and County, but the County will assume liability for all recreational use.

Staff Evaluation: The proposed use of the site is intended to restrict intense use of the area that is identified as the capped landfill. The Town Attorney will have to determine if an agreement relieving the Town of liability for use can be developed.

Mayor Darr asked if property is damaged due to the recreational acts or illegal acts – would the Town be back to the 50/50 split. Burke noted that the County does not wish to relieve the Town of any repairs or liability related to the use of the site of a landfill.

Councilman Hrbek noted that the MOA would need to specifically say that the Town would not be responsible for repairs which would

Councilman Funk stated that if we allow the use of the property legally, perhaps the property would be less likely to be damaged illegally.

Ms. Egger noted that she was okay with the recreational site, though she would like to ensure that the details would be fully worked out to protect the Town.

Mr. Connolly stated that the narrow entrance and the low number of parking places of the site concern him. He also expressed concern with the landfill items being exposed at the site due to the recreational use. Mr. Tewalt stated that there seemed to be too many strings involved for him to be in agreement with the change of use at the site.

5. FY 2015-2016 Recommended Budget – *Town Manager*

Mr. Burke explained that the total budget breakdown, including 30% in power purchase. He noted that it was a 12% increase, however; it included about \$800,000 in anticipated increase of power purchases. He stated that it also includes a \$1.9 million and \$960,000 transfer from the sewer and water funds to the W&S Reserves, respectively.

Mr. Burke stated that it includes highlights of Leack Run Parkway, restoration of John Marshall Highway, WTP Upgrades and the Police Headquarters.

Budget Highlights

- Finance Director as the Asst. Town Manager

- Includes \$1/hour merit raise for employees
- New Communications Officer at the PD
- Second Communications in next year's budget
- Funding for Marketing Position
- New WTP & WWTP Operators due to Plant Upgrades/State requirements
- 6.5% Medical Insurance Increase
- New Line Technician in Energy Services
- Eliminates the Retiree Insurance Benefit for New Employee

General Fund includes:

- Transfers 27% funding
- State 19% funding
- 7.8% increase over last year
- Personnel is about 60% of the General Fund, and it includes no rate increases for electric, water or solid waste, though it includes 6.5% decrease in sewer rates
- Power Purchase in Energy Resources is 76% of their budget
- 17% of water fund goes into reserve for repair/renovation of water infrastructure
- With the proposed rates, the Town will most likely be the lowest or the second lowest water/sewer rates in the Shenandoah Valley
- 74% of expense of refuse went to personnel

Mr. Burke presented the information above, distributed budget books to Council and noted the proposed schedule for budget adoption on May 26th.

6. Request for Joint County/Town/EDA Meeting

Summary: At the March 19th Liaison Meeting, the County requested that the Town, County, and EDA conduct a joint meeting to discuss current projects, issues, and future opportunities. Council is requested to discuss a possible joint meeting and identify preferred dates for the meeting.

Mayor Darr noted that a letter could be sent to discuss possible meeting dates. Councilman Tewalt asked that we have an agenda to discuss matters

7. Display of "In God We Trust" in Board Room

Summary: At the March 19th Liaison Meeting, the County discussed the display of "In God We Trust" in the Board, which was followed by the attached memo from Doug Stanley. The County has already approved the installation of the display, but are seeking the Town's concurrence with this project.

Council voiced their support of the wording and the display of the text beneath the clock in the Board Room.

8. Council Discussion/Goals

Councilman Tewalt asked about the Comcast contract. Mr. Burke noted the update regarding the discussion with Comcast.

Councilman Tewalt asked about VDOT to provide an update on 18th Street and address the areas of disrepair.

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Funk, Councilman Hrbek, Councilman Tewalt, Finance Director Breeden, Town Attorney Napier, Clerk of Council Berry, Chief of Police Shiflett, Planning & Zoning Director Camp, IT Director Jones, members of the media and members of the public.

The special meeting of the Town Council of the Town of Front Royal, Virginia was held on March 30, 2015, in the Town's Administrative Council Meeting Room. 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 Egger moved seconded by Vice Mayor Tharpe to remove Item 4 – CLOSED SESSION – Investment of Public Funds, Consultation with Legal Counsel & Award of Public Contract.

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 – Setting Real and Personal Property Tax Rate (2nd Reading)

Summary: Council is requested to adopt on its second and final 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.

Councilman Connolly moved, seconded by Councilman Tewalt that Council adopt on its second and final 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.

Vote: Yes – Connolly, Hrbek, Tewalt and Tharpe
No – Egger & 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 – Extend Date in Resolution to Reconvene Discussion of a Town Building Inspection Program

Summary: On February 9, 2015 Council moved to postpone a Resolution to Establish a Building Inspections Program for the Town of Front Royal until their March 23, 2015 Council Meeting. On February 23, 2015 Council approved a Resolution to extend the date to reconvene discussion of a Town Building Inspection Program from March 23, 2015 to April 13, 2015. Council is requested to extend the date to reconvene discussion of a Town Building Inspection Program from April 13, 2015 to May 26, 2015.

Councilman Hrbek moved, seconded by Councilman Egger that Council approve the extension of the date to reconvene discussion of a Town Building Inspection Program from April 13, 2015 to May 26, 2015.

Councilman Tewalt asked if the postponement was with regard to not having the proper information; Councilman Hrbek noted that was correct. Mr. Burke noted that the Staff and Council would be working on the budget during April, and could further review this matter at a later time.

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 7:07 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council