

The SPECIAL MEETING of the Town Council of the Town of Front Royal, Virginia was held on September 21 2015, in the Town Administration Building. 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.)

Summary: Council is requested to approve revisions to the MOU with the County of Warren and Economic Development Authority (EDA) regarding the funding of the Leach Run Parkway project to address the bid being higher than budget and identifying that the Town shall pursue additional Revenue Sharing Funds to complete the project as originally designed. In addition, Council is requested to approve a Resolution accepting the bid from Branch Highways and authorizing the EDA to award construction of the road and waterline to Branch Highways, pursue a change order based upon the revised plans to reduce the scope and cost of the project, and directing staff to pursue additional funding from VDOT for the project. The Town will conduct a future public hearing to amend our FY15-16 Budget for this project.

Budget/Funding: Expense: \$12,312,582.95 – 4500-7957 Leach Run Parkway Construction Revenue:

\$5,324,050.00 – 4500-3410206 VDOT Revenue Sharing
\$5,324,050.00 – 4500-3410001 Warren County Bond Proceeds
\$832,241.48 – 4500-3420206 Future VDOT Funding
\$832,241.48 – 4500-3410001 Future Warren County Bond Proceeds
Expense: \$868,225.00 – 9602-7513 Water Line Upgrades
Revenue: \$868,225.00 – 9601-3510110 Fund Balance - Water

Councilman Tewalt moved, seconded by Vice Mayor Tharpe that Council approve revisions to the Memorandum of Agreement (MOU) with the County of Warren and Economic Development Authority (EDA) to fund the Leach Run Parkway as presented and authorize the Mayor and Town Manager to execute the MOU.

Councilman Tewalt further moved that Council approve a Resolution accepting the construction bid from Branch Highways and authorize the EDA to award the contract for construction as presented.

Councilman Tewalt asked if the Town would be in charge of all the financing. Mr. Burke noted that they would be, in a round-about way. He stated that everything comes to the Town after moving through EDA and the other channels.

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 7:01 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council



TOWN COUNCIL WORK SESSION

Monday, September 21, 2015
(immediately following Special Meeting)
Front Royal Administration Building

1. Warren Heritage Society Request for Additional Funding – *Town Manager*

Summary: The Town has received a request from Patrick Farris, Executive Director of Warren Heritage Society, for an in-kind donation to offset the utility expenses incurred by the Heritage Society. The Heritage Society provides services both to the Town through preservation of Town records, as well as the citizens of the Town through the preservation and display of the history of the Town. The request for assistance is \$15,000, an increase from the previous amount of \$10,000 provided by the Town.

Council is requested to consider reimbursement of utility service expense at 101 Chester Street for the Warren Heritage Society for FY2015-2016.

Staff Evaluation: Reimbursement of utility service would be funded through a donation of funds from the Electric, Water and Sewer Fund reserves.

Budget/Funding: Funding for this effort would be made through the Electric, Water, and Sewer Fund Reserves. The Finance Director will be available to address fiscal issues.

Staff Recommendations: Staff recommends that Town Council consider the request to donate a reimbursement of utility service to the Warren Heritage Society.

LETTER FROM PATRICK FARRIS:

As per your request, I am formally submitting for consideration by the Front Royal Town

Council financial support from the Town to the Warren Heritage Society in the form of coverage of the Society's utilities costs. In 2014 past the Town covered these costs to the amount of \$10,000 per year, which covered approximately 65% of our annual utilities usage, and so we are requesting the amount be amended to \$15,000 in coverage in order to defray these expenses.

As we have submitted in the past, the Warren Heritage Society is proud to assist and partner with the Town on numerous projects, and through its own financing has built and maintained a museum complex with extensive programming that serves the community year-round and attracts visitors.

Thank you for your time and consideration, please do not hesitate to contact me concerning any aspect of this request.

Council Discussion:

Mr. Burke noted that he would recommend consideration of this request, adding that they would

To answer Councilman Tewalt's questions, Mr. Farris noted that \$15,000 would most likely cover all of the utility costs for the Heritage Society. Mr. Tewalt stated that perhaps they should have it placed in the budget annually and then it could be placed in the budget and that may be a smoother process rather than coming afterwards.

Mayor Darr suggested that the Electric Department visit the Warren Heritage Society to check to see if they had all energy efficient measures in place to best reflect all areas that can assist with cost saving. Mayor Darr asked if the Warren Heritage had approached the Board of Supervisors for funding. Mr Farris noted that they have old buildings but very up to date HVAC systems for example, and other features to be as energy efficient as possible. He added that he will certainly phone the Electric Department in the morning to schedule an energy audit to determine other ways the Heritage Society may benefit from other adjustment.

Mr. Farris invited Council to the baseball exhibit this coming Friday evening, as well as the open house of the Balthis House and they also have the Ghost Story coming up also. Mr. Farris added that they are holding a 5k, a 10k and a 1/2 marathon soon.

Council chose to place this on the next consent agenda.

2. Draft Code Amendment “Modifications to High Grass & Trash Regulations”– *Dir of Planning*

Summary: The attached draft amendment to the Town Code proposes modifications that will improve the Town's regulations governing high grass and trash. The following list summarizes the key changes proposed:

- Increases the penalties for repeat offenders.
- Clarifies that repeat offenders are only required to be given 1 notice during a year.
- Removes the grass cutting season (May 1 – Sept 1) so grass would need to be cut all year.
- Changes the maximum height of grass from 15 inches to 10 inches.
- General language changes and a new definition of foreign growth.
- Exemptions included to the high grass regulations for agricultural uses and areas further than 100 feet from buildings.
- Authorization for the Town Manager to enforce trash and debris violations, either as a Class IV misdemeanor, or by removal action and billing of the owner.
- General language changes or corrections.

Staff Evaluation: The proposed changes were drafted by the Dept. of Planning & Zoning and Assistant Town Attorney.

Council Discussion:

Councilman Tewalt asked about the number of violations annually; Mr. Camp noted that there were about 200 violations per year. Mr. Tewalt noted that the Town property should also pay attention to this ordinance and keep “Town” grass within 10 inches as well.

Mayor Darr asked how they enforce the notice when it is a renter versus an owner. Mr. Camp stated that the property owner is responsible and they will be paying the fees. Mr. Brock noted that renters are also notified that the owner will be contacted. Mr. Brock stated that they only have mowed about seven properties this year. Vice Mayor Tharpe stated that perhaps they could increase the fees and that would cut down on the amount of violations throughout the Town. Mayor Darr voiced his support.

Councilman Tewalt asked how long the Town had to wait to mow the grass. Mr. Camp stated that a ten day notice is given, then an additional ten day notice is given before a mowing is completed. Mr. Brock noted that it takes about 30 days total before a mowing takes place.

Councilman Funk noted that he had some concerns with criminalizing the refuse portion. Council chose to move forward with a public hearing.

3. Continued Discussion of Urban Agriculture Ordinance – *Director of Planning*

Summary: The attached draft amendment was reviewed during the September 08, 2015 Town Council Work Session. During the meeting Town Council requested input from Warren County Animal Control regarding the proposed legislation that would allow “Urban Agriculture” in the Town as an accessory use, including the keeping of animals, subject to certain restrictions and requirements. It was also suggested during the September 8, 2015 Work Session that lots 1 acre and larger should not be required to obtain a permit for the keeping of animal.

Staff Evaluation: Warren County Animal Control has been contacted and their input should be available for the work session on September 21, 2015. When Town Council is comfortable in moving forward with the draft amendment a public hearing (1st Reading) and 2nd Reading is required to adopt the draft code amendment.

Council Discussion:

Councilman Egger asked about potential liability if an animal became loose and killed another, in response to Mr. Camp’s notation regarding the matter. She noted that it was the

Councilman Tewalt stated that the odor of chickens was not pleasant and if individuals wanted chickens should move to the county in his opinion. Councilman Funk suggested placing the matter on the website and the utility billing to see if the public was in favor of it. Councilmen Hrbek and Egger noted that gathering opinions could take place during the public hearing. Vice Mayor Tharpe stated that he has heard both responses for and against the matter. Mayor Darr noted that his concern was the lot size. Mr. Camp stated that there was actually not a minimum lot size. Mayor Darr stated that he then had a greater concern then.

Councilman Egger noted that the trend was towards allowing people to provide for themselves and provide their own food, including chickens. She noted that many communities were much more dense than Front Royal and their neighborhoods are thriving with this type of setup.

Councilman Tewalt stated that bringing in animals would bring in coyotes and bears and that concerns him greatly. Councilman Hrbek stated that they live on the border. Councilman Egger stated the chickens eat stink bugs. Vice Mayor Tharpe stated that he would not support this matter.

Mayor Darr stated that it will move forward to a public hearing.

4. Employee Handbook Revisions – *Town Attorney*

Summary: Following two and a half years' experience with the Town's Employee Handbook, a number of tweaks and revisions have been found by staff to be proposed for revision. 1) The most significant is adding the Town's Electronic Information Device Policy, which regulates what information and social media employees can use and post on their Town-issued cell phones and computers. Town Council has already adopted this Policy but it has not yet been made a part of the Handbook. 2) The Sick Leave Donation Program is recommended for removal from the Handbook due to lack of employee participation. 3) "Call back pay" has been clarified to remove an ambiguity that has been identified in certain situations. 4) The Handbook definition of "grievance" has been amended slightly to conform precisely to the Code of Virginia to eliminate any possible ambiguity. 5) There has been some renumbering of sections in the Handbook due to the elimination of one section and the addition of a new section. 6) Part-time employees hired after July 1, 2015, will not be eligible to receive paid leave benefits except paid holiday leave. 8) A summary of the requested changes to the Handbook is attached.

Council is requested to consider if it wishes to adopt the proposed revisions to the Employee Handbook.

Staff Evaluation: Staff believes adoption of the revisions to the Employee Handbook should reduce ambiguity, bring the Handbook more up to date, and let employees know more fully the Town's current policies.

Budget/Funding: The proposed Handbook revisions are revenue-neutral, except for some small savings for benefits to part time employees, and for potential modest savings with respect to call back pay situations.

Staff Recommendations: Staff recommends adoption of the revisions to the Employee Handbook.

Council Discussion:

Councilman Tewalt asked about those that receive cell phones in the Town and who monitors said phones. Mr. Burke noted that the IT Department monitors use as needed, with computer storage being handled on servers.

Councilman Tewalt asked about part-time employees receiving paid leave benefits if they were hired after July 1, 2015. Mr. Burke and Mr. Napier stated that they hope to remove more and more of the part time positions. Mr. Tewalt asked about the call back (after) hours. Mr. Napier stated that they

are bringing it in line with the Federal policies time. There were no further questions and Mayor Darr stated that the item could go on the consent agenda.

5. Council Voting Order – *Councilman Hrbek*

Councilman Hrbek stated that Robert's Rules says that it is in alphabetical order. Mr. Hrbek noted that Mr. Napier's email had clarified the matter in full.

6. Discussion Pertaining to Chapter 134-1.C. (Water Policy)

Mr. Burke stated that it was established to provide Warren County with direction to provide new connections to the Town system and it effectively can be used in other areas, not just the Corridor.

Councilman Hrbek noted that the Code has not been violated at this point, though once water has been extended out there and they do not go through the process – at that point then the Town has violated the policy. Vice Mayor Tharpe stated that the Town also cannot spot zone in an area either, adding that property should be adjacent to Town property.

Mayor Darr voiced his agreement with Councilman Hrbek. Vice Mayor Tharpe suggested amending the Code perhaps in order to remedy the situation. Councilman Egger stated that amending would unnecessarily complicate the matter, not simplify things. Councilman Tewalt noted that the Town did not violate their water policy. He noted that a letter was sent out noting that water would be provided to Crooked Run II.

7. Council Discussion/Goals

Councilman Hrbek asked that the Council agenda to reduce the Town lodging tax to match Warren County. Mayor Darr noted that the matter should go to a worksession for full discussion.

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Funk, Councilman Hrbek, Councilman Tewalt, Financial Analyst Wilson, Town Attorney Napier, Clerk of Council Berry, Police Captain Hite, Planning & Zoning Director Camp, Zoning Officer Brock, members of the media and members of the public.