

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 11, 2016, in the Warren County Government Center's Board Meeting Room. Vice Mayor Tharpe 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: Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Bret W. Hrbek
Councilman Jacob L. Meza
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

ABSENT: Mayor Timothy W. Darr

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

Councilman Egger moved, seconded by Councilman Connolly that Council approve the Regular Council Meeting minutes of March 28, 2016 as presented.

Vote: Yes – Connolly, Egger, Meza and Tharpe
No – N/A
Abstain – Hrbek and Tharpe
Absent – N/A

(By Roll Call)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Alford D. Carter III, of 230 W. 8th Street, noted that he was recently installed as the area President of the NAACP and as a testament of the support given to him, he would like to list those who have been there to provide their support, including: Mayor Darr, Vice Mayor Tharpe, Police Chief Shiflett, Town Manager Burke, Officer Robbie Seal, Sheriff McEarthon and Kahle Magalis. Mr. Carter noted that it had been a pleasure to be in a town with those in favor of equal treatment, equal rights and equal justice.

Mike McCool, of 125 W. 8th Street, stated that the online link for the budget was sent to him from the Town Manager. He opined that the proposed budget was very heavy in personnel expenses. He stated that raises in the civilian community were not there, and very select government employees were receiving increases. Mr. McCool noted the proposed Town employee raises were substantial and very out of line. He requested that Council eliminate the raises as proposed. He added that though the employees desperately need them, it would be inappropriate for them to receive them. Mr. McCool added that health insurance costs were outrageous and negotiations were obviously not going well. He suggested that competitive bids need to go out for the health insurance costs for Town employees. He noted that Council should cut many areas that are in the budget in order to reduce costs. Mr. McCool stressed his opinion that Council should be careful with Town money, and asked that they make sure that the tax rate is held. He further asked that Council have plenty in reserve.

Glenda Mikulak, of 317 Front Street, noted that she hoped for a positive vote this evening for the curb and gutter matter on the agenda. She stated that the project would most likely move quickly.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke noted that:

- Due to the server and software maintenance, the Town's online utility payment website will be offline for Monday, April 11th and Tuesday, April 12th. The Finance Offices will be closed Tuesday, April 12th also. Payments can be dropped off in the lobby payment box or in the drive through payment box. The Town will not charge late fees for utility bills due on April 11th or April 12th. We apologize for the inconvenience, but the upgrade is necessary to update our finance payment systems.
- The Town would like to recognize the efforts of our Police Department Communication Officers during this National Public Safety Telecommunications Week. The men and women who serve as our primary connection to our citizens in times of crisis serve as a critical link to the provision of public safety in our community. Our professional staff must remain calm to gather all necessary information during a crisis so our Police Officers can be ready to respond appropriately. We thank them for their dedicated service to the Town of Front Royal.
- The Town will be conducting fire hydrant flushing through Friday, April 15th between the hours of 7:00 am to 3:00 pm. Our crews will be flushing hydrants to free deposit buildup from the waterlines, to inspect the operation of the hydrant, and to measure the flow rate at the hydrant. If you have any questions about the hydrant flushing, please contact our Department of Environmental Services at (540) 635-7819.
- The Town will be hosting an Earth Day / Arbor Day event on Saturday, April 23rd from 9:00 am to 2:00 at the Visitors Center. Representatives from the Potomac Appalachian Trail Club, the Smithsonian Conservation and Biological Institute, and the Front Royal Tree Stewards, will have information booths around the Gazebo.

Joe Waltz, the Town's Energy Services Department Director, thanked Council for their continued dedication to making the Town the lowest municipal rate in the State of Virginia. He noted that the Town's forward thinking with their generation portfolio has allowed the Town to continue to remain on target for their budgeted costs.

Mr. Waltz stated that the Town had approved the purchase to secure more than a 30% block of power with the vote in March. He noted that the goal was to have the cost of service study due for final product by October. Mr. Waltz added that the Department's AMI project evaluation continues for implementation; three pedestrian crosswalk installations continue in Town; the Department's new facility move in was on March 25th; and the Town's vehicle charger has had 32 charges in the first six months since installation. He noted that the Town would have 60% in generation assets acquired once the new solar site is online, in response to Councilman Tewalt's question. Councilman Hrbek asked about the solar percentages; Mr. Waltz noted that it included 30 communities and no matter what the weather may be, the Town would reap the benefits in order to maximize the full potential of the solar installations from each site.

Councilman Connolly stated that on Saturday April 9th he attended the Habitat for Humanity event and he was pleased that the Town Staff had worked diligently to ensure the projects occupancy permit.

Councilman Connolly noted that many options have been discussed to change the proposed Police Headquarters building from a one story structure to a two story, and he stated that the Town hoped to have the project move forward without increased cost or taxes.

Councilman Tewalt stated that the new Aldi store would open April 28th in the Corridor.

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

CONSENT AGENDA

- A. COUNCIL APPROVAL – Bid for Tandem Dump Truck
- B. COUNCIL APPROVAL – Proposal for I & I Point Repairs on Mosby Lane
- C. COUNCIL APPROVAL – Proclamation for *“Paint the Town Purple Day”*

Councilman Tewalt moved, seconded by Councilman Connolly that Council adopt the Consent Agenda as presented.

Councilman Hrbek asked to remove the Freedom Day Proclamation for separate vote and discussion.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

Proclamation

Paint the Town Purple

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, tens of thousands of new cases of cancer are estimated to occur in our State, and approximately 13,900 people are expected to die from cancer this year; and

WHEREAS, the American Cancer Society is a voluntary community based health organization in Virginia dedicated to eliminating cancer as a major health problem, and

WHEREAS, the Relay for Life is a “Celebration of Life” benefiting the American Cancer Society; and

WHEREAS, the Relay for Life is a community affair held throughout the State of Virginia which presents an opportunity to dust off our camping gear, slip on our walking shoes and network with business associates, family and friends;

NOW THEREFORE, I Timothy W. Darr, on behalf of the Town Council of the Town of Front Royal, Virginia, do hereby proclaim Sunday, May 1, 2016 as:

“Paint the Town Purple Day”

throughout Front Royal and we urge citizens to recognize and participate in the Relay for Life and Paint the Town Purple events held in this community.

COUNCIL APPROVAL – Resolution for “Freedom Day”

Summary: Council is requested to approve a Resolution proclaiming Wednesday, April 13, 2016 as "Freedom Day" in the Town of Front Royal, as presented.

Councilman Hrbek moved, seconded by Councilman Egger, that the Town Council approve a resolution proclaiming Wednesday, April 13, 2016, as "Freedom Day" in the Town of Front Royal, as presented.

Councilman Hrbek noted that this was to celebrate, recognize and remember the freedoms that the individuals in America have. He read the first part of the resolution into the record, adding that it was an important act for Council to recognize the first amendment rights to criticize and critique our government and to speak out on behalf of those who are oppressed.

⌘ RESOLUTION – FREEDOM DAY ⌘

WHEREAS, the United States was founded upon the belief that certain freedoms are God given and unalienable, and the belief in these freedoms inspired the Declaration of Independence, led to the Bill of Rights, enabled the Civil Rights movement, and caused many other peoples of the world to admire and work to emulate American freedoms.

WHEREAS, few Americans take time to contemplate their freedoms and how valuable they are. As John Adams said, “Liberty cannot be preserved without general knowledge among the people.”

WHEREAS, some feel that certain freedoms today are being curtailed, and battles over these and other freedoms are one reason Americans have become more polarized.

NOW, THEREFORE, BE IT RESOLVED, that the Front Royal Town Council, on behalf of the citizens of the Town of Front Royal, Virginia, recognize April 13, 2016, as Freedom Day, where people across the Town of Front Royal, the United States of America, and around the world, can come together to celebrate and learn about the greatest vision of freedom in history, the United States Constitution. The goal of Freedom Day is to bring Americans together for a conversation about, and a celebration of, freedom.

THIS RESOLUTION was adopted by unanimous vote of all Members, including the Vice-Mayor, all of whom were present and voting, of Town Council voting “Yes” below at a Regular Meeting of the Town Council of Front Royal, Virginia, on April 11, 2016.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

PUBLIC HEARING – Fiscal Year 2016-2017 Tax Rates (1st Reading)

Summary: Council is requested to consider the Fiscal Year 2016-2017 real estate tax rate at \$0.14 per \$100 assessed value, which represents an increase of \$0.01 over the current year’s rate and to be used for the construction of the new Police Headquarters on Monroe Avenue and to be rescinded upon completion of the debt service payments for

the project; personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rate. Council is further requested to affirm on its first reading an ordinance to amend Front Royal Town Code Section 75-44.C. accordingly.

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

Councilman Hrbek moved, seconded by Councilman Tewalt that Council affirm on its first reading affirm on its first reading an increase of \$0.01 for Fiscal Year 2016-2017 real estate tax rate from \$0.13 to \$0.14 per \$100 assessed value, to be used for the construction of the new Police Headquarters on Monroe Avenue and to be rescinded upon completion of the debt service payments for the project; and, that the tax rate for personal property tax rate remain the same at \$0.64 per \$100 assessed value. Councilman Hrbek further moved that Council affirm on its first reading an ordinance to amend Front Royal Town Code Section 75-44.C. accordingly. Councilman Hrbek continued to further move that Council direct staff to notify the County of Warren to prepare the tax bills based upon the rates determined on the first reading.

Councilman Egger noted that she would vote no on this matter and she believed that Council should think long and hard on moving forward on the Police Department structure. She added that should the Town choose to have the \$8 million building, then a future Council would have to raise taxes for a structure, that the current Council was choosing.

Councilman Hrbek noted that the building for the Police Department was important and with the proposed tax increase, the average home of \$250,000 was going to be impacted was \$25. He stated that the County could have raised their taxes slightly each year in order to prevent a three cent raise.

Councilman Tewalt expressed his agreement with Mr. Hrbek, adding that raising taxes one cent was his preference. He noted that moving the rate slightly was better than moving the rate all at once. He stated that should funding come in from another source, then he would be inclined to change the rate.

Councilman Meza stated that many options for the Police Department had been discussed, though there were many areas of the budget to be considered, not just the Police Department structure. He reiterated that other matters in the budget needed to be addressed, not just this building. Mr. Meza added that other capital projects needed to be looked at and perhaps Council should make good fiscal decisions, rather than putting money aside for reserve. He noted that he hopes to hold the tax rate where it is currently.

Vice Mayor Tharpe noted that he would not support a tax increase.

Vote: Yes – Hrbek and Tewalt
No – Connolly, Egger, Meza and Tharpe
Abstain – N/A
Absent – Darr

(By Roll Call)

Motion 2:

Councilman Connolly moved, seconded by Councilman Egger that Council affirm on its first reading that the Fiscal Year 2016-2017 real estate tax rate remain the same at \$0.13 per \$100 assessed value, and the personal property tax rate remain the same at \$0.64 per \$100 assessed value. Councilman Connolly further moved that Council direct staff to notify the County of Warren to prepare the tax bills based upon the rates determined on the first reading.

Councilman Connolly stated that he felt strongly that the Council needed to prioritize the Town's projects. He added that he was confident that other solutions could be found for the listed projects.

Councilman Tewalt stated that he understood with the comments as stated by Councilmen Connolly and Meza, and he had gone through the budget in detail and there was a lot of fat in the budget to cut. He noted that if the Council should run the Town in a way home finances are run, by preparing for expenses in advance. He asked Council to cut matters from the budget and place funds into an account for the Police building.

Councilman Hrbek stated that he would not support this motion. He noted that surgery would need to be performed on the budget in order to move forward with matters as currently presented. He added that the Town's General Fund budget is \$13 million and they would need to trim a huge amount in order to make this happen. He stated that the prior motion was only an annual \$25 contribution per family.

Councilman Egger noted that in order to build an \$8 million building, a future Council is going to have to raise taxes for a vote that this current Council has made.

Councilman Meza asked if \$125,000 comes from one cent in increased taxes. Mr. Burke noted that was correct. Mr. Meza stated that if monies needed to be evaluated in the current budget – that should be Council's first priority before taxes are raised.

Councilman Hrbek stated that a large piece of the Town budget is personnel – so that means not giving raises to Staff.

Councilman Tewalt stated that he is in favor of moving forward on the matter. He noted that the Town Council needed to bite the bullet and trim the fat and remove items that are not necessary.

Vote: Yes – Connolly, Egger, Meza, Tewalt and Tharpe
No – Hrbek
Abstain – N/A
Absent – N/A

(By Roll Call)

COUNCIL APPROVAL – Request to Waive Curb and Gutter Installation on Cable and Pullen Streets

Summary: Council has received a request from Ms. Glenda Mikulak (Glennjamin, LLC)

requesting a waiver of curb and gutter installation on Cable Street and Pullen Street as required in the Town Code Section 148-850.C.2. Ms. Mikulak plans to construct a couple of two-family dwellings on Front Street; however, the lots include frontage on Cable and Pullen Street as well. Council removed this item from the March 28, 2016 Council Meeting Agenda to continue the discussion in a work session held April 4, 2016.

Councilman Connolly moved, seconded by Councilman Hrbek moved that Council waive the installation of curb and gutter on Pullen Street as requested by Glenda Mikulak (Glennjamin, LLC), noting that Council recognizes this property as being in the floodplain and is a catalyst economic development project. Councilman Connolly further move to approve the installation of curb and gutter on Cable Street with a setback that would preserve the trees already planted there.

Councilman Tewalt noted that he would not support the matter as presented. Councilman Hrbek stated that the matter would not be setting a precedent, as it was in the floodplain, he added that it was a private investor. He stated that it could be a catalyst project for revitalization for the neighborhood and he believed that the development could inspire for the area. Mr. Hrbek expressed his excitement for the project and the Happy Creek area.

Councilman Connolly stated this was an extenuating circumstances and the ordinances should work for the community, not vice versa. He noted that it was a manageable compromise. Councilman Egger noted that she is a proponent of curb and gutter and there was only a small portion of said improvements being waived. She added that having those improvements elevate the use and upkeep of the property and she was pleased with the matter as presented.

Vote: Yes – Connolly, Egger, Hrbek, Meza and Tharpe
No – Tewalt
Abstain – N/A
Absent – N/A

(By Roll Call)

COUNCIL APPROVAL – Reorganization of Finance Department and Reclassification of Risk Manager

Summary: Council is requested to consider approval of the reorganization of the Town's Finance Department. Staff is proposing to reclassify the Risk Manager to the Risk & Personnel Manager to reflect the full duties of the position which include risk management, payroll, and assisting with human resources issues. In addition, staff proposes to eliminate one Financial Analyst position, rename the Accounting Technician positions to Customer Service Specialists, establish a Senior Customer Service Technician, and establish two Account Technician positions. Staff would also propose to establish the Finance Manager as the position responsible for all customer service related to tax and utility billing; the Finance Manager would be the position at which all customer service issues are resolved. The intent to allow the Finance Director to focus primarily on budget related projects to include revenue forecasting, continual evaluation of the Town's fiscal condition, and evaluation of budgetary expense trends.

Councilman Egger moved, seconded by Councilman Connolly move that Council approve the reorganization of the Town's Finance Department and the reclassification of the Risk & Personnel Manager as proposed, effective upon approval.

Councilman Hrbek noted that the Town Manager stated that the Finance Director position would focus on the Town's budget all year long. He added that it was a significant and positive and change brought forward and he applauded the efforts of Staff. Councilman Meza thanked the Town Manager as well.

Councilman Egger noted that Customer Service Finance employees would now have a path to follow.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

COUNCIL APPOINTMENT – Northern Shenandoah Valley Regional Commission (NSVRC) Elected Representative

Summary: Council is requested to appoint an elected representative to serve on the Northern Shenandoah Valley Regional Commission (NSVRC) to fill an unexpired term, said term expires December 31, 2016. Former Councilman Daryl Funk held this term until he was elected as Clerk of Court.

Councilman Connolly moved, seconded by Councilman Egger that Council appoint Councilman Bret Hrbek as the elected representative to serve on the Northern Shenandoah Valley Regional Commission (NSVRC) to an un-expired term, said term ending December 31, 2016.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

COUNCIL NOMINATIONS – 2016 Virginia Municipal League (VML) Policy Committees

Summary: Council is requested to make nominations to the Virginia Municipal League (VML) Policy Committees for 2016. Policy Committee members will serve May through December 2016. Nominations are due to VML by April 15, 2016.

Councilman Egger moved, seconded by Councilman Tewalt that Council nominate the following to the various Virginia Municipal League (VML) Policy Committees, said terms to expire December 31, 2016:

1) Councilman Bret Hrbek and Councilman Bébhinn Egger to the Community & Economic Committee

- 2) Town Manager Steve Burke to the Environmental Quality Committee**
- 3) Councilman John Connolly and Interim Finance Director BJ Wilson to the Finance Committee**
- 4) Councilman Jacob Meza and Town Attorney Doug Napier to the General Laws Committee**
- 5) Mayor Tim Darr and Vice Mayor Hollis Tharpe to the Transportation Committee**

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 7:54 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council