

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 14, 2013, 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 N. Shae Parker
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Eugene R. Tewalt

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

Vice Mayor Parker moved, seconded by Councilman Funk, that Council approve the Regular Council Meeting minutes of December 10, 2012 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Mr. Michael Rush, of Abingdon, Virginia, noted that he was the Director of Housing for People Incorporated, and they were looking into the radio station property in Front Royal. Mr. Rush stated that they wish to place 28 housing units on the site, adding that they do not do subsidized housing; they do affordable housing. He explained that they think they can build affordable projects that would be great for the community.

Mr. Rush stated that they were an award winning green developer with projects throughout the State of Virginia. He noted that they bring the tax equity into the project, adding that People Incorporated have relationships with the NSVRC and the Virginia Department of Housing as well, and they look forward to working through the process in order to obtain a special use permit from the Town.

Councilman Hrbek asked that Mr. Rush provide his full contact information to the Clerk.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Noted that the last day for Christmas tree collection would be on Wednesday and he encouraged citizens to avail themselves of the service;

- Reminded the citizenry that the Town would be closed on January 21st in recognition of Martin Luther King Day. He also noted the appropriate collection days for refuse;
- Announced that the Town Hall Administration Offices would be moving to Main Street on Friday, January 25th and will be closed on that day; and
- Noted that the scholarship applications were due soon, and the information is posted on the Town's website.

Mrs. Breeden, Director of Finance, noted that the enclosure for the Finance Department would be installed mid-February and they would have the Finance Office open for business on February 19th.

Mrs. Breeden stated that Town revenue was about 42% at this point in the year, which was on target. She noted that the Finance Committee met recently with the Town's auditor, Mr. Mitchell, and the CAFR was sent to the GFOA. Mrs. Breeden explained that all aspects report that the Town is currently in good financial standing, and there were a few minor issues to consider. She noted that the need to address the matter of the collection of unpaid bills due the Town, should be closely examined, and perhaps they should eventually update to a different finance software package.

Mrs. Breeden noted that the Department Head budget requests were due back on the 25th of January and she looks forward to obtaining Town Council's input on the CIP and the upcoming budget.

Councilman Sayre asked about unpaid bills due the Town, and some efforts they have undertaken. Mrs. Breeden noted that the Town has become more prudent on attempting to collect on final bills for example. Mayor Darr noted that one question that arose during the meeting with the auditor was "when" the Town should write off those amounts.

Vice Mayor Parker asked Mr. Napier if he had been tracking the Charter changes in Richmond. Mr. Napier noted that he had been tracking the changes, adding that the Charter document that the Town had submitted was altered while in the hands of the General Assembly. He stated that the Town has requested that the original version be restored and the response email received from Richmond noted that an amendment would be made, though it would take some time. Mr. Napier added that as of this evening, the General Assembly's website did not reflect the Town Charter version as submitted to Richmond.

Vice Mayor Parker noted that deadline for the submittal of amendments was Friday, and the changes – made in Richmond without the Council's consent – would have elections being held in June instead of November. Mr. Napier noted that Mr. Parker had summarized correctly.

Vice Mayor Parker asked if Delegates Sherwood and Gilbert, in addition to Delegate Weibert, could also be contacted to see if a substitute bill was introduced in place of the Town's submission. Mr. Napier stated that Delegate Gilbert may have a conflict of interest, but he will contact Delegate Sherwood on the matter. Vice Mayor Parker also requested that Mr. Napier contact the Counties, Cities & Towns Committees, if it would be beneficial, to see if they could assist with the matter. Mr. Napier noted that the contact and efforts could be made.

Councilman Hrbek noted that the Town had worked for the changes for many months and the General Assembly had made changes when it was sent to Richmond. He opined that he would have hoped it was a recording error or a computer error, and he encouraged the citizenry to phone their three delegates, as no one in Richmond seems to actually be representing the Town of Front Royal.

Councilman Sayre noted that the Downtown Business Association and others would soon be meeting with the Town Council individually regarding the needs of the downtown area. He added that it was his hope that all of Council will meet with the representatives in order to be more informed on their needs.

Councilman Sayre stated that the Annual Right for Life March would be held soon in Washington, DC. He noted that recently the Knights of Columbus had in their custody an original banner made by Nellie Gray in 1974. Mr. Sayre stated that there had been 55 million human lives lost since that year and he wished that a good, amenable solution could be found for the issue.

Mayor Darr noted that he had real concerns with the Charter changes, as amended in Richmond recently. He stated that it was his hope that they would get in touch with the Town as soon as possible to put the matter to rest. Mayor Darr stated that the Town Council and Staff had worked very hard on the process to amend the Charter and it was sent forward as a collective body. He expressed hope that Mr. Napier would soon receive a response from Richmond.

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

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Item 7E – Fussell Florist Lease – be discussed and voted on separately.

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

CONSENT AGENDA ITEMS:

A. COUNCIL APPROVAL – Liaison Committee Agenda Items

January 17, 2013 Liaison Meeting (Town Items):

- 1) Building Inspection Software Status
- 2) Meals/Lodging Tax Proposal for Route 340/522 North Corridor
- 3) Leach Run Parkway Status
- 4) Channel 16 Software Update
- 5) Front Royal Limited Partnership
- 6) McKay Property Historical Investigation
- 7) Town/County/EDA Search for Park & Ride Locations
- 8) Town/County Meeting w/ Delegates & Commission on Local Government about Corridor
- 9) Boundary Adjustment for Skyline HS due to Town voting precincts or establish a single Town voting precinct

- B. **COUNCIL APPROVAL** – Samuels Public Library Memorandum of Understanding (MOU)
- C. **COUNCIL APPROVAL** – Donation of Old Masonic Temple Sign
- D. **COUNCIL APPROVAL** – Bid for Uniform Rentals and Related Services

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve the Consent Agenda as presented, Items A-D.

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

COUNCIL APPROVAL – Renewal of Lease with Fussell Florist for Parking Spaces

Vice Mayor Parker moved, seconded by Councilman Sayre, that Council approve the renewal of a lease for approximately twenty-two (22) parking spaces owned by the Town to Fussell Florist for a five (5) year period beginning February 22, 2013 and expiring February 23, 2018 for a nominal annual rent of \$12; and that the Town Manager is authorized to execute the lease of agreement on behalf of the Town.

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

PUBLIC HEARING – An Ordinance to Amend Town Code Pertaining to Freedom of Information Act (FOIA) Requests *(1st Reading)*

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

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council affirm on its first reading an Ordinance to amend Front Royal Town Codes 12-6, 175-137.C, and 148-58.C pertaining to Freedom of Information Act (FOIA) requests.

Councilman Hrbek asked about a reasonable charge and whether there was a legal understanding of the wording. Mr. Napier noted that the Town is allowed to charge out of pocket expenses and they are not allowed to charge any type of exorbitant fee according to the guidelines.

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

PUBLIC HEARING – An Ordinance to Amend Town Code Pertaining to Utility Accounts *(1st Reading)*

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

Councilman Tharpe moved, seconded by Vice Mayor Parker, that Council affirm on its first reading an Ordinance to amend Front Royal Town Code 134-71 pertaining to utility accounts as presented.

Councilman Funk asked about the current number of households affected. It was noted that it was less than 25, and according to Mrs. Breeden they have been made aware that a change may take place.

Councilman Hrbek stated that if there was a significant problem with the reconnections or discontinuations of service in the Town. Mayor Darr noted that there were issues with the system as it currently stands.

Councilman Sayre noted that he would prefer that the first and second reconnection fees be the same amount, with the change occurring with the third reconnection. Mr. Burke noted that Staff does not have a problem tracking the number of reconnects.

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

PUBLIC HEARING – An Ordinance to Amend Town Code Pertaining to Outdoor Display, Outdoor Sales and Outdoor Storage *(1st Reading)*

Mayor Darr opened the public hearing.

Tammy Sullivan, of 1310 Adams Avenue, asked about a camper currently parked in their driveway. She asked for clarification on where the camper could be parked.

Mr. Camp noted that he would obtain Mrs. Sullivan's information and he would work the Sullivan family to clarify any information they would need for the camper's parking.

As no one else came forward to speak, the public hearing was closed.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council affirm on its first reading, an ordinance to amend Front Royal Town Code Chapter 175, Sections 3, 44, 52, 53.7,

Councilman Funk asked about the answer to Mrs. Sullivan's question, noting that perhaps the answer could be emailed out to Council to advise them of the response. Mr. Camp noted that he would, adding that he would also make certain that corrected version of the ordinance was within the next packet.

Vote: Yes – Funk, Hrbek, Tharpe and Sayre
No – N/A
Abstain – Parker

Absent – Tewalt

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

(By Roll Call)

Councilman Sayre asked about whether there were requirements stating why a member of Council was not voting on a matter. Mr. Napier stated that if there was a conflict of interest then a reason would need to be stated. Councilman Hrbek asked if it was a recusal, then they would state the reason they were recusing themselves, rather than an abstention as demonstrated by Mr. Parker this evening. Mr. Napier noted that Mr. Hrbek was correct, noting that recusals note their reason, not an abstention from voting.

Vice Mayor Parker stated that to be clear – he would not vote on something was not accurate and precise before Council, referring to the packet material provided.

COUNCIL APPROVAL – Funding for Water System Model and Preliminary Engineering services for the Northern Loop Study - PHRA

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve funding for the Water System Model and Preliminary Engineering Services for the Northern Loop Study to be performed by Patton, Harris, Rust, & Associates (PHR&A) in an amount not to exceed \$36,500 with reimbursement of 75% of the cost from VEPCO/Dominion Power per their contract with the Town.

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – Tewalt

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

(By Roll Call)

COUNCIL APPROVAL – Master Police Officer Funding Authorization

Councilman Sayre moved, seconded by Vice Mayor Parker, that Council approve authorization for staff to implement the Master Police Officer (MPO) Program for our Police Department through the funding reserved in the FY12-13 for this program, and he further moved that the Town commit funds in all future budgets to continue the MPO Program and implement the Senior Dispatcher Program to ensure development of our Officers and Dispatchers.

Councilman Funk noted that he supported the program whole heartedly and he would like Council to do all they can to support local law enforcement efforts. He stated that he would like even more funding devoted to such programs in future budgets, adding that it was imperative that they implement the program as soon as possible to support the Town's officers.

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – Tewalt

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

(By Roll Call)

COUNCIL APPROVAL – Budget Amendment and Police Department Reorganization

Vice Mayor Parker moved, seconded by Councilman Hrbek, that Council approve a Budget Amendment in the amount not to exceed \$35,000.00 to fund the reorganization of the Police Department to establish a Major position to oversee operations of all Police Department personnel and manage operations of the Police Department in the absence of the Police Chief.

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

COUNCIL APPROVAL – Amendment to Water Tower Lease with Shentel

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve an amendment to the Water Tank Site Lease Agreement with Shenandoah Personal Communications Company, dba Shentel; this amendment of the second renewal will continue through October 31, 2014 for wireless communication facilities at the Fairground Road Water Tank as presented and the Town Manager is authorized to execute the lease agreement on behalf of the Town.

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

CLOSED MEETING – Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation

Councilman Sayre moved, seconded by Councilman Tharpe, that Council convene and go into a Closed Meeting for the purposes of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to Section 212-3711.A.7 of the Code of Virginia.

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

Vice Mayor Parker moved, seconded by Councilman 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 requirement under the Virginia Freedom of Information Act 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 – Darr, Funk, Hrbek, Parker, Tharpe and Sayre

No – N/A
Abstain – N/A
Absent – Tewalt

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 8:19 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council