

The SPECIAL Meeting of the Town Council of the Town of Front Royal, Virginia was held on February 4, 2013, in the Town's Administration Building Conference Meeting Room. 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 Eugene R. Tewalt
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

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

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council add an item to their Special Meeting Agenda: Proposed Charter Changes/House Bill 2051.

Vote: Yes – Funk, Hrbek, Parker, Sayre, 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)

CLOSED MEETING: Consultation with Counsel, Specific to the Rappahannock-Shenandoah-Warren Regional Jail

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council go into Closed Meeting for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, requiring the provision of legal advice by such counsel, namely, the Rappahannock-Shenandoah-Warren Regional Jail' decision to handle its wastewater treatment through an on-site package plant pursuant to Section 2-2-3711A.7 of the Code of Virginia.

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

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council 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 – Darr, Funk, Hrbek, Parker, Tewalt, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

Councilman Hrbek moved, seconded by Councilman Tharpe, that Council accept the language as drafted by the Town Manager for the letter to send to the RSW Regional Jail Authority and to also allow distribution of the press release which he has prepared regarding timeline of events.

Mayor Darr asked Mr. Burke to read the letter into the record. Mr. Burke noted that it would be addressed to Mr. Doug Stanley, of the Regional Jail Authority, and would read:

The Town of Front Royal has received your January 24, 2013 letter concerning the decision to provide on-site wastewater treatment at the RSW Regional Jail.

The Town Council agreed at their August 9, 2010 meeting to commit to the provision of water and sewer utility service to the Regional Jail contingent upon our Department of Environmental Services confirming adequate capacity and the facility being charged at out-of-Town water and sewer rates. This commitment was communicated to you through our letter dated August 10, 2010.

The Town's utility service to the Route 522 Corridor, where the proposed jail is located, has always been guided by the Corridor Agreement between the Town and Warren County. Utility service for water and sewer has always been offered together. Service extension to institutional-use properties requires approval of Town Council.

The approved request was for both water and sewer service. A change in service provision for water service only by the RSW Regional Jail is regarded by the Town Council as a breach and withdrawal of the RSW Regional Jail's application for any out-of-Town utility connection, including water. The Town Council has no desire to provide water without sewer service to the RSW Regional Jail.

Please let me know at your earliest convenience the direction that the RSW Regional Jail Authority shall pursue for utility service at their site.

Councilman Funk noted that perhaps they were rushing into an unnecessary conflict. He stated that he was of the opinion that the previous Council did not fully hear the proposal and may have ultimately cost us a million dollar mistake. Councilman Funk opined the letter would not gain them any leverage in the situation and would cost us at this time with a \$400,000 mistake, perhaps more. He stated that the impact of the water and sewer rates should be considered and the loss of revenue to the Town should be of concern.

Councilman Funk noted that he sympathized with those that believe that the water and sewer matters are connected, though he does not believe he is able to support the letter.

Councilman Sayre stated that when the issue came to a worksession, the Town was asked to consider the LEEDS Program and it pained him that it was not embraced by Council. Mr. Sayre stated that it would be much more than a million dollar mistake and he would vote for the

letter, though he does think they should be able to use the rainwater as it was a win/win situation.

Councilman Hrbek noted that he had asked the Town Staff why it was important to have both water and sewer with regard to the Regional Jail. He stated that Staff made it clear that the Town's business model and rates were based from the water and sewer usage as proposed. He explained that if adjusted, it would be inevitable that the rates would increase on tax payers and water users of the Town. Mr. Hrbek stated that he was not in favor of the jail being on the site as it is with Warren County taxpayers subsidizing the property – as it was giving up the parcel's potential for an industrial site, and now the Front Royal citizens would be doubly trodden by the matter.

Councilman Hrbek noted that the Town Staff have advised the RSW Jail Board that going with the smaller connection, down from the 6", would reduce their connection fees substantially; he applauded Staff for doing so. Mr. Hrbek further noted his concerns with discharging sewer into the stream near McKay Spring. He stated that there was no need to call it a war or battle, as they were attempted to protect the Town and the taxpayers. He would encourage them to hook-up to the water and sewer as planned and the entire matter would cease.

Councilman Sayre stated that the DEQ matter was a strong issue, as it was placing the discharge into a dry creek bed. Councilman Tewalt clarified that it was not water, but rather brown effluent. Mr. Sayre noted that it would be used as a water source in the future and that was a serious issue

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

No – Funk

Abstain – N/A

Absent – N/A

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

(By Roll Call)

Mayor Darr noted that for the record he would have voted for the matter, as it was a very serious issue at hand.

COUNCIL DISCUSSION: House Bill 2051 – Town Charter Changes

Vice Mayor Parker moved, seconded by Councilman Tewalt, to instruct the Town Attorney to draft a resolution to Senators Obenshain and Vogel requesting that they either return the unmolested language to the Town Charter or allow the matter to die in this legislation session.

Vice Mayor Parker noted that he reviewed the legislative website around January 10th, he noticed that three key paragraphs were left out of house bill submitted by many, many meetings by Council and our public hearing. Mr. Parker added that even after Delegate Webert's reassurances that the key paragraphs would be reinserted, and after the Town's requested amendment to have non-partisan elections, they actual attempted to enforce partisan elections upon the Town.

Vice Mayor Parker noted that over the weekend a letter was sent from Town Attorney Napier to 98 Delegates, and as of Friday Delegates Webert and Gilbert were not willing to offer up the changes. He stated that on Friday he also spoke to Delegate Sherwood who was also not willing

to offer up the original language either. Vice Mayor Parker asked Mr. Burke to play the comments from the floor of House earlier in the day; he noted that the Town was grossly misrepresented.

Vice Mayor Parker read from the letter here Mr. Napier, "it is top down, cram it down your throat, big centralized government for the benefit of a few rather than for the many." He voiced support of having Mr. Webert being held responsible for his gross dereliction of his duties.

Mayor Darr noted that he had submitted a letter to the Delegates, before the voting had taken place. He stated that while the partisanship portion played a role with him personally, one of the local parties would run with the matter. Mayor Darr noted that once a party member ran, any government employee would clearly be eliminated from the race according to the letter from the US Office of Special Counsel.

Dear Delegates,

In reference to your vote tomorrow in HB 2051 Town of Front Royal Charter Change, I would like to offer the following comments and concerns in reference to the attached bill presented by Delegate Webert.

The Town Council and Staff spent tireless hours over a period of six months working and preparing the Charter changes and addressing the concerns of the citizens of the Town of Front Royal. There were multiple worksessions that involved public input as well as public hearings prior to the Charter being sent forward to the General Assembly.

During this process it was discovered that three key components of the Charter change were removed from the time it left the Town Council and the time it was presented as HB 2051 - one of which was the language which states that Town elections will be non-partisan. This was noticed by the Town and after being notified, action was taken by Delegate Webert to put those items back into the bill – which he did without explanation of how they were removed.

Now it has been brought to our attention that Delegate Webert has submitted an amendment to the same bill (attached) which changes the language of the above mentioned issue of partisan elections.

As mentioned above, the attached amendment clearly does not reflect the desire of the Council or the citizens of Front Royal, which they represent. It almost leaves me to believe that Delegate Webert has decided to impose his own political preference over the will of the people and in turn your committee will do the same inadvertently if you approve this amendment.

Front Royal is located within 75 miles of Washington, DC and many of our citizens are Federal employees and under the rules of the Hatch Act, and will not be able to run for local office if the bill is passed and one of the local political parties decides to run a candidate for office. This has a personal impact on me because I am employed by the Department of Defense and currently serve as the Mayor.

During the Charter change process, I heard from several of the hundreds of government employees that live in the Town that may someday decide to be part of their local government and make a difference in their community.

In closing, I would once again encourage you to please do the right thing here and vote to defend the amendment and allow HB 2051 to continue through the process as it was intended by the citizens of the Town of Front Royal.

I would also like to point out that in my opinion, the actions taken by Delegate Webert on this action concerns me deeply, and leaves me with the impression that he has clearly taken his own personal interest in this matter over that of the citizens that he represents. I'm not sure that some ethics training may be in order for him in the near future. If you have any questions please contact me.

Mayor Darr noted that he had other letters he intended to send out and at least one Delegate read the letter on the floor. He added that the matter was an atrocity as the Town went through a long six month process, and though there were even items in the Charter change which he was not in agreement with, as Mayor, he supported the changes as a whole with the Town Council as it moved forward. Mayor Darr voiced his support of the choice of the people of Front Royal. He added that he is checking into the FOIA details of obtaining materials in Richmond, as Delegate Webert grossly misrepresented the Town of Front Royal.

Councilman Hrbek noted that he strongly endorsed Vice Mayor Parker's motion, especially as it is a party that says they claim they are for smaller government, yet so willing to easily change the rules. Mr. Hrbek stated that when local government goes through the normal process, having public hearings, gathering public input and having vigorous discussion and debate on an issue – and they, as our Delegates, then agreed to carry forward the requests of the Town, and we trust them in good faith to do so – they should uphold their word.

Councilman Hrbek noted that when they met with Delegate Webert he gave members of Council the clear impression that he would assist in fixing the matter, and return the language because he realized how important it was, and apparently that was not the case at all. Mr. Hrbek noted his hope that either Senators Vogel or Obenshain would either return the language as the people of Front Royal endorsed the Charter changes, or allow the matter to die entirely at this point in the process.

Councilman Tewalt voiced his agreement with Councilman Hrbek and Vice Mayor Parker. He noted that when people are voted into office they should receive proper representation and unfortunately that is not the case with Mr. Webert, who does not apparently understand how things operate. Councilman Tewalt noted that Council is voted to represent the Town of Front Royal citizenry, and one person in Richmond is not to take it upon himself to make changes – period. Mr. Tewalt opined that Mr. Webert was a joke when it comes to representation.

Councilman Funk stated that he fully sympathized with how Mayor Darr was feeling on the matter. He noted that he believed that the Town of Front Royal would ~~believe that they would~~ have trouble with the Charter changes in Richmond, and he now has more concerns with how this entire issue will affect the Town. Mr. Funk stated that the Town is not sovereign and we had to be able to work well with other entities. He noted that whether the Town is correct does not necessarily always enter into the equation; and he would not be able to support the resolution as presented.

Councilman Hrbek noted that Councilman Funk did say that the Town would most likely have problems with the Charter at the General Assembly, however; the Town actually had difficulty with their own Delegates in Richmond. Mr. Hrbek added that the fact that their own Delegates said they would carry the Charter as presented and then changed it without notification or cause – that was the issue.

Mayor Darr stated that it was a matter of ethics, noting that it was certainly the Delegates option, but they chose to carry the bill and they chose to modify the bill and the Town was even unsure of the reason of the change. He added that the best thing Delegate Webert can do at this point was to kill the bill.

Councilman Tharpe noted that the bill should be carried word for word or not at all.

Mayor Darr stated that the right thing has not been done here and that is what the issue remains. Vice Mayor Parker suggested making other localities aware of the matter, and offered to make an amendment to state that.

Councilman Sayre stated that when they were in Delegate Webert's office and Delegate Gilbert was there, the 18 month time frame was referenced. Mr. Sayre noted that he has not been overly excited to add six months to his term on Council, so to add 18 months was not something for him to be excited about either. Councilman Sayre commented that he does not plan on running for re-election as a Town Council member.

Vice Mayor Parker moved, seconded by Councilman Tewalt, to amend the motion to notify other localities within Delegate Webert's districts of the resolution and what has actually transpired.

Councilman Tharpe noted that perhaps it should not put that in at this time. Vice Mayor Parker stated that today was the chance to make amendments on the floor and tomorrow is basically a formality. He added that perhaps the story would end up in the Associated Press.

Councilman Tewalt voiced is agreement Councilman Tharpe on his point.

Councilman Tewalt withdrew his second to the motion. Vice Mayor Parker withdrew his motion.

Vote: Yes – Hrbek, Parker, Tewalt and Tharpe

No – Funk

Abstain – Sayre

Absent – N/A

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

(By Roll Call; On Resolution)

There being no further business, the Mayor declared the meeting adjourned at 8:06 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council

TOWN COUNCIL WORK SESSION MINUTES

Monday, February 4, 2013 @ 7:00pm
Town Administrative Building Conference Room

1. CHAMBER - rescheduled

2. Donation of Safety Vests – *Director of Energy Services/ Director of Environmental Services* Consent agenda

3. Water Treatment Plant – *Dir. of Environmental Services*

Tewalt noted that the mandates vastly concern him as the the Town is being mandated to invest to Letter to write a letter telling the State that we have had enough

Tewalt stated that they have had enough with the

Kisner – shows that it shows about 2.3 million worth of upgrades

About 2.3 million in recommendations

Burke – we noticed that the upgrades would be required towards the end of the upgrade of the Water Treatment Plant

Burke noted that cryptosporidiuces back to the cows being in the river

Funk – are we looking at testing option 2; yes per Burke

How much is an issue with all the benefits? KISNER noted that using the processes with the carbon it takes all the biproducts out of the system it is about \$85k each month

Sayre asked about how the changes may have been applied if Staff would have been aware of the requirements prior to the Water Treatment Plant upgrade. Burke noted that the cost would have been very similar, adding that it was a new requirement from the Department of Health.

Kisner stated that there will be future regulations that will require testing for personal care products in the system

4. Visioning Proposal – *Director of Planning/ Zoning*

Camp noted that tonight's purpose was to keep Council informed; Renanssaince Planning Group key pages are included, PC reviewed the proposal and the final contract was one all day public input meeting

Create a website to gather information

PC would prefer a couple smaller meetings, rather than one all day meeting

The funding works within the meeting

HEARD Associates

Darr – falls within budget guidelines

Tewalt – when will PC send it

d matters to the Council

Camp – perhaps 2-4 weeks the contract will come to Council for approval

5. Proposal for Phase II-Task 4 e WTP Expansion Project – CHA – *Director of Environ. Services*

a. (Ord12-09-213), “Nonconformity – Parking Exemption”

Changes made based on last meeting

Page six in the packet/item, is the key portion of the change; simpler to read

States that if you are reusing an existing then you are exempt, though there are a few conditions to be met:

- Record
- Exemption doesn’t override council’s authority
- Can’t reduce what is already there
- Allows them to restripe it and keep it in good state of maintenance

Tewalt – when the County says 40% and the Town says 51% damaged- who is correct, the Town or County?

Camp – seeing that it is our Code – it is the Town.

Camp – if it’s over 50 it goes to Council

Burke - % damage – determined by Building Official – which is the County of Warren

CAMP - That’s the current language – could change it certainly

FUNK – change it Town Planning & Zoning Department rather than the County of Warren town can make the TEWALT make the determination

MAYOR – yes agree with FUNK

b. (Ord12-09-214), “Home Occupations”

Sub section C – indoor storage language arbitrary number could be getting rid of that number
Cannot change character of dwelling unit or the neighborhood

Spoken about the signage; would allow home occupations

THARPE – can we define LIGHT home occupation

Darr – it pretty much is LIGHT home occupation

NAPIER – on line 46 – similar commercial activities

Define or continue usages – perhaps we can work towards wording that would clarify the listings

HRBEK – Wine Street – had 7-8 kids were in the daycare in the residential home –

Camp – at that level, it is allowed, as there were three levels,

Darr – planner and atty will get together and return that to worksession

6. Employee Handbook Continued Discussion – *Town Manager*

Delayed to another Worksession

7. Capital Improvements Project – *Director of Finance*

Breeden noted that Planning needs the approval for the process for planning processes
FORMAL approval at next meeting

8. Real Estate/Personal Property Tax Rate Continued Discussion – *Director of Finance*

Breeden noted that they needed to meet the Warren County deadline
She added that what they received from the State was less than what they actually billed
They took about a deficit of about \$20,000
Reduce it to 67, it would be a neutralization number, the taxpayer would pay a bit more

The Town would show about 20,000 deficit shown should Council shown
Mayor – will it be shown and advertised with the rates – YES per Breeden it will be

Tewalt – give a number in each category
YES per Breeden

Rate for PPTRA: Tewalt – 67 cents, Council should consider it

TEWALT: Would like one penny more, so it could be reduced, since it could not be increased

Tewalt, Water & Sewer rates are going to increase and something is going to have to give
Town needs to examine their budget until we get over the crisis
Would recommend one or two cents and then reduce it back down if they choose to do so

Sayre noted that he would not be in favor of raising rates
Tharpe noted that Council should be prepared for all matters, including emergencies.

Sayre asked – is the 67% for the qualifying vehicle keep the rate at 64 cents

Funk – will not support an increase

MAYOR DARR – leave it at current rate – set the rates for advertising

TEWALT – do not want to see us lose the 21,000

9. Update on Tourism Business Located on Chester Street

Camp – all was worked out with Planning Office
She was working out minor issues with building officials months ago, he's put in an inquiry and he has not heard back from County Office

Sayre noted: Farris is asset to community

10. Memorial at Kendrick/Shenandoah – *Mayor Darr*

Mayor Darr explained the concern at the site on the yard/right of the way
There is a place for everything

Becoming an issue around Town
Would like to accommodate the families in less
Lights up at night
Decorated at every holiday
Neighbors in the area have contacted him at many times
It is in the Town right of way and it needs to be addressed
Darr: The owner maintains the property
Want to be sensitive to the family, but would like the Town looks aesthetically pleasing
Difficult subject

Burke – have contacted the family
Looking for area on private property to relocate it to
Beautification Committee can make a donation to place a bush or tree to memorialize

11. Reconvened Route 522 N Corridor Committee – Postponed at this point

12. Continued Discussion of Policy Manual – Postponed at this point

13. Council Discussion/Goals

CLOSED: PARKER, Tewalt

CLOSED: CERTIFY:

Present: Mayor Timothy W. Darr, Vice Mayor N. Shae Parker, Councilman Thomas H. Sayre, Councilman Eugene R. Tewalt, Councilman Bret W. Hrbek, Councilman Daryl L. Funk Councilman Hollis L. Tharpe, Town Manager Steven M. Burke, PE, Town Attorney Douglas Napier, =====

Clerk of Council Jennifer E. Berry, CMC, members of the media and members of the public.

Jennifer E. Berry
Clerk of Council