

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on June 10, 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 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 approve the Regular Council Meeting minutes of May 28, 2013 as presented.

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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Sonja Carlborg, of 210 W. 1st Street, thanked Vice Mayor Parker for bringing for the Samuels Public Library Sunday hours funding initiative. She noted that the number one request of library patrons was to have Sunday hours at the building.

Mrs. Carlborg thanked members of Council for saving the black walnut tree on Academy Drive. She noted that the neighborhood is quite thankful for the efforts of the Town to save the beloved tree.

Mrs. Carlborg noted that as the Appalachian Trail Steering Committee Chairman she would like to invite Council to the June 20th or 21st picnic for "Walk Off the War." She spoke of the healing effects of the program for supporting combat veterans transitioning from military service. Mrs. Carlborg noted that Vice Mayor Parker and Chairman of the Board of Supervisors, Archie Fox have committed to welcoming the veterans that day. She mentioned that perhaps the Town Trolley could possibly pick up the veterans and return the hikers that day.

Lastly, Mrs. Carlborg encouraged Council to upgrade the Water Treatment Plant without further delay. She stated that the citizenry would live without natural gas and coal, though they could not live without clean water. She noted that when she tells others of the low tax rates that she pays in Front Royal, their jaws drop. Mrs. Carlborg commended Council for their efforts in the community, including their role in protecting the residents.

David Means, of 210 W. First Street, thanked Council for saving the black walnut tree on Academy Drive and he noted that it shows the appreciation for the quality of life here in Front Royal. He stated that the greenway connection to Criser Road would be a positive addition and he looked forward to the time when the greenway was underway. Mr. Means noted that the Warren County Park System along Happy Creek will be a large feat, though it is possible.

Mr. Means noted that the Town's Arbor Day was a great event, and Mayor Darr was quite a guy with a shovel and the tree was back filled in no time at all. He also thanked Steve Burke and others for their time and efforts

Mr. Means noted that education is one of the best funds that can be spent in the community and he thanked Council for their consideration of the library effort.

Mr. Means stated that he came before Council several years ago about paying for new infrastructure and water is the basis of who we are, it is our lifeblood. He encouraged Council to continue providing safe drinking water to the community.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Stated that tree replacement program with for the Bradford pear removal, will have portions of Main Street closed he advised;
- Reminded Council and the public that energy Services will be replacing a damaged mast arm along John Marshall Highway for the traffic signal and it will take about four hours; police department will be directing traffic during that time;
- Noted that the Town citizen survey is out, and he encouraged the public to give input in order to improve the delivery of service;
- Announced that June 18th will be the last date for firework display permit requests; and
- Stated that the Staff has a citizen's guide for Town services and the guide is available at all Town offices

Councilman Sayre thanked Mrs. Carlborg and Mr. Means, and he noted that the value of the black walnut tree was several thousand dollars. He stated that he looked over the tree, and he had taken a risk to place the matter back on the agenda. He added that the tree was important and he was glad it will remain. Councilman Tharpe stated that Councilman Sayre had saved the tree.

Councilman Sayre noted that Shiflett stated that the bridge sign is now in place on Happy Creek Road declaring whether the Morgan Ford Bridge is closed due to flooding.

Councilman Sayre noted that the consumption of water brings people out in droves, as people tend to support the protection of water. He stated that it was his hope that someone would speak about the library's proposed Sunday hours.

Mayor Darr congratulated the recent area graduates, wishing them well in this community or where ever they land in life.

Mayor Darr noted that the Dancin' Downtown event was very successful, as was the recent Party for Paws, which raised about \$19,000 at the Leheys. He added that the area's Relay for Life was coming up at Skyline High School and he encouraged citizens to attend and support this community event.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL: Resolution - Representation on the Board of Trustees of AMP
- B. COUNCIL APPROVAL: Resolution - Hazard Mitigation Plan
- C. COUNCIL APPROVAL: Consultant for Police Department Site Evaluation
- D. COUNCIL APPROVAL: Bid – Waterline Upgrade Project

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

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)

PUBLIC HEARING – An Ordinance to Amend Town Code Section 1-22 to Include Online Auctions *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend Town Code Section 1-22 to include Online Auctions. If approved on second reading the procedures for the disposition of the Town's surplus materials and equipment will be sold at public auction, as well as online public auction, as presented.

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

Councilman Tewalt moved, seconded by Vice Mayor Parker, that Council affirm on its first reading an Ordinance to amend Town Code Section 1-22 to include Online Auctions, as presented.

Councilman Sayre asked if it was possible to waive the second reading. Town Attorney Napier stated that it could be argued to be a routine matter, though it would be safer to hold a second reading on this item in his opinion.

Councilman Hrbek noted that it was explained to Council that it was an institutional auction, rather than an eBay type matter. Finance Director, Mrs. Breeden, indicated that understanding was correct.

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)

COUNCIL APPROVAL – An Ordinance to Amend Town Code Section 85-3 to Increase Refuse Collection Rates (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Town Code Section 85-3 pertaining to the increase of refuse collection rates effective July 1, 2013. If approved the following will rates will go into effect:

- 32-gallon container - \$11.00 to \$12.00 a month
- 96-gallon container - \$12.00 to \$13.75 a month
- Once week pickup on 8-cubic yard container - \$217.00 to \$227.00 a month
- Twice week pickup on 8-cubic yard container - \$267.00 to \$277.00 a month

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an ordinance to amend Town Code Section 85-3 to increase refuse collection rates effective July 1, 2013, as presented.

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)

COUNCIL APPROVAL– An Ordinance to Amend Town Code Chapter 134 to Increase Rates and Fees for Water and Sewer Service (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Town Code Chapter 134 to increase rates and fees for water and sewer service effective July 1, 2013, as presented

Councilman Tewalt moved, seconded by Vice Mayor Parker, that Council adopt on its second and final reading an Ordinance to amend Town Code Chapter 134 to increase rates for water and sewer service effective July 1, 2013, as presented.

Councilman Tewalt stated that the rates were being mandated by the Federal and State government and the Town of Front Royal was being pushed on the matter. In response to Vice Mayor Parker's questions regarding the matter voted down recently by Council, Mr. Burke noted that the debt service would be included, though the outlay for the design would come from fund reserve.

Councilman Sayre stated that he would have preferred that some of the connection fees had been increased. He noted that he wished they had been kept as recommended by our Town Manager.

Vote: Yes – Hrbek, Parker, Tewalt.
No – Funk, Sayre, Tharpe
Abstain – N/A
Absent – N/A
YES – To Break the Tie – Mayor Darr

Mayor Darr noted that this was a matter that the Town had little control over and we must increase our rates in order to support our treatment plants. So it is with regret, as no one likes higher water and sewer bills, though I must vote “yes”.

(By Roll Call)

COUNCIL APPROVAL – Appropriation Ordinance for Fiscal Year Ending June 30, 2014 (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an Appropriation Ordinance for Fiscal Year ending June 30, 2014 on the Proposed Fiscal Year 2014 Budget with suggested amendments from the Finance Committee Meeting and Work Session Discussions

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an Appropriation Ordinance for Fiscal Year ending June 30, 2014 on the Proposed Fiscal Year 2014 Budget and that 8101-43002, Planning and Zoning Professional Services, be reduced by \$4,000.00 and that 8104-45504, Boards and Commission Travel and Education, be increased by \$4,000.00 to provide funding for training of Board of Zoning Appeals (BZA) members.

Councilman Hrbek moved to amend the motion to eliminate the Cultural Activities Line Item (#46007) in the amount of \$10,000.

Motion died for lack of a second.

Vice Mayor Parker moved, seconded by Councilman Sayre, that \$20,000 be transferred from 1000-3510110 (General Fund Reserve) to 7301-6002 (Library Operations) to provide a one-time transfer to fund Sunday Hours for Samuels Public Library.

Councilman Sayre noted that he would hope that the timeframe would be adjusted to have it begin in July. Vice Mayor Parker noted that for the timeframe to be adjusted, it would require increased funding, another Staff member and they would have to reschedule the people they currently have.

Councilman Tewalt stated that he would not support the matter as presented. He noted that Samuels Library is a County of Warren function, not a function of the Town government. Mr. Tewalt stated that the Town just eliminated that funding from their budget.

Councilman Hrbek noted that he would not support the amendment either. He stated that the Town had finally zeroed the fund out and adding funding would just continue to grow each year. Mr. Hrbek stated that Samuels was actually a private library – even though it is called “public”. He noted that the Town representative is an ex-officio member, with no control. Councilman Hrbek stated that with the number one request being Sunday hours, he would hope that the library patrons would raise funds to support the Sunday hours. He noted that the Town does not raise revenue for the library, we raise revenue for specific functions of the Town government, and those functions are not the schools, BRAC, the Humane Society, Social Services, etc. – they are not what the Town raise revenue for.

Councilman Funk noted that he intends to support the matter as presented. He stated that having Sunday hours during the school year was especially important. He added that his focus was the students that needed to check out the books on a Sunday before returning to school on Monday, and he noted that the hours would not exist without the public spear.

Councilman Parker noted that it was a one-time transfer and he does not intend to have the Town to continue the support the Sunday hours annually.

Councilman Hrbek noted that the library does not have to be closed on Sunday, stating that Samuels could choose another day to be closed during the week if Sunday was so important to their consumers, they should be open on Sunday and closed another day of the week. Mr. Hrbek reminded Council and the public that he, personally, was not opposed to the library – in fact, his mother was a librarian, though he had concern with the Town funding this item. Mr. Hrbek stated that once in place, the funding will not go away from the Town budget.

Councilman Sayre noted that was a one-time transfer and hopefully next year, perhaps the County would take the matter over in full for Samuels Library.

Vice Mayor Parker stated that hopefully the library would find a way to continue to fund the Sunday hours for the community after this first year.

Vote: Yes – Funk, Parker, Sayre and Tharpe

No – Hrbek and Tewalt

Abstain – N/A

Absent – N/A

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

(By Roll Call; On Motion for One-Time \$20k for Library Sunday Hours)

Councilman Hrbek noted that he would be opposing the budget based upon the vote just taken.

Councilman Funk noted that he thought long and hard about the issues within the budget, though he intended to vote for the matter as presented. He thanked Staff for their work on putting together a balanced budget.

Councilman Sayre asked about the earlier discussion about new police cars. Mr. Burke noted that the budget included \$70,000 in for cruisers and vehicles in the administration budget.

Councilman Tewalt stated that he would support the budget, even though he did not fully agree all portions of it.

Councilman Hrbek asked about the greenway funds. Mr. Burke stated that those funds were not in the budget, though an estimate was coming forth at the next worksession, and it would be coming from fund reserve. Councilman Tewalt noted that it was appropriated several years ago.

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

Mayor Darr thanked Staff for their ongoing hard work to bring the budget as presented to Council. He noted that the annual budget was one of Council's biggest challenges each year and there were always that Council does not agree with. Mayor Darr added that, collectively, it was nice to approve the budget and move forward, so Staff is clear on where we the Town is headed.

COUNCIL APPROVAL – Resolution – Contributions to Virginia Retirement System (VRS)

Summary: **On May 29, 2012, Council approved a Resolution committing the Town to the 15.29% contribution rate and the transition of the employee contribution at the rate of 1% per year for five (5) years to the Virginia Retirement System (VRS) to become effective July 1, 2012. For Fiscal Year 2014, Council must elect to increase the member contribution by at least 1%, as required by Virginia Code or elect to increase it by more than 1% up to the full 5%. In addition, Council must certify that employees will receive an offsetting salary increase effective July 1, 2013.**

Vice Mayor Parker moved, seconded by Councilman Sayre, that Council approve a Resolution to increase the member contribution up to the full 5% and that employees will receive an offsetting salary increase effective July 1, 2013.

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)

COUNCIL APPROVAL – Reclassification of Deputy Zoning Administrator Position

Summary: **Council approved reclassifying the position of a part-time Code Enforcement Officer to Full-Time Deputy Zoning Administrator**

on March 11, 2013. Council is requested to consider the reclassification of the full-time Deputy Zoning Administrator to part-time.

Councilman Sayre moved, seconded Councilman Tharpe, that Council approve the reclassification of the full-time Deputy Zoning Administrator in the Planning and Zoning Department to a part-time position.

Councilman Funk asked about the cost savings of the change. Mr. Burke stated that they would save about \$10,000-15,000 with the adjustment.

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

COUNCIL APPROVAL – Catlett Mountain Landfill to Design Drainage and Grading Improvements Costs

Summary: County of Warren’s General Services Consultant, Pennoni Associates, Inc., has developed a proposal to design drainage and grading improvements at the Catlett Mountain Landfill to reduce storm water flow through the landfill at a cost not to exceed \$14,300.00 to be split between the County of Warren and the Town of Front Royal. Council is requested to consider approval of \$7,150.00

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve the amount of \$7,150.00 for the Town of Front Royal’s portion of the costs associated with the Catlett Mountain Landfill to design drainage and grading improvement costs, as specified in Pennoni Memorandum dated January 22, 2013.

Mr. Burke explained that a landfill was operated at the site until many years ago and there were complaints a few years back regarding the rust colored water run off. He noted that the solution was to have water running around the site, not through the site, and the Town and County will work to cover any exposed materials and keep any impact to the area to a minimum.

Councilman Sayre voiced that it was a shame that we have to spend more on this site. Mr. Burke stated that the Town and County has spent funding for removing exposed metals in the past. Mr. Sayre noted that it was his hope that this was the last time to spend funds on the site. Mr. Tewalt stated that it would not be the end of the spending.

In response to Council’s questions, Mr. Burke noted that the funding was coming from Town Attorney’s budget and would come reserve.

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)

COUNCIL APPROVAL – Budget Amendment and Bid for Upgrades to Guard Hill and Crooked Run Pump Stations

Summary: Council is requested to approve a budget amendment and accept a bid from Patterson Construction Company in the amount of \$176,444.00 for the installation of equipment for upgrades to the Guard Hill and Crooked Run Pump Stations. The upgrades are needed for the Dominion Power Project. As part of the Water and Sewer Service Agreement between the Town and Dominion, the Town will be reimbursed by Dominion for the cost of installation.

On April 8, 2013, Council approved the \$175,650.00 for the purchase of three pieces of equipment for Dominion Power improvements in the amount of \$175,650.00 that was also to be reimbursed by Dominion.

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council approve a budget amendment and accept the bid in the amount of \$176,444.00 for the installation of equipment for upgrades to the Guard Hill and Crooked Run Pump Stations that will be reimbursed by Dominion Power.

Councilman Hrbek asked if the Town had been received reimbursement from Dominion. Mr. Burke stated that they had not at this time. Mrs. Breeden added that they had not received all the invoices, though once all documentation has been received, the Town will be billing matters in full.

In response to Council's questions, Mr. Burke noted that Dominion was still ahead of schedule.

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)

COUNCIL APPOINTMENTS – Audit and Finance Committee

Summary: The Audit and Finance Committee is composed of the Mayor, two Councilmembers, the Finance Director, the Town Manager and the Town's Auditor. Council is requested to appoint two Councilmembers to the Audit and Finance Committee, said terms ending December 31, 2014 to coincide with the new term of Council.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council I move that Council appoint Councilman Thomas H. Sayre and Councilman Eugene R. Tewalt to the Audit and Finance Committee along

with the Mayor, Town Manager, Finance Director and the Town's Auditor, said terms to expire December 31, 2014 to coincide with the new term of Council.

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 Legal Counsel

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council convene and go into Closed Meeting pursuant to Virginia Code § 2.2-3711.7 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.

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)

TO CERTIFY:

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 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, Sayre, Tewalt and Tharpe.
No – N/A
Abstain – N/A
Absent – N/A
(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 8:14 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council