

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 8, 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 March 25, 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

Tim Ratigan, of 241 Church Street, noted that he would be submitting a FOIA request regarding the recent Town Charter changes. He stated that the citizens deserved to know about what took place behind the scenes after the vote on November 26, 2012, both officially and unofficially. Mr. Ratigan noted that Delegate Webert was given and charged with giving the Charter changes to the House of Delegates; and Mr. Webert changed the document portion related to the elections. Mr. Ratigan noted that Mr. Webert deliberately went against the desire of Council and altered the language for the years and making the elections partisan. He added that citizens deserve to know what took place behind the scenes and he would be requesting all emails and materials related to any secret meetings rumored to have taken place at Councilman Funk’s and Delegate Todd Gilbert’s law office between Mr. Funk, Mr. Gilbert and Mr. Webert.

Mr. Ratigan stated that he was requesting the information for the simple fact of protecting the non-partisan integrity of our Town elections. He stated that the interference by any Councilmen, the Delegates or other citizens is a slap in the face to those that worked to legally change the Charter and sets a disturbing precedent that if you do not get your way, you can get your representative in Richmond to rewrite matters. Mr. Ratigan noted that this was a call for transparency.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:
▪ Gave a brief budget overview to Council and the public, noting that

- Overall the budget totaled just over 2% increase;
- He was very proud of the Staff for their work on the budget;
- The Solid Waste budget decreased by just over 5%;
- Total revenue was about \$11.9 million for the General Fund;
- Noted that, percentage wise, it was Personnel 62%, Capital, 11%, and 27% Operations for the entire budget;
- Enterprise Funds consisted of Energy Services \$16.5M, Wastewater Services \$4.3M, Water Services \$4.5M, and Solid Waste Operations at \$983,000;
- Budget Highlights included:
 - Though it was offset by the employee match to VRS, it included a salary increase of 4%;
 - Warren County's full assumption of the library and the EDA funding;
 - Establishing a pay band and merit increase program;
 - No electric rate adjustment;
 - Water rates – increase 23.5% due to required upgrades and reduced consumption;
 - Sewer Rates – increase 20% due to required upgrades;
 - Solid Waste Management Rates increase – increase \$1 to \$1.75 per month
- Public Hearing will be held on May 13th
- Second & Final Reading set for May 28th

Mr. Burke continued his regular update:

- Noted that Environmental Services continued the sidewalk installation work on 6th Street;
- Stated that high grass code enforcement measures would be put into place in May;
- Reminded citizens that the drive through would continue to be open during the week and on Saturdays for their convenience; and
- The Public Input Meeting would be conducted on April 17th regarding the FRLP Annexation Petition.

Councilman Hrbek noted that the Town has a budget of \$38 million, and within that each line item has their own funding source with their own expenditures which cannot be commingled. Mr. Burke stated that they could not commingle the funds, that was correct. He explained that there was a clear transfer formula provided by the Town's auditor that covers General Fund type operations. Mr. Burke noted that the General Fund consisted of Administration, Risk Management, Streets, Environmental Services and Planning & Zoning for example.

Councilman Hrbek stated that he, the Mayor Darr and Mr. Burke attended the Chamber's Annual Dinner where some of the great success stories of the community were noted. He applauded Council's efforts for their work in setting recent priorities for the community. Mr. Hrbek stated that they unanimously agreed that economic development was the top priority for the Town of Front Royal. He added that Councilman Sayre has recommended that the EDA redevelop property with tax payer money, while Kratos would have been only investor dollars.

Mayor Darr stated that it was great to have the recent Council Retreat to set goals and it was a positive time for Council to discuss the direction of the Town. He added that he also met with Board of Supervisor’s Chairman Archie Fox Saturday and they continue their dialogue regarding the Route 522 Corridor.

Mayor Darr announced that at the recent Chamber of Commerce dinner the Public Servant of the Year was Town Police Department Investigator Sergeant Jason Ryman; the Business of the Year was Jean’s Jewelers; The Humane Society was the Non Profit of the Year; and Katie Tewell, Citizen of the Year. He expressed his congratulations to each recipient.

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

James McClosky, who was handling the library’s foot bridge which pertained to the Consent Agenda Item #7E, noted that he gathered the idea for the bridge after speaking with library personnel about the outdoor learning center. He stated that he went forward with obtaining the necessary permits and then worked with the library on the design. Mr. McClosky noted that the library director wrote the letter to obtain a waiver of the zoning permit fee, which led him to attending the previous, as well as this evening’s Council meeting. Council thanked him for his project.

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Proclamation - Alcohol Awareness Month
- B. COUNCIL APPROVAL – Proclamation – Administrative Professionals Week and Day
- ~~C. COUNCIL APPROVAL – Proclamation Recognizing Musical Contributions from the Front Royal Oratorio Society (FROS) (removed for separate vote and discussion)~~
- D. COUNCIL APPROVAL – Donation of Zoning Permit Application Fee to the Front Royal Little League
- E. COUNCIL APPROVAL – Donation of Zoning Permit Application Fee to Samuels Public Library

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve the Consent Agenda 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)
 (By Roll Call)

≈ PROCLMATION – Alcohol Awareness Month ≈

WHEREAS, Alcohol is the most commonly used addictive substance in the United States; and

WHEREAS, one in every 12 adults (17.6 million people) suffer from alcohol abuse or dependence; and

WHEREAS, more than half of all adults have a family history of alcoholism or problem drinking; and

WHEREAS, 100,000 persons die each year from alcohol-related causes: drinking and driving crashes, other accidents, falls, fires, alcohol-related homicides and suicides; and **WHEREAS**, more than 7 million children live in a household where at least one parent is dependent on or has abused alcohol; and

WHEREAS, alcohol is a primary factor in the four leading causes of death for young persons ages 10-21; and

WHEREAS, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, alcohol-related problems cost America \$224 billion (\$746 per person) in lost productivity, absenteeism, healthcare costs, crime and family-related problems; and

WHEREAS, the typical American will see 100,000 beer commercials before he or she turns 18;

NOW, THEREFORE, I, Timothy W. Darr join the National Council on Alcoholism and Drug Dependence, Inc., NCADD, and do hereby proclaim that **April 2013** is **NCADD Alcohol Awareness Month in Town of Front Royal**. As the Mayor, I also call upon all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals, schools and the college in the **Town of Front Royal** to support efforts that will reduce stigma, increase community awareness and increase support for individuals and families coping with alcoholism. Through these efforts, together, we can provide **“Help for Today, Hope for Tomorrow”** for those in our community who are facing challenges with alcohol use and abuse. May it be so decreed.

↻ PROCLAMATION – Admin Professionals Week & Day ↻
2013 Administrative Professionals Week and Day

WHEREAS, Administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations, and **WHEREAS**, The work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities, and

WHEREAS, Administrative Professionals Week is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and is sponsored by the International Association of Administrative Professionals, and

WHEREAS, Administrative Professionals Week 2013 is focused on “Honoring the office professionals who make offices work,” and reflects the integral and central role that office professionals play in modern business, and

NOW THEREFORE I, Mayor Timothy W. Darr on behalf of the Front Royal Town Council hereby proclaim the week of April 21-27, 2013 as Administrative Professionals Week, and Wednesday, April 24, 2013 as Administrative Professionals Day, saluting the valuable contributions of administrative professionals in the workplace. And I call on all employers to support continued training and development for administrative staff, recognizing that a well-trained workforce is essential for success in today’s business world.

COUNCIL APPROVAL – Proclamation Recognizing Musical Contributions from the Front Royal Oratorio Society (FROS)

Councilman Hrbek moved, seconded by Vice Mayor Parker, that Council approve a proclamation recognizing the musical contributions of the Front Royal Oratorio Society to the Town of Front Royal.

Councilman Hrbek stated that he had been involved in the event since he was a child, noting that the events were such an opportunity for those in the community. He noted that it was not as well attended as it should be and he would like to draw attention to such an important aspect available to the citizens. Mr. Hrbek noted that it was a cultural aspect that was one of the best musical productions one would see in the Shenandoah Valley and he encouraged all that could attend to make the production.

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)

≈ **PROCLAMATION – Front Royal Oratorio Society (FROS)** ≈

**Front Royal Oratorio Society
recognition for musical contributions**

WHEREAS, the Front Royal Oratorio Society has been a part of the Front Royal community for over 50 years; and

WHEREAS, the Front Royal Oratorio Society’s mission is to bring high quality choral works of music to the Northern Shenandoah Valley; and,

WHEREAS, the Front Royal Oratorio Society supports the community by allowing anyone with a love of music to join with no audition or musical background required; and

WHEREAS, the Front Royal Oratorio Society’s concerts are entirely free and open to the public, believing music is not only to be appreciated in its own right, but that music is something everyone can agree upon to inspire and enlighten; and,

NOW, THEREFORE, the Mayor and Town Council of the Town of Front Royal hereby appreciate and recognize the Front Royal Oratorio Society for their music to the Town of Front Royal over the last 50 years.

Mayor Darr presented the proclamation for alcohol awareness to James Villatoro and thanked him for his work in reaching out to the community on the issue.

PUBLIC HEARING – An Ordinance Approving an Agreement Between the Town, The Boisseau Family L.C./L.C. II and Royal Plaza Associates for Easement of a Walking and Biking Trail *(1st Reading)*

Summary: Council is requested to affirm on its first reading an ordinance approving an agreement between the Town and the Boisseau Family L.C., the Boisseau Family, L.C. II and Royal Plaza Associates. If approved, the ordinance and agreement will grant to the Town a deed of permanent easement, temporary construction easement, special warranty deed to parcels and other responsibilities in connection with a walking and biking trail near Royal Plaza Shopping Center.

Mayor Darr opened the public hearing.

Sandra Wilson, of 297 Hickerson Hollow Road, stated that many of Council were aware of the strong effort to obtain the trail. She noted that it had been a very long process, going back to the proposal for “Where the Mountains Meet the River” several years earlier. Ms. Wilson noted that the trails encouraged walking and activity throughout the community. She pointed out that currently there was no way to obtain access to the library until this section of trail was finalized. She reminded Council that greenways were a large tourist attraction and the Tree Stewards will be interested in placing trees along the trail once it is in finalized. Ms. Wilson thanked Council for their efforts and encouraged them to approve the agreement.

David Means, of 210 W. 1st Street, noted that it was a great opportunity and he thanked Council for their efforts to bring this portion of the trail to fruition. He stated that they had come a long way in obtaining this portion. He noted that Boisseau in French means: Trees and water; adding that perhaps that was part of the reason the family was so generous. Mr. Means noted that the efforts of Warren County and the Town have been fantastic and the individual work of Jim Huttar and Sandy Wilson have put outstanding. He thanked Mr. Burke and Attorney Napier for their efforts for putting in the work they have done at a Staff level, adding that he looked forward to the future of the trail.

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

Councilman Sayre moved, seconded by Councilman Tharpe that Council affirm on its first reading an ordinance approving an agreement between the Town and the Boisseau Family L.C., the Boisseau Family, L.C. II and Royal Plaza Associates for a walking and biking trail near Royal Plaza Shopping Center, as presented.

Councilman Tewalt noted that he had been working on the project for two years and he had been working on the portions of the trail for several years prior to that time. He stated that he was pleased that so many had come together to make it a reality. He expressed thanks to Royal Plaza Shopping Center as well, adding that he would be asking for \$100,000 from the General Fund to finalize the necessary trail work for the project.

Councilman Hrbek thanked Mr. Tewalt for his years of effort towards making this portion of the trail come to fruition.

Vice Mayor Parker also thanked Councilman Tewalt for his efforts. He stated that if Mr. Tewalt had not suggested the funding, he was going to suggest that the Town do a one-time fund transfer as part of the budget process to make certain the trail is funded in the next budget cycle.

Mayor Darr also thanked Councilman Tewalt for his work on the trail efforts. He stated that so many people worked tirelessly on the project and he expressed his thanks to all involved.

Councilman Sayre stated that he was always in favor of the trail programs, noting their importance to the community. He noted that the matter should pass unanimously.

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 – Enact Chapter 10, Elections to the Town Code *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to enact Chapter 10, ELECTIONS, to the Front Royal Municipal Town Code. If approved, Town Elections will be held the Tuesday following the first Monday in November in even numbered years; current members of Town Council and the Mayor shall have their

terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire; term members of all Town Council members and the Mayor shall begin the first day of January next following the election; and candidates for Town Council and the Mayor shall not be nominated or identified on the ballot by political party affiliation.

Mayor Darr opened the public hearing.

Tim Ratigan, of 241 Church Street, noted that it was obvious that the community was strongly behind moving the elections to even number of years to November and keeping them non-partisan in the Town. He stated that he could not help but think about a comment from the paper by Mr. Funk, saying that he would like to move forward with the business of Front Royal. Mr. Ratigan opined that the matter would have been done and over with if not by the deliberate interference of Delegates Webert and Gilbert. He added that Council was addressing the election matter again, because of their interference. Mr. Ratigan expressed hope that they could put the matter to rest.

Linda Allen, of 416 Salem Avenue, noted that she appreciates the ordinance as written, adding that the point of changing the election date was to focus on voter turn-out. She stated that items have surfaced about odd year turn out, including recent turn out dropping by 20-30% in some cases. Ms. Allen added that if the Town wants to be inclusive, they should be mindful that immigrants and youth generally do not show on odd year elections.

David Means, of 210 W. 1st Street, thanked Council for getting the Town to this point in changing the election. He stated that he was quite disturbed by the representatives that have divided the Town. Mr. Means noted that if one is a business owner, it can be quite trying to give up time for voting, adding that having two different elections can make that even more difficult. He added that it makes sense to have the voting together, in order to allow everyone to express their will on the same day. Mr. Means stated that he looks forward to moving on.

Sondra Carlborg, of 210 W. 1st Street, noted that she had worked for this change. She thanked Council for listening to those who spoke out to voice their thoughts on the election. She also wished the Mayor Darr a Happy Mayor's Day tomorrow.

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

Vice Mayor Parker moved, seconded by Councilman Tewart, that Council affirm on its first reading an Ordinance to enact Chapter 10, ELECTIONS, to the Front Royal Municipal Town Code, as presented.

Councilman Sayre moved, seconded by Councilman Tharpe, to amend the ordinance from even to odd years.

Vice Mayor Parker noted that the public hearing was advertised for even years, and the Town would need to re-advertise for another public hearing.

Councilman Hrbek stated that he would be in agreement with Mr. Sayre with the years; however, we would have to move forward with another public hearing. He added that Council would also be extending their terms and such a change would most certainly solicit different reaction and speakers.

Vice Mayor Parker noted that State Code does not allow the 18 month term extension. He added that Council would have to place it on the back burner until after next year's election.

Mr. Napier noted that Mr. Parker was correct, adding that the Council would have to rewrite the ordinance and re-advertise with substantial re-wording; stating that it could not be a simple amendment as proposed.

Councilman Sayre clarified that he was speaking of November in odd numbered years in a manner provided by general election laws. He noted that he would not be for the 18 month extension, and he would have trouble with voting to extend his term. Mr. Sayre added that it would actually decrease it by six months, with a normal May election, with the following election November 2015.

Vice Mayor Parker noted that if Mr. Sayre was correct it would decrease the terms by six months, though the action would not take place until after the next election cycle. Mr. Napier noted that is correct.

Mayor Darr stated that the amended motion does not seem to be germane to the motion at hand.

Councilman Sayre stated that when he spoke with Mr. Napier about the matter earlier Mr. Napier noted that Council could take a vote on odd number of years. Mr. Napier stated that Councilman Sayre had asked if a motion to amend was germane, and it is germane.

Councilman Sayre stated that the motion would be to decrease the terms, not increase the terms of Council.

Vote: Yes – Funk and Sayre
No – Hrbek, Parker, Tewalt and Tharpe
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 to Amend)

Councilman Funk noted that he had concerns with the motion as it was currently worded. He stated that if the goal was to increase the turn out then the proposed ordinance failed to meet that objective. He added that his concern with moving the elections to November was that it would increase partisanship, especially during presidential elections. Mr. Funk stated that even in a non-partisan election, everyone was aware that partisan issues come into play. He added that the May elections helped shelter the Town in some respect and he would be unable to support the motion as presented.

Councilman Sayre stated that he has advocated for November elections. He noted that he has concern with adding six months onto his own term.

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)

COUNCIL NOMINATIONS – Virginia Municipal League (VML) Policy Committees

Summary: Council is requested to make nominations to the Virginia Municipal League (VML) Policy Committees. Policy Committees members are nominated each spring. They serve May through December 2013. They generally meet once during the year in July. Nominations are due to VML by April 22, 2013.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council nominate the following to the various Virginia Municipal League (VML) Policy Committees, said terms to expire December 31, 2013.

- 1) Vice Mayor Parker and Councilman Sayre to the Community & Economic Committee
- 2) Town Manager Steve Burke to the Environmental Quality Committee
- 3) Councilman Funk and Finance Director Kim Gilkey-Breeden to the Finance Committee
- 4) Town Attorney Doug Napier to the General Laws Committee
- 5) Councilman Hrbek and Councilman Tharpe to the Transportation Committee

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)

COUNCIL APPROVAL – Rappahannock-Shenandoah- Warren County (RSW) Regional Jail Authority Water and Sewage Agreement

Summary: Council is requested to approve an Out-of-Town Water and Sewage Service Agreement with the Rappahannock-Shenandoah-Warren County (RSW) Regional Jail Authority, as presented.

Councilman Tewalt moved, seconded by Councilman Sayre that Council approve an Out-of-Town Water and Sewage Service Agreement with the Rappahannock-Shenandoah-Warren County (RSW) Regional Jail Authority, as presented.

Councilman Hrbek moved, seconded by Vice Mayor Parker, to amend Section Seven (7) from sixty-years (60), to twenty-years (20).

Councilman Hrbek noted that he felt very uncomfortable locking into a sixty year contract for that length of time. He stated that regardless whether it was a governmental institution, the Town is not benefiting from the organization. He added that the only small benefit was receiving the water connection and with the 60 year time frame, it was a slap in the face to the Town of Front Royal.

Councilman Funk asked whether the regional jail will limit the need for a rate increase in the near future. Mr. Burke stated that the jail consumption was factored into the rate analysis and the additional revenue will help to lessen rate impact. Councilman Funk asked if not having the connection fee of \$1.3 million and the water usage would negatively affect the rates. Mr. Burke stated that the \$1.3 million would go a long way to assist with debt reduction on the water system.

Vice Mayor Parker noted that he was somewhat supportive of the amendment as proposed. He noted that the jail had no way to renegotiate the contract until after the sixty year period. He added that when the Town annexes the area then they still lack the ability to renegotiate their contract. Mr. Parker suggested that if anything, he would propose that they adjust it to have it possible for renegotiation by the mutual consent of both parties.

Councilman Hrbek noted that the 20 years was more than favorable overall, adding that the noted 60 years was not a reasonable offer. He stated that even a standard mortgage was not at 60 years.

Vote: Yes – Hrbek and Parker
No – Funk, Sayre, Tewalt and Tharpe
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 to Amend - 20/60 years)

*Councilman Hrbek moved to remove the rainwater section entirely from the agreement.
Motion failed, due to the lack of a second.*

Councilman Hrbek noted that the Town was placing themselves in a bind by forcing themselves to approve an ordinance based on a contract. He stated that one of the upcoming agenda items was to instruct Staff to prepare an ordinance to regarding a contract Council has already approved. He voiced concern with such a process, with no research of how it would affect our system or our rates. He stated that he would have no problem if the Town could know what it would look like for the entire system, rather than just for one user.

Vice Mayor Parker moved, seconded by Councilman Hrbek, to amend the agreement to insert the words:
“UPON APPROVAL of Item 13 of the Council Agenda.”

Vice Mayor Parker noted that essentially it would be that the documents seem to go hand in hand and if Item 11 passes, then Item 13 would and it would be better safe than sorry.

Councilman Hrbek noted that Vice Mayor Parker just reinforced his point, and the Town would be negating their contract if the other item did not pass. He added that he did not feel it was very good policy to approve items in such a manner.

Vice Mayor Parker stated that they would all like to be better environmental stewards and while there were portions of this that he did not like; however, it was a coming together of communities.

Councilman Hrbek noted his agreement with Mr. Parker in part; however, Council was being forced to go forward with the second item’s approval. He likened it to approving a high density

plan for a neighborhood where it was not appropriate. Mr. Hrbek added that they should not be forced to any approvals of items.

Vote: Yes – Parker
No – Funk, Hrbek, Sayre, Tewalt and Tharpe
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 to Amend – Upon Approval Wording)

Vice Mayor Parker suggested suspending the rules and moving agenda items before Council. Mayor Darr noted that he would not be in favor of suspending the rules.

Vice Mayor Parker moved, seconded by Councilman Hrbek, to amend Item 7D to insert the wording:
“These rates will remain in effect until a time a Usage & Rate agreement may be renegotiated and mutually agreed upon by the parties.”

Councilman Funk asked about a written agreement being modified by mutual consent of the parties at any time. Mr. Napier noted that was correct.

Councilman Sayre opined that if Council made such changes than they would most likely lose the agreed upon rate, the connection fee and upset many people and he would not be in favor of the amendment as proposed.

Mr. Burke pointed out that Section 14B states that it has to be amended in writing by both parties. Vice Mayor Parker asked the purpose of Item D; Mr. Burke noted that it established a minimum time period. Mr. Napier clarified that the government cannot agree to a blanket time period

Vote: Yes – Parker
No – Funk, Hrbek, Sayre, Tewalt and Tharpe
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 to Amend for Usage/Rate Agreement)

Councilman Hrbek stated that he would not base a vote on hurt feelings and making people mad. He noted that one reason the Town water rates would be increased would be due to the usage dropping and the many requirements of the Town for the treatment plants. Mr. Hrbek added that he was not willing to sign a contract just to save a few pennies when it was not in the best interest of the Town. Councilman Hrbek added that they should have approached the Town repeatedly and he would not be held hostage by the Regional Jail. He stated that the Town was not the bad guy in this situation, adding that the Regional Jail representatives have spent a great deal of money putting the building up and they have Richmond behind them, though they cannot strong arm the Town into a certain contract.

Councilman Hrbek stated that he does want the water out in the area, though he was not prepared to vote on the contract, and he would like to be fair on the matter. Mr. Hrbek stated

that he did not think it was right to have a sixty year deal and to introduce rainwater was not responsible.

Councilman Sayre noted that the connection fee for water was about \$1.3 million, for both water and sewer total.

Councilman Sayre moved, seconded by Councilman Tharpe, to amend the motion to note that the total connection fee was \$1,361,906; and also that the Regional Jail will not charge the Town for prisoners.

In response to Vice Mayor Parker’s question, Mr. Napier noted that it was not legal for the Regional Jail to charge the Town for housing prisoners.

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; On Motion to Amend – Add \$ Amount & Note Prisoner Charge Text)

Vice Mayor Parker noted that if Council had voted to allow them to introduce rainwater into our system, would they have agreed to pay the double water rates at that point. Mr. Burke noted that was the agreement at the time. Mr. Parker asked what had changed in two years, why do they need a break in rates at this point. Mr. Burke explained that the Regional Jail conducted an assessment of their utility options and determined that they could install an onsite sanitary sewage treatment facility and multiple wells and the Town had issue with the environmental issues with the wastewater facility and the well system and the Town questioned the environmental impact of both the discharge of the sewage facility and adjacent properties affected by the wells. Vice Mayor Parker asked if the Town was allowed to comment on the rezoning of the property. Mr. Burke stated that he was unsure, noting that it may have already been identified as industrial.

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

COUNCIL APPROVAL – Budget Amendment and Bids for Dominion Power Improvements

Summary: Council is requested to approve a budget amendment and accept three bids in the amount of \$175,650.00 for the purchase of three pieces of equipment for Dominion Power improvements that will be reimbursed by Dominion Power, as part of the contractual rate agreement between the Town and Dominion Power

Councilman Tewalt moved, seconded by Vice Mayor Parker, that Council approve a budget amendment and accept three bids in the amount of \$175,650 for the purchase of three pieces of equipment for improvements that will be reimbursed by Dominion Power.

In response to Councilman Tewalt’s question, Mr. Burke noted that it would return to the budget within this fiscal year.

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 – Discharge of Rainwater into the Town’s Sewer System from RSW Regional Jail

Summary: Councilman Sayre requested that Council consider approval of discharge of rainwater into the Town’s Sewer System from the Rappahannock-Shenandoah-Warren (RSW) Regional Jail. Approval of discharge of rainwater will require an Ordinance Amendment. If Council approves the utility agreement with the RSW Regional Jail, direction should be provided to develop the Ordinance Amendment and advertise for public hearing. This item has been postponed to every meeting since February 11, 2013.

*Councilman Sayre moved, seconded by Councilman Tharpe that Council direct staff to develop a Code Amendment to Town Code Chapter 134 that would consider introduction of rainwater into the Town sanitary sewer system, **provided that the use of rainwater by a customer is associated with securing Leadership in Energy and Environmental Design (LEED) certification for a new building.***

Vice Mayor Parker noted that as the Town had just approved Item 11, other than the LEED Certification, is it not pertinent that Staff would move forward on this matter anyhow.

Mayor Darr stated that the Town still needed an ordinance to move forward on the matter. Councilman Funk noted that we periodically direct Staff to do matters we have already agreed upon informally.

*Councilman Hrbek moved, seconded by Vice Mayor Parker, that the strike entire section beginning with the wording: **“Provided the use of rainwater....for a new building”** and replace it with one word: **“wide.”***

Councilman Hrbek noted that they should not pigeon hole themselves, but rather leave it open to others. He stated that it should not be restricted to just the LEED program, but rather leave it open to other opportunities. Mr. Hrbek commented that it should be anyone that fits the model of the Town’s system for other residences or businesses.

Councilman Funk stated that he would like to believe that Councilman Hrbek’s argument is genuine. He noted that perhaps studying the options on a smaller scale would be best, rather than throwing the Town’s system wide open entirely.

Councilman Tewalt voiced his agreement with Councilman Funk, adding that it needed review on an individual basis. He stated that it needed to be strictly rainwater, not groundwater. He noted that it needed to have a direct specification eliminating groundwater.

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

Councilman Hrbek asked about whether the agenda item failed and how it would affect the contract for the Regional Jail they just approved. Mr. Napier noted that the agreement provides for specific compliant laws and policies carried out by the Town Manager. Councilman Hrbek asked if essentially the Town would be in breach of contract and the jail could sue the Town. Mr. Napier noted that it was possible. Councilman Hrbek noted that they had put the cart before the horse, and it was pointless to bother voting when a decision had already been made.

Councilman Tewalt stated that this should go through by the AquaLaw group the Town has worked with previously. Mr. Napier noted that they could certainly review the document.

Councilman Sayre gave his thanks to his colleagues on Council and Town Staff. He applauded their efforts for the work on the matter as it moved forward.

Vote: Yes – Funk, Hrbek, Sayre, Tewalt and Tharpe
No – N/A
Abstain – Parker
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 8:26 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council