

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on May 28, 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 Tharpe, that Council approve the Regular Council Meeting minutes of May 13, 2013 and the Special Meeting minutes of May 6, 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

There were no receipts of petitions or correspondence from the public.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Stated that there would be no yard collection this week due to the Memorial Day holiday.
- Reminded Council and the public that the paving will begin along alleys and 5th Street next week;
- Noted that the Planning Commission will hold a Special Meeting this coming Wednesday regarding the Front Royal Limited Partnership;
- Announced that both high schools would soon hold their graduations and advised the public of the increased traffic; and
- Stated that the Citizen Survey would be available on the Town’s website and at the Town’s Administration Building. He encouraged all members of the citizenry to complete the surveys to have their input heard.

Warren County Administrator Doug Stanley, submitted the following the report:

Development Review Committee – The Development Review Committee met on May 22nd. The committee heard from an applicant proposing to construct a church on Strasburg Road. The applicant was able to ask each agency questions about the process. The main proposed and ongoing projects that were discussed in the County

included: the proposed soccer fields at Christendom College; review by VDOT of the County's Comprehensive Plan update; the Town's proposed Riverton electrical substation; and the proposed kennel on Strasburg Road. The proposed and ongoing projects that were discussed in the Town included: a proposed chocolate store on Main Street; a possible new location for the karate school; and a proposed used car dealership on Commerce Avenue. The Committee will meet again on June 26th.

FY2013-2014 Budget – The Board approved the budget at its meeting on April 16th. Budget process is completed and staff is working on budget book submission.

Building Inspections Department – Town and County held a product demonstration of the preferred software package (EnerGov) on May 14th. County staff is working to make a final recommendation to the Board for approval in the near future. We are currently waiting on the Town to indicate if they are interested in partnering with the County on the project.

Eastham Trail/Phase II – Kickin' Asphalt has started work on the project. Base grading for the project will be completed this week. The project should be substantially completed by July 1st.

Gertrude Miller Park/Little League Drive – The improvement project to install stormwater facilities and to pave Little League Drive behind Bing Crosby Stadium are near completion. The project should be substantially completed by the end of next week.

Lions Park/Fantasyland Restroom – County staff will begin demolition of the existing restroom facility in the next week and thereafter begin construction of a new facility similar to the Chimney Field restroom facility. The existing facility is in poor condition and has been prioritized for replacement.

Health and Human Services Complex – The final roof inspection was passed on May 17th. Staff will be working with the contractor to wrap up the final paperwork on the project in the next month.

RSW Regional Jail – The jail facility is approximately 50% completed. Final concrete pours for building floors were completed last week. The facility is scheduled for a spring 2014 completion and July 1, 2014 opening.

Gooney Manor Loop – The Gooney Manor Loop rural rustic project is approximately 80% completed. The contractor has completed installation of pipe and will complete placement of stone by the middle of next week. It is anticipated that they will complete the project by mid-June.

Route 340/522 Turn Lane Project – The turn lane project to extend the EB I-66 turn lane has been completed. This was a FY2012-2013 County revenue sharing project.

Stormwater Management Act – The Department of Conservation and Recreation has completed its review of Warren County's progress in developing a stormwater management program and will be recommending our request for a 12-month extension be granted for implementation of a local program to the Virginia Soil and Water Conservation Board. The Board will be meeting on June 6th to consider the request.

County Website – County staff and consultant have completed the update of the County's website to the latest version of the content management software. The new version provides many more enhancements and expanded menus to make the site easier to navigate.

In response to questions from Councilman Tewalt, Mr. Stanley noted that the Morgan Ford bridge would be in the public hearing stage this fall most likely. He added that the design would then be finalized and 2015 for construction perhaps.

Councilman Tewalt also asked about the road sign along Happy Creek Road which notified drivers about the upcoming bridge closing. Mr. Stanley noted that he would check into that sign replacement. Councilman Sayre stated that Chief Shiflett may have news on that road sign.

Mayor Darr asked about the substation in the Riverton area. Mr. Stanley noted that it was at the entrance to the Town and County and the Planning Commission reviewed the substation site at Shenandoah Shores Road. He stated that extra landscaping may be suggested perhaps, though that may be the only concern.

Councilman Sayre asked about the health and human services complex. Mr. Stanley stated that they may rent portions out to the agencies and perhaps sell off the rest as excess property.

Chief Shiflett noted that he spoke previously with the superintendent of the Riverton area DMV about the low water bridge sign, and he will touch base with the gentlemen again tomorrow.

Mayor Darr noted that he, Mr. Stanley and Mr. Burke participated recently in the charity doughnut contest, where Mr. Burke beat Mr. Stanley by one doughnut. He congratulated Mr. Burke, adding in jest that the Town and County would now be unable to resolve the Corridor agreement. Mayor Darr commending The Apple House for 50 years of doing business in the community. He added that they were very excited to bring The Apple House experience to Main Street of Front Royal.

Mayor Darr thanked Sonja Carlborg for being an outstanding advocate on the Town's behalf. He noted that she had worked to clear up the miscommunication recently with the Appalachian Trail Community, and he was grateful for her initiative and work on the Trail communication.

PUBLIC HEARING – An Ordinance to Amend Town Code Section 158-6 to Adopt by Reference of the State Motor Vehicular Laws (1st Reading)

Summary: Council is requested to adopt on its first and final reading an Ordinance to amend Town Code Section 158-6 pertaining to adoption by reference of the State Motor Vehicular Laws. This is the annual adoption of the State Motor Vehicular Laws and once approved will be effective July 1, 2013. For purposes of 4-4(E) of the Town Code, this ordinance is deemed routine.

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

Councilman Tewalt moved, seconded by Councilman Funk, that Council adopt on its first and final reading an Ordinance to amend Town Code Section 158-6 to adopt by reference of the State Motor Vehicular Laws effective July 1, 2013.

Councilman Sayre asked about the matter being routine, and about waiving the second reading. Attorney Napier noted that voting on whether to waive the second reading does not seem needed.

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 85-3 to Increase Refuse Collection Rates *(1st Reading)*

Summary: Council is requested to affirm on its first 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 to \$12 a month
- 96-gallon container - \$12 to \$13.75 a month
- Once week pickup on 8-cubic yard container - \$217 to \$227/month
- Twice week pickup on 8-cubic yard container - \$267 to \$277/month

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 and ordinance to amend Town Code Section 85-3 to increase refuse collection rates effective July 1, 2013, as presented.

In response to Councilman Hrbek’s request, Mr. Burke noted that Staff had determined a reduction overall within the solid waste collection efforts; however, the revenue was still not where it needed to be unfortunately. He stated that there were an increased number of residents that have moved and failed to pay their last utility bill and those amounts have added up over time. Mr. Burke explained that adjustments have been made and Staff continues to examine ways to address the issue to determine how to curb further losses.

Councilman Hrbek noted that this fund, as well as the water, sewer and electric funds do not receive tax revenue, and the Town must charge fees to cover the costs of the service provided. Mr. Burke noted that was correct – they do not get tax revenue into these accounts.

Councilman Funk asked about other ways to determine how to cover this shortfall in the future. Mr. Burke noted that they were looking to adjust the process and had already looked into ways to preclude the shortfalls in future budget cycles. Mr. Funk asked that the ways and adjustments be reported to Council to keep them advised of the issue.

Councilman Sayre noted that even though there was a transfer from the General Fund to the Refuse Fund to cover administrative expenses, he still feels this is a necessary adjustment as the Refuse Fund is barely hanging in there.

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 Chapter 134 to Increase Rates and Fees for Water and Sewer Service (*1st Reading*)

Summary: Council is requested to affirm on its first 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.

Mayor Darr opened the public hearing.

Ken Colton, of 214 Country Club Road, noted that he constructed a car wash on site in the Riverton Commons area and still had room to grow. He stated that he continued to have a rough time during this slow economy and he used a considerable amount of water. He added that his water bill was a large percentage of his bottom line. Mr. Colton noted that he understands the improvements required by the Town though perhaps companies that use a lot of water like he does, are due some consideration for their water accounts. He reminded Council that he uses a reclaim and recycle system for his water, though he still has a really high water bill and a 20% increase in his water bill would be a real deal breaker for him.

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

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

Councilman Funk noted that he had researched the issue some and he is concerned that the Council chose not to incrementally raise the rates, but rather increase the amount in one large chunk. He stated that in the past the Town had set aside money a bit at a time, and given the Town's aging infrastructure in order to make improvements. Mr. Funk stated that he would oppose the rate increase.

Councilman Hrbek noted that the Town does have a tiered system currently and those using less are paying at a lower rate. He asked if Staff had looked into adding another tier, and also how the Town had arrived at this type of increase. Mr. Burke explained that the Town had worked extensively with Burton & Associates on the rate structure and budget impact and reviewed rate evaluations from 4-5 years ago on until now. He noted that going incremental with raising rates versus a flat increase, would have been much more disadvantageous to the businesses according to the research.

Mr. Burke noted that the federal requirements have changed significantly and the Town is required to the make significant adjustments and that is the driving force behind this. He stated that the Town has collected some reserves to assist with future improvements, though the Town would not wish to draw down the reserves of the Town too far, though part of the rate

structure will be dipping into those reserves. Mr. Burke clarified that the out of town multiplier is the third tier.

In response to Mr. Tewalt’s question, Mr. Burke noted that it had been about two years since the Town’s last rate adjustment.

Councilman Parker asked if having a rate for a car wash could be beneficial, similar to having rates for laundries. Mr. Burke stated that without assessing the lost revenue he could not answer that at this time. Mr. Parker asked if Mr. Colton had a contract with the Town that could be modified. Mr. Burke noted that he does.

Vote: Yes – Hrbek, Parker & Tewalt
No – Funk, Sayre & Tharpe
Abstain – N/A
Absent – N/A

(By Roll Call)

Vote: Yes – Mayor Darr

Mayor Darr noted that as unfortunate as it is; it is a pass through budget item and it is an account that must support itself. He added that with the heavy modifications that the Town must implement, including over \$40 million to the Wastewater Treatment Plant and over \$10 million to the Water Treatment Plant – both requirements the Town must move forward with. Mayor Darr stated that while he was not completely in favor of the adjustments, but the system was pay as you go. He added that if Mr. Colton would like to discuss his contract, the Town would be amenable to that at any time.

Councilman Hrbek added that it appears that Council may be open to having discussion about the car wash. He stated that they have not had a car wash in the Corridor, and perhaps a tiered system for a while could be implemented. He noted that perhaps, if it was the consensus of Council, then Town Staff could reach out to explore how Mr. Colton could continue to thrive in the Corridor.

COUNCIL APPROVAL – Appropriation Ordinance for Fiscal year Ending June 30, 2014 on Proposed Budget (1st Reading)

Summary: Council is requested to affirm on its first 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

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 Appropriation Ordinance for Fiscal Year ending June 30, 2014 on the Proposed Fiscal Year 2014 Budget with the following amendment:

- *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.*

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 – Bid – Forklift for Energy Service

Summary: Council has received a request from the Purchasing Agent, seeking approval of a bid from Winchester Equipment Company in the amount of \$44,950.00, for the purchase of a Toyota Model 7FGCU45 Lift Truck for the Department of Energy Services.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve a bid from Winchester Equipment Company in the amount of \$44,950.00, for the purchase of a Toyota Model 7FGCU45 Lift Truck for Department of Energy Services.

Councilman Tewalt noted that it was funding already appropriated in the budget. Mr. Burke noted that he 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 – Budget Amendment & Water Treatment Plant Improvements

Summary: Council is requested to approve a Budget Amendment in an amount \$352,900.00 for CHA Scope of Services for Water Treatment Plant Improvements to ensure the Water Treatment Plant complies with all state and federal water quality and performance standards. CHA recommends UV disinfection system and pre-oxidation with chlorine dioxide with a sodium permanganate full-scale pilot study, as presented.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve a Budget Amendment in the amount of \$352,900.00 for CHA Scope of Services to perform Water Treatment Plant Improvements that will comply with all state and federal water quality and performance standards as presented.

Councilman Tewalt stated that he was adamant that changes be made to ensure that the DEQ and the Federal Government stop mandating matters like these Water Treatment Plant improvements. He noted that he was tired of them insisting that these small communities strive to jump so many hoops and hurdles. Mr. Tewalt stated that the Town was only a group of

15,000 people and spending such a large amount of money – almost \$400,000 -- really upsets him during such a lull in the economy.

Councilman Tewalt explained that he was unsure of how to address the matter, though he thinks the Town should approach our State and Federal representatives to let them know that these type of mandates are unnecessary and they are being made by people that do not have common sense. Mr. Tewalt stressed that the American people cannot continue to be forced into these predicaments.

Councilman Tharpe noted he would vote with Mr. Tewalt against the matter. Vice Mayor Parker voiced his agreement with his fellow members of Council, Messrs. Tewalt and Tharpe.

Councilman Funk stated that, while he agreed with Mr. Tewalt, he thought it was the elected representatives north, east and other places that were those that needed to be contacted, rather than those representatives locally.

Councilman Sayre stated that under the summary of necessary actions it referred to cows and chicken farms. Mr. Burke noted that it was two regulations, and he explained that the two processes, including the animal waste testing and the minimum presence indicators that require the treatment.

Councilman Sayre stated that he would support the matter, though he understood Councilman Tewalt's concern. He noted that it was more than Chesapeake Bay Act, as there were items going into the water that needed to be eradicated.

Councilman Hrbek clarified that the Town water was safe to drink. Mr. Burke noted that it was safe to drink. He added that with the new requirements being brought forward, the water would be safer to drink.

Vice Mayor Parker asked how those with wells treat their water. Mr. Burke noted that wells were regulated by local health departments. He stated that they provided recommendations with periodic testing.

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)

Councilman Tewalt stated that Representative Goodlatte should be contacted immediately, as well as Delegates Sherwood, Gilbert and Webert to determine what could be done to relieve some of these crushing financial enforcements via the mandates.

Mayor Darr noted that Town needed to send a letter to other localities, as well as draft a letter to others that may be affected by the Chesapeake Bay Act. He stated that the Town needed to reach out to obtain support from others, using the Commission on Local Government, VML and other agencies that may be able to assist the Town. He noted that perhaps by standing firm,

a 15,000 person town could make a difference. Mayor Darr stated that other localities of the Town's size needed to hear from Front Royal as well, and he expressed his agreement with Councilman Tewalt.

Councilman Sayre stated that the water was being consumed now and these agencies were regulating the water being consumed by the citizens of the Town. Mr. Burke noted that was correct.

Councilman Tewalt stated that it was partially coming from animal waste; yes however – the area does not have half the number of cattle, sheep, etc. that we had 15/20 years ago. He noted that it was the government that it trying to shove the regulations down our throats and we did not have a problem 20 years ago and we are doing more treatment on our water now – perhaps They are educated idiots making these regulations – they do not know what they are doing – and these small localities are being forced to pay the price for their decisions

There being no further business, the Mayor declared the meeting adjourned at 7:52 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council