

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on June 24, 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: 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

ABSENT: Mayor Timothy W. Darr

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

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council approve the Regular Council Meeting minutes of June 10, 2013 as presented.

Councilman Sayre noted that during the previous meeting he had asked about three police cars and it was the lower number that was discussed at the worksession that was in the budget.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts or petitions from the public.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Stated that the 2012 Water Quality Report was being mailed to all water customers and is required to be published and presented annually;
- Reminded Council and the public that the Department of Environmental Services crew would be conducting water line repairs along Commerce Avenue;
- Noted that the July 4th holiday would soon be observed and reminded the public of the change in refuse collection and the cancellation of yard waste for the week;
- Announced that the online payment system would be brought down for annual maintenance on the weekend of June 28th and;
- Stated that the Town surveys were due by the end of the month.

Jennifer McDonald, Executive Director of the EDA, noted that:

- There were 61 active businesses on Main Street (a very diverse group of businesses);

- New businesses were opening throughout Town, including Zynga Frozen Yogurt, a chocolate shop, Crazy Carl's Subs, and a new real estate office as well;
- Stated that the bakery had resolved the issue with the electrical panel and the owner was moving forward with her renovations;
- Announced that the Leach Run Parkway recommendation would be moving forward soon regarding the engineering design, and should be coming to the Town Council in the next two weeks; and
- Reminded Council of the Regional Summit at Shenandoah University July 12th from 9 a.m.-1:30 p.m. and asked them to please RSVP if they planned to attend;
- Noted that Council, Staff and the Public should "Like" the EDA's Facebook page and to keep up to date on the calendar of events and other important announcements; and
- Stated that they continued to work on matters regarding the Avtex site for restrictive covenants, noting that they were really pushing the matter, including ongoing contact with the Governor's Office.

Councilman Hrbek passed out some articles regarding renewable energy. He noted that with the Wastewater Treatment Plant upgrade and other facilities the Town may be involved, perhaps Staff could continue to be mindful of new opportunities regarding cogeneration. He asked Council and Staff to review the articles and keep the ideas in mind.

Councilman Sayre noted the budget contribution to Samuels Library that was voted on a couple weeks earlier. He stated that it was his hope that the library could be opening on Sundays sooner in the year. Mr. Burke noted that they could ask the library to attend a worksession if Council chose that route. Vice Mayor Parker stated that Councilmembers could certainly attend the library meetings if they chose to do so or connect with library staff directly to convey their thoughts.

Councilman Sayre noted that he would like someone from the library at the next worksession. Mr. Burke stated that the Town would extend an invitation to the library and see when a worksession with Council may work with their schedule.

In response to questions from Councilman Hrbek, Mr. Burke noted that when the library made the request, the funds would be released at that time.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Bid – Chemicals used at Water Treatment Plant
- B. COUNCIL APPROVAL – Bid – Chemicals used at Wastewater Treatment Plant
- C. COUNCIL APPROVAL – Bid – Various Grades of Stone
- D. COUNCIL APPROVAL – Second Amendment to Lease with Comcast

Councilman Sayre moved, seconded by Councilman Funk, that Council approve the Consent Agenda as presented.

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

Absent – Darr

(By Roll Call)

PUBLIC HEARING – Special Use Permit and Site Development Plan Application for a Replacement Telecommunication Tower off Guard Hill Road – CWS VIII, LLC

Summary: Council is requested to consider approval of a Special Use Permit and Site Development Plan Application from CSW VIII, LLC for a replacement telecommunication tower on the property identified (*Tax Map # 20A2-4-1-5*) in a location generally referred to as Guard Hill. The existing tower would be removed and the proposed tower would be installed. The Tower is a 115’ monopole tower with a 2’ lightning rod, as well as a new compound area.

(SUP13-03-260) and (DEV13-03-210)

Vice Mayor Parker opened the public hearing.

Thomas “Tam” Murray, with Community Wireless Structures (CWS) explained that the monopole would replace the wooden structure that had been in place from over 15 years ago. He added that the pole was quite an upgrade and would really make the coverage broader and would hold more gear. Mr. Murray stated that it could hold three carriers; Shentel, nTelos and one future carrier that is unknown at this time. He described the different pole locations and how they would operate for coverage.

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

Councilman Tewalt moved, seconded by Councilman Funk, that Council approve a Special Use Permit and Site Development Plan Application from CSW VIII, LLC for a replacement telecommunication tower on the property identified (Tax Map # 20A2-4-1-5) in a location generally referred to as Guard Hill, as presented. (SUP13-03-260) and (DEV13-03-210)

Councilman Sayre noted that the tower is needed and he would support the matter as presented as it brings in 4G to the area.

- Vote: Yes – Funk, Hrbek, Parker, Sayre, Tewalt and Tharpe
 - No – N/A
 - Abstain – N/A
 - Absent – Darr
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PUBLIC HEARING – An Ordinance to Repeal Town Code Section 158-40 Pertaining to the Towing Advisory Board (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to repeal Town Code Section 158-40 pertaining to the Towing Advisory Board. If approved, Section 158-40, “Establishment of Towing Advisory Board”, will be repealed in its entirety.

Mayor Darr opened the public hearing.

Jamie Parker, of Parker’s Automotive & Towing, 226 East 7th Street, noted that when he spoke with the town about a year earlier the Town was waiting to determine what the State was going to choose to do before they did away with the Towing Advisory Board.

Mr. Burke noted that by repealing the Towing Board, the Town was not doing away with any regulation. He explained that the Towing Board was primarily there to allow companies onto the Police Department’s rotation of towing calls. Mr. Burke noted that the Board was not to have any regulatory oversight over those that have towing in the Town.

After further questions from Mr. Jamie Parker, Mr. Burke suggested that perhaps he should come in and talk with him, the Town Attorney, and the Police Chief. Mr. Burke stated that the Chief has established a policy that mimics what the State requires with regard to towing.

Councilman Funk suggested that we obtain input from the towing companies since we are in the early development stages of this ordinance change.

Mr. Jamie Parker noted that perhaps the Town should ensure that it is the right thing to do away with this ordinance.

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

Councilman Tewalt moved, seconded by Councilman Funk that Council affirm on its first reading an Ordinance to repeal Town Code Section 158-40 pertaining to the Towing Advisory Board in its entirety as presented.

Vice Mayor Parker suggested that Town Staff reach out to the towing companies and ensure that excessive charges are not taking place. He added that the Towing Advisory Board removal was to assist in cleaning up the Town’s Code, and he added that they would like to remove this defunct Board and continue to make some progress. Vice Mayor Parker noted that he would like to ensure that the community is taken care of as well as protected.

Mayor Tewalt reminded Council that if removal of the Towing Board did not work, then the Town could reinstate the Board.

Councilman Sayre noted that those in the towing rotation needed to have fair fees, and the rotation needed to be fair.

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

(By Roll Call)

COUNCIL APPROVAL – An Ordinance to Amend Town Code Section 1-22 to include Online Auctions *(2nd Reading)*

Summary: Council is requested to adopt on its second and final 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.

Councilman Sayre moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an Ordinance to amend Town Code Section 1-22 to include Online Auctions, as presented.

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

(By Roll Call)

⌘ ORDINANCE – Online Auctions ⌘
An Ordinance To Amend Front Royal Town Code Section 1-22(B) To Include Online Auction

WHEREAS, the Town of Front Royal establishes procedures for the disposition of surplus materials and equipment which have been deemed to be obsolete or surplus; and,

WHEREAS, the Town Staff suggests the addition of online public auction to the procedures of surplus materials and equipment; and,

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Sections 1-22 of the Front Royal Town Code is hereby amended as follows:

1-22 SALE OF TOWN PROPERTY

A. No Change

B. No personal property owned by the Town shall be sold unless the following requirements have been complied with:

1. The Town Manager, or his designated agent, shall cause to be published in a newspaper having general circulation in the Town, an advertisement arranging the sale including the date, time and place of the sale.

2. The sale shall be held by public auction **and/or online public auction** to the highest bidder, and such shall be conducted at the place, date and time such property is advertised for sale.

C. No Change

This ordinance shall become effective upon passage.

COUNCIL APPROVAL – Resolution for Employee Appreciation Week

Summary: Council is requested to approve a Resolution recognizing Employee Appreciation Week as June 24 – June 28, 2013 for all Town of Front Royal full-time and part-time employees

Councilman Tewalt moved, seconded by Councilman Funk, that Council approve a Resolution recognizing Employee Appreciation Week as June 24 – June 28, 2013 for all Town of Front Royal full-time and part-time employees.

Councilman Sayre noted that Councilman Tharpe had thought of a resolution for a citizen that is helping to clean up a blighted building; he added that such resolutions were a good things.

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

(By Roll Call)

☞ RESOLUTION – Employee Appreciation 2013 ☞

Resolution For Employee Appreciation Week

June 24th to 28th, 2013

WHEREAS, the Town of Front Royal has 170 employees (part-time and full-time); and,

WHEREAS, Town employees are recognized as professionals who accept and meet the daily challenges of providing quality service to our citizens and visitors; and,

WHEREAS, Town employees excel in the workplace and demonstrate dependability, initiative and accountability through their stewardship of Town resources; and,

WHEREAS, the Town Council desires to recognize the service of the Town’s employees,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby express deep and sincere appreciation to the all the employees of the Town of Front Royal for their dedication, service, and vital contributions to the community;

AND BE IT FURTHER RESOLVED that the week of June 24th be designated as “Town of Front Royal Employee Appreciation Week”.

COUNCIL APPROVAL – Fireworks Display Permit – New Hope Bible Church

Summary: Council is requested to approve a Fireworks Display Permit for New Hope Bible Church. The Fireworks Display will be held at New Hope Bible Church, 80 N. Lake Avenue, Front Royal on July 7, 2013. The \$50.00 Fireworks Permit Display Fee has been paid.

Councilman Sayre moved, seconded by Councilman Funk, that Council approve a Fireworks Display Permit for New Hope Bible Church, 80 N. Lake Avenue on July 7, 2013.

Councilman Tharpe asked if the final approval goes through the County Fire Marshall. Mr. Burke noted that the applicants have already communicated with the Fire Marshall and they will oversee the fireworks display.

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

COUNCIL APPROVAL – Fireworks Display Permit – Poe’s South Fork Campground

Summary: Council is requested to approve a Fireworks Display Permit for Poe’s South Fork Campground. The Fireworks Display will be held at the Campground located at 203 Riverside Drive, Front Royal on July 4, 2013. The \$50.00 Fireworks Permit Display Fee has been paid.

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council approve a Fireworks Display Permit for Poe’s South Fork Campground, 203 riverside Drive on July 4, 2013.

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

COUNCIL APPROVAL – Budget Amendment for Water 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. Council voted to deny this request on May 28, 2013; however, Vice Mayor Parker has requested it to be placed on tonight’s agenda.

Vice Mayor Parker moved, seconded by Councilman Funk, 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 Funk noted that he was happy to vote twice on the matter. He added that ensuring water quality was one of the most important matters to him as a member of Council.

Councilman Sayre asked about Mr. Funk making the second on the motion. Mr. Napier noted that he could make the second without any hindrance.

Councilman Hrbek asked about the deadline; Mr. Burke noted that it was in November, though there was the potential for an option for the Department of Health to grant a 1 or 2 year extension. Councilman Hrbek asked if they had several individuals in the metropolitan area that were affected by the outbreak that died or became ill from cryptosporidium. Mr. Burke noted

that enough were affected that the government is now requiring this change in the regulations of the water.

Councilman Hrbek clarified that that only difference after the October 1st date would be that the law would change – though the quality of the water would not. Mr. Burke noted that was correct. Mr. Hrbek opined that if the change in the water was such a dire requirement, then the funds would have come from the State or the Federal Government when the mandate was handed down, one would think. Councilman Hrbek added that some members of the community have contacted him, though he questioned where the line was to be drawn – what if it was a \$200 million upgrade for just one bacteria in the water. Mr. Burke stated that the treatment can apply to other bacteria, though yes, in this mandate; it is for just one bacteria, Councilman Hrbek is correct.

Councilman Hrbek stated that this debate has highlighted the unfunded mandates that have been shoved on localities and he thanked Councilman Tewalt for raising the argument and bringing this issue to our attention.

Councilman Tewalt noted that the Town was being forced into these upgrades and he expressed his agreement with the matters as expressed by Mr. Hrbek. He added that it was a shame that it was attributed to only one bacteria at such a high cost. Mr. Tewalt stated that one person got a simple idea about UV light and it is going to cost an extensive amount of money. He added that there really is no end to the State and Federal bureaucracy and mandates being pushed onto the small localities.

Councilman Tewalt stated that the Town and other localities in the Valley needed to stand firm against those that have pushed such mandates forward. He noted that the Town has good drinking water and Front Royal has never had a problem, and we do not have a problem now. He stressed that these high dollar processes are unnecessary.

Councilman Sayre noted that he did some internet research and there are at least two organisms mentioned. He stated that the outbreak was in 1993 and there were over 400,000 that became infected and many that died. Councilman Sayre stated that these organisms bore into the intestines and those with immune deficiencies and those that are elderly or very young have worse problems than the average healthy individual. Mr. Sayre stated that the technology was necessary and he would support the improvements to the Water Treatment Plant.

Councilman Hrbek noted that it happened in 1993 – twenty years ago – and it is just now getting to the legislation stage in our locality. He stated that roads could be safe by going 5 miles per hour – but that is not reasonable; he stated that curfews could be put in place with no one leaving their homes after 9 p.m., but that is not reasonable either. Mr. Hrbek stressed the line between safety and reasonable.

Councilman Tharpe noted that he agrees with Councilmen Hrbek and Tewalt though he would vote for the improvements as they were being mandated and the Town is in the water treatment business.

Vice Mayor Parker asked about the Town's 2012 Water Quality Report was recently produced for the public. Mr. Burke stated that there was one violation for having higher organic content, though nothing of concern.

Vice Mayor Parker suggested that we contact Ms. Shickle, of the Northern Shenandoah Valley Regional Commission to begin a valley-wide discussion perhaps. Councilman Funk noted that he did speak with her at the annual dinner last week about the matter.

Vice Mayor Parker asked if the funds to implement the improvements have been put in place; Mr. Burke noted that they have. Mr. Parker stated that the Town needed to contact Washington, adding that the unfunded mandates to small communities needed to end.

Councilman Funk stated that he had concern about the pharmaceuticals in the water, and improving the quality of the drinking water is of great importance to him.

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

(By Roll Call)

COUNCIL APPROVAL – Front Royal Limited Partnership Review Extension

Summary: Council recognizes the Town’s Planning Commission for its expeditious review of the Front Royal Limited Partnership (FRLP) Annexation Request and offers their thanks for their efforts. Based upon the Planning Commission’s review and recommendation, Council supports FRLP’s petition for annexation into the Town limits as “Agriculture and Open Space Preservation District A-1” zoned property. As FRLP has submitted a revised Voluntary Settlement Agreement, Council is requested to authorize the Town Attorney to sign and submit a joint letter with FRLP and Warren County to the Commission on Local Government requesting a 60 day extension to file a response to FRLP’s Annexation Request.

Councilman Hrbek moved, seconded by Councilman Tewalt that Council recognize the Town’s Planning Commission for its expeditious review of the Front Royal Limited Partnership (FRLP) Annexation Request and thank them for their efforts. I further move that Council support FRLP’s petition for annexation into the Town limits as “Agriculture and Open Space Preservation District A-1” zoned property. Since FRLP has submitted a revised Voluntary Settlement Agreement, I further move that Council authorize the Town Attorney to sign and submit a joint letter with FRLP and Warren County to the Commission on Local Government requesting a 60-day extension to file a response to FRLP’s Annexation Request.

Councilman Hrbek thanked the Planning Commission for their hard work on this review. He noted that this vote would instruct the Town Staff to sign the voluntary settlement agreement, and also it was a declaration of support by the Town that states that bringing that property with an A-1 designation into the Town is in the best interest of the people of the Town of Front Royal and our future. Mr. Hrbek added that as Warren County citizens also, they felt it was in that best interest as well. He noted that he hoped that the County understood that the Town was on board with bringing the property into the Town with that designation that they could not make any other promises, though the land itself coming into the Town was vital for the development of Front Royal and Warren County.

Councilman Sayre noted that the Planning Commission has done an excellent job on this project and Mr. Camp should be commended for his efforts as well.

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

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 8:00 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council