

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on July 22, 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 July 8, 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 Envision Front Royal was going well online and they would hold their first public meeting in September;
- Reminded Council and the public that the Channel 16 upgrades have been completed; with only one or two outstanding issues that will require resets at various times; and
- Noted that all garbage placed in cans will need to be properly bagged;

Councilman Tewalt asked about the sound on Channel 16. Mr. Burke noted that the volume may need to be raised from the regular radio station level during the meetings to hear clearly.

Front Royal-Warren County United Way Director, Lee Smith Osina, introduced Jackie Burke, President of the Board of Directors who:

- Noted that the fall campaign was a great success;
- Stated that the while goal was \$115,000, they raised about \$132,000;
- Reported that Beth Waller, campaign chair and the United Way Board worked very hard within the community;
- Stated that they have 12 agencies that they serve through the campaign;

- Thanked the citizens and neighbors adding that the funds stay in the community, unless it is designated to go elsewhere;
- Invited the public to attend the allocation hearings where they scrutinize the agencies;
- Announced that Zachary, the builder of the new Dominion Power Plant, had been a huge support to the community and had given at least a ¼ of a million dollars to the United Way and many other projects in the area;
- Encouraged the Town Council to consider hiring community minded companies, such as Zachary when they are planning for the area's future; and
- She thanked those that contributed to the United Way's campaign and those that worked towards supporting the agencies that do so much for the individuals and families in the Front Royal and Warren County area.

Mayor Darr thanked United Way for their work, noting that they do great work throughout the entire community for all of their agencies.

Doug Stanley echoed the comments about Zachary, noting their great interest in serving the communities where they are building. Mr. Stanley also noted that it was with a heavy heart he was to report the passing of Meryl Christiansen, who helped form the Friends of the Shenandoah. He presented his report to Council

**Development Review Committee** – The Development Review Committee met on June 26th. The Committee heard from a representative from Front Royal Christian School as they continue to explore locations for a new facility. The Committee also heard from a representative and engineer for Popeye's restaurant. They were able to ask questions to the Committee and review a draft layout regarding their proposed site within the Town of Front Royal. The main projects that were discussed in the County included: the proposed soccer fields at Christendom College and a proposed subdivision variance on Freezeland Road. The main projects that were discussed in the Town included: a proposed educational facility on Progress Drive and a possible dorm room at the Rivendell site. The Committee will meet again on July 24<sup>th</sup>.

**Channel 16** – County staff had been working with the Town IT Department to identify and install a new software program to handle the public access channel. A new program was installed last week. Please review and forward any comments. We greatly appreciate the efforts of Todd Jones, Town IT Director for working to find a software solution.

**Dominion Project** – As of last week over 1,370 employees were on-site. The project has exceeded estimated employment projections of 800-1,000 employees.

**RSW Regional Jail** – As of last week over 200+ employees were on-site. The project remains ahead of schedule and should be substantially completed by March 2014.

**Warren County Community Center** – The contract for the parking lot expansion was approved by the Board at the July 16<sup>th</sup> meeting, Lantz

Construction of Winchester is prepared to mobilize and start the project this week.

**Public Safety Building** – The project has been completed, the contractor paid liquidated damages, settled and the project closed out.

**Health and Human Services Complex** – Moseley is working on the schematic design of the facility and the surveyor is working to gather the necessary topo to allow Penonni to start work on the parking lot redesign.

**Eastham Trail/Phase II** – Kickin' Asphalt has resumed work on the project. Base grading for the project has been completed. The contractor should be starting on retaining wall work in the next week. The project should be substantially completed in 30-45 days.

**Fantasyland Restroom** – County staff has demolished the old restroom facility, excavated the new foundation, poured footers, had the foundation walls installed and are prepping the pad with plumbing lines. The subcontractor will start setting the block walls this week. The project should be completed within 30-45 days.

**South Fork Bridge Project** – The project was put out to bid last week by VDOT with bids due on 9/25/13.

**Route 340/522 Planting Project** – The third phase of the planting project has been completed. This involved the installation of eight planted islands between the North Fork Bridge and I-66 and planting in front of the Park-n-Ride lot.

**I-66 WB Truck Rest Area** – An assessment has been completed on the development of the opening of the old rest area on I-66 for truck parking and VDOT is working to get it opened.

**Building Inspections** – Building permit activity for new homes has picked up slightly over 2012. The total for the year to-date is 42 new home starts, compared to 30 for the first six months of 2013 and 23 for the same period in 2011. Based on the numbers I would expect the County to finish the year at or above the 2009 permit levels. For FY2012-2013, the number of total permits was up slightly from 1,815 to 2,028 in addition to the total inspections that were also up slightly from 7,110 to 7,445.

**Building Inspections Software** – The Town held a product demonstration of the preferred software package (EnerGov) on July 1<sup>st</sup>. County staff is working to make a final recommendation to the Board at the August 6<sup>th</sup> meeting. We are currently waiting on the Town to indicate if they are interested in partnering with the County on the project.

**Warren County Comprehensive Plan** – The Board of Supervisors approved the latest version of the plan at its meeting July 16<sup>th</sup>. A summary of the major changes are as follows:

- The **future** land use map has been revised to include additional industrial zoning along the Route 340/522 Corridor on

the west side of the highway. This land was previously planned for Agricultural (A) zoning.

➤ The Rt. 340/522 Corridor Transportation Plan from 1998 has been updated. The entire plan has been revised to reflect updated information and required information from the State Code. Since our 2005 Comprehensive Plan, the County has approved several local and regional plans, including: the County Parks and Recreation Facilities Plan, Telecommunications Plan, Regional Hazard Mitigation Plan, Rockland Park Plan, the Royal Shenandoah Greenway Plan, the Springsted Fire and Rescue Study, the Government Facilities Plan, the Broadband Plan, the Cedarville Karst Study, the USGS Groundwater Study, the Regional Water Supply Plan, and the Airport Layout Plan. These Plans remain separate documents, but we have incorporated information and references to these plans within this Comprehensive Plan.

➤ County staff has worked hard to convert our existing Plan, which was created in Microsoft Word, to a version created in Microsoft Publisher. This has allowed us to add to the professional appearance of the plan to add pictures, coversheets, etc. We have added additional charts and tables that have helped add valuable information to the Plan.

➤ All of the demographic information in the Plan has been updated to reflect the latest 2010 Census data.

➤ The Vision Statement was amended to include language that the County's industrial/commercial tax base should achieve a level of 30 to 35% of the total assessed value.

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
Skyline Soccerplex - Maintenance Building	N/A	\$18,205.53	Spring 2013	Completed
Eastham Trail - Phase II	Winter 2013	\$278,000	Summer 2013	Under Construction
Gertrude Miller Park	Winter 2013	\$143,178	Spring 2013	Completed
Fantasyland Restroom	N/A	\$50,000	Summer 2013	Under Construction
Rockland Park Disc Golf Course	N/A	\$15,000	Summer 2013	Under Construction
Rockland Park Isopod Trail	N/A	\$20,000	Spring 2013	Completed
Warren County Community Center	Spring 2013	\$150,000	Summer 2013	On Schedule
Rural Addition - Fellow Drive - Extended	N/A	\$412,100	Summer 2013	On Schedule
Rural Addition - Tomahawk Drive	N/A	\$321,000	Summer 2013	On Schedule
Rural Addition - Young's Drive	N/A	\$412,100	Fall 2013	On Schedule

Rural Addition - Mountain Lake Drive	N/A	\$100,000	Fall 2013	On Schedule
Turn Lanes @ Waterlick	Summer 2013	\$120,000	Fall 2013	Behind Schedule
Turn Lanes @ I-66	Winter 2013	\$123,000	Spring 2013	Completed
Gooney Manor Loop – Rural Rustic	Winter 2013	\$681,000	Summer 2013	Completed
Indian Hollow Bridge	Spring 2013	\$5,134,833	Summer 2015	Under Construction
Gooney Creek Bridge	9/2013	\$14,664,392	Spring 2015	On Schedule
South Fork Bridge	9/2013	\$82,300,000	2018	On Schedule

Councilman Tewalt noted that the Criser Road area to Skyline Drive needed some mowing attention. He asked if the Park Service could be contacted. Mr. Stanley noted that they mowed the area about twice annually, but even then they only mowed up to a certain area. He added that it was the entrance to the community and was important, and he would definitely check on the mowing for Mr. Tewalt.

Councilman Hrbek stated that Shockey was doing the jail and Lance was involved as well. He noted that Zachary was an out of town company that was supporting the community so significantly and they have set quite the bar for contributions to people of Front Royal and Warren County. Mr. Stanley stated that the other companies have committed to the community as well, perhaps not to the level of Zachary, but they have in other ways.

Councilman Sayre noted that the Knights of Columbus clean up along the entrance area along Criser where Mr. Tewalt asked about the mowing and it is difficult to clean when the grass is so tall.

Councilman Sayre asked about the Springsted Fire & Rescue study. Mr. Stanley noted that they did hire them to come in and study staffing and facilities to identify future needs and the County has implemented some of the suggestions, including matters related to paid staff versus volunteer issues for example. Councilman Sayre suggested checking into the needs of the volunteer department across the street from the County building.

Councilman Sayre stated that it was nice when corporations gave to the community. He stated that it really had a trickle-down effect.

Councilman Hrbek noted that the trail along Commerce Avenue seemed to be a priority of Council, and he would like to have the trail completed as quickly as possible. He stated that to have it finished within the next few months would be preferred. Mayor Darr noted that it was one of the three key items chosen at the Council Retreat as a priority.

Councilman Tewalt stated that the trail easements have been approved and he would like the trail under construction as soon as possible; whatever it takes.

Councilman Funk stated that he spoke about a potential Attorney General opinion regarding having a taxi cab ordinance prohibiting sex offenders from driving taxi cabs entirely. He noted that he would like to seek said opinion and would work with Mr. Napier on the issue.

Councilman Funk noted that he had attended the recent Northern Shenandoah Valley Regional Commission meeting pertaining to bio solids. He stated that they biosolids had been considered for spreading in some of our frequently flooded areas under our bridges, which the Regional Commission pursued, and the permit was withdrawn.

Councilman Funk stated that he attended the Economic Development Authority Regional Summit held at Shenandoah University, as did Councilman Hrbek. He noted that it was regarding regionalism, cooperative efforts and development in the area.

Councilman Tewalt noted that he spoke to Mr. Burke about the barn in the Riverton area and the ramifications of the new barn. Mr. Burke stated that the barn is on the Conservation Easement area of the Andrews property of Route 55. He noted that Mr. Andrews states that he is permitted to place the barn within the Conservation Easement.

Mr. Burke stated that he does not believe that the Town issued a permit and it is exempt from a building permit, according to Mr. Camp. Councilman Tewalt noted that it was his understanding that a garage or structure could not be built until the main home is in place. He opined that the Town should not do a Conservation Easement again, since the Town is not able to give approval of such a large structure.

Councilman Sayre asked about blighted area code sections passed by General Assembly, and their strictness. He inquired as to whether there was something that could be done to ask the General Assembly to consider different legislation. Mr. Napier stated that he and the County Attorney are trying to work on changes to the State Code to clarify the law and also assist localities as they move forward working toward the changes.

Mayor Darr stated that the Envision Front Royal campaign has had a great response thus far. He encouraged citizens to go to the website to help the Town gather information with the Planning Commission and the community. Mayor Darr noted that the Town would like many involved residents speaking out.

Mayor Darr thanked the firemen for their recent carnival, parade and the fireworks display. He noted that their events are always good for the community.

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

*Vice Mayor Parker moved, seconded by Councilman Funk, that Council remove the Closed Session Item relating to Comcast.*

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)

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**CONSENT AGENDA ITEMS**

- A. COUNCIL APPROVAL – Bid – Vehicle for Police Department
- B. COUNCIL APPROVAL – Bid – Manhole Rehabilitation

*Councilman Tewalt moved, seconded by Councilman Tharpe, that Council approve the Consent Agenda as presented.*

Councilman Sayre noted that Council was voting to spend \$211,750 for the manhole rehabilitation project throughout the town and it was going to help make the Town better.

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)

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**PUBLIC HEARING – An Ordinance to Amend and Reenact Sections of Chapter 134 of the Town Code pertaining to Amendments of Prohibited Discharge Standard (1<sup>st</sup> Reading)**

**Summary:** Council is requested to affirm on its first reading an Ordinance to amend and reenact Sections 134-4.A; 134-4.A.14; and 134-79 of the Front Royal Town Code pertaining to amendments of prohibited discharge standards, so as to allow rainwater from governmental correctional, facilities to be discharged into the Town’s sanitary sewerage system. If approved, the Town Code will provide that rainwater from governmental correctional facilities may be discharged into the Town’s sanitary sewerage system, provided the rainwater collection, distribution and pretreatment systems of said facilities meet certain defined standards.

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

*Councilman Tewalt moved, seconded by Councilman Tharpe, that Council affirm on its first reading an Ordinance to amend and reenact Sections 134-4.A; 134-4.A.14; and 134-79 of the Front Royal Town Code pertaining to amendments of prohibited discharge standards, so as to allow rainwater from governmental correctional, facilities to be discharged into the Town’s sanitary sewerage system.*

Councilman Hrbek noted that he believed that they were forced to move forward and it was rushed because we agreed on the contract on the jail matter. He stated that he wanted to explore the opportunity to put rainwater in the system if it made sense for the business plan, then it would not be just for one specific type of user. Councilman Hrbek noted that he could not in good conscious vote for the item as presented.

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

(By Roll Call)

**COUNCIL APPROVAL – Resolution to Recognize the History of Town Hall and Authorize the Opening of the Cornerstone**

**Summary:** Council is requested to consider approval of a Resolution that would recognize the History of Town Hall and authorize the opening of the cornerstone of Town Hall on Saturday, August 17, 2013 at 2:00pm, in celebration of the 225<sup>th</sup> Anniversary of the Town of Front Royal.

*Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve a Revised Resolution that would recognize the History of Town Hall and authorize the opening of the cornerstone of Town Hall on Saturday, August 17, 2013 at 2:00pm, in celebration of the 225<sup>th</sup> Anniversary of the Town of Front Royal.*

Vice Mayor Parker had the Clerk of Council read the revised resolution into the record. Councilman Sayre asked about placing a cornerstone at the new Town Administration building. Councilman Tewalt noted that a block was at the gazebo; Vice Mayor Parker stated it was put in during the year 1988.

Councilman Hrbek stated that the Masonic Lodge was excited was participate in the cornerstone event.

Councilman Sayre asked that the next worksession contain discussion pertaining to a possible cornerstone at the Town’s Main Street Administration Building.

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)

Resolution Recognition of  
**History of Town Hall**

**WHEREAS**, the Front Royal Town Hall (Municipal Building) was opened in 1936 to serve the citizens of Front Royal; and,

**WHEREAS**, for 79 years it housed the Town’s Administration Offices & Town Council Meeting Facilities; and,

**WHEREAS**, a corner stone was placed in Town Hall on August 12, 1935 to house documents in a copper box; and,

**WHEREAS**, in commemoration with the 225<sup>th</sup> Anniversary of the Chartered Incorporation of the **Town of Front Royal**, it is requested to open the corner stone on August 12, 2013 and provide the contents found to the Warren Heritage Society for preservation; and,

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the **Town of Front Royal, Virginia** in celebration of the

225<sup>th</sup> Anniversary of the Chartered Incorporation of the **Town of Front Royal**, hereby recognizes the history of the Front Royal Town Hall, therefore, directs staff to open the corner stone and provide the contents to the Warren Heritage Society for accessioning into their collection.

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**COUNCIL APPROVAL – Retention of Legal Counsel**

**Summary:** Council is requested to retain Carter Glass, Esquire for the purpose of providing legal advice relative to expanding the Town’s revenue base, and obtaining information in support of that advice, to the Town on such matters as from time to time may be directed of him by Council, through the Town Manager or the Town Attorney.

*Vice Mayor Parker moved, seconded by Councilman Hrbek, that the Town Council of the Town of Front Royal (i) retain the law firm of Troutman Sanders LLP, and Carter Glass of that firm, to provide legal advice relative to alternative methods of expanding the Town’s revenue base, as directed from time to time by the Town Council through the Town Manager or the Town Attorney, and to obtain such information relating to that subject as may be necessary to render such advice and (ii) authorize and direct the Town Manager or the Town Attorney to execute an engagement letter with such law firm on behalf of the entire Council.*

Councilman Funk noted that he has submitted a disclaimer to the Clerk of Council in full, from Town Attorney Napier, because his law firm does represent certain landowners.

Councilman Funk read the following statement into the record:

When I was still in high school, the Board of Supervisors and Town Council came together and executed a Voluntary Settlement Agreement that we now call the Corridor Agreement. In exchange for certain taxes, and transfer of expenditures to the County, the Town agreed to supply water and sewer to the burgeoning development across the bridges. However, in 2009, the Town was sued, and we lost our ability to collect certain taxes in the corridors that many in the Town believed were necessary to the stability of the Corridor Agreement.

While most of the citizens of Warren County, both in and out of Front Royal have been unaware, the Council and the Board of Supervisors have been in negotiations to settle the dispute over tax revenue from the 522/340 Corridor. To date, those negotiations have been fruitless.

Not helping matters, there are those on both bodies who, long ago, came to the conclusion that either settlement was unlikely or not in their best interest.

Our Motion states that the purpose is to obtain “legal advice...on expanding the Town’s revenue base” and that we are budgeting an “unspecified amount.” Let’s call this motion what it is; this Motion is about preparing for annexation and there is a combined \$100,000 in those accounts. This Motion tonight is Council’s first public action to move toward Annexation.

While, as I’m sure others will point out, we are not filing any formal action for some time, once we take this vote, this money is as good as gone. If you haven’t guessed already, I am going to vote against this Motion.

When I was running for Council, one message was exceedingly clear: the people of Front Royal wanted a Town Council that would work for the good of all citizens and to stop fighting with each other. While the battles between Council members has abated, my time on Council has seen an increase in battles between the Town and the County; the Town and VDOT; the Town and our Delegates.

The Board has already taken action. The Board's Staff has placed an RFP for a study to begin building their case in anticipation of our action tonight. A pox on both our houses for wasting hundreds of thousands of dollars on a fight I do not believe we can win.

I want to thank Mayor Darr and Chairman Archie Fox for the hard work they put in trying to negotiate this issue in the preceding months.

Despite this Motion tonight, I am still committed to the effort of those still willing to broker an agreed solution to this dispute and I will continue working to build trust and unity of purpose between our Town and County.

Councilman Sayre noted that they were eloquent words from Councilman Funk. He noted that he had issue with the amount being open ended at \$100,000 for annexation issues. He asked what would take place if it went over \$100,000, and whether Council would then need a budget amendment. Mr. Napier noted that they could handle matters that way.

*Councilman Sayre moved, seconded by Councilman Funk, to amend the motion to not to exceed \$100,000 without returning to Council for approval.*

Vice Mayor Parker asked if that was essentially what Council's original motion was addressing. Mayor Darr noted that it seemed to be, as it would need to return to Council anyway.

Vice Mayor Parker asked if Councilman Sayre's amendment was a substantial change to the motion before Council. Mr. Napier noted that it was not.

Councilman Sayre stated that Mr. Glass could incur expenses over \$100,000 and that greatly concerns him.

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)

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Vice Mayor Parker noted that some members of Council are throwing down the gauntlet that the Town was definitely going down the path of annexation, which concerned him. He stated that the annexation option was available years ago to the Town and they did not pursue it. Mr. Parker stated that the motion only meant that the Town was consulting with an attorney; only exploring options.

Mayor Darr noted that he met with Chairman Fox earlier in the day and he expressed to Mr. Fox that they were doing the Feasibility Study to see what options the Town had and they were not ready to discuss annexation. Mayor Darr stated that he appreciated Councilman Funk's

concerns, but the Town was looking at all possibilities at this point. He noted that they were looking at research at this juncture.

Vice Mayor Parker added that the Town has offered that the Town and County can meet with the Commission on Local Government and meet with a moderator and the Board of Supervisors, rather than go to Court.

Councilman Sayre asked if it was proper to ask about the amounts being spent on the annexation fight via FOIA request from both the Town and the County. Mr. Napier noted that a FOIA request was not necessary for the Town's information, and he could request the amounts from the County via FOIA if he so chose.

Councilman Hrbek noted that he would hope those voting against the option for Mr. Glass would come to Council with ideas on how to come to terms with the County with what was for the good of the Town without being unfair to the businesses in the Corridor. He noted that any plan would need to also be fair to the residents in the Town and the plan would need to have matters resolved to have the issue go away once and for all.

Vote: Yes – Hrbek, Parker, Tewalt and Tharpe  
No – Funk and Sayre  
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 as Amended)

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There being no further business, the Mayor declared the meeting adjourned at 7:54 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council