

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 23, 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 September 9, 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)

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**RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC**

Tim Ratigan, of 1476 Canterbury Road, noted that the recent annexation discussion has been interesting. He opined that the County of Warren seems to have two strategies which seems to be too confusing the public. He noted that problems arise when people are too busy to be involved in the issues within their community, and they generally do not care until it affects their wallets. Mr. Ratigan suggested that individuals request copies of the Corridor Agreement read up on how the matters have changed. He stated that the State encourages urban areas to develop certain ways and the Town and County citizens and businesses would win by way of the original agreement. He added that, for some, the Agreement is about pride, ego and power. Mr. Ratigan noted that Town Council members are elected to serve the Town, and their first duty was to the citizens of the Town.

David Means, of 210 W. First Street, thanked the Town for the opportunity to have UFAC come and speak with the environmental division of the Town. He stated that they were able to assist in worthwhile sections of the bid, including the role in the buffer area to the stream.

**REPORT OF THE MAYOR, COUNCIL & STAFF**

Town Manager Steve Burke:

- Stated that the Department of Environmental Services has a contractor in place for the water line replacement on 15<sup>th</sup> & 16th Streets in Royal Village, and the preliminary work would soon begin;

- Reminded Council and the public that the Brew & Blues Festival will be on Saturday the 28<sup>th</sup> downtown;
- Noted that Envision Front Royal website was still available and invited them to the October workshop;
- Welcomed the new businesses to the community: the microwinery on Royal Ave, and the video game store on Remount Road;
- Stated that the Police Department would be relocating to the former Sheriff's Department soon; and
- Announced that that the Town would observe the Columbus Day holiday on Monday, October 14<sup>th</sup> and asked the public to be advised of the refuse changes for the week.

Jennifer McDonald, Executive Director of the Economic Development Authority:

- Noted that the Royal Phoenix Site easement revisions are being worked on and they hope to have them finalized soon;
- Stated that they were working with three fast food establishments;
- Noted that Dulles Industries would be going in the old North American Housing building;
- Announced that their annual report would soon be out on the EDA's website;
- Stated that they have been awarded a loan in the amount of \$500,000 which would allow them to further assist businesses in the community;
- Noted that they continue to work with local universities in the area;
- In response to Mr. Sayre's question, Mrs. McDonald stated that they are still working on the conservancy side before they could consider such a pond naming contest; and
- The proposed Main Street bakery is awaiting funding for equipment placement in the building.

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

***Development Review Committee*** – The Development Review Committee met on August 28<sup>th</sup> and discussed several County projects including: proposed upgrades to the batch mix asphalt plant on Riverton Road; a proposed car repair business at 6768 Winchester Road; the proposed expansion of Hidden Springs Senior Living Facility on Buck Mountain Road; and the proposed expansion of the mobile home park on Coe Road. The Committee also discussed several projects in the Town including: the parking lot for the Health and Human Services Building; a proposed auto repair business on East 4th Street; and a proposed retail store on Peyton Street. The Committee will meet again on September 25th.

***Fall Cleanup Day*** – County residents can participate in the Residential Clean-Up & Household Hazardous Waste Collection Day on Saturday, October 5<sup>th</sup> from 8:00 am to 2:00 pm. Large, open containers will be placed at the Shenandoah Farms Fire Department, the Dismal Hollow Road Convenience Center, and the Bentonville Transfer Station for the disposal of bulk item such as old furniture and appliances. Household hazardous wastes can be brought to the Front Royal Volunteer Fire Department parking lot located on Commerce Avenue. Oil, paint, and up to twenty (20) passenger tires can be brought to the Bentonville Transfer Station.

***FY2013-2014 Budget Book*** – The County's FY2013-2014 budget book is now available on the County's website and has been submitted to Government Finance

Officers Association of the United States and Canada (GFOA) for award consideration. Once again staff has done an outstanding job of pulling the document together.

**2015 General Reassessment** - The County Reassessment process for the 2015 Reassessment began on September 3, 2013. The contractor, Wingate Appraisal, is currently working in the High Knob subdivision. We would anticipate them to work in the Town over the winter when weather conditions make it more difficult to work in the County.

**Health and Human Services Complex** – Moseley Architects is working on the schematic design of the facility and Pennoni has start work on the parking lot redesign and expansion.

**Eastham Trail/Phase II** – The project is substantially completed. Park and Recreation staff has some additional work to complete on the trail covering and installation this week. The project should be ready to officially open by October 1<sup>st</sup>.

**Fantasyland Restroom** – County staff have completed the construction of the replacement restroom facility at Fantasyland/Lions Park.

**Old Treasurer's Office** – County staff have been working the past several weeks to renovate the old Treasurer's Office in front of the Courthouse. The plan is to move the ASAP program from the Teledata Building to that location and use their former space for the Reassessment contractor.

**South Fork Bridge Project** – The project was put out to bid last month by VDOT with bids due on September 25, 2013.

**Warren and Clarke Counties Microenterprise Assistance Program** – County representatives continue to work with People Inc. and Clarke County representatives on finding small existing or start-up businesses looking for an opportunity to grow. Professional advice, services, and funding are available along with competitive interest rates. Anyone that is interested should contact People Inc. at (540)459-9096.

**Linden and Route 340/522 Park-n-Ride Lots** – VDOT has rescheduled striping of the lots to the weekend of September 28<sup>th</sup> and 29<sup>th</sup>.

**Revenue Sharing** – The County received a total of 19 applications for the County's rural addition/revenue sharing program. We are currently advertising for road viewers and plan to have the Board make the appointment at the October 1<sup>st</sup> meeting. The Committee will make a recommendation on priorities for FY2014-2015 for the October 15<sup>th</sup> meeting.

Councilman Hrbek asked if the ASAP location was within the Warren County budget. Mr. Stanley noted that it was contained in the State budget.

Councilman Sayre inquired about the flooding at the Gertrude Miller Park near Happy Creek. Mr. Stanley stated that they have not had any damage since the stadium rebuild took place; since the initial damage right after the first paving, they have had minimal damage.

Mayor Darr noted that he would begin a Blue Ribbon Committee to assist Council to find projects and incentives to revitalize buildings and work with the EDA. Mayor Darr stated that he has asked each Council member to forward him a name at least by mid-October in order to have this committee come to fruition in the near future.

Mayor Darr noted that he was honored to speak at the Linden Rotary Interact Club. He thanked Mike Williams for keeping the Kendrick Lane area clean with the students, noting that

he appreciated them letting him participate and thanked them for their continuing efforts by giving back to the community.

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

*Vice Mayor Parker moved, seconded by Councilman Tharpe to add an additional Closed Session for Property Acquisition to the agenda.*

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)

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**CONSENT AGENDA ITEMS**

- A. COUNCIL APPROVAL – Waiver of Old Virginia Industrial Large Meter Charge
- B. COUNCIL APPROVAL - Bid for Salt

*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)

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**PUBLIC HEARING – An Ordinance to Amend Town Code Section 167-4.A.4 Pertaining to Wildlife Management (1<sup>st</sup> Reading)**

**Summary: Council is requested to affirm on its first reading an Ordinance to amend Section 167-4.A.4 of the Front Royal Town Code pertaining to Wildlife Management. If approved, the word “deer” in the ordinance will be amended to “wildlife”, as presented.**

Roger Keys, 1454 Lakeview Drive, noted that there was too much food available for the bears in Front Royal and it was extremely dangerous for the area humans. He stated that the trash can ordinance needed to be fully looked into and properly followed throughout Town. Mr. Keys noted that the bear resistance cans did help, and he felt that changing the trash can ordinance, particularly the times related to the hours of set out for cans, would assist greatly with the bears.

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 to amend Section 167-4.A.4 of the Front Royal Town Code pertaining to Wildlife Management, as presented.*

Councilman Hrbek asked for clarification. Mr. Burke explained that when they changed from the word “deer” to “wildlife” within the ordinance it would give the Police Department the opportunity to work through the Department of Game & Inland Fisheries to see the Town’s

available options possible in order to properly manage area wildlife. He noted that it was the next necessary step to address the dangerous bear problem in the Town.

Vice Mayor Parker asked if it needed a second reading. Mr. Napier noted that it did, unless the Council deemed it an emergency

*Vice Mayor Parker moved, seconded by Councilman Funk, that Council deem the wildlife change ordinance an emergency, reword it to read as FIRST AND FINAL and declare it an emergency ordinance at this time.*

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)

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Councilman Sayre asked if it included groundhogs. Mr. Burke stated that he believed that it would, adding that the State does define specific wildlife. Mr. Sayre asked if it would be bow hunting. Mr. Burke noted that it would be, as the Town does not permit firearms for this, just bows.

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)

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**COUNCIL APPROVAL - Budget Amendment and Bid for Construction of Happy Creek Trail**

**Summary:** Council is requested to approve a budget amendment in the amount of \$162,013.61 for the construction of the Happy Creek Trail. \$10,956.55 was spent on materials, survey, and equipment for construction of Phase I. Council is also requested to accept a bid of \$137,324.60 plus 10% Contingency (Total Amount \$151,057.06) from Racey Paving & Excavating for the construction of Phase II.

*Councilman Tewalt moved, seconded by Councilman Sayre that Council approve a Budget Amendment in the amount not to exceed \$162,013.61 to fund the construction of the Happy Creek Trail. I further move that Council accept the bid of \$137,324.60 from Racey Paving & Excavating plus a 10% contingency in the total award amount of \$151,057.06 for the construction of Phase II of the Happy Creek Trail.*

Councilman Tharpe proposed that they let the contractor know that the Town would not be interested in the paving if the weather was below the temperature for an appropriate paving product. Councilman Tewalt stated that if the weather was the inappropriate time for paving he would of course not wish that they proceed; however, if it could begin immediately then perhaps we could have enough time to complete the project if at all possible.

Councilman Sayre asked the timeline. Mr. Burke noted that the signed contracts can allow for a notice to proceed as soon as possible. Mayor Darr suggested that Town Staff pass on Council's concerns related to the paving.

Councilman Tewalt asked if someone would be on site; Mr. Burke noted that that Town would have someone present. Councilman Sayre asked about the Planning Commission's involvement. Mr. Tewalt asked if the Tree Stewards would be holding up the project. Mr. Burke stated that Mr. Means, with the Urban Forestry Advisory Commission, has assisted with the project and he believes there are no tree issues with the route as it is laid out.

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)

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**COUNCIL APPOINTMENT – Virginia Municipal League (VML) Voting Delegates**

**Summary:** Council is requested to appoint a voting delegate and an alternate voting delegate for the Virginia Municipal League's (VML) Business Meeting during the VML Conference on Tuesday, October 15, 2013, since the Mayor will not be attending. Forms are to be returned to VML by September 30, 2013.

*Councilman Tewalt moved, seconded by Councilman Tharpe, that Council appoint Vice Mayor Parker voting delegate and Councilman Sayre alternate voting delegate for the Virginia Municipal League's (VML) Business Meeting during the VML Conference on Tuesday, October 15, 2013.*

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)

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**CLOSED MEETING - Investment of Public Funds, Consultation with Legal Counsel & Property Acquisition**

*Vice Mayor Parker moved, seconded by Councilman Tewalt that Council convene and go into Closed Meeting for the purpose of 1) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711.A.6. of the Code of Virginia; 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically annexation, pursuant to Section 2.2-3711.A.7. of the Code of Virginia, and that 3) Council convene and go into Closed Meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose or the disposition of publicly held real property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711. A. 3. of the Code of Virginia.*

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)

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*Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Action as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.*

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

(By Roll Call)

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*Vice Mayor Parker moved, seconded by Councilman Tewalt that the Town Manager be authorized to offer to purchase from the Economic Development Authority, and any other necessary parties, approximately 5.24 acres located along Kendrick Lane between Monroe Avenue and Adams Avenue, at \$7,000.00 per acre for a total purchase price of \$36,680.00, provided that issues relating to existing restrictive covenants, particularly covenants prohibiting overnight sleeping, can be resolved to the reasonable satisfaction of the Town, so as to allow use of the property as a location for the Police Department Headquarters. He further move that funding for the acquisition of said property be provided by the accumulated funds from the real estate tax dedicated to the Facilities Study and the new Police Headquarters. He further authorized the Town Manager to execute an agreement with Warren County to lease/rent the former Sheriff's Department building on Jackson Street for an amount of \$4,000.00 per month plus additional costs to connect the Town's computer network to the offices. Funding for this emergency relocation shall be from the real estate tax dedicated to the Facilities Study and the new Police Headquarters.*

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)

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There being no further business, the Mayor declared the meeting adjourned at 9:28 p.m.

APPROVED:

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 Jennifer E. Berry  
 Clerk of Council