

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on December 9, 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 Funk that Council approve the Regular Council Meeting minutes of November 25, 2013 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Donna Evans, of 963 S. Marshall Street, spoke to Council regarding her recent issue with her utility bill. She noted that Town Manager Burke had been gracious and kind during their interactions and at this point the matter had been worked out. Ms. Evans explained that as a tax payer and a citizen in Town she wished to advise Council of the unintended consequences that took place when she had to go out of town for an emergency. She explained that she had been against the deadline for paying her utility bill and then there faced ice issues this morning with the weather. Ms. Evans explained that it had been her plan to pay the bill today and then an employee arrived to turn off her electricity. She noted that she was informed that employees can no longer accept a check or cash from a citizen to stop the electricity shut off and she opined that it was a clear cut matter of heartless rules in this situation.

Ms. Evans stated that if she had not returned home yesterday, her pipes may have frozen. She noted that one thing that would have helped may have been if on the front of the delinquent bill the information for paying online, as she was not aware that was an option. She added that as a citizen, she felt as though she should get more involved and find out who is making such decisions.

Mayor Darr thanked her for speaking with Council and Mr. Burke added that they are evaluating the options for advising the public on the payment options.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Thanked the crews for their work during the recent snow event;
- Also thanked the Electric Department for their ongoing maintenance efforts that resulted in no power outages during the snow;
- Expressed his appreciation to Dan Hotek, George McIntyre, Carey Saffelle, Don McPaters and Jimmy Hannigan for the facilitation of the first step in the preparation and installation of the overhead lighting on Main Street;
- Noted that the Manassas Avenue site will be closed until Thursday due to the snow;
- Reminded Council and the public that Christmas Eve & Christmas Day Town Offices would be closed and he stated the days for rescheduling of refuse and recycling collection;
- Noted that January 1st they would be closed for New Year's Day as well;
- Stated that the Town Envisioning Presentation to Council and the Planning Commission would be held January 8th at the Town Administration Building and encouraged the public to attend;
- Noted that the Town's Annual Christmas Ornament was available at the Visitor's Center; and
- Extended a Merry Christmas & a Happy New Year to the Council and the citizens in the community.

Doug Stanley, Warren County Administrator, presented the following report to Council:

Reassessment – The County Reassessment process for the 2015 Reassessment began on September 3, 2013. To date approximately 2,500 of the 26,451 parcels have been completed.

VDOT Fall Transportation Meeting – Mr. Childress and I attended the 2013 Fall Transportation Meeting for the Staunton District last week. With the award of the contract to replace the Route 340/522 South Fork Bridge, the widening and improvement of Route 55 East (John Marshall Highway) becomes the County's top transportation priority.

Community Development

Development Review Committee – The Development Review Committee met on October 23rd. The Committee heard from an architectural firm representing a property owner on Warren Avenue regarding a proposed restaurant. They discussed several other projects in the Town including a proposed retail store, a proposed barber shop and a possible bed and breakfast. The Committee will meet again on November 20th. Staff has recently added a new item on each month's agenda to discuss proposed businesses specifically in the Route 340/522 to make sure all information is being obtained for the Town and County, especially as businesses switch in and out of the strip center areas.

Capital Improvement Plan – Work has started on the update of the County’s Capital Improvement Plan. Justification letters for the FY 2014-2015 plan were distributed to the various County departments and were due on November 15th.

Project Updates

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
Eastham Trail - Phase II	Winter 2013	\$278,000	Summer 2013	Completed
Fantasyland Restroom	N/A	\$50,000	Summer 2013	Waiting on Fixture Delivery
Rockland Park Disc Golf Course	N/A	\$15,000	Winter 2013	Under Construction
Rural Addition - Fellow Drive - Extended	N/A	\$412,100	Summer 2013	Completed
Rural Addition - Tomahawk Drive	N/A	\$321,000	Summer 2013	Under Construction
Rural Addition - Young's Drive	N/A	\$412,100	Fall 2013	Completed
Rural Addition - Mountain Lake Drive	N/A	\$100,000	Fall 2013	Completed
Turn Lanes @ Waterlick	8/2013	\$120,000	November 2013	Completed
Indian Hollow Bridge	Spring 2013	\$5,134,833	Spring 2015	Under Construction
Oregon Hollow Road	11/20/13	\$2,458,506	Fall 2014	Behind Schedule
Gooney Creek Bridge	11/20/13	\$14,664,392	Fall 2015	Two Months Behind Schedule
South Fork Bridge	9/2013	\$82,300,000	2018	Contract Awarded
Health and Human Services Complex	Spring 2014	Unavailable	Summer 2015	Schematic Drawings 10/13
Old Treasurer’s Office	Fall 2013	\$5,000	Fall 2013	Need to Finish Paint Removal
Courthouse Fascia Project	Fall 2013	\$75,000	Fall 2013	Completed
Courthouse Acoustic Panel Project	Fall 2013	\$79,932	Fall 2013	Under Construction

Dominion Project – As of last week 1,364 employees were on-site.

RSW Regional Jail – The Superintendent is working to get transition staff in place including the positions of Deputy Superintendent, Chief Financial/Personnel Manager, and Information Technology Specialist.

Health and Human Services Complex – Moseley is working on the design of the facility and Pennoni is nearly complete on the redesign and expansion of the parking lot.

South Fork Bridge Project – The Commonwealth Transportation Board has awarded a \$48.4 million contract to G.A. & F.C. Wagman Inc. of York, Pa. for the replacement of the South Fork Bridge. Work on the project is expected to start by the end of this year, and be complete in late 2017. The project will replace the existing bridge over the South Fork of the Shenandoah River and the Norfolk and Southern Railroad. Additionally, the project will reconfigure the intersection of Route 340/522 and Route 55. Along with the bridge, the project will reconstruct approximately 5,600 feet of roadway along Route 340/522 and Route 55.

Waterlick Turnlane Project – The VDOT revenue sharing project to install an eastbound turnlane at the Route 55 West (Strasburg Road)/Route 678 (Fort Valley Road) intersection was completed last month.

Infrastructure/Facilities

Courthouse Fascia/Acoustic Panel Projects – Replacement of the fascia at the Courthouse has been completed as of last week and the installation of the acoustic panels in Circuit Courtroom “A” has started this week. This project should be completed within 30 days.

Warren County Government Center – Renovation of the Finance and Fire and Rescue spaces has been completed. Staff will be working with the contractor over the next month to complete carpet change out in the Administration suite. The project will be completed by the end of December.

Councilman Tewalt asked about the approval of the Town’s substation. Mr. Stanley and Mr. Burke noted that they hoped to have the matter turned around as soon as possible. Mr. Tewalt expressed concern with the matter being held up for more than six months.

Councilman Hrbek asked about the road expansion from the Town limits to Linden. Mr. Stanley stated that they were looking to improve the road from Leach Run Parkway onward, and it was the number one priority, though the engineering alone would take up to ten years at least.

Councilman Tewalt asked about Morgan Ford Road. Mr. Stanley stated that the MOU needs to be signed and once that is completed then the project can go forward with a public hearing sometime in early 2014 hopefully and then move forward with an advertisement date.

Councilman Sayre noted that he understood that the County had spent about \$4,000 regarding the Route 522 Corridor legal expenses. Mr. Stanley noted that no other bills had been received thus far.

Councilman Funk stated that as an attorney in this community over the past several years and a resident for many more, he has seen Capt. Keller be a model of professionalism and he noted that he would be sorely missed.

Mayor Tewalt wished everyone in the community a very merry Christmas and a Happy New Year.

Councilman Sayre asked the amount that the Town had spent on the Route 522 annexation amount, noting that it was his understanding that it was a little over \$20,000. Mr. Napier stated that it was about that amount.

Councilman Sayre noted that he would not be running for re-election for Town Council. He noted that he hoped that other good people, such as Ms. Donna Evans who spoke earlier, would run. He added that soon packets could be picked up and signature forms can be circulated. Mr. Sayre thanked the citizens for the opportunity to serve.

Councilman Sayre noted that it had been a joy working with Clint Keller and he was glad that the urban deer archery program had fully come to fruition.

Mayor Darr thanked the Builder's Association for the dinner which they held recently, noting what a pleasant evening it was.

Mayor Darr stated that recently Christkindlmarkt was held in the Village Commons area. He thanked Steve and Maggie Sill for their vast efforts to make this annual event a success for those in the community. Mayor Darr thanked the Town Staff and Council for their participation in the parade Trolley ride and the Salvation Army bell ringing last Saturday and those ringing the bell this coming Saturday as well.

Mayor Darr extended wishes to everyone for a very Merry Christmas, a Happy New Year and a Happy Holiday season.

Mayor Darr recognized Captain R. Clint Keller for his retirement from the Front Royal Police Department. He noted that some of his roles included investigator, corporal, sergeant, and a lieutenant. Mayor Darr thanked Captain Keller for his many years of service to the Town of Front Royal and the many ways that he has protected and served the citizenry. Members of Council assisted in presenting Capt. Keller with his retirement plaque, as did Chief Shiflett.

Mayor Darr noted that he and Capt. Keller were in the same Cub Scout troop and his mother was their Den Mother. He thanked Mr. Keller for his service, noting that he'll be sorely missed and he was a true asset to the community.

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

Vice Mayor Parker moved, seconded by Councilman Sayre, to remove Item 7C – Water Tank Site Lease – from the agenda.

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)

Vice Mayor Parker moved, seconded by Councilman Tewalt, to add a CLOSED SESSION regarding Real Property to the agenda.

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)

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Resolution of Support for MAP-21 Transportation Alternative Program Grant Application
- B. COUNCIL APPROVAL – Budget Amendment for DMV Animal Friendly License Plate Fund Distribution
- ~~C. COUNCIL APPROVAL – Second Five Year Renewal of Water Tank Site Lease Agreement with Virginia PCS Alliance, L.C. (NTELOS)~~
- D. COUNCIL APPROVAL – Bid for Concrete
- E. COUNCIL APPROVAL – VDOT Revenue Sharing Project FY15 – Fox Drive

Vice Mayor Parker moved, seconded by Councilman Tewalt that Council approve the Consent Agenda as amended.

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; Sans Item 7C)

COUNCIL APPROVAL: Write-Off for Bad Debt

Summary: Council is requested to remove outstanding bad debt seven years or older in the amount of \$848,191.11 from the electric, water, sewer, solid waste and general fund liability accounts per the Town of Front Royal Bad Debt [Write-off] Policy.

Vice Mayor Parker moved, seconded by Councilman Tewalt that Council approve the removal of outstanding bad debt seven years or older in the amount of \$848,191.11 from the electric, water, sewer, solid waste and general fund liability accounts per the Town of Front Royal Bad Debt [Write-off] Policy.

Councilman Funk asked if there was an issue with the particular age of the debt; Mr. Napier noted that it was more of a book keeping issue and the age of the debt was not the issue.

Councilman Tharpe asked if this pertained to utility matters that have not been paid over a period of time; Mrs. Breeden noted that was correct.

Councilman Hrbek asked if this was the first time the Town had participated in this type of endeavor. Mrs. Breeden noted that it was. In response to his additional questions, she added that it related to debts from many years old, and not those from recent years.

Councilman Sayre asked if the amount was then “gone forever”? Mrs. Breeden noted that the account will be flagged, and the Town will continue to attempt to collect the matter, though for book keeping purposes it will be removed.

Councilman Tharpe stated that it was not a forgiveness, it was a write off. Mrs. Breeden added that the change will assist with ratings for the Town regarding bonds.

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 – Purchase Orders

Summary: Council is requested to approve a Budget Amendment in the amount of \$5,524,182.74 to bring forward unpaid balances on purchase orders not completed at the end of June 2013 [FY13], as presented. This is a housekeeping item that must be completed each fiscal year after completion of the annual audit to have funds available for spending in this fiscal year.

Budget/Funding:	General Fund	\$281,819.09
	Electric Fund	\$582,125.32
	Special Projects	\$265,989.87
	Water	\$1,102,990.56
	Sewer	\$2,769,311.36
	Refuse	\$ 10,000.00
	Streets	\$5,524,182.74

The off-set of these funds will come from the appropriate fund balance reserve for each Fund indicated.

Councilman Tewalt moved, seconded by Councilman Tharpe that Council approve a Budget Amendment in the amount of \$5,524,182.74 to bring forward unpaid balances on purchase orders not completed at the end of June 2013 [FY13], as presented.

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 to Jointly Purchase Planning and Building Inspections Software, aka EnerGov Software with the County of Warren

Summary: Council is requested to consider approval of a Budget Amendment not to exceed \$50,000.00 for joint participation in the purchase of Planning and Building Inspection Software also known as EnerGov, with the County of Warren at a cost not to exceed \$50,000.00 from General Fund Contingencies. The user of the software would be 75% County and 25% Town. Based on this distribution the County of Warren has requested that the Town pay 25% towards the initial purchase cost and 25% of the annual maintenance cost. The Town would receive five user licenses and the County would receive fifteen.

Councilman Funk moved, seconded by Councilman Tharpe , that Council approve a budget amendment not to exceed \$50,000 for joint participation in the purchase of Planning and Building Inspection Software also known as EnerGov, with the County of Warren at a cost not to exceed \$50,000 from General Fund Contingencies.

Mayor Darr asked for an update from Mr. Camp. Mr. Camp stated that the service agreement would be set up as a separate contract paying EnerGov directly. He noted that the IT Director stated that the Town did not have to repurchase some of the licenses, and the Town would be receiving five of the EnerGov licenses, and one of the EnerGov Training certifications would be for a Town employee.

Councilman Hrbek asked how things would transpire should the Town pursue their own Building Inspection Division. Mr. Camp advised that they could transition the software cost to the Town and there would be a minor cost and a new server expense as well. Mr. Hrbek stated that he was in favor of the approval.

Mayor Tewalt noted that he felt that it was inappropriate to remove funds from the General Fund for such a project, adding that it was a want at this time. He noted that he will not vote for the matter that was not an emergency for the Town.

Vice Mayor Parker stated that he had a similar concern as Mr. Tewalt regarding removing funds from the General Fund. He asked if it would be funds well spent by the Planning & Zoning Department. Mr. Camp stated that it was something needed in the long term, noting that it was like a gym membership, as it was painful in the beginning, though it will assist greatly with matters relating with the Town and County in the long run, should the Town choose to be serious about pursuing the Building Inspections matter especially.

Vice Mayor Parker asked if it was something that the Town had to move forward with at this time. Mr. Camp noted that they did not have to move forward at this time, though he clarified that the Town would still be sharing the software with the County. Mr. Burke stated that the software proposal is tied to the purchase with the County, noting that there would be additional fees due to the development of the templates, as they would be developed for the Town alone, rather than in conjunction with the County.

Councilman Funk stated that he was concerned that if the Town did not move forward with it at this point than it would most likely cost more should the Town obtain the system on their own at a later time. He noted that he shared Mr. Tewalt's concern of tapping into the General Fund, though this was a great opportunity to work with the County.

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

COUNCIL APPOINTMENT: Urban Forestry Advisory Commission (UFAC)

Vice Mayor Parker moved, seconded by Councilman Tharpe that Council appoint Robin Gattshall to the Urban Forestry Advisory Commission (UFAC) to fill an un-expired term, said term to expire December 20, 2017.

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 AUTHORIZATION: Budget Amendment to Purchase Property for new Police Department

Summary: Council is requested to authorize the Town Manager, Town Attorney and the Mayor to complete all contracts and agreements necessary to purchase a 5.24-acre parking lot on the east side of Kendrick Lane between Monroe Avenue and Adams Avenue within the Town limits, from the Industrial Development Authority (EDA) of the Town of Front Royal and the County of Warren, Virginia in the amount of \$36,680 and upon approval of the stakeholders; for the purpose of construction a new Front Royal Police Department.

Councilman Sayre moved, seconded by Councilman Tharpe that Council authorize the Town Manager, Town Attorney and the Mayor to complete all contracts and agreements necessary to purchase a 5.24-acre parking lot on the east side of Kendrick Lane between Monroe Avenue and Adams Avenue within the Town limits, from the Industrial Development Authority (EDA) of the Town of Front Royal and the County of Warren, Virginia in the amount of \$36,680.00 and upon approval of the stakeholders; for the purpose of construction a new Front Royal Police Department.

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)

CLOSED SESSION

Motion to go Into Closed Meeting

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council convene and go into Closed Meeting for the discussion or consideration of 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 2.2-3711A.3. of the Code of Virginia.

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)

Motion to Certify Closed Meeting

Vice Mayor Parker moved, seconded by Councilman Tharpe, 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, Sayre, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – N/A
(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 7:57 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council