

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 13, 2014, 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 December 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**

Matthew Tederick, of 21 Edgewood Street, asked about the Envision Front Royal presentation recently given during a worksession. He noted that no public input was given at the last meeting and he asked what the process would be for allowing such changes.

Mayor Darr stated that the Envision Front Royal process was one part of six and it related to the overall Comprehensive Plan for the community. He stated that the Planning Commission will be holding a public hearing on the document. Mr. Camp, Director of Planning & Zoning, noted that Mayor Darr was correct. Mr. Tederick thanked the Mayor Darr and Mr. Camp for their update.

Mr. Tederick stated that many planning documents weighed much too high on historic properties being funded by the government and over the last several months he had heard about Council discussion for the Pioneer Motel acquisition and he questioned whether that is the role of government. He noted that recently he was asked about the Town Hall swapping the Afton Inn properties for one another and he questioned whether Council was getting to the core of the needs of the community – the health and the general welfare of the citizens.

Mr. Tederick noted that acquiring hotels and swapping a good asset for a dilapidated structure was getting away from the focus of less regulation, obtaining more area jobs, and the core needs of the community.

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

Town Manager Steve Burke:

- Stated that the Town offices will be closed for Martin Luther King Day, Jr. on Monday and he explained the changes in refuse and recycling schedules to the public;
- Noted that this was the last week for Christmas tree collection;
- Reminded the public that the Business Forum would be January 30<sup>th</sup> in the Administration Building; and
- Commended the Town Crews for their work during the holiday season and the extreme cold weather.

Martha Shickle, Executive Director of the Northern Shenandoah Valley Regional Commission stated that their annual report calendar format had been distributed to Council and she noted that she was available for any questions the Town Council may have.

Vice Mayor Parker noted that Samuels Library was now open for partial hours on Sunday and they relayed their thanks to the Council for their ongoing support to the library.

Councilman Sayre stated that the Envision document was discussed at the joint Planning Commission worksession and there were no bike or walking trails from the Happy Creek Technology Park into town and hopefully that could occur at a later time in order to assist those in that area. He noted that it would be great for the Christendom College students traveling into Front Royal.

Mayor Darr thanked the Planning Staff and Commission for their hard work on the Envision Front Royal process. He noted that the worksession last week was productive and it was a good start to updating the Comprehensive Plan for Front Royal, though there was a lot of work still to do.

Mayor Darr noted that the Department of Environmental Quality meeting was recently held and they would be studying area creeks, including the Happy Creek and a technical advisory committee will take place. He stated that the Town will be playing a key role in those meetings in order to make the creek a swimmable waterway; which is the DEQ's goal for the creek. Mayor Darr noted that it was an informative meeting and he appreciates the Councilmen who attended the event to become better acquainted with the workings of the DEQ and their goals for the local waterways.

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

**CONSENT AGENDA ITEMS**

- A. COUNCIL APPROVAL – Contract for Power Supply Consulting Services with GDS Associates
- B. COUNCIL APPROVAL – Bid for Construction of the Riverton Substation
- C. COUNCIL APPROVAL – Second Five-Year Renewal of Water Tank Site Lease Agreement with Virginia PCS Alliance, L.C. (nTelos)
- D. COUNCIL APPROVAL – Liaison Committee Meeting Agenda Items
- ~~E. COUNCIL APPROVAL – Bid for Purchase of Water Meters~~

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

*Councilman Tewalt moved, seconded by Councilman Tharpe, that Council pull item 7E – Water Meter Bid to vote on the matter separately.*

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)  
(to remove 7E)

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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 7E to approve Consent)

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**COUNCIL APPROVAL – Bid for Purchase of Water Meters**

**Summary: Council is requested to approve a bid for the purchase of various sized water meters for inventory stock in the amount of \$111,600.00 to HDSupply Waterworks.**

*Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council:*

- 1) find and determine that the facts and circumstances contained in the SOLE SOURCE JUSTIFICATION FORM dated December 19, 2013 of the Town of Front Royal Water & Sewer Maintenance Department regarding the Neptune R9001 Water Meters, and as contained in the Memorandum dated January 3, 2014, from Cindy Hartman, Purchasing Agent, to Tina Presley, Senior Administrative Assistant, and Jennifer Berry, Clerk of Council, are true and correct;
- 2) He further moved that Council find and determine that HDSupply Waterworks is the only source of those water meters practically available to be procured by the Town of Front Royal; and
- 3) And he further and finally moved that Council approve the bid of HDSupply Waterworks for the purchase of various sized water meters for inventory stock in the amount of \$111,600.00 be approved.

Mr. Napier noted that he rewrote the motion to be technically in-line to follow the Code of Virginia to the letter, it is the only meter source practically available for the Town of Front Royal.

Councilman Funk thanked the Town Attorney for his diligent work to protect the interests of the Town.

Councilman Sayre stated that the water area in the West Virginia currently experiencing issues, is similar to the Shenandoah River here. He reminded Council that water is important to the residents and businesses. He noted that the Town has a good high quality water system and this is money well spent.

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 – Agreement to Relocate a Portion of Boundary Line for Leach Run Parkway**

**Summary:** As part of the design of the Leach Run Parkway and the new Middle School, a number of parcels that are currently located in both the Town of Front Royal and County of Warren have been designated to be boundary adjusted into the Town limits. Council is requested to consider an agreement with the County of Warren to adjust these properties.

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

*Councilman Tewalt moved, seconded by Councilman Tharpe, that Council approve an agreement with the County of Warren to boundary adjust a number of parcels that are currently located in the Town of Front Royal and the County of Warren into the Town limits as part of the design of the Leach Run Parkway.*

Councilman Tewalt stated that it was a good idea, adding that the Town had been working on the project for many years. He noted that if they could get the project moving along, he would be proud to say he was on the Council during the time it was approved.

Councilman Hrbek asked if it was the beginning of the process. Mr. Napier noted that it was a much simpler process than Front Royal Limited Partnership, and the timeframe was much shorter as well.

Councilman Sayre asked for a plat to review. Mr. Napier distributed a plat for examination by Council. Mr. Sayre asked if the location contained sites for the proposed new middle school and proposed new hospital as well; Mr. Napier noted that it does.

Councilman Tharpe stated that this cleans up the MOU and has the Town take in the property to the Town. Mr. Napier noted that was correct.

Councilman Sayre stated that it would have them paying a one-time water rate. Mr. Napier noted that it would.

Councilman Sayre asked about homes that had been questioned earlier in the process; whether they were in or out of Town. Mr. Stanley noted that they were transferred back into the County apparently some time ago.

Councilman Hrbek asked if the Town would service the electric to the hospital. Mr. Tewalt noted that the Town would. Patrick Nolan, President of Warren Memorial Hospital, noted that the hospital was completely in favor of the boundary adjustment.

Councilman Sayre stated that he would like to see electric lines buried if at all possible.

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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**COUNCIL APPROVAL – Resolution to Request an Amendment to Virginia Code Regarding the Authorization to Regulate Tall Grass on Occupied Property**

**Summary:** Virginia Code Section 15.2-901.A.e. enables the Town to require the cutting of grass, weeds and foreign growth existing on vacant developed or undeveloped property. Under the statute, only certain enumerated localities are authorized to require the cutting of grass, weeds and foreign growth existing on occupied properties. Council is requested to consider approval of a Resolution to amend the Virginia Code to authorize the Town of Front Royal to regulate the cutting of grass, weeds and foreign growth on occupied properties.

*Vice Mayor Parker moved, seconded by Councilman Tewalt that Council approve a Resolution to amend the Virginia Code to authorize the Town of Front Royal to regulate the cutting of grass, weeds and foreign growth on occupied properties.*

Councilman Hrbek asked Mr. Camp to give an explanation of the Code inconsistency.

Mr. Camp explained that it asked that the State allow the Town to regulate occupied properties to have the Codes to be in conformance. Mr. Hrbek stated that the Town Code would have to be amended once it was approved at the State level; Mr. Camp noted that he was correct.

Councilman Tewalt noted that the Town had a vast number of rentals and the Town was attempting to assist in the conformance with the enforcement to ensure that it was equal across the board.

Councilman Sayre asked about the tall grass relating to farm use. Mr. Camp noted that sometime a draft rewrite was submitted, though Staff was attempting to have the Code be cleaned up before moving onto that issue, adding that it depends on lot size. Mr. Tewalt noted that there are exemptions relating to permitted agricultural use. Mr. Camp stated that was accurate.

Councilman Funk noted that he has struggled with the issue, adding that he did not care for unsightly matters with neighbors that did not mow their lawn, though he questioned where the government line would end. Mr. Funk noted that he did not wish to support the matter.

Councilman Sayre gave an analogy of a hoarding situation, noting that there were matters where the government should be involved.

Vote: Yes – Hrbek, Parker, Sayre, Tewalt and Tharpe

No – Funk

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(BY ROLL CALL)

**RESOLUTION: REGULATE TALL GRASS ON OCCUPIED PROPERTY**

WHEREAS, it has come to the attention of the Town Council of the Town of Front Royal, Virginia, that, while Virginia Code §15.2-901(A)(3) enables the Town of Front Royal to require owners of vacant developed or undeveloped property within the Town to cut grass, weeds and other foreign growth existing on their property, and while the Town has enacted §170-2, Code of the Town of Front Royal, Virginia, requiring owners of vacant developed or undeveloped property within the Town to cut grass, weeds and other foreign growth existing on their property, only those localities enumerated in Virginia Code §15.2-901(A)(3) are enabled to enact ordinances requiring owners to cut grass, weeds and other foreign growth existing on occupied properties, and,

WHEREAS, given the high percentage of owner-occupied and tenant-occupied properties within the Town, the inability of the Town to require the cutting of grass, weeds and other foreign growth on these properties presents a serious health, safety and welfare issue for the Town, and also presents an enforcement issue where the Town is perceived to be discriminate in its enforcement against unoccupied vis-à-vis occupied properties.

NOW, THEREFORE, BE IT, HEREBY, RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the Town desires that Virginia Code §15.2-901(A)(3) be amended by adding the words "Front Royal" to the third sentence of that paragraph, thereby enabling the Town to enact an ordinance requiring the owners of occupied properties within the Town to cut their grass, weeds and other foreign growth, and the Town requests the assistance of a member of the General Assembly who is able to assist the Town by sponsoring the appropriate bill(s) during the 2014 term to amend Virginia Code §15.2-901(A)(3) accordingly.

**COUNCIL APPROVAL – Town Banking Services**

**Summary:** The Request for Proposals (RFP) for Banking Services was issued late fall of 2013. This process is completed every five years. Responses were completed by comparing rate structures and services available to both the Town and its citizens. Based on the RFP responses, staff recommends the Town continue its relationship with Union First Market. Council is requested to consider approval of the Town’s Banking Service with Union First Market located at 437 South Street.

*Councilman Tewalt moved, seconded by Vice Mayor Parker, Council approve the Town’s Banking Services with Union First Market located at 437 South Street for a five year period.*

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)

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**CLOSED MEETING – Disposition of Town Property**

**Motion to go Into Closed Meeting**

*Vice Mayor Parker moved, seconded by Councilman Tharpe that Council convene and go into Closed Meeting for the discussion or consideration of the disposition of publicly held real property, specifically, property located on West Main Street and N. Royal Avenue, 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)

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**Motion to Certify Closed Meeting at its Conclusion**

*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)

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MAYOR DARR read the following Public Notice release:

The Mayor and Front Royal Town Council are pleased to announce that after months of negotiations, terms have been tentatively reached, which could result in the disposition of the Former Front Royal Town Hall located at 16 North Royal Avenue and the acquisition of the Afton Inn. The terms, once formally approved by all parties, will temporarily transfer the Town Hall to the Front Royal/Warren County Economic Development Authority (EDA). The EDA, with the assistance of its Executive Director, Jennifer McDonald, brokered a property swap at the request of the Town with Afton Inn, LLC to exchange Town Hall for the Afton Inn, located at 2 East Main Street.

The Town has been exploring options for the former Town Hall, which was erected in 1935, and is excited that the property will be entering the tax rolls as commercial property and anticipates one or more businesses to occupy the building. Furthermore, the Town Council is looking forward to working with the EDA in marketing and redeveloping the 1867 Afton Inn property.

The agreement for the property swap includes covenants that will protect the exterior appearance of the former Town Hall and give the Town the right to first refusal to buy back the former Town Hall should the property be advertised for sale in the future. In addition, the property swap will not include the Union Street public parking lot located behind the former Town Hall.

The Front Royal Town Council has scheduled a Public Hearing for Monday, January 27, 2014, at 7:00 pm in the Warren County Government Center Board Meeting Room.

Questions can be directed to the Front Royal Town Manager, Steve Burke, at (540) 635-8007.

There being no further business, the Mayor declared the meeting adjourned at 8:02 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council