

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on February 24, 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 Tewalt that Council approve the Regular Council Meeting minutes of February 10, 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

Bevin Egger, of 721 Campbell Circle, announced her plans to run for Town Council in the next election. She noted that she was in the process of circulating her petition to obtain signatures and should anyone attending the meeting wish to sign the petition when the meeting ends, she would appreciate their support.

Matt Tederick, of 21 Edgewood Street, submitted the Blue Ribbon Budget Committee Recommendations that were presented to Council on November 22, 2010. He noted that he had a pleasant and informative meeting with the Town Manager earlier in the day to discuss the items which were implemented and which were not. Mr. Tederick stated that Mr. Tewalt, Mr. Hrbek and Mr. Funk were not part of the process at that time, though others may recall that the panel spent time compiling reports and reviewing information. He asked Council to review the recommendations from 2010, taking note of the votes as presented.

Mr. Tederick opined that the glaring issue seemed to be that the Town has a spending problem not a revenue problem. He expressed hoped that the Town would determine a way to avoid the two cent tax increase. He announced his plans for a Town Hall meeting he plans to call, adding that he intends to invite Council and members of Staff.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that the Town's contractor has started curb and gutter installation along John Marshall Highway, from Richmond Road to Jamestown Road; he noted that they would continue the work along 16th Street;
- Noted that sanitary sewer work continues to be improved along Fletcher Street; and
- Reminded the citizenry that online payment system and the Town's website will be down for service Thursday and Friday and he asked those with questions to phone into the office.

Councilman Hrbek asked for a timeline for the trail program to be made available for Council.

Jennifer McDonald, Executive Director of the Economic Development Authority:

- Stated that the Honeywell group signed the parking lot property paperwork for the Town's Police Department;
- Noted that they continued their work with the retail work as they do each month;
- Reported that the Leach Run Parkway Public Impart Meeting would be on March 5th and invited Council to attend; and
- Stated that Ms. Jones of the EDA had discovered three grant opportunities which may work for the Town's new Public Safety facility and the links are included in the EDA's written report.

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

County Administration

Reassessment – The County Reassessment process for the 2015 Reassessment began on September 3, 2013. To date approximately 6,000 of the 26,451 parcels have been completed. Work is now being done in the Town of Front Royal. Appraisers will be in that area viewing properties, which may include taking photographs and knocking on doors to verify information. Each vehicle used by Wingate will be marked with magnetic signs that read “Real Estate Assessment – Wingate Appraisal Service”.

Community Development

Development Review Committee – The Development Review Committee met on January 22nd. The Committee discussed proposed additions to Shenandoah Valley Moving and Storage on Winchester Road, the proposed Town Riverton Substation and the timeline for addressing agency comments, and proposed upgrades to the Essroc property. They discussed several projects in the Town including a proposed bakery, a silver/gold shop, a proposed distributing - company, Blue Wing Frog, and Avery Hess. They also discussed specific projects located in the Route 340/522 Corridor, including IHOP and the Interchange warehouse property. The Committee will meet again on February 26th.

Capital Improvement Plan – Work has started on the update of the County's Capital Improvement Plan. The Planning Commission reviewed the submitted projects at the Commission meeting on December 11th. Based on the schedule,

the Commission will hold a public hearing on the draft at its March 12th meeting.

WEB GIS Upgrades – The County is currently working with our GIS consultant on an update to the County’s GIS system. The updates will allow for more user friendly querying and search capabilities. The data layers have been organized in the legend to make them more easily accessible. A “Links” button has been added to direct the user to the Commissioner of Revenue’s Property Owner and Tax Assessment records, along with links to the Planning Department, and both the County and Town’s Zoning ordinances. Lastly, the site has a more visually attractive and functional user interface compatible with the recent revisions to the County’s website.

2013 Building Permits – The County had a total of 82 new home starts in 2013. Of that number, 10 were located inside Town limits. This represents the third year in a row of increased permit activity countywide. As a comparison, in 2012 we had a total of 66 new home starts. The 82 starts represent an annual growth rate in housing stock of .50%. The growth rate is well below our 2-3% maximum outlined in the Warren County Comprehensive Plan and is well below the 1.19% average experienced since 2003. The total growth rate in new home starts since 2003 is 13.05%.

Building Inspections Software – The County continues to await word from the Town on the Building Inspections Software contract. We have been in a position to move forward with the project since October of last year but need to know whether the Town is going to be part of the contract.

South Fork Bridge Project – The contract’s fixed completion date is December 2017. The contractor will use electronic message boards at the approaches to the project to inform motorists of planned work activities and delays. The contractor will plan to have the new four-lane section of the bridge and the new quadrant intersection and Route 55 West roadwork and signals completed before traffic switchover onto the new bridge in 18-24 months.

Warren and Clarke Counties Microenterprise Assistance Program – County representatives continue to work with People Inc. and Clarke County 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. To date one loan has been made to local businesses in Front Royal totaling \$15,000.

Fire and Rescue

Financial Management – County staff is currently paying monthly bills for Companies 3, 4, 5, 6, 8, and 10. Companies 1, 2, and 9 are providing an annual audit.

Merger of Companies 2 & 8 – County staff is in the process of preparing a Memorandum of Understanding to be signed by all parties.

Annual Report – The Fire and Rescue Department has completed its 2013 Annual Report. The report highlights the activities of the County Fire and Rescue Department and the volunteer companies that serve Warren County. A PDF of the document is available on the County’s website.

Project Updates

Dominion Project – As of last week 1,200-1,250 employees were on-site. The project is 76% complete.

RSW Regional Jail – As of last week 125 employees were on-site. The project is 95% complete.

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

Councilman Hrbek noted that the County Parks presentation at the Rotary meeting recently was very well done and gave an excellent idea of how expansive the County Parks program is. Mr. Hrbek asked how the Town may be able assist in linking the Town’s trails to the Fishnet park property which is now County Park land. He expressed hope that the Town would facilitate the link. Mr. Stanley stated that there would be sidewalks and bike lanes across the bridges and a link across Crooked Run could take place and he would send a draft map to the Town Manager.

In response to Council Tewalt’s question, Mr. Stanley noted that they had hoped for an earlier sign off on the Happy Creek Bridge project, though with the new Governor and other hold ups delays have taken place. He expressed hope for a public hearing soon. Mr. Sayre noted that the bridge not only holds up County residents, but also Town residents as well. He added that it was also being held up by Department of Historic Resources and the bridge is routinely closed by high water and VDOT maintenance and has had numerous fatalities. Mr. Sayre asked about the funding; Mr. Stanley noted that most of the funding is Federal tax dollars, with some local funding. In response to questions, Mr. Stanley stated that ambulances cannot travel across the bridge at this point and there were hefty fines if the weight limits were violated.

Kim Gilkey-Breeden, the Town’s Finance Department Director, stated that the monthly reports for January indicated that the Town’s revenue was on target, as well as expenditures. She noted that the mid-year transfers were completed and the adjustments were approved through the Town Manager as they were small line item transfers in the Departments. Mrs. Breeden stated that she was working on refinancing the Water Treatment Plant bond to also possibly include the UVA mandated plant equipment in the amount of \$2.5 - 3 million. She added that she will soon be speaking with the VRA representative to determine the payment amount.

Mrs. Breeden explained that the Finance Department rejoined the Virginia Debt Set-Off Program for outstanding bills with over 40 hits and an incoming \$7,000 in delinquent bills to the Town. She noted that they were pleased with the success rate at this time. She noted that she and the Town Manager will begin reviewing the departmental budget requests this week, and currently the Town would be facing an insurance increase of 4.8%, with little change in the Town’s coverage.

Mrs. Breeden noted that with the extremely cold winter her Department has worked hard with citizens struggling with high bills and those requesting re-reads on meters and shut off notices. She added that the Town also received their high utility bill recently, and it totaled \$2.27 million, which was the highest she could ever remember it being. She reminded Council that her employees were doing all they could to work with the citizenry during this time.

Councilman Tewalt asked how much higher the bill was over this time last winter. Mrs. Breeden noted that it was about \$700,000 higher than last winter.

In response to Councilman Sayre's question, Mrs. Breeden explained that the liability for the General Fund does not have to hit the Town's books until 2015. She added that if Mr. Sayre was looking at the Transfer Fund sheet provided to Council, those numbers have been estimated for General Fund.

Councilman Hrbek stated that he attended the Energy & Sustainability Conference in Richmond recently and he found it interesting that there was enabling legislation that gives the Town the ability to credit property owners who increase the efficiencies of their buildings and homes by 38%. He asked that the Town explore the feasibility of offering that to the citizenry if possible. Mr. Hrbek noted that he also learned about the option for some to participate in the Demand Response Program that allows those that take their systems off the grid at certain times to possibly become eligible for cash payments. He stated that the information has been passed onto the Town Manager and the Energy Resources Director and Mr. Waltz had indicated that a program was being worked on that enabled the larger buildings to be taken offline for just such a program.

Vice Mayor Parker requested to add the new Police Department to the worksession on a monthly basis or more often as needed in order to have updates and directions to proceed.

Councilman Tewalt stated that recently they discussed receiving funds, as the Town had been included in the State of Emergency declaration during the snow event. He asked that all matters related to the pursuit of the funds were being submitted. Staff indicated that they were.

Councilman Sayre thanked the Blue Ribbon Committee for their work on review of the Town's finances in 2010. He also noted that he was pleased to hear of the grant possibilities brought forward by the EDA.

Mayor Darr noted that he attended the Planning Commissions recent Envision Front Royal Visioning meeting regarding the vote to include the Vision Statement to guide the process of drafting the Comprehensive Plan. He thanked Jeremy Camp, the Department Staff and the Planning Commission for their extensive work during the process.

Mayor Darr presented a plaque to the Town Manager on behalf of Toys for Tots thanking the Town for their working during the last campaign. He noted that it was such a worthwhile program and the Town was happy to lend their support.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Purchase of Police Vehicles
- B. COUNCIL APPROVAL – Resolution Pertaining to Land Use Permit Regulations of VDOT
- C. COUNCIL APPROVAL – Budget Amendment for Water Treatment Plant Final Payment

Vice Mayor Parker moved, seconded by Councilman Tewalt that Council approve the Consent Agenda 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)

(On Consent Agenda)

(By Roll Call)

RESOLUTION – LAND USE PERMIT REGULATIONS of VDOT

WHEREAS, it becomes necessary from time to time for the Town of Front Royal of Warren County to install, construct, maintain and operate certain public works and public utilities projects along, across over and upon highway systems of the Commonwealth of Virginia; and,

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of granting to the Town of Front Royal of Warren County by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Town of Front Royal Town Council this 24th day of February 2014.

Section 1: That in accordance with the provisions of Section 24VAC30-151-720 of the Land Use Permit Regulations of the Virginia Department of Transportation, the Town of Front Royal of Warren County does hereby grant assurances to the Virginia Department of Transportation (VDOT) that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Front Royal of Warren County and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one-million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and the Virginia Department of Transportation's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Commonwealth Transportation Board, the Virginia Department of transportation or the Commonwealth of Virginia in the event of suit.

Section 2: That the Town Mayor, or their designee, be, and hereby is authorized to execute on behalf of the Town of Front Royal of Warren County all land use permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the Town of Front Royal of Warren County shall, if requested by the Virginia Department of Transportation, provide a letter that commits to using the surety provided by its contractor or to have the contractor execute a dual obligation rider that adds the Virginia Department of Transportation as an additional obligee to the surety bond provided to the locality, with either of these options guaranteeing the work performed within state maintained right-of-way under the terms of the land use permit for that purpose.

BE IT STILL FURTHER RESOLVED that the Town Mayor, or their designee, be, and hereby is authorized and directed to procure insurance required by Section 1 herein.

COUNCIL APPROVAL – Budget Amendment for Snow Removal Expense

Summary: Council is requested to approve a Budget Amendment in the amount of \$95,000.00 for snow removal expense. The justification is outlined below:

FY 13-14 Snow Removal Budget	\$75,000.00
Year-to-Date Expenses	(90,184.00)
Outstanding Invoice	(15,933.02)
Outstanding Salt Order (not delivered)	(23,364.00)
Contracted Snow Removal (2/13-2/16)	<u>(16,800.00)</u>
	(71,281.02)
Future Order of Salt	(23,718.98)
Shortage	(95,000.00)

Vice Mayor Parker moved, seconded by Councilman Tharpe. that Council approve a Budget Amendment in the amount of \$95,000.00, for snow removal expense.

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 REFER TO PLANNING COMMISSION – Inclusion of Front Royal Limited Partnership Property in the Comprehensive Plan Update

Summary: As part of the Commission on Local Governments review of the boundary adjustment of 605 acres owned by the Front Royal Limited Partnership into the Town limits, the Commission recommended that the Town include the property currently outside of the Town limits in its update of the Comprehensive Plan. As such, Council is requested to refer inclusion of the Front

Royal Limited Partnership property in the update of the Comprehensive Plan to the Front Royal Planning Commission.

Vice Mayor Parker moved, seconded by Councilman Hrbek that Council refer to the Planning Commission the inclusion of the 605 acres of property owned by the Front Royal Limited Partnership in the update to the Town's Comprehensive Plan.

Councilman Funk moved, seconded by Councilman Tharpe, that Council postpone the matter until the March 24th Council meeting.

Councilman Funk referred to a Code section noting that in order for them to examine the area and include both the FRLP property and the 522 Corridor, the Planning Commission and the Warren County Board of Supervisor's would have to approve the request. He noted that rather than referring the property to the Planning Commission for them to decide whether they would like to decide to include the property, and then have the County then disagree on the matter – he expressed hope that the Council could first discuss the matter in Liaison with the County Board of Supervisors first at their March 20th meeting.

Councilman Hrbek noted that it is his interpretation that the Town could do as much planning as they would like, though it does not actually matter as it was not the Town's territory to plan for. He added that the Town could still include and consider the areas, and it seemed that Vice Mayor Parker's whole point was to realize that the properties were adjacent to the Town and they affect the Town greatly and should be considered for the Town's future. Mr. Hrbek opined that the Town should at least gather data from the areas and formulate their planning decisions moving forward, even though it was not binding – the areas should be considered as they play such a large role.

Councilman Funk noted that the Town could plan for the entire County, even going as far as an eventual unified planning concept with Warren County, though the Town would need to obtain the County's agreement on any matters going forward. Mr. Funk noted that his proposal was to speak with the County before sending these two areas to the Planning Commission, and even if the County said "no", then the Town could still send the areas to the Commission. He added that he would prefer to have the County's input before sending the issues to the Town's Planning Commission.

Vice Mayor Parker indicated that his intent on the two requests was to obtain the Planning Commission's opinion on whether the two portions should be included. He noted that the Commission on Local Government has already made a determination that the Front Royal Limited Partnership parcel should be included; he added that the conversation would need to start somewhere. Mr. Parker stated that the Town's Planning Commission was doing Comprehensive Plan updates and they would only being doing so for a few more months. He noted that if the Council postponed and awaited a response from the County, then the Planning Commission would have to turn around and re-examine portions of the Comprehensive Plan which they just finalized. Mr. Parker expressed hope that the matter could move forward as presented, he added that it clearly is not binding, but rather only the Town's opinion.

Councilman Funk responded that the Mr. Parker's motion deserves an up or down vote from Council, and that vote could take place on March 24th, *after* the March 20th Liaison Meeting with the County.

Councilman Tewalt inquired to the length of time before the FRLP parcel would come into the limits of the Town. Mr. Napier noted that after circuit court, and annexation court would convene and hold a hearing and perhaps it would take place towards the end of 2014.

Vice Mayor Parker noted that this seems to be a delay tactic in his opinion. He stated that intent of the motion was to have the Town’s vision considered, as the Town does provide services to the area. He added that he would vote against the motion to delay.

Councilman Sayre asked for clarification for any issue with delaying or going forward. Mr. Napier stated that is would have been up to the Planning Commission to determine if it should be included in the Comprehensive Plan.

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

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 Original Motion)

COUNCIL REFER TO PLANNING COMMISSION – Inclusion of Route 522 Commercial/Industrial Corridor in the Comprehensive Plan Update

Summary: Previous versions of the Town’s Comprehensive Plan included reference to develop of the Route 522 Commercial/Industrial Corridor regarding its impact on development within the Town, as well as the role of the Town providing utility service towards its development. The recent increase in commercial development within the Corridor currently poses challenges and opportunities for the Town and the businesses location within the Town limits. As such, discussion of these challenges and opportunities should be discussed in the Comprehensive Plan. Council is requested to refer inclusion of the Route 522 Commercial/Industrial Corridor in the update of the Comprehensive Plan to the Front Royal Planning Commission.

Vice Mayor Parker moved, seconded by Councilman Hrbek, that Council refer to the Planning Commission the inclusion of the Route 522 Commercial/ Industrial Corridor in the update to the Town’s Comprehensive Plan.

Vice Mayor Parker noted that, while the Town’s Comprehensive Plan refers to the Corridor, it is not actual included as a section for review. He stated that it would merely be an opinion given and would have no binding affect. Mr. Parker added that as the Town provides services to the area the Corridor does have a large impact on the Town and that was the intent in the consideration behind the planning process.

Councilman Funk opined that in order for it to have any meaning or purpose it would have to be a unified plan with the County. He noted that a better course of action would have been to sit down with the County to discuss the matter, rather than ask our Planning Commission to possibly plan for parcels outside of the Town limits.

Councilman Hrbek noted that the agenda summary stated that recent commercial development within the Corridor poses challenges and opportunities for the Town and businesses located within the Town limits, and discussion of those challenges and opportunities should be discussed in the Comprehensive Plan. He stated that the summary does not state that the Town would be planning for the Corridor or any other area – but rather, they would like to take the Corridor area into consideration as they plan for the Town’s future. Mr. Hrbek voiced his support for the motion as written.

Councilman Sayre stated that he would be siding with Mr. Funk on the Corridor item, adding that it may place the Planning Commission in a political issue. He noted that the Town’s resources would be better served in a different respect.

Vice Mayor Parker noted that if it carried, the Planning Commission would make the determination of how much of the area would be included in the consideration and the scope of the process. He stated that the Town has input regarding site plan, rezoning and water in the area and his recommendation was only to see what type of impact the Corridor plays on the Town as they move forward – not to *plan* for the Corridor.

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

Mayor Darr noted that the Comprehensive Plan was just a guide, not a written rule or law. He stated that it assisted with development and research to plan for the future and he would support the motion as presented as it would allow the Planning Commission of the Town to look at the matter and decide if they would like to consider the area. Mayor Darr added that it was not something that would be detrimental, and the Commission may decide not to accept the consideration. He noted that the Corridor plays an intricate role in the Town’s future.

Vote: Yes – Darr

(By Roll Call; Motion Carried)

There being no further business, the Mayor declared the meeting adjourned at 8:01 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council