

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 10, 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.
Assistant Town Attorney George M. Sonnett
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 24, 2014 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

Matthew Tederick, of 21 Edgewood Street, commended the Town Planning Commission and particularly Chairman Gushee for allowing him to share his public input at the last meeting, even though he was unfortunately late arriving. Mr. Tederick reminded Council that he presented a summary report at Council’s last meeting of the Blue Ribbon Budget Committee items and there were not many items on from the document which had been implemented. He stated that the document was composed by the Committee and there were many good ideas listed. Mr. Tederick noted that Council does not have a grasp on what is best for matters relating to planning for strategic growth and for capital improvements. He added that the Town had also not done well by informing the public.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that curb & gutter work on John Marshall continues, as well as the sewer work on Fletcher Street
- Reminded the citizenry that yard waste resumes next Wednesday;
- Stated that the Planning Director is the contact for those interested in applying to volunteer on the Steering Committee to work with the Town’s Planning Commission;
- Presented information regarding the Demand Respond program to the citizenry.

Councilman Tewalt noted that the Town would be saving funds as well with the Demand Response with the program. Mr. Burke noted that was correct.

Vice Mayor Parker asked if Fletcher Street would be repaved; Mr. Burke noted that it would be. Mr. Parker asked if curb and gutter was planned; Mr. Burke indicated that it was not. Mr. Parker asked that the discussion be placed on the worksession list.

Councilman Hrbek asked for a John Marshall Highway timeline. Mr. Burke noted that it should be completed this week.

Councilman Tewalt asked for an update on the trail schedule. Mr. Burke stated that Staff has have developed a draft schedule that they hope to have that at the next worksession for Council.

Councilman Sayre noted that at VML/VACO Day he heard information about derelict buildings and he would like to discuss it at each worksession and possible have some type of worksession topic to consider asking Delegates and Senators about the Towns position on derelict buildings. Mr. Sonnet noted that he would advise Mr. Napier of the request.

Martha Shickle, Executive Director of the Northern Shenandoah Valley Regional Commission

- Noted that the upcoming spring dinner would be May 21st at LFCC at 5:30;
- Began working on the 2014 Work Program and they were on track for presentation in April, with final approval in June; and
- Stated that they may acquire two properties in Front Royal through the Neighborhood Stabilization Program for redevelopment.

Councilman Sayre stated that he read many of the Leach Run Parkway comments. He noted that previously he considered buying property and he instead brought it to Council for purchase. He added that at one time the EDA then became involved, the County was also interested and eventually the site was where the school was located.

Mayor Darr stated that the recent speech given by Reverend Kilby speech was well attended and informative.

Mayor Darr stated that the Blue Ribbon Committee presentation originally given to Council in 2010 from Mr. Tederick should be given to the current Council.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Proclamation – *“disability Awareness Week 2014”*
- B. ~~COUNCIL APPROVAL – Proclamation – *“Kick Butts Day” removed for separate discussion*~~
- C. COUNCIL APPROVAL – Proclamation – *“Paint the Town Purple Day”*
- D. ~~COUNCIL APPROVAL – *Liaison Committee Meeting Agenda Items removed for separate discussion*~~

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

Councilman Funk asked that Council remove Item 7D (Liaison) for an addition to the list of items. Councilman Sayre asked that Council remove Item 7 B (Kick Butts) for separate discussion.

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 Items A& C only)

PROCLAMATION: disABILITY Awareness Week

WHEREAS, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

WHEREAS, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment and

WHEREAS, people with disabilities often overcome common misunderstandings about their circumstances & make valuable contributions to their families & communities; and

WHEREAS, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

WHEREAS, the community plays a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of Virginians with disabilities; and

WHEREAS, millions of people in the United States have disabilities, and we all must make a conscious effort to discover their functional abilities and to remove the barriers met in their effort to acquire independence; and

WHEREAS, it is the goal of Access Independence, Inc. to involve the community in all aspects of “*disAbility Awareness Week*” and enhance an atmosphere that supports awareness and education of on-going initiatives to enhance public understanding of and appreciation for abilities possessed by those of us who experience life with disabilities.

NOW, THEREFORE, I Timothy W. Darr, Mayor of the Town of Front Royal and members of the Front Royal Town Council, do hereby proclaim the week of APRIL 12 – April 18, 2014, as “**disABILITY AWARENESS WEEK**”, and urge our citizenry to work together to raise awareness and understanding of the abilities of people with disabilities.

☞ Proclamation: PAINT THE TOWN PURPLE DAY ☞

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, tens of thousands of new cases of cancer are estimated to occur in our State, and approximately 13,900 people are expected to die from cancer this year; and

WHEREAS, the American Cancer Society is a voluntary community based health organization in Virginia dedicated to eliminating cancer as a major health problem, and

WHEREAS, the Relay for Life is a “Celebration of Life” benefiting the American Cancer Society; and

WHEREAS, the Relay for Life is a community affair held throughout the State of Virginia which presents an opportunity to dust off our camping gear, slip on our walking shoes and network with business associates, family and friends;

NOW THEREFORE, I Timothy W. Darr, on behalf of the Town Council of the Town of Front Royal, Virginia, do hereby proclaim Sunday, May 4, 2014 as:

“Paint the Town Purple Day”

throughout Front Royal and we urge citizens to recognize and participate in the Relay for Life and Paint the Town Purple events held in this community.

COUNCIL APPROVAL – Proclamation – “Kick Butts Day”

Councilman Sayre moved, seconded by Councilman Tharpe, that Council approve the proclamation proclaiming March 19, 2014 as “Kick Butts Day 2014” in the Town of Front Royal.

Councilman Sayre read the proclamation and noted that he is also annoyed by the littering of cigarettes in the community.

Councilman Hrbek moved, seconded by Councilman Funk, that they amend the proclamation to remove the second to last paragraph regarding the industry’s supposed manipulation of buyers with insidious advertising campaigns.

Councilman Funk noted that while he certainly approve the resolution, he does share Councilman Hrbek’s concern regarding the industry notations. He added that obviously would encourage everyone to stop smoking.

Vice Mayor Parker noted his disagreement with Mr. Hrbek, stating that it refers to the children of the community. Councilman Sayre voiced his agreement with Mr. Parker adding that he would oppose the amendment.

Councilman Hrbek noted that while he did not wish to belabor the point, it was very dangerous to condemn an entire industry and he hardly believed that that industry was using insidious tactics.

Vote: Yes – Funk, Hrbek & Tharpe
No – Parker, Sayre & Tewalt
Abstain – N/A
Absent – N/A
No – Mayor Darr to Break the Tie
(By Roll Call; Amendment FAILED)

Vote: Yes – Funk, Parker, Sayre & Tewalt
No – Hrbek & 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 Resolution w/out Amendment)

☞ KICK BUTTS DAY PROCLAMATION ☞

Whereas, nationwide, one fifth of all high school students (grades 9-12) are current smokers; along with nearly one out of every ten eighth graders;

Whereas, three million high school students are current smokers; and more than a third of all kids who ever try smoking a cigarette become new regular, daily smokers before leaving high school;

Whereas, one out of three youth smokers will ultimately die prematurely from smoking-related diseases, unless current trends are reversed;

Whereas, smoking kills more than 400,000 Americans each year, representing more deaths than from AIDS, alcohol, car accidents, murders, suicides, drugs and fires combined;

Whereas, most of these deaths could be prevented;

Whereas, Kick Butts Day is an annual national initiative sponsored by the Campaign for Tobacco-Free Kids that makes elementary, middle and high school students leaders in the fight against youth tobacco use and exposure to secondhand smoke; and

Whereas, the children of Town of Front Royal, Virginia will no longer tolerate the tobacco industry's efforts to manipulate them into buying lethal and addictive products through insidious advertising campaigns and marketing practices; and

Whereas, Timothy W. Darr, Mayor of Town of Front Royal, wishes to stand up with the children of Town of Front Royal, Virginia in opposition to the sale, advertising and marketing of tobacco products to children;

Therefore, be it resolved, that March 19, 2014, is hereby declared “Kick Butts Day 2014” in the Town of Front Royal.

COUNCIL APPROVAL – Liaison Committee Meeting Agenda Items

Vice Mayor Parker moved, seconded by Councilman Funk, that Council add the Building Inspection Software to the March 20, 2014 Liaison Agenda:

- 1) Law Enforcement of the Skate Park
- 2) Catlett Mountain Landfill Improvements
- 3) Leach Run Parkway Project
- 4) Waste Water Treatment Plant/Septage Receiving Facility
- 5) South Fork Bridge Lighting Agreement for Installation/Maintenance
- 6) Route 340/522 Corridor
- 7) FRLP
- 8) Proposed Park-N-Ride Location
- 9) Riverton Substation (Warren County Plan Review Update)
- 10) Property Boundary Adjustment Process
- 11) Building Inspections Software

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)

PUBLIC HEARING – Ordinance Amendment for Height and Setbacks for Wireless Telecommunication Towers *(1st Reading)*

Summary: Council is requested to consider an amendment to the Town Code that would modify Sections 175-103 and 175-110.4. The proposed changes would modify the definition of Wireless Telephone Towers and include a provision that would allow Town Council to reduce the required setback under certain engineering specifications.

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 affirm on its first reading an amendment to the Town Code that would modify Sections 175-103 and 175-110.4 pertaining to height and setbacks for wireless telecommunication towers as presented.

Councilman Tewalt noted that one communications company came in and the Town is just updating the Code to be more accessible to the others.

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)

PUBLIC HEARING – Ordinance Amendment for the Finished Side of Fences (1st Reading)

Summary: Council is requested to consider an amendment to the Town Code that would modify Section 175-102. The proposed changes would require new fences to be constructed to face neighboring residential properties and public streets with the finished side.

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

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council affirm on its first reading an amendment to the Town Code that would modify Section 175-102 pertaining to the “finished” side of fences 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)

PUBLIC HEARING – Ordinance Amendment to Set Real Estate and Personal Property Taxes for FY14-15 (1st Reading)

Summary: Council is requested to consider an amendment to the Town Code to set the Town Real Estate Tax Rate at \$.13 per \$100 assessed value, which represents an increase of \$.02 over the current year’s rate; the Personal Property Tax Rate at \$.64 per \$100 assessed value, which represents no increase over the current year’s rates. The increase in the real estate tax rate will be used for the new Police Department Headquarters and the construction of the Leach Run Parkway. If approved the new rate would go into effect July 1, 2014.

Mayor Darr opened the public hearing.

Linda Allen, of 416 Salem Avenue, noted that she would like to first recognize good stewardship of the Town. She stated that the Town was financially solid and operating extremely well and efficiently to meet their objectives. Ms. Allen noted that as a retired teacher, as a vehicle owner and as a homeowner, she would advocate that the Town Council raise the taxes by two cents. She remarked that she was in favor of quality services, sound structures,

trained staff and quality processes in the Town. Ms. Allen added that she would recommend a special program with a penny tax for downtown revitalization. She suggested paying cash for the police department's new building for example, then the Town would save interest on those funds. Ms. Allen noted that she supported the best interest in the community's health for any treatment in the water plant upgrades and proposed changes.

Matthew Tederick, of 21 Edgewood Street, stated that he disagreed with Ms. Allen greatly. He stated that he wished for thoughtful debate over why the Town needed a tax increase. He noted that there were areas that the Town could cut and he referenced population increase rates and the CPI versus the Town's expenditure rates. Mr. Tederick asked that the Town Council noted blame the Police Department for the desired tax increase. He commented that the Town had over \$3 million in profit last year and over \$10 million in surplus, yet the Town wishes to increase taxes just because they can, and that is wrong.

As no one else came forward to speak, the public hearing was closed.

Vice Mayor Parker moved, seconded by Councilman Tewalt. that Council affirm on its first reading an amendment to the Town Code to set the Real Estate Tax Rate at \$.13 per \$100 assessed value which represents an increase of \$.02 over the current year's rate to be used for the new Police Department Headquarters and the construction of Leach Run Parkway; and, the personal property tax rate at \$.64 per \$100 assessed value, which represents no increase over the current year's rate for Fiscal Year 2014-2015, effective July 1, 2014.

In response to Mr. Hrbek's questions about reaching into the surplus funds, Mrs. Breeden noted that she does not have the numbers that Mr. Tederick referenced to fully answer. She added that with the projected fund balance for 2014, if the Town hit every revenue projection, there would be a combined total of \$7.8 million, and that is after a three month reserve, though in the General Fund, there was only \$800,000.

Mrs. Breeden reminded Council that the Refuse Fund was in a deficit of \$813,000 and had a \$40 million debt for sewer. She added that it was good accounting practices to pay an enterprise fund back if you borrow from the fund.

Councilman Hrbek noted that any private company would keep money on the books for projects for, and he used the Town/substation project as an example. Mrs. Breeden noted that was a financially wise decision, yes.

In response to Councilman Sayre's questions, Mrs. Breeden noted that funds do not have profits though there are times that the Town receives items, such as large tap fees, that go into fund balances. Councilman Sayre asked if the refuse fund was in the negative. Mrs. Breeden stated that with the rate increase that just passed they would hopefully, finally be out of the red. Mrs. Breeden stated that each year the Town is able to adjust that negative amount slightly.

Councilman Tewalt reminded the public that there were many areas of the Town that do not generate any funds, though they are necessary aspects to run the community, such as the Police Department. He noted that surveyed for the Leach Run Parkway 26 years ago, and the Town has to put up \$3 million for the road to be built and they needed to move forward. He stressed that the Town cannot pull funding from the other enterprise funds. He stated that they would need two this year and another two cents next year as well to fund the projects that are necessary for the community.

Councilman Tewalt reminded Council and the citizenry that the average increase was only about \$50 per household per year, and that was more than fair considering it was for the needed roads and a new Police Department building.

Councilman Sayre corrected Mr. Tewalt that it was about \$2.4 million, not \$3 million for the Parkway. Mr. Sayre stated that he did want a Police Department, though there were funds in the budget for that. He gave an example of how he felt money could be saved in the budget with bond reductions.

Vice Mayor Parker stated that the Council has been good stewards of the money and this Council had reduced the tax rate when possible. He noted that even with satisfied bonds, there was not enough funding. Mr. Parker stated that if there were emergencies, the Town would have no money and their bond ratings would be gone.

Vice Mayor Parker stated that Front Royal had one of the lowest tax rates in the community, the Town offers great services and they have been, and will continue to, be fiscally responsible.

Councilman Hrbek asked about the EDA bond being reduced and where Mr. Sayre would suggest the other half come from. Mr. Sayre stated that he would bring ideas for the different avenues for the other half at the next regular Council meeting. He added that once the Town went over the three month reserves, there was funding available that could be used to take money out of the enterprise funds.

Councilman Hrbek opined that the Town was doing just that already with their enterprise funds. He noted that he was insulted on the Staff's behalf that Mr. Sayre would say that funds have been squirreled away.

Councilman Hrbek noted that the Town should not target specific individuals to raise funding – such as overcharging electric users. He stated that it was immoral to use electric funds to pay for the Police Department and Leach Run Parkway. Mr. Hrbek noted that the area has been in need of the road improvements for over twenty years and the Town was charged with providing safety and infrastructure to the citizens.

Councilman Hrbek stated that the Town was not the Federal Government; as the Council has to live under the tax rates we are imposing. He noted that it was for their children's betterment that they move forward. Mr. Hrbek added that it was fiscally responsible to step up to the plate.

Councilman Funk stated that he understood the desire to fund the projects, though he felt they could delay the Police Department for another year and some other projects for another year as well. He noted that the idea that the funds are separate is misguided and he does not intend to support the tax increase.

Councilman Sayre asked about EDA suggestion at the last meeting about possible grants. Mr. Burke noted they applied to Indian reservations, the amounts were for less than \$5,000 and for much smaller communities.

Councilman Sayre asked about the building inspection amount of \$120,000 - \$630,000. Mr. Burke noted that it was not identified for the building inspection program, only the Police Department and Leach Run Parkway.

Councilman Sayre commented that there was not a better avenue for a tax rate than a cigarette tax.

Councilman Tharpe moved, seconded by Councilman Hrbek, that the motion be amended to read that Council include a sunset clause that once the Police Department and the Leach’s Run service debt is met, that the Town would revert back to the original tax rate.

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; On the Amendment)

Councilman Tharpe stated that not all the information was available at this time and he would not support the increase currently.

Councilman Tewalt asked if the matter fails on the first reading it is a “dead issue” – Mayor Darr noted that was correct.

Vice Mayor Parker stated that he does not want it to pass, though he understands the need for the tax increase as well. He noted that

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

Mayor Darr noted that the Town Council has worked hard as a group control Town spending while meeting the needs of the citizens. He stated that for years the Town never had a tax increase especially during economic down times and the Council has tried to increase revenue in the Corridor by working with the County. Mayor Darr stated that in order to keep the Town going, we cannot keep sitting still. He noted that it is the cost of doing business, adding that he would not have supported the increase without the sunset clause. Mayor Darr stressed the importance of Council working to eliminate the tax increase as soon as possible.

Yes – Mayor Darr
(By Roll Call; On the 1st Reading MOTION CARRIED)

COUNCIL APPROVAL – Local Government Challenge Grant Application for Blue Ridge Arts Council and Front Royal Oratorio Society

Summary: Council is requested to consider approval of an application for the 2014-2015 Virginia Commission for the Arts (VCA) Local Government Challenge Grant in the names and amounts of The Blue Ridge Arts Council (BRAC) - \$5,000 and The Front Royal Oratorio Society - \$500.00. One application would be sent from the Town. Approval of this application does not obligate the Town to

the \$5,500.00 match. Once the application is approved by VCA the grant monies will not be released until VCA receives a written confirmation from the Town that the matching requirement has been fulfilled. Application must be submitted before April 1, 2014.

Vice Mayor Parker moved, seconded by Councilman Sayre, that Council approve an application for the 2014-2015 Virginia Commission for the Arts (VCA) Local Government Challenge Grant in the names and amounts of The Blue Ridge Arts Council (BRAC) - \$4,500 and The Front Royal Oratorio Society - \$500 for the year 2014-2015 and direct the Town Manager to sign the Grant Application.

Vice Mayor Hrbek noted that the Town is willing to spend money on cultural activities, and while both organizations do wonderful work for the community, it is not the appropriate role for tax dollars. He stated that he has asked that BRAC provide information that there is a return on the investment, though details have yet to be provided. Mr. Hrbek noted that it would be different if people said that they received more business in the Main Street area with the gazebo events, though that is not the case. He stated that Council is continuing to throw money towards the events and the Main Street area is not seeing any return.

Councilman Funk noted that while Council tends to say that they are broke at times, and not broke at others. He stated that they have money for trails though not other things. Mr. Funk stated his support of the value supplied by BRAC and the Oratorio Society, adding that it was more than the \$5,000.

Councilman Hrbek stated that he did not say the Town was broke, but rather that he said that it was not the appropriate role for the Town and it was not something where the Town or the Main Street businesses saw a return on the investment.

Councilman Sayre stated that he is supportive of the Police Department building. He noted that the BRAC grant is a matching grant, and they receive a total of \$15,000 he believes. Mr. Sayre stated that previously funding was removed for trails.

Councilman Hrbek reminded Council that BRAC receives State funding, and BRAC also receives money through the Warren County Public Schools as well.

Vote: Yes – Funk, Parker, Sayre, Tewalt and Tharpe
No – Hrbek
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 – Request for Waiver of Sidewalk Installation on W. 15th Street

Summary: Council has received a request from Douglas M. Boyd of K & L Investments, LLC to waive the requirement for the installation of a 4' sidewalk on building lots where he is currently constructing two single family dwellings at 833 and 835 W. 15th Street.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve a request from Douglas M. Boyd of K & L Investments, LLC to waive the requirement for the installation of a 4' sidewalk on building lots

where he is currently constructing two single family dwellings at 833 and 835 W. 15th Street. I further move that Council's decision is based upon the orderly creation of a complete sidewalk network in the long term and is unlikely to occur.

Councilman Sayre stated that every section was unique, however; leaving some areas of sidewalk off in some sites may not be for the best. He added that perhaps the sidewalks could begin here.

Councilman Tharpe stated that there was not one inch of sidewalk in the whole subdivision.

Vote: Yes – Funk, Hrbek, Parker, Tewalt and Tharpe
No – Sayre
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 – Resolution and Schedule for Participating in the AMP Comverge Demand Response Program

Summary: American Municipal Power (AMP) recently entered into a contract with a third party Curtailment Service Provider (CSP), Comverge, to allow member communities to partner with AMP and Comverge to enroll retail customers into the PJM demand response program. Council is requested to consider approval of a Resolution and Participating Member Schedule. If approved the Mayor, Town Manager, Town Attorney and the Director of Energy Services would sign all necessary documents related to the participation of the Town in the American Municipal Power (AMP) Comverge Demand Response Program.

Vice Mayor Parker moved, seconded by Councilman Hrbek, that Council approve a Resolution and Participating Member Schedule for the Town's participation in the American Municipal Power (AMP) Comverge Demand Response Program. He further moved to authorize the Mayor, Town Manager, Town Attorney and the Director of Energy Services to complete all necessary documentation related to the participation in the Program.

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 – Purchase Property for Police Department

Summary: Council is requested to authorize the purchase of 5.24 acres of the former Avtex property (aka as the parking lot) located on Kendrick Lane between Monroe Avenue and Adams Avenue, from the Economic Development Authority (EDA) for the future Police

Department Headquarters in the amount of \$36,680.00. If approved the Town Manager and the Town Attorney would complete all necessary documents to complete the purchase

Councilman Sayre moved, seconded by Councilman Funk, that Council authorize the purchase of 5.24 acres of the former Avtex property (aka as the parking lot) located on Kendrick Lane between Monroe Avenue and Adams Avenue, from the Economic Development Authority (EDA) for the future Police Department Headquarters in the amount of \$36,680.00. He further moved to authorize the Town Manager and the Town Attorney to complete all necessary documentation to complete the purchase.

Vice Mayor Hrbek noted that Council had previously established funds for this item with a tax increase of two cents.

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 ECONOMIC COMMITTEE – Arterial Commercial Zoning

Summary: Councilman Tewalt suggested that as part of the Town’s vision concerning economic development, Town Council should evaluate what the most appropriate land uses should be along arterial roadways in Town. Furthermore, Town Council should also evaluate tools that could be used to encourage and/or require properties along arterial roadways to be used for such uses, including, but not limited to, the creation of a new commercial zoning district, modification of existing regulations, and/or an incentive program. Appropriate uses should enhance Front Royal as a tourist destination, serve our citizens, and help provide a solid tax base. Arterial roadways include Commerce Avenue, Shenandoah Avenue, Royal Avenue, West 14th Street, South Street, and the commercial portions of John Marshall Highway and Remount Road. Town Council is requested to refer this evaluation to the Economic Committee for their recommendations. After recommendations from the Economic Committee are received, Town Council should refer this evaluation to the Planning Commission.

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council refer to the Economic Committee an evaluation of the most appropriate land uses, development of a commercial zoning district, modification of existing regulations, and development of incentive programs for commercial parcels located along the Town’s arterial roadways to include Commerce Avenue, Shenandoah Avenue, Royal Avenue, West 14th Street, South Street, and the commercial portions of John Marshall Highway and Remount Road to enhance Front Royal as a tourist destination, serve our citizens, and help provide a solid tax base.

Vice Mayor Parker asked about whether the Economic Development Committee should be reviewing the matter. He noted that feared the Committee would be out their intended scope. He suggested that instead it would fit better with the Planning Commission.

Mayor Darr stated that during Council worksession discussion, they noted that the Economic Committee should briefly review the matter before sending it to the Planning Commission afterwards.

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

CLOSED MEETING – Investment of Public Funds for Acquisition of Public Right-of-Way

Motion to go Into Closed Meeting

Vice Mayor Parker moved, seconded by Tharpe that Council convene and go into a Closed Meeting for the purpose of discussion or consideration of the investment of public funds for the acquisition of public rights-of-way where competition or bargaining is involved, and where, if made public initially, the financial interest of the governmental unit would be adversely affected, as authorized by Section 2.2-3711 (A)(6) 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 at its Conclusion

Councilman Sayre 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)

COUNCIL APPROVAL

Vice Mayor Parker moved, seconded by Councilman Tewalt, that the Council support the purchase through the Council's continued funding of the debt service of the EDA's capital expense budget according to the terms of the Town – County Fair Funding Formula whereby the Town currently funds approximately 1/3 (34%) of the

EDA debt service through an annual appropriation and expenditure from the Town's adopted budget for the EDA's acquisition of 1546 John Marshall Highway and for 1519 Happy Creek Road.

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)

There being no further business, the Mayor declared the meeting adjourned at 8:36 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council