

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on May 12, 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 April 28, 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**

James Rogers, of 371 W. 10<sup>th</sup> Street, noted that the Town of Front Royal had a great Police Department and they were performing well. He did express concern about the safety of the Town streets though and particularly those driving while distracted, including the abuse of alcohol, mind altering drugs and texting. Mr. Rogers stated that when he was eleven years old, his mother and five others were killed by someone in a vehicle accident and years later a cousin was also killed here in town. He noted that his granddaughter was struck recently by a distracted driver.

Mr. Rogers noted that he had lived in Front Royal for over 25 years and he had never encountered a sobriety check point, though he was stopped, along with other vehicles years earlier, in what he believes *may* have been a check point. Mr. Rogers stated that some communities publicly list the violators who are ticketed for texting and driving and asked if the Town of Front Royal had ever issued a driver a texting citation. Mayor Darr noted that someone will get back to him regarding his concerns.

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

Town Manager Steve Burke:

- Stated that citizens could visit the website, with a weekly update on the Police Department activities. He added that the Town officers are active in taking drunk drivers off the streets with many DUI arrests each week;

- Reminded the citizenry that the coming week would have many work zones in the community and asked that drivers proceed with caution;
- Announced that the Town's drive thru will be closed on Saturday, May 17<sup>th</sup>, as Main Street will be closed for the Wine & Craft Festival;
- Reminded citizens that Ewell Street will be closed at Happy Creek Road so Warren County Fire & Rescue can conduct a training exercise event;
- Announced the Memorial Day closing and refuse schedule changes; and
- Turned the program over to Mr. Jones of Information Technology for a presentation on the Town's new mobile application.

Councilman Tewalt asked for a trail update; Mr. Burke reported that the benches are in and they are proceeding with installation of the benches and refuse containers. He added that the railings are installed as well.

Councilman Hrbek asked about the safety fencing to match the entryway fences. Mr. Burke noted that they planned vegetation as a buffer in said area rather than permanent structure.

Councilman Sayre stated that he attended the National Day of Prayer where Mr. Burke gave a prayer, as did the Police Chaplain as well.

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

- Stated that the Neighborhood Stabilization Program had obtained their 15<sup>th</sup> home;
- They continue to work on their Spring Dinner next week at Lord Fairfax Community Center and she invited all of Council to attend;

Kim Gilkey Breeden, the Director of Finance:

- Noted that tax bills have gone out and any changes regarding vehicles need to be reported to the Commissioner of Revenue's Office;
- Explained that monthly reports went out last week and the revenue and expenditure amounts are on track as they should be;
- Commented that the Finance Department is beginning their year end work, and the auditors will be in the first week of June;
- Stated that they will soon go to closing on their bonds, and they will be looking at refinancing the earlier bond amount at a lower rate; and
- Noted that utility bills this month will have a link for the Consumer Confidence Report to the Water Treatment Plant.

Councilman Sayre noted that he attended the In Defense of Marriage seminar and the message was one of caring and loving everyone, not a message of hatred. He stated that everyone had an enjoyable time, though he did not see anyone else from Council there, nor anyone from the County of Warren.

Councilman Hrbek asked if the fortune telling matter would be on a worksession coming up for Council discussion. Mr. Burke stated that the Town would allow a transient fortune telling operation under a business license, and in speaking with the individual, he assured her of that option and she seemed pleased that could be done. Mr. Burke added that they could also obtain a regular business license if she would like to be in a fixed location for said purpose.

Councilman Hrbek noted that he saw the fortune telling matter in the newspaper first, and he encouraged other individuals to approach Council first, rather than the news media. He stated that should people have matters with the Town Code, they are encouraged to approach Council to resolve their issues. Mr. Hrbek added that Front Royal was an open, forward looking community and there were matters in the Code to amend, as it had been around for some time.

Councilman Sayre noted that he had gone through two stops for sobriety in this community.

Mayor Darr stated that this month is Cancer Awareness and they held the Relay for Life Paint the Town Purple event recently. He noted that other events would be help soon and he encouraged the community to attend the events and participate in the community activities as much as possible.

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

**CONSENT AGENDA ITEMS**

A. COUNCIL APPROVAL – Budget Amendment to Accept a Donation from the Front Royal-Warren County Anti-Litter Council

B. COUNCIL APPROVAL – Liaison Committee Meeting Agenda Items

- 1) Liaison Meeting Rules/Regulations
- 2) Law Enforcement of the Skate Park
- 3) Catlett Mountain Landfill Improvements
- 4) Leach Run Parkway Project
- 5) Waste Water Treatment Plant/Septage Receiving Facility
- 6) Route 340/522 Corridor
- 7) FRLP
- 8) Proposed Park-N-Ride Location
- 9) Property Boundary Adjustment Process
- 10) Building Inspection Software
- 11) Working with citizens on 13<sup>th</sup> Street with regard to parking and mail boxes

C. COUNCIL APPROVAL – Wastewater Treatment Plant WQIF Grant Award Application

*Vice Mayor Parker moved, seconded by Councilman Funk, 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)

**COUNCIL AUTHORIZATION AND SUPPORT – Acquisition of Real Estate for Portion of Right-of-Way for Leach Run Parkway**

**Summary: Council is requested to authorize and support the purchase, by the Economic Development Authority (EDA), of the house and lots at**

**Tax Map Parcel 20-A15-1-3-13, 1528 John Marshall Highway from Mary Lou Williams for a purchase price of \$233,000, plus other associated costs, including realtor’s fees of \$9,320, home inspection, closing costs, and relocation costs for Ms. Williams , relocation costs will not exceed \$500, the property to be used as a portion of the right-of-way for the Leach Run Parkway. Council is further requested to support the purchase through the Town’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.**

*Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council authorize and support the purchase by the EDA of the house and lots at Tax Map Parcel 20-A15-1-3-13, 1528 John Marshall Highway from Mary Lou Williams for a purchase price of \$233,000, plus other associated costs, including realtor’s fees of \$9,320, home inspection, closing costs, and relocation costs for Ms. Williams , relocation costs will not exceed \$500, the property to be used as a portion of the right-of-way for the Leach Run Parkway. I further move that the Council support the purchase through the Town’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.*

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 – Memorandum of Agreement (MOA) for Septage Receiving Station**

**Summary: Council is requested to approve a Memorandum of Agreement (MOA) between the Town of Front Royal and County of Warren for Septage Receiving Station as presented. As the Town continues design of the improvements to the Wastewater Treatment Plant, the MOA was developed to update the 1991 Septage Agreement.**

*Councilman Tewalt moved, seconded by Vice Mayor Parker, that Council approve a Memorandum of Agreement (MOA) between the Town of Front Royal and County of Warren for Septage Receiving Station as presented.*

Vote: Yes – Funk, Hrbek, Parker, Sayre, 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 – Terminate Retention of Law Firm Troutman Sanders LLP**

**Summary:** Councilman Sayre has requested that Council terminate the retention of the law firm of Troutman Sanders, LLP, and Carter Glass of that firm. Council approved retention of their legal service at their regular meeting held July 22, 2013. To date, \$21,275.30 has been invoiced and Council has authorized an additional \$31,800 that has not been invoiced.

*Councilman Sayre moved that Council terminate the retention of the law firm of Troutman Sanders, LLP, and Carter Glass of that firm, authorize that any remaining unappropriated funds be transferred to the Water and Sewer Fund Balances.*

Mayor Darr noted that as Mr. Sayre voted against the motion to retain the firm, therefore it would not be possible for him to submit the motion to terminate the law firm.

*Councilman Tharpe moved, seconded by Councilman Sayre, that the amount be reduced to a maximum of \$60,000 total to be paid to the law firm of Troutman Sanders, LLP, and Carter Glass of that firm, and that Council authorize that any remaining unappropriated funds be transferred to the Water and Sewer Fund Balances.*

Councilman Funk asked if he or Mr. Sayre could second the motion. Mr. Napier noted that either Messrs. Funk or Sayre could make the second on the Corridor study motion, adding that it was essentially a new motion with a lower amount.

Councilman Hrbek asked if it basically the same motion as presented by Mr. Sayre, and it would spend the allocated funds and then terminate the agreement. Mr. Napier stated that it was the Mayor's call regarding said question.

Mayor Darr noted that that he would allow it as a new motion to determine how Council felt on the matter.

*Councilman Funk moved to postpone.*  
Motion failed, without a second.

Councilman Funk asked if the questions he had submitted regarding the matter had been able to be determine at this time. Mr. Napier noted that he had yet to receive a follow up from Mr. Glass on the matter.

Councilman Sayre stated that Mr. Tharpe's motion for an amount up to \$60,000 would be more than enough to complete the study.

Councilman Hrbek stated that the cost for legal expenses is necessary. He noted that the Council must put themselves in the position of a Board of Directors at times, adding that he opposes limiting the amount at \$60,000. Mr. Hrbek stated that the Town needed to fully determine the real cost to the Town's system, regardless of the political fall out. He added that the Town should fully continue down the path it began in order to obtain a finished product.

Councilman Hrbek stated that the Town feels that the Springsted study is bogus and if the Town does not move forward then the Springsted study is all they will have to go by.

Councilman Sayre stated that there were two members of Council that wished to move forward with annexation and it was not prudent to spend money on a study they do not need, in his opinion.

Mayor Darr stated that the Council has never taken a vote or a poll regarding annexation and it is was Mr. Sayre’s personal opinion to state matters relating to annexation.

Councilman Hrbek opined that this was not about annexation, but rather it was about the Town’s water system, and knowing the true cost of said system. He noted that if the Town stopped the study now, it was like building a house half way.

Councilman Tewalt noted that he is against most studies, however; the Town has already spent a fair amount to pursue the results, and they need to finish it in order to obtain the final product. Mr. Tewalt added that he would like it completed.

Councilman Sayre asked for clarification from Mr. Tewalt. Councilman Tewalt stated that he would not agree to the \$60,000 limit.

Vice Mayor Parker stated that the Town has committed to the study and the Council owes it to the citizens to protect their interests to assist the County with their economic development. He added that the County keeps taking, and the Town keeps giving. Mr. Parker noted that they needed to discuss matters reasonably and rationally with all the information. He stated that he was not an advocate of annexation, though it may be an outcome, even if he may not desire it. He noted that he has seen the County’s study, and it lacked basic education numbers, it was not complete. Vice Mayor Parker stated that the Town’s study will not solve everything, but it will assist and provide greater information. He noted that Mr. Sayre’s motion was a frivolous motion used to garner headlines and derail the issues at hand.

Councilman Sayre noted that the County did their study for less than \$19,000, and the Town’s study was almost three times that amount. He added that it was disingenuous for Mr. Parker to say that he does not advocate annexation.

Vote: Yes – Sayre and Tharpe  
No – Funk, Hrbek, 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; For up to \$60,000)  
(MOTION FAILED)

-----  
**CLOSED MEETING** – Disposition of Real Property and Consultation with Legal Counsel Regarding Specific Legal Matters

**Summary: Council is requested to make nominations to the Virginia Municipal League (VML) Policy Committees. Policy Committees members are nominated each spring. They serve May through**

**December 2014. They generally meet once during the year in July.  
Nominations are due to VML by May 2, 2014.**

**Motion to go Into Closed Meeting**

*Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council convene and go into Closed Meeting for the purpose of discussion or consideration of the disposition of publicly held real property, specifically, the former Town Hall property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia and pursuant to Virginia Code § 2.2-3711.7 for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, possible acquisition of the Afton Inn property and the possible disposition of the former Town Hall Property, requiring the provision of legal advice by such counsel*

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**

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

Vote: Yes – Darr, Funk, Hrbek, Parker, 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 8:27 p.m.

APPROVED:

\_\_\_\_\_  
Jennifer E. Berry  
Clerk of Council