

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on June 9, 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 May 27, 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. 10th Street, noted that he hoped to have adequate sobriety checks in Front Royal. He stated that there would be many thousand that will die and be injured from texting and driving and drinking and driving this year. Mr. Rogers stated that texting and driving is just as dangerous as drinking and driving. He noted his concerns about texting and driving and how it affects the safety of this community. He stated his family history with the accidents in the Town of Front Royal and how it impacts his concern and view with distracted drivers and those who participate in drunk driving. Mr. Rogers encouraged Council to support funding for more sobriety checks and safety for the community.

Timothy Ratigan, of 1476 Canterbury Road, noted that the safety and protection of the Town citizens is important to him. He stated that he began driving a cab in the community and something came up that concerned him. Mr. Ratigan stated that he is no longer employed with the cab service, and was now speaking just as a Town citizen. He noted that at times cab drivers are entrusted with toting children back and forth to school at times, as well as other various jobs. He asked for an update from the Attorney General’s office regarding the ability of the Town to have a cab ordinance.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that the Town has issued the Water Quality Report online, an there were paper copies at the Public Works Office, the Visitor’s Center and the Main Street Administrative Office;
- Noted that a Zoning Permit Video is available online for viewing, and;
- Reminded the citizenry that the guard rail contractor is scheduled for the Criser Road bridge installation as soon as possible.

Councilman Funk asked about having the Town Finance Office staying open until 5 or 6 p.m. on tax due dates if possible.

Councilman Sayre asked about a phone call regarding the tarot card reading. Mr. Napier noted that a tarot reading representative did phone him; he added that the Town ordinances were being reviewed and updated as appropriate.

Councilman Sayre noted that he had attended the Virginia Republican Conference where Morgan Griffith, the head of Energy Policy had discussed the issues relating to the cost of coal. He stated that the costs have increased about 37% due to so many regulations. Mr. Sayre expressed his thanks to the Town Staff for staying on top of the Town’s energy portfolio to assist with the costs that Front Royal experiences.

Mayor Darr stated that he was pleased to recently welcome those who attended the Warrior Walk, along with Councilman Tewalt over the weekend. He noted that the VFW commemorated the 70th anniversary of D-Day at the event as well.

Mayor Darr congratulated the classes of Warren County and Skyline High Schools. He noted that a large group of graduates were heading into the military and he commended those that chose that path.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Resolution – Employee Appreciation Week
- B. COUNCIL APPROVAL – Deed of Easement for Acceptance of Water and Sewer Facilities for Warren County Public Safety Building on Skyline Vista Drive
- C. COUNCIL APPROVAL – Budget Amendment for Acceptance of State Asset Forfeiture Funding

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

Councilman Sayre noted that the consent agenda contained a budget amendment for asset forfeiture to be used for the police department.

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

PUBLIC HEARING – Ordinance to Amend & Re-enact Code Section Pertaining to Adoption by Reference of State Motor Vehicle Laws *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Section 158-6 of the Town Code pertaining to adoption by reference of the State Motor Vehicular Laws as presented.

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

Councilman Tewalt moved, seconded by Vice Mayor Parker, that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Section 158-6 of the Town Code pertaining to adoption by reference of the State Motor Vehicular Laws as presented.

Councilman Sayre noted that years ago it contained civil penalties though this one would not contain those matters.

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 – Adoption of the Town’s Annual Appropriation Ordinance for FY 2014-2015 Budget *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading the Town’s Annual Appropriation Ordinance for fiscal year 2014-2015 proposed budget with the following amendments as approved at the May 27, 2014 Town Council Meeting:

- 1) Dedicate \$50,000 of the \$114,035 dedicated toward reimbursement of the phone system upgrade repayment in 1204-47007 (page 49-50) towards funding of various career development paths for positions in the General Fund similar to those established for the Police Officers through the Master Police Officer Program. The funding for establishing the various position levels shall require council approval following presentation of new position levels of staff. The \$50,000 funding will be transferred to 9203-42015 (Reserve for Employee Compensation);
- 2) Include \$15,500 in 3104-41001 to establish the Senior Dispatch Program to establish a career development path for the Police Dispatchers as presented to Council in a Work Session held on May 5, 2014. To transfer \$4,500 from 2201-47001 (laptop for Town Attorney – page 52) to fund this Program and to transfer \$1,000 from 1205-46007 (Excess Arts Grant Request in Tourism – page 54) to

fund this Program, and, to transfer \$10,000 from 1203-47009 (Fleet Building AC Installation – page 83) to fund this Program;

- 3) Transfer \$9,000 from 1000-3510110 (General Fund Reserve) to 3104-41001 (Regular Salaries) to fund the reclassification of the Chief Dispatcher Position to a Pay Grade 24, commensurate with the current responsibilities and duties as discussed at the May 5, 2014 Work Session;**
- 4) Transfer \$8,585 from 3107-47001 (Drug Task Force Machinery & Equipment – page 66) to 3103-47001 (Police Investigations Machinery & Equipment – page 64) to fund the acquisition of new Cellphone Forensic Software for the Police Department;**
- 5) Establish 1203-47001 (Fleet Management Machinery & Equipment–page 83) as a two-year funded project with \$10,000 in FY14-15 and direct staff to include \$10,000 in the FY15-16 Budget; and, to include this multi-year project in the Capital Improvements Program as a two-year project. Air Conditioning System.**

If approved, as amended, the Annual Appropriation Ordinance for fiscal year 2014-2015 Proposed Budget would be effective July 1, 2014 through June 30, 2015.

Vice Mayor Parker moved, seconded by Councilman Hrbek that Council adopt on its second and final reading the Town's Annual Appropriation Ordinance for fiscal year 2014-2015 Proposed Budget as amended and approved at the May 27, 2014 Council Meeting.

Councilman Funk thanked Staff for putting together the balanced budget. He noted that while he supported the amendments, especially the Police Dispatch Program, he did not support the tax increase, and therefore would not be voting to now spend the money within the budget.

Councilman Tharpe noted that he would support the items as presented. He stated that it does not include a pay raise for the employees, though they definitely deserve it. He thanked Staff for their work in presenting a balanced budget.

Councilman Sayre noted that he was for many of the items as Staff had presented, though there were many that he was against.

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

Mayor Darr thanked the Town Manager and Staff for their efforts through the months in presenting the budget.

COUNCIL APPROVAL – Ordinance to Amend & Re-Enact Code Sections to Increase Water and Sewer Rates *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Sections 134-22; 134-22.4; 134-30; 134-31.1 and 134-31.2 to increase rates and large meter fees for both sanitary sewer service and water service. Water rates are proposed to increase 6.5% and sewer rates are proposed to increase 10%. Once approved, increases would be incorporated on utility bills after July 1, 2014 as presented.

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Sections 134-22; 134-22.4; 134-30; 134-31.1 and 134-31.2 to increase rates and large meter fees for both sanitary sewer service and water service as presented.

Councilman Tewalt noted that the rates were increasing due to EPA mandates, as well as DEQ and State Water Control Board, due to the Plant changes and additional requirements.

Councilman Funk stated that he voted against the rate increase last year though he would support it as it contained a zero interest loan and new grant amount for the Town. He noted that they would be reviewing the numbers again and it was one of the most painful votes he has taken while on Council.

Councilman Sayre asked if this was the third increase in recent years. Mr. Burke noted that it was, he added that Staff would be reviewing the rates once they have firm numbers on the plant amounts. Mr. Burke stated that both rates are less than what the original study provided for.

Vice Mayor Parker noted that he could not support the increase. He asked for the percentage of water fund transfer to the General Fund, noting that the increase amounts are the same amounts. Mr. Burke stated that Vice Mayor Parker is correct, the transfer numbers are based on what the fund generates pertaining to income and that income is approved by the auditors as the transfer amount.

Vice Mayor Parker stated that the administrative side has not increased any more and does not equate to the percentages listed.

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)
(By Roll Call)

COUNCIL APPROVAL – Ordinance to Amend & Re-Enact Code Section to Increase Energy Service Fee *(2nd Reading)*

Summary: Council is requested to adopt and its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Section 12-1 Energy Services Fees to increase the fee for the second and additional electric meter inspections from \$25.00 to \$40.00; and establish a temporary electric service fee for less than 100 ampere

service at \$65.00 as presented. Increase in fees would be effective July 1, 2014.

At their May 27, 2014 Council Meeting, Council approved an amendment to increase the fee for the ~~second~~ **third** and additional electric meter inspections from \$25 to ~~\$40~~ **\$50**. The attached Ordinance will reflect the amendment once Council approves the Ordinance on the 2nd Reading.

Vice Mayor Parker moved, seconded by Councilman Tharpe that Council adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Section 12-1 Energy Services Fees as amended and approved at the May 27, 2014 Council Meeting.

In response to Councilman Funk’s question, Mr. Burke explained that they checked and the municipal and private providers generally charge fees around \$100 or more, with some being a \$50 or \$75 fee, so the Town is very comparable.

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 – Ordinance to Enact Code Section to Establish a Temporary Electric Service Fee (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an Ordinance to enact Front Royal Town Code Section 70-23.F **ELECTRIC CHARGES** to establish a temporary electric service fee for residential greater than 100 ampere service and for commercial service to incurred costs as presented.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an Ordinance to enact Front Royal Town Code Section 70-23.F ELECTRIC CHARGES to establish a temporary electric service fee for residential service greater than 100 ampere service and for commercial service to incurred costs as presented.

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

COUNCIL APPROVAL – Warren Heritage Society Utility Service Reimbursement

Summary: Vice Mayor Parker requests that Council consider a reimbursement of the expense of utility services at 101 Chester

Street for the Warren Heritage Society for FY 2014-2015 in an amount not to exceed \$10,000.

In accordance with the authority granted local governments by Virginia Code Section 15.2-953, Vice Mayor Parker moved, seconded by Councilman Funk, that Council make a donation of \$10,000 in money from the Electric Fund Reserve (9401-3510110), Water Fund Reserve (9601-3510110), Sewer Fund Reserve (9801-3510110), and Solid Waste Fund Reserve (4203-3510110) to be used toward payment of the respective portion of the utility bills beginning July 1, 2014 of the Warren Heritage Society, Inc., a Virginia non-profit organization in the Town of Front Royal that is engaged in commemorating historical events, located at 101 Chester Street.

Councilman Hrbek read the following into the record dated June 4, 2014, from Director of Patrick Farris of the Warren Heritage Society:

As the Executive Director of the Warren Heritage Society, and with the permission and backing of the Warren Heritage Society Board of Directors and specifically the Society's Finance/Budget/Ways & Means Committee and Investments Committee, I grant permission for you to disclose the relationship the Warren Heritage Society has with you as a client of your Front Royal branch of Edward Jones.

Most sincerely, Patrick Farris, Executive Director

Councilman Hrbek stated that Mr. Napier has indicated that he does not have a conflict on this matter.

Vice Mayor Parker noted that Warren Heritage stated that their campus of preservation has grown significantly and their outreach into the community has extended with greater need in the area.

Councilman Tewalt asked that it not be an ongoing donation to the Heritage Society

Councilman Sayre noted that he does not have any financial records to examine. Vice Mayor Parker noted that he has a letter to the Clerk that the Council was submitted by Mr. Farris dated May 27th that each member of Council received in their packets, which explains their need.

Councilman Funk noted that the Heritage Society has submitted a great benefit to the community for an extensive amount of years and he would support their request.

Councilman Sayre noted that Mr. Farris had intended to submit some financial records though he has not seen any. He expressed concern with taking from the enterprise fund.

Vice Mayor Parker noted that they are taking from the electric fund because it is their electric account. Councilman Sayre stated that everyone had to pay their bill.

Councilman Tharpe moved, seconded by Councilman Sayre, to take the funds from the General Fund, rather than the Enterprise Funds.

Councilman Tewalt noted that he would not take the funds from the General Fund and he could not support the matter. Councilman Sayre asked the difference. Mr. Tewalt noted that the General Fund did not have anything to do with the utilities and was for emergencies.

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; On the Amendment)

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

COUNCIL APPROVAL – Budget Amendment and Acceptance of Bid for Mini Digger Derrick for Energy Services Department

Summary: Request for Proposals (RFP) was requested from the Energy Services Department for the purchase of a mini digger derrick that was approved in the capital budget of FY2013-2014 for \$115,000.00. Two bids were received with the lowest bid from Altec Industries in the amount of \$139,592.00. A truck bed was purchased earlier to replace a damaged one in the amount of \$5,621.00 thus reducing the amount in this line item. Council is requested to consider approval of a budget amendment in the amount of \$30,213.00 to purchase the mini digger derrick from Altec Industries in the total amount of \$139,592.00.

Vice Mayor Parker moved, seconded by Councilman Hrbek, that Council approve a budget amendment to the FY13-14 Budget in the amount of \$30,213. He further move to accept the bid from Altec Industries in the amount of \$139,592.00 to purchase a mini digger derrick for the Energy Services Department.

Councilman Tewalt asked if the truck bed was insured. Mr. Burke noted that the Town was unable to obtain any funding back from the insurance.

Councilman Funk stated that this is the equipment that would allow the movement of poles in tight spots, such as in the rear yards of some homes. Mr. Burke noted that was accurate.

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 7:52 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council