

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on July 14, 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 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

ABSENT: Councilman Bret W. Hrbek

(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 June 23, 2014 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Jim Rogers, area resident, noted that he observed distracted driving recently in the area and his daughter was recently in an automobile accident. He stated that he was a little disappointed that his repeated requests for DUI checkpoints had not been up for a vote by Council yet. He noted that there was some disagreement whether the check points were as effective as they could be. Mr. Rogers presented a report from the Governor's Highway Safety Association which noted that 38 states still use sobriety check points and many use weekly check points. He noted that some have issue about the cost of the check point costs. Mr. Rogers urged Council to vote on the matter.

Mayor Darr stated that generally Council does not respond during this portion of the meeting, though, seeing as Mr. Rogers had approached Council several times, and Staff had also met with Mr. Rogers repeatedly, he felt the need to let the public as well as Mr. Rogers know the outcome of said meetings. Mayor Darr noted that Staff has spent excessive time reviewing all aspects of Mr. Rogers's concern and with all due respect, the numbers which were presented were not accurate. He stated that Chief Shiflett has explained that the patrol method seems to be effective and after speaking with Council, Mayor Darr noted that Council it on board with supporting the Town's Police Chief of using the patrol method. He added that seeing as the numbers, in comparison to other localities, were in line with various communities, the patrol method appears to be working and the Police Chief has repeatedly met with Mr. Rogers and spoken with Council and the Town Manager regarding this issue in detail. Mayor Darr added

that the patrol method was a modern form of law enforcement that was working within the Town of Front Royal.

Mayor Darr explained that he did ask Council to consider the request presented by Mr. Rogers and it was not well received, and Council chose to continue to support the efforts as presented by the Chief. He added that he and Council feel that Chief Shiflett was addressing the issues of the Town appropriately and were highly confident in his abilities and choices and feel the Department's methods are highly competent for community.

Mr. Rogers stated that the DUI checkpoints were just another tool to enhance the community and enforcement measures available. Mayor Darr noted that the Chief is the mechanic that chooses those tools, and the Chief has chosen other tool options for the Town. He stated that the Council has researched the matter repeatedly and it is not a tool that the Chief has chosen, this Council supports the Police Department and their Chief.

Jim Bond, of 289 Harmony Orchard Road, noted that he wished to oppose the turning off the water in an emergency ordinance. He noted that it **was unreasonable to have** ~~should be~~ only a licensed plumbers doing such work. He added that the water line at his residence had been severed a number of times through no fault of his own.

Bébhinn Egger, of 721 Campbell Circle, noted that she was running for Council in the fall and though she was unhappy with some Council decisions, she was currently present to thank and applaud their work for the Happy Creek Trail extension. She noted that she spent her childhood along the Blue Ridge Avenue area, and often wondered why the trail ended at South Street. Mrs. Egger stated that she feels as though she is in the country when she is using the trail, which is at least twice weekly. She noted that she hopes that in the future there were refuse receptacles at the end of the trail and that it could be extended towards the north end to allow others to use the trail as well.

Keyla Spicer, of 288 Meadow Drive, Middletown, noted that Code Section 98-42 was also illegal and Council should address that text. She stated that she was half Native American and that she looked a lot into the history and religious basis and terminology. She referenced the term "spiritual medium" noting that that was a priest in essence and those individuals could not have a business venue. Ms. Spicer stated that if you take away race and religion, all you have is man. She stressed that the current definition in 98-42 was inappropriate and should be removed completely. She spoke in favor of seasonal vending areas and noted that most cannot afford \$400 vending fees.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that the parade will be this Wednesday beginning along Stonewall Drive;
- Noted that the firemen will have their fireworks the following night at 9 p.m.;
- Reminded the citizenry that the Warren Heritage Society will hold their driving tour soon and interested citizens could contact Mr. Farris for information; and
- Stated that on July 28th there will be lane closures at times for the Happy Creek Trail Crossing.

Councilman Tharpe asked about trash receptacles for the trail. Mr. Burke stated that the receptacles were in, though they were still obtaining easements in order to place them on site. He noted that as for an extension north for the trail, Mr. Burke stated that the trail was part of the Royal Shenandoah Greenway, and there was no plan to carry it forward, as there are former railroad issues, though the Warren County portion will extend along Criser Road and those right of ways are being evaluated by our Planning Department at this time.

In response to Councilman Sayre's questions, Mr. Burke noted that Leach Run Parkway will include bike trails and sidewalks that will include a connection to Happy Creek Road, though no trail sections along Happy Creek Road specifically at this time.

Vice Mayor Parker asked about a worksession regarding the tarot card sections. Mr. Burke noted that they were scheduled for next Monday's worksession, the 21st.

Councilman Tharpe asked about the new Police Department location. Mr. Burke noted that they were developing RFP information and it should be completed within 2-3 weeks for release.

Councilman Sayre noted that he has made trails and bike lanes an ongoing issue since his first election and Council removed the funding many years earlier, though now many are in favor of the trail system.

Councilman Funk thanked Mr. Gushee for his service on the Planning Commission for so many years and wished him well.

Mayor Darr thanked Randolph Macon Academy Middle School for their student's effort along Kendrick Lane. He noted that during their clean-ups they had over 30 bags of trash alongside the roadway.

Mayor Darr invited everyone in the Town to the parade and the fireworks later in the week and reminded the citizenry that this week for the time to try the Firemen's Relish.

Mayor Darr honored David Gushee, retiring Chairman of the Town's Planning Commission, for his years of service to the Town. Members of Council, members of the Planning Commission and members of the Town Staff congratulated Mr. Gushee for his successes and thanked him for his many years given to Front Royal and her citizens. Mr. Gushee thanked Mayor Darr and the Town for the recognition and noted that he had been pleased to serve and had made it a point to welcome the opinions and input of all during his time on the Commission.

CONSENT AGENDA ITEMS

A. COUNCIL APPROVAL – Liaison Committee Meeting Items

1. Law Enforcement of the Skate Park
2. Catlett Mountain Landfill improvements
3. Leach Run Parkway Project
4. Route 340/522 Corridor
5. FRLP
6. Proposed Park-N-Ride Location
7. Property Boundary Adjustment Process

- 8. Building Inspection Software
- 9. Working with citizens on 13th Street with regard to parking & mail boxes
- 10. Corridor Loop Study

B. COUNCIL APPROVAL – Donation of Vehicle to Police Department

Vice Mayor Parker moved, seconded by Councilman Funk that Council approve the Consent Agenda as presented.

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

COUNCIL APPROVAL – Ordinance to Amend Town Code Pertaining to Emergency Access to Water Meters and For Non-Emergency use of Water from the Fire Departments *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Sections 134-41 and 134-46 of the Front Royal Town Code pertaining to emergency access to water meters and for non-emergency use of water from the fire departments. At their June 23, 2014 Council Meeting, Council approved an amendment to 134-41.C., to delete all language immediately following “... *Town’s water system*”... *(see below)*

C. Bonded plumbers or contractors who are licensed in Virginia who have contracted with the Town to perform work on the Town’s water system. provided, however, that such bonded plumbers and contractors shall be authorized agents of the Town only for purposes of this Section 134-41 of the Code of the Town of Front Royal, Virginia, and for no other purpose whatever, unless expressly stated otherwise in such Code.

Vice Mayor Parker moved, seconded by Councilman Tewalt, that Council adopt on its second and final reading an Ordinance to amend Sections 134-41 and 134-46 of the Front Royal Town Code pertaining to emergency access to water meters and for non-emergency use of water from the fire departments as amended and approved at the June 23, 2014 Council Meeting.

Councilman Tewalt moved, seconded by Councilman Sayre, remove the words:

“In no event, can a plumber access a meter for a commercial or industrial facility without the presence of an authorized Town employee. A licensed plumber who enters a Town meter will be a responsible for any damage to the meter assembly should damage occur.”

Councilman Sayre asked for clarification. Councilman Tewalt stated that the Town should trust the plumbers in the community. Councilman Tharpe expressed concern that individuals would step into the crocks if the lids were not fully replaced. Mr. Tewalt stated that it was not the plumber that had those issues, it was the property owners actually, in his opinion.

When asked for his opinion, Mr. Napier stated that he was not qualified regarding water meter crocks; and he should defer to other Town Staff on the issue. Mr. Burke stated that as long as it is a bonded plumber on scene, Staff can agree to Mr. Tewalt's amendment as presented.

Councilman Funk offered that the word "may" should also be removed as a friendly amendment, to be included with Mr. Tewalt's change. Mr. Tewalt agreed.

Councilman Sayre clarified matters relating to commercial/industrial meters. Mr. Burke noted that the Town has had issues with meter pits with bypass on commercial meters in the past.

Councilman Funk asked about bonded plumbers entering the meters, and asked if anyone else entering doing so would be considered illegal. Mr. Napier confirmed that was correct.

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

There being no further business, the Mayor declared the meeting adjourned at 7:45 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council