

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on July 28, 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 June 23, 2014 as presented.

Councilman Hrbek noted that he would be abstaining from the vote, as he was absent at the June 23rd meeting.

Mrs. Berry noted that there was a typo related to the comments of Mr. James Bond and she would be sending an email to Council on that sentence.

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

George McIntyre, of 457 Milldale Road, noted that Mayor Darr had requested that business members of the community give their input regarding how to move forward to ensure success. He stated that the Economic Committee was now presenting their recommendations and giving their input and there was no gain for the Committee other than a successful venture and some type of structure for the business community. Mr. McIntyre noted that the Committee met, and they often met with frustration, though they had now formed a viable plan after much work and they appreciated the opportunity to serve. He stated that their formula was not fancy, and was nothing special, though it was what may work for the Town of Front Royal. He added that each time he was able to serve the Town in some capacity, he continually gained more appreciation for the work of Council.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Stated that Town crews had begun their work along South Street at the trail for the pedestrian crossing;
- Noted that the Business Forum would be Thursday, July 31st;

- Reminded citizens that Tuesday, August 5th would be National Night Out downtown and invited everyone to attend.

Councilman Sayre asked about the traffic signal on W. Main and Royal Avenue and requested that the sensor be checked. Mr. Burke noted that they are timed and the crews are continuing to evaluate the system.

Mayor Darr thanked Bethel Church for allowing him and Chief Shiflett to be a part of their breakfast event recently.

Jennifer McDonald, Executive Director of the EDA, stated that Rep. Goodlatte’s office had been excellent in moving things forward for the Royal Phoenix site. She noted her hope to have everything in order for the September 20th open house event. She thanked the Town for the \$1,000 scholarship towards the September day. Mrs. McDonald stated that the EDA had continued their work with four fast food establishment inquiries, a bakery, a retail store and they were working with their committees as well. She added that the Afton Inn closing would be in the next 30-45 days and they had a prospect scheduled to speak with Council sometime in September for that property. Mrs. McDonald stated that there was a new lender program available, and the first recipient was Dominion Health & Fitness.

Councilman Tewalt asked about the McKay Spring property. Mrs. McDonald stated that there had been three inquiries on the property recently and that the inquiries included one gas station and one office building.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Deed of Easement for Acceptance of Water and Sewer Facilities for Skyline High School
- B. COUNCIL APPROVAL – Bid for Mobile Radio Repeaters

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

COUNCIL APPROVAL – Second Extension of HEPTAD Proffer Deadlines

Summary: Council is asked to approve the Second Extension of Proffer Deadline agreement effective August 5, 2014, further extending the proffer deadlines contained in Heptad, LLC, Proffer Statement relating to Leach Run parkway Improvements for an additional period of 120 days. The Statement was approved by Council on 4/9/12 and this extension will allow for completion of right-of-way acquisition, for submission of Applicant’s development plan showing the location of the Leach Run Parkway road dedication,

and for entering into a Memorandum of Understanding between the Town and the Applicant addressing various aspects of the Leach Run Improvements.

Mr. Napier read his disclosure into the record which states:

For reasons that previously have been disclosed of record and filed with the Clerk of the Town Council in accordance with VA Code §2.2-3115 I., I disqualify myself from acting or participating with respect to Item 8, Second Extension of Proffer Deadlines by Heptad, LLC.

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council approve the Second Extension of Proffer Deadlines agreement and authorize the Mayor to execute the agreement on behalf of the Town.

Councilman Sayre asked about burying the lines along Leach Run Parkway. Mr. Burke noted that the EDA was obtaining the easements for the installation of electric lines, and Staff recommends approval as presented. Mr. Sayre asked about whether the State would pay for half of the electric lines being buried underground. Mr. Burke noted they were most likely only be paying for the road easements, etc.

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

COUNCIL APPROVAL – Waiver of Sewer Connection Fee for WFTR/WZRV “The River” Radio Station at 1106 Elm Street

Summary: The Town of Front Royal has received a request from Andrew Shearer, President of “The River” WFTR/WZRV Radio Station, for a waiver of the sewer connection fees to enable their connection to the Town sanitary sewer system at 1106 Elm Street. WFTR and WZRV have been providing community news to Front Royal for 66 years. In addition the radio station acts as an emergency communication tool for the Town by providing notice to our citizens regarding storm damage, road closures, and other significant events. Without this timely emergency notice service, the Town would need to seek alternative notification services at taxpayer expense. Transition to the Town sanitary sewer will eliminate a septic system from the Town limits, which can be a source of environmental damage to ground water and surface water. The elimination of septic systems in the Town limits will improve the environmental condition for all residents and reduce potential impact to the Shenandoah River. Council is requested to consider the Radio Stations request.

Town Council finding as follows: (1) WFTR/WZRV has provided local news coverage to Town residents for 66 years; (2) that WFTR/WZRV continues to provide timely emergency notification from the Town Government and community to our residents about local storm damage, road closures and other significant events; (3) that without this service, the Town would need to seek alternative notification services at taxpayer expense; (4) In addition, elimination of septic systems from the Town limits provide an environmental benefit to Town

*residents and reduces potential impact to the Shenandoah River. Councilman Hrbek therefore moved, seconded by Councilman Tharpe, that **the Town Council approve a 50% reduction in the connection fees to the Town’s sanitary sewer system.***

Councilman Hrbek noted that one concern that Council had was singling out the business and then opening the door to others expecting the same. He stated that the proposal as presented by Staff is appropriate and does not open the door to other industries or companies, as the radio is so singularly different in the services they provide to the community. Mr. Hrbek added that throughout the Commonwealth communities are providing ways to eliminate the septic drain fields emptying into the areas of the Town limits and that was an added element to this.

Councilman Sayre stated ~~that he would not want to upset Mike O’Dell,~~ adding that Mr. O’Dell and his family were huge radio “people”. He added that the radio provided a large service to the community.

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

COUNCIL APPROVAL – Endorsement from Economic Committee

Summary: **The members of the Economic Committee as directed by Town Council have developed a Strategic Plan Mission Statement for their Committee. The three point Mission Statement is 1) Create a non-taxing development authority; 2) Fund and support the Virginia SBDC; and 3) Establish a Town Building Inspection Department. At the July 21st Work Session, the Economic Committee requested Town Council endorse their Strategic Plan Mission Statement so that the Committee can continue to work with Town staff towards detailing the Strategic Plan for future economic development and redevelopment in Front Royal. Endorsement of this plan does commit the Town Council to funding or implementation of the Strategic Plan, but simply confirms the Council’s desire that the Committee has identified important issues that should be fully investigated.**

Vice Mayor Parker moved, seconded by Councilman Tewalt, that
1) *The Town Council express its appreciation to the members of the Mayor's Economic Committee for their time and dedication towards developing a plan for economic development in Front Royal; and*
2) *The Town Council endorse the recommendations of the Economic Committee's Strategic Plan and direct the committee to develop and recommend a plan of action on the following in priority order:*
1) *Fund and support the Virginia SBDC,*
2) *Create a non-taxing development authority and*
3) *Establish a Town Building Inspection Department.*

Councilman Funk noted that he had asked that Council defer this matter though that had not taken place. Mr. Funk thanked the Mayor for gathering the Committee, and thanked each

member for their efforts, including: Rick Novak, Jean Plauger, Mike McCool, Steve Jerome, Cory Michael, Tom Conkey and George McIntyre.

Mr. Funk noted that he was troubled by the word “endorse” as he feels that the Town Council had not begun to decide the issues, nor had they looked fully into the matters at this time. He noted that the Town should look into economic development, and he thinks that the Committee has begun to look into matters, though not fully. He added that retaining the SBDC had a specific cost for example and creating a non-taxing development authority was currently taking place with Mrs. McDonald and our EDA.

Councilman Funk stated that he was not prepared to endorse matters with 100’s of thousands of dollars. He added that he appeared the Town Council was going out on their own, not building bridges.

Councilman Hrbek stated that Mr. Funk had noted that the Town was putting their stamp of approval on things, and that is why he supports the motion. He opined that endorsing the Committee’s recommendations was a small step forward in saying that the Town is ready to take action to look into how these measures could benefit our community, though it does not say we *are* going to spend the money.

Councilman Hrbek added that no where in the motion is it antagonistic, it is only a way to expand our efforts. He stated that there are a multitude of authorities that would complement the current EDA, Downtown Front Royal, FRIBA, the Chamber, etc. He added that Front Royal is one of the few, if perhaps maybe the only community that does not work with the SBDC.

Councilman Hrbek stated that we should show our community that we are serious about economic development and this is our first step. He noted that the motion does not tie our hands, yet only provides an outlet to look into how the options *may* help the Town.

Vice Mayor Parker thanked the Committee for their efforts and offered an amendment in order to appease Mr. Funk.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that the motion change the word ENDORSE in number 2 to ACCEPTS; and that they change the words DIRECT to ENDORSE DIRECTING.

Councilman Funk noted that he had issue with the word endorse and the amendment would not appease his concerns.

Vice Parker removed his motion. Councilman Tharpe removed his second.

Councilman Sayre moved that the motion change the word ENDORSE in number 2 to ACCEPTS; and that they change the words DIRECT to ENDORSE DIRECTING.

Motion failed for lack of a second.

Councilman Tewalt stated that Mrs. McDonald does a great job, though this endorsement included looking into the SBDC help out the small business owners. He added that Mrs. McDonald is trying to get businesses into the community and she is not working with the small

business owners. He noted that two heads are better than one and he was 100% in favor of helping the tax payers of Front Royal.

Councilman Funk requested that the Committee reach out to the EDA. Mayor Darr noted that EDA Board Member William Sealock is the EDA Liaison to the Mayor's Economic Committee.

Councilman Sayre thanked Mayor Darr for setting up the Committee and he thanked the Committee for the recommendations they brought forth. He added that it was nice that the Main Street Committee had been spoken of once again and also a walking downtown had been mentioned. Mr. Sayre stated that it was his hope that they can continue to look into all aspects which could be beneficial to Front Royal.

Councilman Sayre noted that the SBDC was about \$20,000 which is under budget for the Town. He stated that this type of program is happening all across America and it had caused him concern when the Town quit budgeting for the EDA. ~~He noted that he hoped that the Town does not have issue with creating our own Building Inspector program.~~ He added that he was not saying that he wanted a Town Building Inspector, just that the Committee could look into that possibility.

Councilman Tharpe thanked the Committee for their work. He noted that the Council needed to support them and give them the proper tools to look into the aspects to assist the business community.

Vote: Yes – Hrbek, Parker, Sayre, Tewart and Tharpe
No – Funk
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 – Donation to “Avtex Community Day Event: A Celebration”

Summary: The Economic Development Authority (EDA) is organizing a community day at the former Avtex Superfund Site to celebrate the completion of the remediation to the site and the release of the site from “Superfund” designation. The EDA, Corps of Engineers, and FMC have worked to clean up the site to allow for its reuse at a commercial and industrial development in Front Royal. The EDA has requested that the Town assist with the cost for the celebration that will include hosting Federal and State dignitaries, former Avtex workers, music, food, advertising, and other expenses. The event will be held Saturday, September 20 from 10 am until 4 pm.

Vice Mayor Parker moved, seconded by Councilman Funk that Town Council donate \$1000 to the “Avtex Community Day Event: A Celebration” with funds coming from Town Council budget line items.

Councilman Hrbek noted that the Open House event would be held September 20th and he and Mr. Parker were working with the EDA and members of the County to celebrate the long

awaited release of the property. He added that the EDA was in search of former Avtex employees as well. Mr. Hrbek invited everyone to the event adding that it was a great opportunity to participate in the history of Front Royal and her history.

Councilman Sayre stated that it was money well spent. He noted that once September 20th came along, it will be a time to look forward to the Connector Road at that point.

Councilman Tewalt gave Mrs. McDonald praise for her work and hoped that the event would come together nicely in September. Councilman Tewalt stated that his mother worked at Avtex and it was a great place to work for many in the community.

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 7:41 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council