

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 27, 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 Tharpe that Council approve the Regular Council Meeting minutes of January 13, 2014 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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts of petitions or correspondence from the public.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Noted that should members of the public wish to participate in the Town's Urban Forestry Advisory Commission (UFAC), they are encouraged to submit their Board application to the Clerk of Council and assist the Town regarding tree issues;
- Stated that the traffic light at John Marshall/Commerce Ave was being worked on and asked drivers to be cautious in the area in the coming days;
- Announced that the Town would observe Halloween on Friday, October 31st, from 6:30-9 p.m, He asked that adults accompany children and carry a flashlight. Mr. Burke added that police will be patrolling the neighborhoods for extra safety measures;
- Reminded the public that next Tuesday was Election Day; and
- Noted that the Town would observe Veterans Day on Tuesday, November 11th, thanked those serving and those who have served our country.

Councilman Tewalt asked if the Main Street events would be held this year for Halloween. Mr. Burke noted that the Hometown Halloween on Main Street would be held, adding that they began at 6 p.m. with about 22 merchants signed up to participate. Councilman Sayre asked if the merchants needed to sign up to participate in the event on Main Street. Mr. Burke stated that

businesses are encouraged to sign up through Downtown Front Royal, the organization coordinating the event.

VDOT Representative Robert S. Good, gave a South Fork Bridge replacement update, noting that they were constructing the bridge in phases. He explained that it would have six lanes of traffic, with sidewalks on both sides as well. Mr. Good stated that there will be about seven piers for support and the prime contractor on the job was from Pennsylvania. He noted that VDOT has set a provision to pay the contractor more to have the bridge finished early if at all possible. Mr. Good explained that currently the bridge construction was slightly ahead of schedule.

Councilman Sayre asked about whether there would be an explosion date, as with the previous bridge redo. Mr. Good explained that most likely they would not be using explosives to remove the bridge, but rather cut it out in sections for removal.

Councilman Hrbek asked about the Quadrant Road Intersection portion. Mr. Good explained that the QRI was being set up to allow as much traffic as possible to keep moving through the Riverton intersection area. He stated that he believed it was the first of this type in Virginia and a huge key would be to have the area traffic signals synchronized in order to keep traffic moving forward. Councilman Hrbek stated that having continued education to the public on the matter would be critical, Mr. Good agreed.

Councilman Sayre asked about public input discussion he heard about an overpass near the Riverton United Methodist Church. Mr. Good noted that the QRI was the outcome and the chosen method, not an overpass.

Councilman Tewalt asked about opening 18th Street during the bridge construction. Mr. Good stated that they took some resources and worked on excavating one of the piers at night since the river was low, and they will also attempt to open 18th Street back up once the pier work is completed in the river.

Councilman Sayre stated that the other bridge has bike lanes and he asked about those lanes for this bridge. Mr. Good noted that perhaps lanes would be in place. Mr. Good asked the community to bear with the contractors as they worked through the long process. He noted that they continue to do the best and most professional as possible for the Town and County citizens.

Mayor Darr thanked Mr. Good for his time and work in the community.

Jennifer McDonald, Executive Director of the Economic Development Authority:

- Stated that they continued their work with Stokes Mart and they hope to have something in the next 45 days;
- Noted that the workforce housing issue was being addressed in the community;
- Announced the Entrepreneur Café winner was Kelly Walker;
- Stated that an E-cigarette store has opened on Main Street; and
- Noted that the EDA has been working with the Town's Planning Department and so far packets have been sent out to about 100 businesses in the community; and they have heard back from about 45 out of 100. She thanked the Planning Office for their ongoing efforts.

Councilman Sayre explained that the E-cigarette store was helping people to curb their smoking habits.

Doug Stanley, Administrator of the County of Warren, presented the following report to the Town Council:

Reassessment – The County Reassessment process for the 2015 Reassessment began on September 3, 2013. To date approximately 23,753 of the 26,451 parcels have been completed. Wingate should wrap up field work by the end of October. Notices should go out near the first of November and we are planning to hold hearings for the Board of Assessors starting the 2nd week of November. The project will be completed and the real estate book signed and turned over to the Commissioner of the Revenue by December 31st.

Building Inspections – In review of the new construction for the first 3/4's of the year I want to report that we had a total of 67 new home starts from January through September 30th. As a comparison, we had 60 starts at this point last year and finished the year with 82 starts.

Surplus Auction – The Sheriff's Office will be holding its annual surplus and unclaimed property auction on October 30, 2014 at 10:00 A.M. at the Warren County Parks and Recreation Maintenance Facility located at 700 Crosby Road, Front Royal, Virginia (Bing Crosby Stadium near the Warren County Claude A. Stokes Jr. Community Swimming Pool) pursuant to Virginia Code §15.2-1719 sell unclaimed property consisting of: miscellaneous jewelry, keys, clothing, sporting goods, computer parts, household items, tools, recreational items, and a memorial head stone for a dog named Kinger.

Rockland Historic District – A meeting on a proposed Rockland Historic District was held at the Rockland Community Church on October 14th at 6:00 pm. The Virginia Department of Historic Resources expects a public hearing to be held in spring 2015 and formal consideration of the proposed district in summer 2015.

RSW Regional Jail – The RSW Authority Board recently hired William Wilson for the Superintendent position. Bill comes to the RSW from the Virginia Department of Corrections where he served as the Local Facilities Supervisor. He will be invaluable to the Jail going forward. Bill has worked with all of the regional jails across the Commonwealth for the last decade, and brings a wealth of knowledge about regional jail operations to RSW. He has a great reputation as an expert on correctional facilities and brings with him a vast number of contacts with other jail superintendents. In addition, Bill's connections in Richmond, including the Department of Corrections, Governor's Office and General Assembly, will also aid the Jail Authority with state funding for the facility.

Ebola Threat – In an effort to be prepared, County Emergency Services staff have reached out to Valley Health and the local EMS Council to develop policies and inventories of needed supplies in the event of a

local Ebola threat. We will be scheduling a meeting with our local emergency services committee in the near future.

Community Development

Development Review Committee – The Development Review Committee met on October 22nd. The Committee discussed several projects in the County. Representatives from Aldi Grocery Store were present with a preliminary site plan for their pad site in Riverton Commons to discuss water/sewer hookup information, access to the site, and the erosion and sediment control plan. They received feedback from the applicable agencies. Other projects in the County that were discussed included: a proposed rezoning application for Dollar General, the drainage easement relocation for Park Ridge Estates, Holtzman property road frontage improvements, Marriott Hotel project, and a proposed Tractor Supply Company. The Committee discussed several projects in the Town including: a catering business, Stokes Mart, Afton Inn, the Second Chance building, and Royal Vapor on Main Street. The Committee will meet again in November.

Warren and Clarke Counties Microenterprise Assistance Program – County representatives continue to work with People Inc. and Clarke County on finding small existing or start-up businesses looking for an opportunity to grow. Anyone that is interested should contact People Inc. at (540) 459-9096.

Project Updates

Dominion Project –As of last week 351 employees were on-site, down from 421 the previous week. David Beahm, Building Official, and I had the opportunity to tour the site on September 24th. It was amazing to see the progress on the site. At this point they are looking to have the facility ready to bring on-line to produce electricity in November. Zachry is working to start clearing its laydown areas.

Leach Run Parkway – We are waiting on final comments on the plans for the project from VDOT and acquisition of necessary environmental permits. Bidding of the project has been delayed until fall after all easement/right-of-way and environmental permit issues have been resolved. As of October 24th we still are awaiting signatures on deeds from Valley Health, Heptad, LLC and the Jenkins properties. We hope to wrap up all right-of-way and easement issues by the first of December. At this point it looks like the project will be bid over the winter with a spring 2015 start and fall 2016 completion.

Health and Human Services Complex – The County received one bid for the parking lot improvement project. County staff is currently reviewing the bid with our consultant and will be making a recommendation on whether to accept the bid or rebid the project. Moseley Architects anticipates being able to finalize the building plans and bid the project in the next 2 weeks.

Morgan Ford Bridge – As VDOT reported, the MOA for the Morgan Ford Bridge has been signed by the Virginia Department of Historic Resources. VDOT will schedule a public hearing on the project after the first of the year.

Provisions of the MOA include:

- Bottom of the bridge 6' above ordinary river level
- Travel surface about 8' above existing road surface
- Wood grained railing design
- Elimination of retaining walls on the south end
- Textured roadway approach on southern end
- Maintain existing 25 mph posted speed
- Maintain existing through truck prohibition
- Maintain boat launch area access

Rockland Park – GEI is making significant progress on the construction of the recreational access project. Miracle Playgrounds has completed installation of the new playground system and County staff is working on the construction of the Rotary shelter. We anticipate all three projects to be completed by December 1st.

Simpson's Landing Boating Access Project – County staff has completed the boat slide project and a dedication ceremony was held on October 21st. The facility is:

- One of seven public access points in the County.
- One of two maintained by the County.
- County is looking to construct a third next spring in the Shenandoah Farms area of the mainstem of the Shenandoah River.

Solid Waste

Catlett Mountain – Lantz Construction of Winchester (LCW) has completed work on the project. County staff will be working with our landscape architect over the next several months to evaluate some potential recreational uses of the site.

Councilman Tewalt noted that many asked about Rockland Park course. Mr. Stanley explained that it was a disc golf course, not a standard golf course. He added that the closest one was Sherando.

Councilman Funk asked about the reassessment process. Mr. Stanley noted that they should go out in the next couple of weeks and the hearings generally are stretched out for several weeks in order to schedule them accordingly for everyone.

Mr. Stanley noted that an ebola event could happen anywhere, and the planning work will ensure that the community will have all necessary matters in place. He reiterated that there were no specific threats to the area, though they needed to be prepared.

Councilman Tewalt asked that the Staff and Council look into the issue of having the shortest of a house side facing the street. He noted that a front door needed to face the street and he would like the discussion on an upcoming worksession agenda.

Councilman Hrbek asked for a future worksession discussion regarding water usage outside of the Town. He noted that the Town was going to going to build up competition against in-town businesses by having restaurants relocating outside of the Town, which could cause Front Royal to raise taxes. Mr. Hrbek noted that Council should have a serious conversation about protecting the taxpayers of Front Royal.

Councilman Sayre noted that Sperryville was building a new nine hole golf course and he added that Old Rag Mountain was nearby, which he had recently climbed. He noted that Front Royal has good views and he encouraged everyone to take advantage of the views in this community.

Mayor Darr announced the retirement of longtime, valuable employee Ted Putnam, who began his career with the Town of Front Royal as a laborer in 1979. Mayor Darr stated that Mr. Putnam became a Lineman and has diligently given 35 years of service to the Town, noting that he kept the lights on the bridges for many years as well. Council recognized Mr. Putnam for his many years of devoted service to the Town and thanked him for his ongoing dedication to the community.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Budget Calendar for FY16
- B. COUNCIL APPROVAL – Liaison Committee Meeting Items
- C. COUNCIL APPROVAL – Bid for Waterline Upgrade along W. 17th Street
- D. COUNCIL APPROVAL – Bid for Purchase of Backhoe/Loader
- E. COUNCIL APPROVAL – Budget Amendment for Donation of Main Street Lighting
- F. COUNCIL APPROVAL – Waiver of Christmas Tree License Tax – Boy Scout Troop 52
- G. COUNCIL APPROVAL – MAP-21 Grant Application for Westminster Drive Sidewalk
- H. COUNCIL APPROVAL – MAP-21 Grant Application for Criser Road Trail

Vice Mayor Parker moved, seconded by Councilman Tewalt 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)
 (By Roll Call)

PUBLIC HEARING – An Ordinance to Amend Section 75-44(A) of the Town Code Pertaining to Mailing of Delinquent Real Estate and Personal Property Taxes (1st Reading)

Summary: Council is requested to affirm on its first reading an Ordinance to amend Section 75-44 (A) of the Town Code pertaining to mailing of

delinquent real estate and personal property taxes as presented. If approved the delinquent notice mailed after the first half of real estate and personal property taxed due on June 5th of each year would be eliminated.

Mayor Darr opened the public hearing. As no one 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 Ordinance to amend Section 75-44 (A) of the Town Code pertaining to mailing of delinquent real estate and personal property taxes 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 – An Ordinance to Amend Chapter 34 of the Town Code Pertaining to Election Precincts (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend Chapter 34 of the Town code, “Election Precincts”. In 2011, Warren County amended the Warren County Code Chapter 16 which re-codified and re-numbered its election ordinance and set out the Elections Districts and Precincts including the Town’s. The County eliminated the Riverton Precinct inside the Town. By State Law and Town Code, a town election for town offices held in November must use the regular polling places for the county. Chapter 34 of the Town Code, pertaining to elections, should be brought into conformity with the County Code for the sake of clarity. Polling places for Town of Front Royal elections and voters will remain unchanged since the past Town election.

Vice Mayor Parker moved, seconded by Councilman Tewalt that Council adopt on its second and final reading an Ordinance to amend Chapter 34 of the Town code, “Election Precincts” 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 – Budget Amendment for Outstanding Purchase Orders

Summary: Council is requested to approve a budget amendment to carry forward unpaid balances on purchase orders not completed at the end of June 2014 for fiscal year 2015 in the amount of \$7,387,958.14.

This is an annual housekeeping item that comes before Council after the completion of the annual audit review.

Councilman Tewalt moved, seconded by Councilman Tharpe that Council approve a budget amendment to carry forward unpaid balances on purchase orders not completed at the end of June 2014 for fiscal year 2015 in the amount of \$7,387,958.14.

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 – Purchase of Police Vehicles

Summary: Council is requested to consider approval of the purchase and replacement of five vehicles in the Patrol and Administration Divisions within the Police Department as presented.

Vice Mayor Parker moved, seconded by Councilman Tewalt approve the purchase and replacement of five vehicles in the Patrol and Administration Divisions within the Police Department as presented at a total cost of \$135,857.

Councilman Sayre noted that a portion of the funding was coming from asset forfeiture funds and that was very helpful for the Town.

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 – Revenue Sharing Project for John Marshall Highway with Resolution for Authorization

Summary: The Department of Environmental Services (DES) proposes to pave John Marshall Highway from South Street to the end of the Town limits in FY16. Due to the estimated costs associated with the proposed paving, the Town desires to utilize the Virginia Department of Transportation (VDOT) Revenue Sharing Funds available to localities. Council is requested to approve a Revenue Sharing Project with VDOT for the paving of John Marshall Highway in the estimated amount of \$350,000.00 with \$175,000.00 to be reimbursed by VDOT after the project has been completed. Council is further requested to approve a Resolution granting authority to the Town Manager to enter into the Revenue Sharing Agreement on the Town’s behalf.

Councilman Tewalt moved, seconded by Vice Mayor Parker approve a Revenue Sharing Project with VDOT for the paving of John Marshall Highway in the estimated amount of \$350,000.00 with \$175,000.00 to be

reimbursed by VDOT after the project has been completed. I further move that Council approve a Resolution granting authority to the Town Manager to enter into this Revenue Sharing Agreement on the Town's behalf.

Councilman Tewalt noted that the Town should ensure that it is in next years budget to pay the Town's fair share.

Councilman Hrbek asked about the paving recently in the area. Mr. Burke noted that some repairs were completely recently, though VDOT has determined that Town needs to do a full restoration on John Marshall Highway, an that has led us to seek this funding.

Councilman Sayre asked if this portion of roadway was in the Town limits. Mr. Burke stated that this project only applies to the roadway in Town limits.

Councilman Tewalt asked which area of the budget the money would be coming from. Mr. Burke stated that the funding received for maintenance would most likely be used. Mr. Tewalt suggested that perhaps the Town only use a portion, and other funding could be brought forward in another fashion. Mr. Burke noted that they could look at another option during budget process.

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 – Revenue Sharing Project for Criser Road Bridge Replacement with Resolution for Authorization

Summary: **The Department of Environmental Services (DES) proposes to replace the Criser Road Bridge to include a bike path and sidewalk access in FY16. Due to the estimated costs associated with the replacement, the Town desires to utilize the Virginia Department of Transportation (VDOT) Revenue Sharing Funds available to localities. Council is requested to approve a Revenue Sharing Project with VDOT for the Criser Road Bridge Replacement in the estimated amount of \$450,000.00 with \$225,000.00 to be reimbursed by VDOT after the project has been completed. Council is further requested to approve a Resolution granting authority to the Town Manager to enter into the Revenue Sharing Agreement on the Town's behalf.**

Vice Mayor Parker moved, seconded by Councilman Tewalt approve a Revenue Sharing Project with VDOT for the Criser Road Bridge Replacement in the estimated amount of \$450,000.00 with \$225,000.00 to be reimbursed by VDOT after the project has been completed. I further move that Council approve a Resolution granting authority to the Town Manager to enter into this Revenue Sharing Agreement on the Town's behalf.

Councilman Tewalt asked whether funds had been set aside. Mr. Burke noted that they had, adding that Staff was working on the RFP. Mr. Tewalt asked about whether VDOT had approved the request for reimbursement for the disaster funds applied for. Mr. Burke noted that he would check into the funding. Councilman Sayre asked if the cost to the Town was about \$225,000. Mr.

Burke noted that was correct, adding that the Town spent about \$50,000 for repairs in recent years.

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 – Resolution to Waive Planning Fees for Avtex Site

Summary: Council has received a request from the Executive Director of the Front Royal-Warren County Economic Development Authority (EDA) seeking the waiver of planning fees associated with the rezoning of the Avtex Site, as well as the fees associated with the site plan and subdivision fees for Lot 6. Council is requested to approve a Resolution that waives these fees.

Vice Mayor Parker moved, seconded by Councilman Funk approve a Resolution that waives the planning fees associated with the rezoning of the Avtex Site and the fees associated with the site plan and subdivision of Lot 6 at the Avtex Site.

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 – Resolution Requesting Reconsideration of Closure of KMART-STORE 9125

Summary: The Town of Front Royal has been notified by the Kmart Corporation-Sears Holding Support Center that the Front Royal Kmart (Store 9125) located at 465 South Street is to be permanently closed January 18, 2015. Council is requested to approve a Resolution requesting that the Kmart Corporation reconsider the closure of the Front Royal Kmart until 2017.

Councilman Tewalt moved, seconded by Councilman Funk approve a Resolution requesting that the Kmart Corporation reconsider the closure of the Front Royal Kmart until 2017.

Councilman Funk moved, seconded by Councilman Tewalt, to amend the motion to include the words at least before 2017.

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 Motion to Amend)

Councilman Sayre voiced hope that Kmart would change their mind, noting that many local jobs were at stake. Councilman Tewalt stated that it would be sad that K-Mart would be closing, with the loss of area jobs, and he hoped that this resolution would assist in their reconsideration.

Councilman Funk noted that he had many memories there and the store had been a pillar of the community. He added that the closing had been something he had received a lot of input from the citizenry and he knew it would hurt our community greatly if the closing went forward.

Councilman Sayre noted that his family shops there and he hoped it would remain.

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 8:03 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council