

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on December 8, 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 Attorney Douglas W. Napier
Town Manager Steven M. Burke, P.E.
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 November 24, the Special Meeting Minutes of November 19, 2014 and the Regular Council Meeting as presented.

Councilman Sayre noted his correction to the November 24 minutes, noting: “His dad” and stated that they ate lunch around 1:25 p.m. and remove the word about and replace it with “then” his father drove him to Wal-Mart.

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

Tom Conkey, of 1401 N. Royal Avenue, thanked members of Council for serving the public as it was an important job. He noted that Tim Ratigan wished to attend to speak as well though he was unable to be there that evening. Mr. Conkey stated that it was a job that not well understood. He noted that by in large, this is where the governing in America was done. He commended Shae Parker immensely, noting that he was the hardest working, most well informed Councilman serving and hew as sorry to see Mr. Parker leave. Mr. Conkey noted that Mr. Parker is a real asset to the community and everything he ever did was for the citizens with no hidden agenda. He stated that politics has become a zero sum game and it has become a matter of being who wins and losses and Mr. Parker does not work in that way.

Mr. Conkey noted that in the most recent Town election the republicans won and various new people were elected. He stated that Mr. Parker has always been the Councilman who has been the one to comb through the budget diligently removing meals for Council and shirts for Council as well, and he was unsure why the citizenry did not recognize Mr. Parker’s efforts. Mr. Conkey stated that he was speaking for Mr. Ratigan, as well as himself.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Noted that the Christmas Parade has been rescheduled for next Saturday the December 13th;
- Stated that the Christmas ornament is available at the Tourism Center;
- Noted that the Holiday Lights Contest is open to Town residents;
- Reminded citizens that the Town would be closed for Christmas Eve & Christmas Day, as well as January 1st for New Year's Day;
- Commended the Horticulture Crew and the Electric Crew for their work decorating the downtown area for the holidays; and
- Extended a very Merry Christmas and a Happy New Year to all.

Doug Stanley, County Administrator, submitted the following report to Council:

Reassessment – Reassessment Notices were mailed November 24th and Wingate started hearings for the Board of Assessors last week (a week ahead of schedule). They will hold hearings through Thursday, December 11th at the Warren County Government Center. Property owners wishing to discuss their assessments may telephone the Board of Assessors to set up an appointment at (540) 635-3184. The reassessment process will be completed and the real estate book signed and turned over to the Commissioner of the Revenue by December 31st.

2014 Bond Sale – The County will complete the closing on the bonds sold through the Virginia Public School Authority for the proposed 2nd Middle School on December 9th.

RSW Regional Jail – The RSW Authority Board will adjust its meeting schedule from monthly to bi-monthly beginning in 2015. The facility was named the Institutional Facility of the Year by the Greater Virginia Green Building Council at their 9th Annual Leadership Awards Banquet on November 20th.

Community Development

Development Review Committee – The Development Review Committee met on November 19th. The Committee discussed several projects in the County including the proposed Dollar General Rezoning request on Strasburg Road, a possible electric car charging station in Crooked Run Center, the D.R. Horton subdivision variance request and proposed renovations at Christendom College. The Committee discussed several projects in the Town including: the rezoning application for the Avtex property, Stokes Mart, Afton Inn, and the Second Chance building. The Committee will meet again on January 28th.

Short-term Rentals – With the Board approval of revised Zoning Ordinance amendments on short-term rentals at the November 18th meeting, the Board needs to consider the three short-term rental CUP applications that were tabled. Of the three applications at the Board level, one applicant has

indicated an intent withdraw their application and the other two have asked to be on the January 6th agenda as they cannot be at the December 9th meeting.

The Planning Commission will consider the four applications it tabled at its December 10th meeting. At this point we expect those to be on the January 20th Board agenda for a public hearing.

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 there were 286 employees were on-site. The facility has been going through its final testing and will be fully operational by the end of the month. County staff expects to issue the final building and zoning permits for the facility in the next few weeks. The natural gas fired facility has three combustion turbines and a steam turbine and produces 1,329MW of electricity or enough energy to power approximately 325,000 homes.

Leach Run Parkway –The project team has received approval from VDOT on the bid documents for the project. Bidding of the project has been delayed until this winter after all easement/right-of-way and environmental permit issues have been resolved. At this point we are waiting on court approval of the three church dedications, a signature from one private property owner and a signature on the Valley Health dedication.

Health and Human Services Complex –The County has awarded the contract for the parking lot improvement project at the facility to Lantz Construction of Winchester. They mobilized last week and started work on the project. Bids on the building renovation for the DSS and Health Department areas are due on December 9th. Assuming that we receive a bid within budget, we anticipate awarding a bid and starting construction in January and completing the project by November 1, 2015.

Warren County Courthouse –Work on the installation of the new roof over the J&D Courtroom has been completed. The contractor will wait to replace the rest of the flat roof sections approved in the spring. The Board approved the award of the contract for the HVAC replacement at its meeting on November 5th. The units will be replaced in spring/summer 2015.

Rockland Park – GEI has completed construction of the recreational access road. Due to the onset of winter, they will have to wait until spring to surface treat (tar-and-chip) the roadway. County staff is working to complete the

Rotary shelter in the next month. We anticipate all three projects to be completed by January 1st with the exception of the final application of tar-and-chip on the road surface.

Solid Waste

Catlett Mountain – Lantz Construction of Winchester (LCW) has completed work on the project. We will be working with Town staff to complete the reimbursement for the project. County staff will be working with our landscape architect over the winter to evaluate some potential recreational uses of the site.

Transfer Station – LCW is complete with the installation of the potable water system at the Transfer Station. The Transfer Station and convenience sites will be closed for the Christmas Holiday on December 25th.

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
Oregon Hollow Road	11/20/13	\$2,458,506	December 12, 2014	Completed
Gooney Creek Bridge	11/20/13	\$14,664,392	October 16, 2014	Under Construction
South Fork Bridge	9/2013	\$74,700,000	2018	Under Construction
Health and Human Services Complex – Renovation	Summer 2014	Unavailable	Summer 2015	Out to Bid
Health and Human Services Complex – Parking Lot	Spring 2014	Unavailable	Summer 2015	Contract awarded
Courthouse Re-roofing	Summer 2014	Unavailable	Spring 2015	Contract awarded
Rockland Park – Recreation Access Project	Spring 2014	\$600,000	Winter 2014	Under Construction
Rockland Park – Playground/Shelter/Parking Lot Project	Spring 2014	\$300,000	Winter 2014	Under Construction
Rockland Park Disc Golf Course	N/A	\$15,000	Winter 2014	Waiting until Parking Lot Completion
2 nd Warren County Middle School	Winter 2015	\$44,100,000	Summer 2017	Plan Under Review
Catlett Mountain Landfill	Summer 2014	\$500,000	November 2014	Completed – Need to Get Town Reimbursement
Freezeland Road Kiss-n-Ride	Fall 2014	Unavailable	Spring 2015	Under Design

In response to Councilman Tewalt's questions, Mr. Stanley noted that VDOT is planning to have the public hearing in late January hopefully for the Morgan Ford Bridge.

Councilman Sayre read the following into the record:

After serving on the Front Royal Town Council for the past eight and a half years, I want to take a moment to say thank you to all the citizens for letting me serve this wonderful town.

I can leave tonight knowing that I have accomplished some important things in the past eight and a half years. I also know that I have not accomplished them alone. That's how it works in a community - we work together. If at first we don't agree, we work even harder.

Whether it was keeping taxes down, seeing to the construction of bike lanes and walking trails, or keeping electric costs, at the lowest rate, in the entire state of Virginia, we've done a lot of good here.

Each one of us up here has something to be happy about, but what makes me the *most* happy is that you the citizens of Front Royal let me serve you. Thank you for that.

Now, it's time for me to let someone else serve. I want to take a minute to encourage the youth of our community to get involved in politics. I often hear the comment: "Who would want to get involved in politics? There's so much criticism, often unfairly, and it's so hard." Yes, sometimes it's hard. And yes, there is criticism.

You are going to be questioned and criticized. Everything you do is judged from a political perspective. The schools you choose for your children ... The places you shop at ... Sometimes even the places where you drive ... It's all questioned.

There is a saying that "all politics is local." But sometimes when you serve, you come to understand something else: "all local, is politics."

It's hard for children to hear some people criticize their father. But as I once explained to my children: "Don't fear criticism. Fear the society in which you cannot criticize. Because once you have that society, you no longer have democracy. Many nations of this world aren't suffering because of too much democracy. They are suffering because of too little democracy."

Standing up for what you believe is hard. If democracy were easy everybody would be doing it. I also tell my children something else; there is no healthy criticism without a healthy respect for each other.

For eight and a half years, I have served a wonderful community - this community of families and individuals. I've had the very good fortune of getting to meet and work with people from every neighborhood. That's the best part of this job.

It's all of us together that make up this great town. It's communities like ours, that come together that make a place called America. Each one of us together, makes up this place called Front Royal, and every single one of us makes this a better place.

Serving the men and women and children of this community has never been my right, but it has always been my privilege, and a *sacred* one at that. Further, it has

been my privilege to serve with some of the best town employees and volunteers you could ask for. I leave this council knowing the town is in good hands.

Serving your community is a blessing. Never forget that. As I leave, please know that this council will always be in my hopes and prayers for the best of success. Thank you and may God bless you.

Councilman Funk noted that he has always appreciated Mr. Sayre's friendship and kindness and he spoke of Mr. Sayre's devotion to Front Royal will be missed. He added that Vice Mayor Parker's diligent analysis and graciousness during his time on Council will be missed as well, and he thanked them for their service.

Vice Mayor Parker submitted the following into the record:

'Twas the last month on Council, when all through the Town,
Only feral cats were stirring because the beer had all been put down,
The new wreathes were hung on Main Street with care,
And the old ones were distributed by FRIBA sometimes in pairs;
The citizens were nestled all snug in their beds;
While visions of County reassessments danced in their heads;
And while may be my last meeting I won't take a nap,
I have to be honest a small part of me will miss this crap.

But come January One, a new Council will be poised,
As for only the 3rd time a woman joins the boys,
Away from the dais I'll fly like a flash,
But perched on the sidelines I can't how long will last.
The Council elects will need your help as they learn what to do,
MY advice to them is the Virginia State Code Title 15.2,
Now as I look to the future and ponder what may appear,
Right off the bat a few things are clear.

Something with the Afton Inn as it's controlled by the EDA,
And groundbreaking next year on the Leach Run Parkway,
A new Police Headquarters in The Village will bring change,
And hopefully a developer at Avtex soon will be named:
"Now, Daryl! Now, Hollis! Now, Gene and Bret!
On, John! On, Bébhinn, oh, and Tim, don't forget!
To the top of your game! To the top for the Town!
I wish you good luck, now don't let us down!"

The Wastewater Treatment Plant is next on the list,
Make sure it's done well or we can't take a...well, do the bathroom;
So up to Council Chambers the members they flew,
With lots of new ideas, and a few old ones too—
And them, in a twinkling, I heard hearty news,
With Mr. Sayre for Supervisor, how could the Town lose.
As I imagined in my head, and was turning around,
I couldn't stop laughing as I rolled on the ground.

But back to the topic at hand before I digress,
Thank you the citizens for allowing me to serve, for that I am blessed;
With six years of service perhaps I'll be back,
Or perhaps I'll rethink it unless I'm totally whacked.

For now, I will leave you with a heart that is merry!
And a prayer for the family of Marion Barry!
Truly what lay in store none of us know,
But even tonight the Town is ready in case it might snow.

So my Monday nights are wide open as my term nears its end,
I think I shall spend them with family and friends;
And to the employees and citizens they serve,
Boards and Commissions I give you my word.
Not one vote or decision I've made do I regret,
With none for personal gain but all in the Town's best interest;
So while some may be left wondering and shaking their head
Life will go on there is nothing to dread.

The water will flow and the lights will still work,
And if by chance they don't you can pick your jerk,
You can call them or email them at all hours of night,
And call them and call them until they make it right;
Now I take my leave with a few less hairs and more gray,
But now I have more time to live, work and play.
So I'll exclaim with my last meeting tonight—
"Happy Christmas to All, and to All a Good Night!"

Councilman Tewalt wished Vice Mayor Parker God speed to him and Mr. Parker's family. He noted that Mr. Parker took his place when he became Mayor and Mr. Parker has done a super job on Council. Mr. Tewalt stated that if he can be of any service to him, to please let him know. He added that he hoped that the coming year will be terrific for the Town.

Councilman Tharpe thanked Mr. Sayre and Mr. Parker for their service, adding that though they did not always agree, they always found a way to work together for the Town.

Councilman Hrbek echoed the comments of his fellow Councilmen, noting that he appreciated Mr. Sayre's work on Council. He stated that he had known Vice Mayor Parker for many years, and had seen that he had public service in his heart since high school. He noted that Mr. Parker always combed through the budget and was a Jeffersonian romantic when it came to politics.

Mayor Darr thanked the Warren County Builder's Association for having him and other members of Council in attendance recently at their annual dinner. He thanked everyone that attended, noting that Council enjoyed it very much.

Mayor Darr thanked the members of Staff and everyone that participated in the Salvation Army Bell Ringing Campaign. He stated that it went very well and the Town employees once again did very well in their Salvation Army support.

Mayor Darr noted that he was honored to attend the recent Tree lighting Celebration for the Warren Memorial Auxiliary.

Mayor Darr stated that the Time capsule ceremony was earlier this evening, and it will be opened in 50 years.

Mayor Darr thanked Vice Mayor Parker and Councilman Sayre for their work over all their years on Council. Mayor Darr commended them for their many years of dedication to the Town and her citizens and presented them with plaques recognizing their contributions. He welcomed the incoming new members.

Mayor Darr wished everyone a very Merry Christmas and a Happy Holidays, and a Happy New Year.

Mayor Darr presented a certificate of appreciation of Ronald A. Perlik for his many years of service to the Urban Forestry Advisory Commission. Mr. Perlik stated that the vision that led to UFAC contributed to Front Royal being named a Tree City for 15 years in a row, which made the Town a Sterling Community – one of less than 20 in the State of Virginia.

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

CONSENT AGENDA ITEMS

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

- A. COUNCIL APPROVAL – Bid for Purchase of Fuel for Years 2015 - 2017
- B. COUNCIL APPROVAL – Bid for Various Types of Concrete for 2015
- C. COUNCIL APPROVAL – Budget Amendment to Accept Pledge from Councilman Sayre
- D. COUNCIL APPROVAL – Budget Amendment to Accept Reimbursement from VML Insurance Program
- E. COUNCIL APPROVAL – Waiver of Curb, Gutter, Apron for Habitat for Humanity

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)

PUBLIC HEARING FOR PUBLIC INPUT – Town Building Official Position

Summary: Council is requested to receive public input on whether the Town of Front Royal should adopt all or any part of the Virginia Uniform Statewide Building Code (“USBC”), including the documents incorporated by reference therein (DIBR 13 VAC5-63), and appoint a building official or other designated authority charged with the administration and enforcement of the USBC.

Alford Carter, area resident, noted that he was in favor of the position and they needed a vision. He stated that all implements needed to move towards the future should be used. He stated that the Council should have the ability to address blight immediately and it should not be handed to a third party. Mr. Carter stated that they supervise the Town and having an advocate, such as a building official, is not a duplicate of County efforts. He added that it was under the control of the Town Council and that would benefit the Town citizenry.

Tom Conkey, of 1401 N. Royal Avenue, stated that he fully echoes Mr. Carter's comments because they are stated so eloquently. He added that the Town has the ability to have an official that would work with the businesses and the citizens, someone that would work proactively. Mr. Conkey stated that by having an inspector that reported to Council, the Town could help encourage new businesses coming into the Town. He noted that he was passionately in favor of the bringing in this inspector and he hoped the Council would support the position.

George McIntyre, of 457 Milldale Road, stated that he spoke on behalf of many groups, one of which was the Mayor's Economic Committee. He noted that everyone knows the game that is played in this community of playing games between the Town and the County and they are attempting to get away from that game. He stated that the Council had worked hard for the community and the building official would be one way that would help the business community that would make things change for the better. Mr. McIntyre noted that with each delay it was a monetary delay that affected their bottom line. He commented that the SBDC were working on implementing items in Front Royal and things were changing; the building official would be another one of those Town changes. Mr. McIntyre stated that there were many things downtown that made it beautiful and that image was what was important and made the Town competitive.

Linda Allen, 416 Salem Avenue, noted that she recalls the complaints about the building inspector with the County. She stated that the Town has contributing issues and there are landlord issues as well. She noted that public safety and health matters at stake and she advocated the building code adoption. Ms. Allen stated that there were other landlords that took their properties seriously and some that live in bad places lack the education to seek assistance. She stated that they may not have the knowledge or the confidence to come and speak to Council about the living conditions in which they reside.

Craig Laird, of 203 E. Main Street, stated that believed that the Council had done a lot to implement the Mayor's Economic Committee and having a building official is something that would the community forward. He noted that bringing the Avtex property online would be a substantial parcel of land that must be rezoned and it was the right time. Mr. Laird noted that the Town needs this position.

George Cline, of the Warren County Builder's Association, noted that they were not for or against the position. He stated that they have many questions about the proposal. He stated that there were more than just inspections. He noted that the \$130,000 amount was a little low perhaps, in their opinion. Mr. Cline stated that they were paying for a building official currently and he understood that perhaps commercial plan review may have to be farmed out, and they questioned that portion. Mr. Cline stated that he would like to offer their questions to the Town, or perhaps sit down with the Town in order to have their questions answered.

Stanley Brooks, Jr., of 541 S. Royal Avenue, noted that time was money. He stated that to go back and forth between the Town and County was a tough road. He noted that many businesses have given up and the Council had heard some of these stories. Mr. Stanley stated that many years ago he was against a building official, and now he realizes that he did not know the way that the Town loses control of their own fate when they do not have their own building official. He noted that Front Royal was losing the competition of economic development, and they would continue to lose without their own building inspector, and they needed a level playing field. Mr. Stanley stated that they needed to make the process easy for the business community. He urged Front Royal to compete with other localities, as well as Warren County, as Front Royal should be a

small business mecca. He stated that taxes would raise on residential if they did not build their commercial base.

Councilman Hrbek read the following into the record from Cory Michael, 77 Bowling View Road:

I support the Town's efforts in hiring a building inspector. I believe this can bring a more streamlined approach for businesses and citizens alike. The system currently is not very friendly to business when they attempt rezoning, build outs, or new construction. Our community has a terrible reputation for giving business' the strong arm and not making it as easy as possible to operate quickly and efficiently. I am personally tired of having to defend our community all the time for the reputations our government (Town and County) have allowed to exist. Those reputations keep good businesses and citizens from wanting to establish or relocate to our community. I encourage our citizens to speak with your local businesses and ask them to give examples of the struggles we always encounter. I support any efforts to make our Town more attractable to new and relocating businesses and citizens. I believe the Town of Front Royal hiring its own building inspector is a step forward in accomplishing that.

Mayor Darr closed the public hearing.

Vice Mayor Parker moved, seconded by Councilman Hrbek, to suspend the rules for discussion on the issue by members of Council.

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)

Vice Mayor Parker noted that numbers were put together from Staff and the Builders Association would like to give input, and he was in favor of those measures. He added that it would take some time for work to be done to put matters in place, though it could be placed in the budget and it would also take some time to actually hire an individual. Mr. Parker noted that for two and a half years the Town has been indecisive as to whether to hire an Economic Development person, and he asked why those funds could not be used to offset some of the funds to move forward for this process.

Councilman Tewalt stated that in the 1970's they had a building official and it was a detriment to the Town and perhaps the cost may be more than the \$130,000, as it would require an office worker, and a part-time employee as well. He noted that it needed to be looked at from all angles. Mr. Tewalt stated that maybe the dilapidated building issue would move forward. He noted that currently he would not be in favor of the position at this time, though all possibilities could be looked at in the coming year. He added that the Town had a property maintenance code at one time, though the Council made so many concessions that it became unenforceable and very political. Mr. Tewalt noted that he would not be in favor without it being favorable to everyone.

Councilman Hrbek thanked everyone for coming to speak. He noted that the process was to bring the forward the items from the Committee, then perhaps meet with the Builder's Association, as Council would not know the answer to many of the questions. He added that the

Town should do their due diligence to assemble the data in order to make decisions for the current population and the future growth of this community.

Councilman Sayre stated that many had spoken with him regarding the need to change the dilapidated buildings in the community in the Town, including his own wife. He noted that Mr. Napier has developed a proposed ordinance to send to the General Assembly and he thanked him for his work.

PUBLIC HEARING: Resolution for the Proposed Issuance of Bonds by the Town to Finance Wastewater Treatment Plant Improvements

Summary: **The Public Hearing is on the proposed issuance, by the Town, of bonds in a principal amount not to exceed \$50,000,000 to finance 1) a capacity expansion and enhanced nutrient removal upgrades at the Town's Wastewater Treatment Plant, together with related expenditures and 2) the costs of issuance of the bonds. Council has received a commitment from the Virginia Resources Authority (VRA), as Administrator of the Virginia Water Facilities Revolving Fund for a \$50,000,000 interest free loan that will be secured by a pledge of the revenues from the Town's wastewater collection and treatment systems. The Town was notified in May 2014 that the Town qualified for a Water Quality Improvement Fund (WQIF) Grant from the Department of Environmental Quality (DEQ) in the amount of \$11,869,387.00 for the construction of the improvements at the Wastewater Treatment Plant. Council is requested to approve a Resolution authorizing the issuance and sale of general obligation and revenue Bond, Series 2014C, of the Town of Front Royal to finance Wastewater Treatment Plant Improvements that include the design, construction and inspection of the Wastewater Treatment Plant.**

Mayor Darr opened the public hearing.

Kim Gilkey Breeden, Finance Director, noted that without the passing of the resolution of the bond. She stated that they have worked with the numbers all day, and they believe the numbers will come in around \$39 million interest free. She added that they will receive grants around \$11 million and they will receive funding from the County for the sludge receiving station. Mrs. Breeden stated that they plan to go to closing on December 17th will receive a budget amendment after the closing as well. She noted that she is pleased with the grant funding and the interest listed at 0%.

Councilman Sayre noted that he was pleased with the interest rate, the septage receiving station amount and the grants as well. He added that it was very important and he was very happy.

Councilman Tewalt asked about the \$39 million, as to whether it would be enough. Mrs. Breeden stated that it was about a 5% contingency, adding that the engineers were all very confident with managing the plant construction with those amounts. Mrs. Breeden stated that should it come over they would look at other bond amounts.

Mayor Darr closed the public hearing.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve a Resolution authorizing the issuance and sale of general obligation and revenue Bond, Series 2014C, of the Town of Front Royal in a principal amount not to exceed \$50,000,000 to finance 1) a capacity expansion and enhanced nutrient removal upgrades at the Town's Wastewater Treatment Plant, together with related expenditures that include design, construction and inspection and 2) the costs of issuance of the bonds.

Councilman Sayre asked about the \$50 million amount; Mr. Burke stated that with the \$12 million grant and the County paying a portion for the septage receiving station, the Town will not be expending the full \$50 million, though the total price tag will be approaching \$50 million. He noted that the Town will seek remittance of the grant afterwards.

Councilman Funk stated that he is always happy when the Town can do something to ensure that the Town citizens have cleaner drinking water, though the Town has had heartburn with the many EPA drinking regulations. He added that he would have preferred to look towards treating for pharmaceuticals in the drinking water, though it was a very cost prohibitive measure.

Vice Mayor Parker asked if they have put in all the rate increases at this point. Mr. Burke stated that they hoped to have put in all rate increases at this point, though they will be doing a final evaluation by June of this year.

Councilman Sayre noted that this will be a renovation while the plant is in full operation.

Mayor Darr stated that the Town Manager and Mrs. Breeden worked greatly on this project, and they should be commended for their ongoing dedication to this project. He noted that they

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 – Bid for Wastewater Treatment Plant Upgrade and Expansion Project

Summary: Council is requested to consider approval of a bid from Adams Robinson Enterprises from Dayton, Ohio for the Wastewater Treatment Upgrade and Expansion Project in the total amount of \$46,694,550.00 that represents the bid amount of \$44,471,000 with an additional 5% contingency amount of 2,223,550.00. An additional \$20,000.00 will need approval as part of the construction cost for bond counsel related to the financing of the project.

Vice Mayor Parker moved, seconded by Councilman Sayre, that Council approve a bid from Adams Robinson Enterprises from Dayton, Ohio for the Wastewater Treatment Upgrade and Expansion Project in the total amount of \$46,694,550.00 that represents the bid amount of \$44,471,000 with an additional 5% contingency amount of 2,223,550.00. He further move that \$20,000.00 be added to the construction costs for bond counsel that relates to financing of the project.

Councilman Sayre asked the completion date. Mr. Burke stated that perhaps 2017 would be the finish time.

Councilman Hrbek asked about the possibility of repurposing the water back to the Water Treatment Plant. He asked if the Town had to place the water back into the river in the same condition in which the Town obtains the water. Mr. Burke explained that it would provide cleaner water coming out of the Wastewater Treatment Plant, adding that, as Councilman Funk alluded to, currently the EPA is evaluating the pharmaceuticals in the water and part of the evaluation is whether the treatment will be on the water treatment end or the wastewater end of the cycle.

Councilman Hrbek noted that his concern was that at some point the river would be substantially low and at some point the Town may need to use the treated water to send back to the Water Treatment Plant. Mr. Burke stated that the water discharged from the Wastewater Treatment Plant is cleaner than the water that is initially pulled from the river into the Water Treatment Plant, and it could be sent back to the Water Treatment Plant if necessary.

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 – Amendment to Agreement with GHD for the Wastewater Treatment Plant Upgrade and Expansion Project – Clerk of the Works

Summary: Council is requested to consider an amendment to the September 17, 2014 Agreement with GHD,, to approve GHD to perform the construction phase engineering services, “Clerk of the Works” for the Wastewater Treatment Plant Upgrade and Expansion Project at a cost of \$3,739,232.

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve an amendment to the September 17, 2014 Agreement with GHD, to approve GHD to perform the construction phase engineering services, “Clerk of the Works” for the Wastewater Treatment Plant Upgrade and Expansion Project at a cost of \$3,739,232.00.

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 – Write Off for Bad Debt

Summary: Council is requested to approve the removal of seven years or older of outstanding accounts receivable (bad debts) on the Town’s ledger in the amount of \$144,049.31 from the electric, water, sewer, solid waste and general fund accounts. The dollar value includes 298 utility and miscellaneous billing accounts.

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council move that the Town Council approve the removal of seven years or older of outstanding accounts receivable (bad debts) on the Town’s ledger in the amount of \$144,049.31 from the electric, water, sewer, solid waste and general fund accounts, as presented.

Councilman Sayre noted that this was an item he had difficulty with as it gave him heartache when individuals did not pay their bills. Councilman Funk stated this number should decrease in the coming years as Staff has taken many steps to decrease the number of accounts that should fall into this category. He noted that the Town needs to move forward to bring the Town into a stronger financial position and though he agrees with Mr. Sayre, it is something for the overall benefit of the Town. Mr. Sayre added that evidently the Town is prohibited to place a name next to the addresses with the amount and also that he had asked that perhaps the Town could obtain the amounts when the property is sold.

Vote: Yes – Funk, Hrbek, Tewalt, Tharpe and Sayre
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 – Resolution to Dedicate Administration Building Time Capsule

Summary: Council is requested to consider a Resolution dedicating the placement of a Time Capsule in the Front Royal Administration Building on December 8, 2014.

Councilman Tharpe moved, seconded by Councilman Tewalt, that approve a Resolution dedicating placement of a Time Capsule in the Front Royal Administration Building on December 8, 2014.

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)

Vice Mayor Parker moved to amend, seconded by Councilman Sayre to amend the resolution to 2065, for a fifty year, and also the day of adoption, December 8th.

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 – Resolution to Approve PPEA Policy Guidelines

Summary: Council is requested to approve a Resolution to approve the Public-Private Education Facilities and Infrastructure Act of 2002, as amended, Policy Guidelines for the Town of Front Royal, Virginia.

Councilman Tewalt moved, seconded by Councilman Tharpe, that Council approve a Resolution to approve the Public-Private Education Facilities and Infrastructure Act of 2002, as amended, Policy Guidelines for the Town of Front Royal, Virginia.

Councilman Funk thanked Mr. Tewalt for moving on the issue and taking a leadership role on the matter. Mr. Hrbek echoed the comments of Mr. Funk, and added that that in the future he would hope that it would be adopted into the Town Code.

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 – Resolution to General Assembly to Grant Towns the Same Authority as Cities to Regulate Dilapidated Buildings

Summary: Council is requested to approve a Resolution requesting the General Assembly to Enact Legislation granting Towns the same authority as cities to regulate and abate dilapidated, blighted, and deteriorated properties, buildings and structures and to abolish any distinction between their authorities. It has been requested to send the Resolution to the local Delegates, Senators and Virginia Municipal League Representative Mary Jo Fields.

Councilman Tewalt moved, seconded by Councilman Sayre that Council approve a Resolution requesting the General Assembly to Enact Legislation granting Towns the same authority as cities to regulate and abate dilapidated, blighted, and deteriorated properties, buildings and structures and to abolish any distinction between their authorities. I further move that staff send the approved and signed Resolution to the local Delegates, Senators and Virginia Municipal League Representative Mary Jo Fields.

Councilman Sayre noted that he was fully behind it and was appreciative of the Town’s efforts. Councilman Tewalt stated that perhaps the delegates would be behind it in more force this time

Councilman Funk stated that the County had the ability and the authority to address the dilapidated buildings. He thanked Mr. Tewalt for his efforts, though he added that he was unaware of the Town approaching the County, at least on his tenure on Council, for any building. Mr. Funk stated that he sees it as a lost opportunity to work with the County and unfortunately it may even be too late this year anyway with the legislative calendar.

Councilman Sayre noted that he understood where Mr. Funk stands; however, it would be a simple matter to include the Towns on this issue.

Councilman Tewalt stated that they have tried many times to work with the County and they were told that the building was livable and place boards on the windows. He noted that they have received no positive response from the County. Mr. Hrbek clarified that the County was not cooperative, including with regard to the Afton Inn.

Vice Mayor Parker noted that he recommended that the VML contact Mary Jo Fields to reach out to the many localities to gather force behind the issue.

Vote: Yes – Hrbek, Parker, Tewalt, Tharpe and Sayre
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 – Resolution Authorizing the Execution of Energy Purchase Supply Schedule with AMP

Summary: Council is requested to approve a Resolution authorizing the execution of energy purchase supply schedule with American Municipal Power, Inc. (“AMP”).

Vice Mayor Parker moved, seconded by Councilman Tewalt, that for all the reasons set forth in the body of the “Resolution Authorizing the Executive of Energy Purchase Supply Schedule With American Municipal Power, Inc.”, he further moved that said resolution be amended to state that, because of the manner in which AMP acquired power for its members including the Town are not fiscally advantageous to the public.

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 APPOINTMENTS – Urban Forestry Advisory Commission (UFAC)

Vice Mayor Parker, seconded by Councilman Funk that Council re-appoint Lorraine Hultquist and appoint Tamar Yager to the Urban Forestry Advisory Commission (UFAC), said terms to expire December 20, 2018.

Councilman Funk thanked Ron Perlik for his service to the Town, adding that he certainly appreciates the extensive dedication the Boards and Commission members provide to the Town. Councilman Sayre agreed, noting that they do extend a great deal of effort.

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)

CLOSED MEETING

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council convene and go into Closed Meeting for the following purposes:

- 1) The discussion or consideration of the acquisition of real property, real property for a public water source, for a public purpose, 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.*

- 2) Discussion or consideration of the investment of public funds, consideration of purchase of real property for a public water source, where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia.*

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)

Vice Mayor Parker moved, seconded by Councilman Funk, to certify 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, Tharpe and Tewalt
No – N/A
Abstain – N/A
Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 9:48 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council