

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 13, 2015, 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
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Eugene R. Tewalt
Vice Mayor 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.)

Councilman Tewalt moved, seconded by Vice Mayor Tharpe that Council approve the Regular Council Meeting minutes of March 23, 2015 and the Special Meeting Minutes of March 30, 2015 as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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

Clare Schmitt, of 719 W. 13th Street, noted that she spoke to Council previously about the 522 Corridor agreement, adding that it was her desire to see the Town make an informed decision about the matter. Ms. Schmitt summarized a timeline regarding the Corridor matters between the Town of Front Royal and the County of Warren, noting that after the court ruling involving the Corridor restaurants the Town lost over \$600,000 in revenue. She stated that the intent of the agreement was to assist the County by having the Town invest into the Corridor’s infrastructure with the area to be annexed into the Town after the seven years. Ms. Schmitt asked if the Town was aware that the County was not concerned about the Town and the Town’s future.

- She asked if the Town was mandated to give water to the County;
- Why the Town built infrastructure to the Corridor after 1989;
- Could the Town shut off water to the Corridor for any reason;
- Can the Town deny providing additional water to the Corridor for any new development;
- Has the Town been paid back over the years for the Town’s initial Corridor infrastructure investment;
- If the Town has to add additional infrastructure to the Corridor is there revenue to cover the additional costs to build it;
- How much water and sanitation capacity can the Town afford to give to the County and still cover the Town’s future residential and industrial users;
- Why did the Town not move to annex after the seven years as outlined in the agreement;
- Has the Staff and Council reviewed the Duncan document to validate the strengths and weaknesses of his research;

- Has there been a model discussed of the impacts, both financially and operationally, to the Town as a result of annexation by previous Staff or Councils; and
- Have any other Councils, formally or informally, discussed the long term effect on the growth of this area and the impact on the Town’s economic growth.

Ms. Schmitt asked for responses to her inquiries, as they are so important.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Noted that April 12th was Public Safety Telecommunications Week and he thanked the Town’s Communications Officers for the work they do for the community during response to emergency calls for residents; and
- Noted that online job applications begin April 15th at frontroyalva.com/jobs and at the kiosk in the Town’s Administration Building.

Councilman Hrbek asked that all members of Council receive a copy of the Walter Duncan document and receive Staff comments at an upcoming worksession.

Mayor Darr stated that this week he was fortunate enough to attend the Blue Ridge Arts Council Arts Member of the Year Award presentation for Sandra and Jeff Lehew. He noted that it was nice event. Mayor Darr noted that most members of Council attended the Annual Chamber Dinner where many within the community were recognized. He stated that it was a nice evening and he was pleased that the Town was able to be part of such a great event.

Mayor Darr stated that there was a new addition at the end of Main Street, the restaurant Pavemint, and he asked that the community support as many of the local restaurants as possible.

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

Councilman Egger moved, seconded by Vice Mayor Tharpe, that Council remove the CLOSED SESSION item, Item #11.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

CONSENT AGENDA ITEMS

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

- A. COUNCIL APPROVAL – Proclamation “2015 Administrative Professionals Week and Day”
- B. COUNCIL APPROVAL – VDOT Local Admin. - Happy Creek Rd Phase II Project
- C. COUNCIL APPROVAL – Verizon Wireless Water Tower Site Lease Agreement
- D. COUNCIL APPROVAL – Postpone First Reading of Chapter 148

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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 – Ordinance to Amend Chapter 175 (1st Reading)

Summary:

Council is requested to affirm on its first reading and ordinance to amend Chapter 175 of the Front Royal Town Code. The proposed text changes do not include any changes to the Town Zoning Map. The updated language was initiated in order to accommodate proposed changes to Chapter 148 (Subdivision and Land Development Ordinance) and Chapter 156 (Urban Forestry), including the relocation of the parking, site plan and landscaping regulations; as well as, the list of permitted uses and the list of uses permitted with a special use permit, for each district. In addition, regulations that determine the front yard on corner lots are also being revised. Some other minor changes include, but are not limited to, a new definition for the terms Family and Accessory Dwelling, as presented.

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

Councilman Tewalt moved, seconded by Vice Mayor Tharpe, that Council affirm on its first reading and ordinance to amend Chapter 175 of the Front Royal Town Code, as presented.

Councilman Tewalt commended and thanked the Town Staff and the Town Planning Commission for their ongoing efforts to bring this to fruition. Councilman Funk voiced agreement with Councilman Tewalt’s comments.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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 - Catlett Mountain Recreation Area

Summary:

The Town has received a request from the County of Warren to consider the reuse of the Catlett Mountain Landfill for recreational activities that include hiking trails, walking paths, practice ball field, picnic shelter, mountain bike skills course and parking lot. Council is requested to consider approval of a Resolution pertaining to the development of recreational use of Catlett Mountain Site.

Councilman Connolly moved, seconded by Councilman Egger that Council approve a Resolution pertaining to the development of recreational use of Catlett Mountain Site, as presented.

Councilman Hrbek asked if it would come before Council once again before it was at the final approval stage. Mr. Burke noted that, at this point, it was just to allow Warren County to move

forward with the process and in order to obtain DEQ's full authorization. He added that it was not the full version of the Memorandum of Agreement (MOA), which would return to Council for full review and vote.

Councilman Tewalt noted that he was reluctant to be involved in the matter, as there were so many strings attached, especially with DEQ. Mr. Napier stated that the County will hold the Town harmless on the recreational activities through the MOA.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

CATLETT MOUNTAIN SITE RECREATIONAL USE

WHEREAS, the County of Warren has provided the Town of Front Royal with a concept plan to develop the Catlett Mountain Site as a recreational site to include hiking trails, a practice ball field, picnic shelter, mountain bike course, and a parking lot; and,

WHEREAS, the County of Warren has requested that the Town provide comment and a resolution of support so that the County can submit the concept plan to the Department of Environmental Quality; and,

WHEREAS, the Town has no objection to the development of the site by the County with the provisions identified in this resolution;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby consent to the submission of the County's concept plan to the Department of Environment Quality for the County's development of the site for recreational purpose; and,

BE IT FURTHER RESOLVED that the Mayor and Council of the Town of Front Royal, Virginia hereby requests that County of Warren execute a Memorandum of Agreement with the Town to address the following issues prior to commencing with construction on the site:

- 1. The County of Warren agrees to indemnify the Town and assume full liability of all issues and claims that arise from the development and use of the site for recreational use.**
- 2. The County agrees to fund and construct all repairs to the landfill site that arise to the open access of the site for recreational use.**
- 3. The County agrees to provide the Town with quarterly reports of use and maintenance activities.**
- 4. The County agrees to provide full access to the site for the Town staff to inspect the site.**
- 5. Development of the site by the County is limited in scope to that identified in the concept plan, and that no development beyond that identified will be pursued without written authorization from the Town.**

COUNCIL APPROVAL – Budget Amendment for Payment of Invoice for Water and Sanitary Sewer Facilities on Rockland Road

Summary: Council is requested to approve a budget amendment in the amount of \$28,554.51 for an invoice submitted by the Virginia Department of Transportation (VDOT) for changes in the Town’s water and sanitary sewer facilities on a section of Rockland Road that was completed in November 2012. The contract with VDOT stated that the Town would be responsible for 45.1% of the cost and VDOT the remaining 54.9%. The total cost was \$63,313.78 with the Town’s share at \$28,554.51. VDOT submitted the attached invoice in March 2015.

Councilman Tewalt moved, seconded by Councilman Egger that Council approve a budget amendment in the amount of \$28,554.51 for an invoice submitted by the Virginia Department of Transportation (VDOT) for changes in the Town’s water and sanitary sewer facilities on a section of Rockland Road that was completed in November 2012, as presented.

Councilman Tewalt inquired if some of the lines were upgraded. Mr. Burke noted that they were.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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 7:16 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council