

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 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
Vice Mayor Hollis L. Tharpe
Town Attorney Douglas W. Napier
Town Manager Steven M. Burke, P.E.
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Eugene R. Tewalt

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Councilman Egger moved, seconded by Vice Mayor Tharpe that Council approve the Regular Council Meeting minutes of September 28, 2015 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Mike McCool, 125 W. 8th Street, noted that this evenings agenda had a vote on the discussion of the building inspector position. He stated that the Mayor's Committee gave a recommendation to have a building inspector for the Town, noting that the County's building program did not work for the Town of Front Royal. Mr. McCool added that Front Royal was not Fairfax, nor was the Town the Route 522 Corridor. He commented that the Town needs to either negotiate better with Warren County or use their own building inspector program. Mr. McCool noted that people have stated that this is an economic development tool more than a revenue maker. He explained that the Town needs to make Front Royal great again, and consider the economic development nature of the Town not just the fees that will be generated from the position.

Stan Brooks, of 542 S. Royal Avenue, noted that Economics 101 is supply and demand. He stated that Council put together their own committee of business people and said committee recommended the building inspection office, as did the Planning Commission, and Town Staff. He added that area business owners have also come forward to speak in favor of the position as well. Mr. Brooks noted that underused space is out there and some space is being used illegally. He added that some communities have suffered the same fate, and he stated that with the commercial base growing in Linden, more stress will come to the Front Royal business community. He explained that small businesses are competing against larger businesses and they are running back and forth between the Town and the County to operate their businesses.

Mr. Brooks stated that a few thousand dollars can be the difference between surviving and shutting down. He noted that because a small business is not Wal-Mart and they are not Marriott, losing one day running back and forth between the County and Town offices is detrimental to a small business. Mr. Brooks congratulated the Town for moving forward with the hiring of a Community Development individual. He noted that such an individual will need the building inspector person to go to for Town businesses. Mr. Brooks asked the Town Council to consider the Town building inspector position for the small businesses to assist those businesses with their success.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Noted that a Town Police Officer was injured during an off duty incident today on his motorcycle;
- Stated that hydrants were being flushed throughout town and advised residents of how to run their taps for proper clearing;
- Remarked that the contractor continued work on John Marshall Highway for the paving work in that area;
- Announced that leaf collection has begun and residents may either can or bag their leaves, though loose leaves at the curb would not be collected;
- Announced that Hometown Halloween along Main Street would be held on Saturday, October 31st and stated the safety measures for area residents and their children; and
- Stated that the Town had increased their tourism efforts with Leaf Watch 2015 with area pictures visible on the Town's website and the mobile app which would show the ongoing changes in the area leaves.

Councilman Egger noted that she had the privilege of attending the Virginia Municipal League's Annual Conference in Richmond recently with other members of Council and the Mayor. She added that she also went a day early for the Newly Elected Official's Event and both sessions were very helpful, valuable and informative, particularly as a first time elected member of Council. Ms. Egger noted that it is her hope to implement some of topics that were discussed at the conference.

Councilman Hrbek stated that at VML attendees discussed pop up businesses and he asked Mr. Burke about gathering more information and reporting back to Council as to how said businesses function. He noted that it sounded as though such businesses can be beneficial to Richmond, especially during the time of their bike race. Mr. Hrbek announced that he had also spoken with the Town Manager about placing a closed session discussion on a future agenda for the upcoming Electric Department's vacated building on Sixth Street.

Councilman Hrbek noted that Sunday morning the Town of Front Royal hosted their first half-marathon and 10k in support with the Warren Heritage Society. He thanked the Police Department for their assistance with traffic control to keep the runners safe. Councilman Hrbek noted that there were over 230 runners, including himself, and about 70% of the participants were from out of town. He noted that these events were a good way to showcase the Town and our trails and he was excited to host the race again here in Front Royal.

Councilman Hrbek stated that last week in the paper the Board of Supervisors commented with criticisms to residents of the Town and some members of Council. He voiced some rebuttal

points in response, for example, Mr. Carter noted that neither side obtained everything they wanted in the MOU though it was still a good deal for all parties concerned; Mr. Hrbek opined that it was not a good deal for either party. He added that Warren County will have to raise taxes in order to pay for the funds that they promised the Town. Councilman Hrbek continued, noting that Warren County does not have extra funding and they will have to raise revenue elsewhere, as the monies promised to the Town must come from the General Fund. He noted that the paper quoted the Board as saying that if the Corridor continues to grow then there will be additional revenue there. Mr. Hrbek responded, noting that with more hotels – and there are three currently slated to go in said area – the Town will receive a portion of the revenue and that amount must come from the General Fund of Warren County.

Councilman Hrbek reported that the paper stated that the condition that requires the Town supply water to Crooked Run West benefits both localities; he continued, noting that doing so would require that the Town lower their lodging tax in order to balance matters with the in-town hotels and motels that Front Royal represents. Councilman Hrbek commented that Chairman Traczyk stated that the Town budgets nothing to help its citizens. Mr. Hrbek noted that it was obvious that the Town's Police Department force was strong, the Town provided a Planning & Zoning Department, and a Town Public Works Division for our Town streets just to name a few. He stated that Mr. Traczyk's description regarding the Town of Front Royal was quite outrageous and Mr. Traczyk owed the Town Staff an apology for insulting them and their work.

Councilman Hrbek noted that Mr. Traczyk went on to suggest that the Town received free economic development services and County Building & Inspection Services. Mr. Hrbek noted that as a County citizen, Town citizens *also* pay for those County services and they are not free. He noted that part of this attitude most likely arises due to the fact that all Board of Supervisors members reside in the County of Warren, and all members of the Town Council reside in Warren County.

Councilman Hrbek stated that over the years the Town willingly transferred responsibility for some matters over to the County, including Fire & Rescue and Parks & Recreation; he noted that for years though, the Town of Front Royal funded those items entirely for the *whole* County. Mr. Hrbek stated that the Town took care of several departments for many, many years and then transferred over hundreds of thousands worth of property, if not millions of dollars worth of property to the County.

Councilman Hrbek advised that if he was a member of the County Board of Supervisors, as soon as Crooked Run II was created and water was extended, he thinks it would be his responsibility to negate this MOU. He noted that the County at that point they would have now secured water for the Corridor constituents and they would have been able to lower taxes for everyone. Mr. Hrbek added that if that all took place, Crooked Run II would receive in-town utility rates and the Town of Front Royal would no longer receive any money for lodging and restaurants. He stated that if he was a County Supervisor he would feel that would be his duty to negate that contract.

Councilman Hrbek stated that the Board of Supervisors also spoke of consolidation recently and perhaps they agree on this point. He noted that consolidation appears to be a very good idea. He added that Front Royal consolidating into a city based on the model of Virginia Beach seemed appropriate. Councilman Hrbek pointed out that the whole County would become the City of Front Royal and we would have some rural areas of our city, similar to Virginia Beach. He

reiterated his viewpoint and favoring of consolidation in order to keep Front Royal thriving for many generations to come.

Mayor Darr noted that the VML Conference was very educational this year and meeting with partners from other localities with similar problems to our community is always beneficial. Mayor Darr stated that the Annual Festival of Leaves was an excellent event this year for the Warren Heritage Society, as was Sunday's 10k and half-marathon.

Mayor Darr read the following into the record:

On behalf of the Chief of Police, The Police Department, The Town Council, the Citizens of Front Royal, and myself I have the distinct honor and privilege of recognizing Officers Tony Clingerman and Robbie Lowery.

On September 27, 2015 at 10:20pm, the Police Department received an emergency call at 208 Polk Avenue for an active structure fire with trapped occupants. Officers Clingerman and Lowery were on routine patrol in the vicinity and immediately responded arriving on the scene prior to firefighters. Once there, the officers noticed a female lying just inside the doorway of the home. They immediately responded to the situation and effected a rescue of the female from the home. The officers were then informed that another family member was still inside the home on the second floor. Again, Clingerman and Lowery entered the residence which was completely smoked filled at this point. They made several attempts to gain access to the second floor, but the environment had turned so hazardous at that point that they had to retreat back outside.

While outside and in the process of notifying communications to let the fire department know there was still an entrapment, the officers heard someone yelling from inside. Again, Clingerman and Lowery approached the door. Ofc. Clingerman was able to get behind the doorway and could see the foot of the individual on one of the steps. He grabbed the male

occupant and pulled him from the residence out to safety.

The example of professional composure and acts of bravery shown by Ofc. Clingerman and Ofc. Lowery are indicative of the oath each and every law enforcement officer takes when entering into this career to protect life. Their actions toward their fellow man, placing their own safety second to that of someone in distress which they had never met, is a direct response to their duty in which they swore to uphold.

Mayor Darr and members of Council presented Officers Lowery and Clingerman plaques honoring their sacrifice and bravery and thanked them for their service to the Town and her citizenry.

Mayor Darr noted that he took issue with Chairman Tracyk's recent comment which stated, "that to his knowledge the Town budgets nothing to help its citizens." He submitted the following response:

It is evidenced that the County taxpayers are not aware, nor do they need to be, of the additional services that we provide our citizens here in the Town of Front Royal, and although the Town and County share many services, which are derived of County taxes, that we as citizens of the Town of Front Royal provide, the following services do occur for our residents:

- Public Safety
- Full service Visitor Center & Marketing, not only for the Town but also for the County
- Full service Public Works Department
 - Maintain over 140 miles of streets in the Town limits
 - All aspects of pothole repair, maintenance & snow removal; the County currently relies on VDOT for those services
 - Street & trail, landscaping, snow removal & maintenance
 - The Town maintains its own right-of-ways, landscaping, as well as the Gazebo area, and small pocket parks, trails and sidewalks
 - Stormwater management; over 100 miles of stormwater lines and drains within the Town as well as complying with State and Federal regulations and the Chesapeake Bay Act
 - Fleet Maintenance, over 130 vehicles and over 70 additional pieces of equipment
- Risk Management Office to assist citizens with their sewer back-ups or an electrical problem
- A full-service Planning & Zoning Department, for all of our citizens and their business needs with Code Enforcement, permitting and site plan review
- A fully-staffed Town Attorney's Office that prosecutes all Town issued notice of violations as well as assist the Town citizens with any legal matters they have with Town related issues

- We provide an Information Technology Department that maintains the Town's website, Facebook, Twitter page and Channel 16 for our citizens convenience and use
- We provide funding and in-kind use to support the arts and cultural events within the Town such as the Warren Heritage Society, the Blue Ridge Arts Council, as well as multiple festivals and events
- We plan and save for capital improvement projects such as Leach Run Parkway, the Main Street Extension, and the new Public Safety Building
- We support our local businesses and our partnership with the Small Business Development Center
- We also, as a direct result of our General Funds, are able to offer the following to all citizens in the Town of Front Royal at a fair and reasonable rate, which the County does not offer:
 - Full service Electric Department, which has resulted in minimum outages and downtime as well as the lowest residential electric rates in the State of Virginia
 - Full service Water & Wastewater Plant, with some of the lowest rates in the Shenandoah Valley
 - And also the Town provides curbside trash collection.

My purpose for bringing these issues to light is not to criticize the County or Mr. Traczyk but to make Town citizens, as well as any County citizens, aware of the distinct difference in the services the Town offers and the additional amount from what your County taxes support.

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

CONSENT AGENDA ITEMS -- NONE

PUBLIC HEARING – FY2015-2016 Budget Amendment for Leach Run Parkway Construction

Summary: Council is requested to approve a FY2015-2016 Budget Amendment in the amount of \$13,180,807.95 toward construction of Leach Run Parkway (\$868,225.00 for construction of a 12” water main and \$12,312,582.95 for construction of the road) increasing the current budget to \$ 57,421,582.95

Budget/Funding:

Expense: \$12,312,582.95 – 4500-7957 Leach Run Parkway Construction

Revenue: \$5,324,050.00 – 4500-3410206 VDOT Revenue Sharing

\$5,324,050.00 – 4500-3410001 Warren County Bond Proceeds

\$832,241.48 – 4500-3420206 Future VDOT Funding

\$832,241.48 – 4500-3410001 Future Warren County Bond Proceeds

Expense: \$868,225.00 – 9602-7513 Water Line Upgrades

Revenue: \$868,225.00 – 9601-3510110 Fund Balance – Water

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

Councilman Hrbek moved, seconded by Vice Mayor Tharpe that Council approve a FY2015-2016 Budget Amendment in the amount of \$13,180,807.95 toward construction of Leach Run Parkway (\$868,225.00 for construction of a 12” water main and \$12,312,582.95 for construction of the road) increasing the current budget to \$ 57,421,582.95

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

No – N/A

Abstain – N/A

Absent – Tewalt

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

PUBLIC HEARING – Ordinance to Amend Town Code Chapter 170 “Weeds and Debris” *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend Chapter 170 “Weeds and Debris”. If approved the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner, as presented.

Councilman Connolly moved seconded by Vice Mayor Tharpe that Council affirm on its first reading and Ordinance to amend Chapter 170 “Weeds and Debris”, as presented.

Councilman Egger seconded by Councilman Funk that Council amend the first paragraph of Section 170-3 (A), by replacing the beginning of the current paragraph with this text:

“The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period.”

Vice Mayor Tharpe noted that he would like the matter discussed at the next worksession. Mr. Connolly voiced support of more discussion on the amendment text, noting that those in a short sale situation may be charged \$100 per day during the change of address time period, which concerns him.

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

No – N/A

Abstain – N/A

Absent – Tewalt

(Mayor Darr did not vote as there was no tie to require his vote)

(On the Amendment)

Councilman Funk noted that he had some concerns with not punishing the landlords of the property, but rather the elderly and those in poor health. He stated that he would be voting against the matter as presented.

Vote: Yes – Egger, Hrbek and Tharpe

No – Connolly and Funk

Abstain – N/A
Absent – Tewalt
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call; On Motion as Amended)

COUNCIL APPROVAL – Bid – Road Salt

Summary: Council is requested to approve a bid for deicing road salt for the 2015-2016 winter season in the amount of \$77.89 per ton to Mid-Atlantic Salt.

Councilman Connolly moved, seconded by Councilman Egger that Council approve a bid for deicing road salt for the 2015-2016 winter season in the amount of \$77.89 per ton to Mid-Atlantic Salt.

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

COUNCIL APPROVAL – Continued Discussion to Establish a Building Inspection Program

Summary: On May 26, 2015 Council moved to postpone the matter of establishing a Building Inspection Program to the first Council meeting of October 2015.

Vice Mayor Tharpe moved, seconded by Councilman Connolly to terminate discussion on the Building Inspection Program.

Councilman Funk noted that perhaps the wording should be to table the discussion.

Vice Mayor Tharpe noted that he would agree to such wording.

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

There being no further business, the Mayor declared the meeting adjourned at 7:44 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council