

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on December 14, 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 November 23, 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)

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**RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC**

Stan Brooks., Jr., of 541 S. Royal Avenue, noted that he was representing Parkside Inn regarding lowering the lodging tax. He stated that he showed support for lowering the tax due to Holiday Inn on 522 and other establishments that are not paying the same rate as in Town hotels. Rentals in the County and pay 2% of lodging and it goes into the General Fund. Mr. Brooks explained that there are two or three B&B’s and they pay 6% on top of 5% sales tax, and the initial implementation had all of the lodging tax going to pay for tourism. He reminded Council that when tourists contact the Main Street Visitor’s Center, Town Staff directs those tourists to hotels in the Corridor.

Holland Daniels, of 122 W. 1st Street, stated that he is aware of the petition submitted regarding the speed and traffic issues between Virginia/Massie for First Street. He noted that 25 MPH is too fast for First Street and he has asked that he be reduced. He stated that his research has determined that some are offended that the Town is even using VDOT as criteria for speed limits. Mr. Daniels noted that many speed limits around Town are not based on VDOT criteria. He voiced his concern that the Council has been disappointing in their response to the speed concerns from the neighbors, adding that he and the Town Manager had spoken many times regarding the issues. He stated that he phoned Mr. Burke repeatedly about the speed data and Mr. Burke has yet to contact him. Mr. Daniels expressed that VDOT was astonished at the response Mr. Tewalt gave that speed limits should not be changed on one street, because other residents may come forward to complain about their safety issues. Mr. Daniels noted that VDOT stated that all safety issues should be reviewed on their own merit, not whether other residents

have come forward to voice concerns about their streets. Mr. Daniels asked the Town Council to address the safety issues and speed matters along First Street.

**REPORT OF THE MAYOR, COUNCIL & STAFF**

Town Manager Steve Burke presented his report to Council:

- The Town's 2015 Christmas Ornament depicting the Visitor's Center is still available to purchase at the Visitor's Center
- Please visit the Town's website, mobile app, or Facebook page to participate in the 2015 Holiday Lights Contest. You can enter and vote from all of our online resources. The top three vote receiving homes will receive a \$100, \$50, or \$25 credit towards their utility bill.
- The Town will continue to accept applications for our two \$500 scholarships until January 5th. Any interested graduating high school senior that lives in the Town limits should visit our website for information.
- The Town has begun accepting applications and letters of interest to be considered for the Council position available by Councilman Daryl Funk's election to the Clerk of Circuit Court. Applications can be submitted on the Town's job website and on our mobile app until Monday January 4th.
- As this is Councilman Funk's last meeting of Town Council, on behalf of the Town staff, I would like to wish him success in his new position as Clerk of Circuit Court and to thank him for his service to the citizens of Front Royal.
- The Town, County, and EDA will be conducting the ground breaking ceremony for the Leach Run Parkway this Wednesday, December 16th.
- Town offices will be closed Thursday and Friday, December 24th and 25th, in observance of Christmas Eve and Christmas Day. Trash collection for those with Thursday collection will be Wednesday December 23rd and for those with Friday collection will be Tuesday December 22nd. There will be no yard waste collection that week. The drive through will be closed on Saturday, December 26th.
- Town offices will also be closed Friday January 1st in observance of New Years Day. Trash collection for those with Friday collection will be Wednesday December 30th. There will be no yard waste collection this week either. The drive through will be closed on Saturday, January 2nd. The Town will collect yard waste and Christmas trees on Wednesdays of weeks without Town holidays through January 13th.
- We invite our citizens to participate in the First Night Front Royal celebration on Thursday, December 31st from 6:00 pm until midnight. Performances from various local groups and entertainers are scheduled throughout the evening to provide our residents with a fun, safe, and alcohol-free environment to celebrate the close of 2015 and welcome 2016.
- Our Information Technology Department has developed videos for the holidays that can be viewed on Comcast Channel 16, Town website, and on the Town's Vimeo Channel.
- On behalf of the Town staff, I would like to wish the Mayor, Town Council, and our citizens a happy and safe holiday season. Merry Christmas and Happy New Year.

Councilman Tewalt noted that there had recently been a concern with the leaf collection. Mr. Burke noted that it was suspended one day due to the Town's holiday luncheon, though it would be collected this week.

Vice Mayor Tharpe asked about the First Street speed issue. Mr. Burke stated that they have yet to retrieve the speed trailer data and added that he and VDOT had different conversations and information than Mr. Daniels. Mr. Burke stated that VDOT indicated that 25 MPH was an appropriate speed limit for that street.

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

**Development Review Committee** – The Development Review Committee met on November 18<sup>th</sup>. The Committee discussed projects in the County including: a proposed trucking company in the Kelley Industrial Park, plans for a women's dormitory at Christendom College, a proposed addition of units for Blue Ridge Storage, and expansion of Nature's Touch. The Committee also discussed Town projects including: Warren County Middle School construction, approval of the Angel's Korner daycare expansion, an update on the K-Mart building, an update on the old Second Chance building on Main Street, a new restaurant and woodworking shop on Main Street, and an update on the Royal Phoenix development. The Committee will meet again on January 27, 2016.

***VDOT/I-66 Rest Area*** – County staff has been notified by VDOT that the westbound (WB) formally abandoned rest area on I-66 near Markham in Fauquier County as a truck rest area will be re-opened in 2016. The County had requested that VDOT open both the eastbound (EB) and WB abandoned sites in 2010. Original discussions started with Congressman Wolf in 2005. The EB location in Warren County was reopened in 2011 and has been heavily used. The two rest areas will provide a safe, legal place for truckers to park. For a number of reasons, our region lacks adequate facilities to allow truck drivers to obtain the necessary rest breaks. The only rest area east of the I-66/I-81 interchange is located in the Manassas area and is filled beyond capacity on a daily basis. As a consequence, every night you can see tractor-trailers parked along exit ramps along Route I-66 heading into Washington D.C. This presents an unsafe situation for the truck drivers and other motorists using the highway. Given the projected growth in the area and projected increase in truck traffic volumes along I-66/I-81, this issue has only become progressively worse over the years since the County initially made the request.

***Swearing-In Ceremony*** – The County will hold a swearing-in ceremony for its returning and new Board members and Constitutional Officers at 4:00 on Friday, December 18<sup>th</sup> in the main Circuit Courtroom on the 2<sup>nd</sup> floor of the Courthouse.

***Company #6 Open House*** – The Warren County Fire and Rescue Department held an Open House at Fire Station #6 – former Shenandoah Farms Volunteer Fire Company – on Saturday, December 12<sup>th</sup>. Staff offered fire station tours, fire safety displays, free hot dogs, popcorn, and drinks to approximately 200 visitors. Santa also made a visit for the kids.

***Capital Improvement Plan (CIP)*** – Staff has started work on the County’s FY16-17 Capital Improvement Plan (CIP). Under the schedule, the Board of Supervisors should get a draft plan in March 2016 prior to formal consideration of the FY16-17 budget.

Project Update

***Warren County Government Center*** – Lantz Construction Winchester (LCW) is nearing substantial completion on the renovation of the Commissioner of the Revenue’s office space. They will switch over to the Treasurer’s Office in the coming week. The entire project will be completed by early 2016.

Warren County Courthouse – Court Holding – The County is rebidding the project to renovate to portions of the former Warren County Jail to use for holding cells for the Warren County Courthouse. Staff was unable to complete contract terms with the apparent low bidder and deemed it in the County’s best interests to reject the remaining bids and re-bid project. Bids on the project are due on December 19<sup>th</sup>.

***Leach Run Parkway*** – Branch Highways started work on the project on November 23<sup>rd</sup>. They will be working on clearing and grubbing the roadway and demolishing the remaining structures that lie within the path of the roadway over the next several months.

***Eastham Trail/Phase III*** – VDOT has authorized Warren County to award the construction contract for Eastham Park Trail Phase Three to Kickin’ Asphalt. Staff is currently finalizing the contract and we hope to have the project completed in early spring 2016.

Skyline Soccerplex – Contractors have been hauling surplus topsoil from the Warren County Middle School site to the Soccerplex for the construction of the remaining game field. To-date approximately 200 loads of topsoil have been delivered to the site. We anticipate that we will have enough topsoil to complete the project in the next several weeks, weather permitting, which will allow us to complete the grading of the field and installation of an irrigation system this winter. The new playing field should be in playing condition by fall 2016.

**Health and Human Services Complex** – LCW has completed the parking lot project and has reached substantial completion on the interior renovation of the building. Furniture installation began last week. We are working with Department of Social Services and Health Department officials on scheduling move in dates. A Ribbon Cutting Ceremony will be held on December 21<sup>st</sup> at 10:00 am. An Open House for the public will be scheduled in the spring.

**Front Royal-Warren County Airport** – On November 19<sup>th</sup> a pre-design meeting was held for the Obstruction Removal and Lighting project at the Airport. Design on the project will continue through this winter/spring. Advertisement has been tentatively scheduled for June 2016, pending Federal Aviation Administration funding availability. We are planning an open meeting with adjacent property owners next summer at the airport terminal to explain the project, timing, etc. We will schedule this once we know for sure we are moving forward with construction.

**VDOT/Guardrail Projects** – VDOT staff is hoping to get started on seven guardrail installation projects after January 1, 2016. The projects are scattered throughout the County and are being funded as part of the County’s approved 2015 Revenue Sharing projects (2014 Revenue Sharing Application).

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
FRWC Airport Obstruction Removal	Summer 2016	Unavailable	Fall 2016	Under Design
South Fork Bridge	9/2013	\$74,700,000	Fall 2017	Under Construction
Guardrail Projects	N/A	\$142,140	Winter 2016	January Start
Park-n-Ride Signal Installation	N/A	\$400,000	Winter 2016	December Start
Leach Run Parkway	6/2015	\$10,648,083	Fall 2016	Under Construction
Health and Human Services Complex – Renovation	Summer 2014	\$3,988,000	Winter 2015	Substantially Completed
Health and Human Services Complex – Parking Lot	Spring 2014	\$1,178,000	Fall 2015	Completed
Court Holding Renovation	Summer	Unavailable	Winter 2015	Back out to Bid
2 <sup>nd</sup> Warren County Middle School	Winter 2015	\$44,100,000	Summer 2017	Under Construction

Freezeland Road Kiss-n-Ride	Fall 2014	Unavailable	Winter 2016	Under Construction
Shenandoah Farms Boat Landing	N/A	\$75,000	Spring 2016	Winter Construction

Councilman Tewalt asked about the empty K-Mart Store. Mr. Stanley noted that there is no current update or contractual agreement for a potential tenant at the site unfortunately.

Vice Mayor Tharpe wished everyone a very Merry Christmas and a Happy New Year.

Councilman Funk tendered his resignation as Councilman into the record. He thanked members of Council individually and noted their strengths and that he appreciated his time with them. Councilman Funk thanked the Town Staff and noted the projects that Council accomplished and worked through.

Councilman Tewalt thanked Councilman Funk for his work on Council and for the Town. Mr. Tewalt wished everyone a Merry Christmas a Happy New Year.

Mayor Darr wished Councilman Funk the very best going forward and thanked him for his dedication and time on Council.

Mayor Darr noted that it was the season of giving and he thanked the community for all the many Christmas and other holiday events throughout the area. He asked the citizenry to keep those in need in mind as they go through the season.

Mayor Darr presented a plaque with a resolution of appreciation to Councilman Daryl L. Funk for his years of service and dedication to the Town of Front Royal. Mayor Darr thanked him for his time and input in order to better the community.

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

**CONSENT AGENDA**

- A. COUNCIL APPROVAL – Purchase of Victory Motorcycle for Police Department
- B. COUNCIL APPROVAL – Funding Request for *“First Night Front Royal”* Event
- C. COUNCIL APPROVAL – Bid for Redi-Mix Concrete

*Councilman Tewalt moved, seconded by Vice Mayor Tharpe that Council adopt the Consent Agenda 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)  
 (By Roll Call)

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**COUNCIL APPROVAL – Request to Remove Cameras from Gazebo Area**

**Summary: Councilman Egger requested at the November 16, 2015 Work Session that Council consider approval of removing all the video cameras that are currently placed inside the Gazebo located at Main and Chester Streets at their December 2015 regular meeting.**

*Councilman Egger moved, seconded by Councilman Hrbek that Council approve the removal of all the video cameras that are currently placed inside the Gazebo located at Main and Chester Streets.*

Councilman Egger noted that Benjamin Franklin stated that those that would give up their liberty for security deserve neither. She opined that it was the Town Square and as the Town government, Council should not just infringe upon innocent citizens by placing them under surveillance. Councilman Egger stated that the cameras were put up in late 2013 without the full understanding of Council, as there was no debate or discussion among Council, nor was there any discussion with the public. She added that Council has yet to see any good reason to leave the cameras up. She explained that the document submitted by the Police Department that supposedly helped with crime were actually cameras on private property, not the gazebo cameras. Councilman Egger stated that the cameras were an issue of liberty and the Town Staff should not be surveying the Town Square.

Councilman Connolly asked whether there had been vandalism events. He noted that apparently the Visitor's Center vandalism was during the day and the events in the parking lot were throughout the day as well.

*Councilman Connolly moved, seconded by Councilman Funk that Council amend the motion to add instruction to close the Gazebo area after 11 p.m. if the motion passed.*

Councilman Connolly noted that basically it was a park area and this was a space that was constructed with tax payer dollars and the Town is liable for damage if the area was damaged.

Councilman Egger stated that she appreciates the amendment offered, though she would be unable to support the measure. She noted that anyone should be able to sit there at anytime if they are not doing anything wrong.

Councilman Hrbek noted that it was not acceptable and sends the wrong signal to have the downtown Gazebo area off limits.

Councilman Connolly noted that it is not reasonable to have a 24-hour guard on site downtown and it is not reasonable to think that the area would not be defaced.

*Vice Mayor Tharpe moved to post signs at the gazebo.*

Councilman Hrbek noted it would need to be a replacement motion. Mayor Darr agreed.

Vote: Yes – Connolly and Funk  
No – Egger, Hrbek, Tewalt and Tharpe  
Abstain – N/A  
Absent – N/A  
(Mayor Darr did not vote as there was no tie to require his vote)  
(By Roll Call; To Limit the Hours at the Gazebo)

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Councilman Connolly stated that he would be inclined to support the motion as presented

Vote: Yes – Connolly, Egger, Funk and Hrbek  
No – Tewalt and Tharpe  
Abstain – N/A  
Absent – N/A  
(Mayor Darr did not vote as there was no tie to require his vote)  
(By Roll Call; To Remove the Cameras from the Gazebo)

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**COUNCIL APPROVAL – Resolution for Technology Zone Qualification – AG Laser Technology, LLC**

**Summary: Council is requested to approve a Resolution that authorizes AG Laser Technologies, LLC, 1330 Progress Drive, various Zone Benefits per Front Royal Town Municipal Code “Technology Zone” §75-58 through §75-63 and as presented.**

*Councilman Connolly moved, seconded by Councilman Egger that Council approve a Resolution that authorizes AG Laser Technologies, LLC’s various Zone Benefits per Front Royal Town Municipal Code “Technology Zone” §75-58 through §75-63 and 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)  
(By Roll Call)

**TECHNOLOGY ZONE QUALIFICATION RESOLUTION  
INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT  
ROYAL AND COUNTY OF WARREN**

**WHEREAS**, AG Laser Technology, LLC, herein known as AG Laser Technology, LLC, located at 1330 Progress Drive, Front Royal, Virginia, 22630, in the Happy Creek Technology Park, has been determined by the Board of Directors of the Industrial Development Authority of the Town of Front Royal and County of Warren, herein known as The Authority, to meet the definition of a Technology Business as defined by Section 75-59 of the Town of Front Royal Technology Zone Ordinance and Section 162-2 of the County of Warren Technology Zone Ordinance, as a “Hardware design, manufacture, assembly, and development”; and,

**WHEREAS**, AG Laser Technology, LLC has been determined to be located in a designated Technology Zone; and,

**WHEREAS**, the Town of Front Royal and The Authority offer various Zone Benefits to qualifying companies including a \$500 grant from the Authority to cover costs associated with the following local permits and fees: Building, Plumbing, Electrical and Mechanical Permit (Warren County); Zoning Permit (Front Royal/Warren County); Subdivision Application; and

**WHEREAS**, AG Laser Technology, LLC shall be entitled to a credit of business and occupational license fees, herein known as BPOL, from the Town of Front Royal as follows:

- During the first five years the business shall be entitled to a 100 percent credit.
- During the sixth year, an 80 percent credit.
- During the seventh year, a 60 percent credit.
- During the eighth year, a 40 percent credit.
- During the ninth and tenth years, a 20 percent credit.

**NOW THEREFORE BE IT RESOLVED** by the Authority that AG Laser Technology, LLC is an eligible Technology Business and is granted a \$500 as a One Time Cash Grant from the Authority; and,

**BE IT FURTHER RESOLVED** to Request that the Town of Front Royal grant the BPOL License Credit as detailed in the appropriate Ordinance as noted above. During the first year all BPOL license fees shall be reimbursed to AG Laser Technology, LLC within 30 days of payment and in all future years, the credit will be applied without the need of payment.

Approved by the Directors of the Authority on October 23, 2015.

**COUNCIL APPROVAL – Budget Amendment and Acceptance of Bid for Transformers**

**Summary: Council is requested to approve a budget amendment in the amount of \$65,410.00 for the purchase of two of three (3) 3-phase, 3000Kva padmount transformers; and, to accept the bid from National Transformers in the amount of \$98,115.00 for the purchase of three (3) transformers. Two (2) of the transformers are being purchased for the new Warren County Middle School.**

**Once the Town takes possession of the transformers, the Town will send an invoice to Warren County for reimbursement. The third transformer is to be installed at the Wastewater Treatment Plant at a cost of \$32,705.00 as a contingency purchase.**

**Budget/Funding: Two Transformers for new Warren County Middle School  
Expense for purchase – 9401-47502 -- \$65,410.00  
Reimbursement – 9401-3410209 - \$65,410.00  
Third Transformer  
\$32,705.00 - FY16 WWTP Budget line 9801-R47015 “Sewer Plant Expansion”**

*Councilman Connolly moved, seconded by Councilman Tewalt that Council approve a budget amendment in the amount of \$65,410.00 for the purchase of two of three (3) 3-phase, 3000Kva padmount transformers; and, to accept the bid from National Transformers Sales in the amount of \$98,115.00 for the purchase of three (3) transformers. Two (2) transformers are being purchased for the new Warren County Middle School. Once the Town takes possession of the transformers, the Town will send an invoice to Warren County for reimbursement. The third transformer is to be installed at the Wastewater Treatment Plant at a cost of \$32,705 as a contingency purchase.*

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)

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**COUNCIL APPROVAL – Award of I & I Engineering Contract with CHA**

**Summary: On October 19, 2015, Council interviewed two candidates for Inflow & Infiltration (I & I) Abatement Engineering to satisfy a Consent Order with the Department of Environmental Quality (DEQ) to reduce the inflow and infiltration into the Town’s sanitary sewer system. Council is requested to consider approval of an award in an amount up to \$100,000 to CHA for I & I Engineering Services.**

**Budget/Funding: Department of Environmental Services - 9802-47998 (I & I)**

*Councilman Connolly moved, seconded by Councilman Egger that Council approve an award in an amount up to \$100,000 to CHA for I & I Engineering Services.*

Councilman Connolly noted that it was an investigation for I & I Abatement project and this will bring the Town to more significant answers regarding the inflow and infiltration issue in the community.

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)

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**COUNCIL APPOINTMENTS – Urban Forestry Advisory Commission (UFAC)**

**Summary: Council is requested to re-appoint two member to the Urban Forestry Advisory Commission (UFAC), said terms to expire December 20, 2019.**

*Councilman Funk moved, seconded by Vice Mayor Tharpe that Council re-appoint Cary Hulse and David B. Means to the Urban Forestry Advisory Commission (UFAC), said terms expire December 20, 2019.*

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)

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There being no further business, the Mayor declared the meeting adjourned at 7:51 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council