

The special meeting of the Town Council of the Town of Front Royal, Virginia was held on July 6, 2010, in the Town Hall Conference Room.

PRESENT: Mayor Timothy W. Darr
Councilman Thomas E. Conkey
Councilman Chris W. Holloway
Councilman Carson L. Lauder
Councilman N. Shae Parker
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Town Manager J. Michael Graham
Town Attorney Thomas R. Robinett
Clerk of Council Jennifer E. Berry

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

Town Attorney Robinett suggested that Council waive the Special Meeting notice at this time.

Councilman Parker moved that the Council waive the notice of the Special Meeting.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre 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)

COUNCIL APPROVAL – Resolution Declaring the Demolition of the Riverton Dam an “Emergency”

Town Engineer Burke explained that Staff concurs with the Mayor and Council’s determination that the matter should be declared an emergency, in order to properly convey the removal to the permitting agencies.

Mr. Graham noted that unfortunately a tragedy had taken place involving a child at the dam while he was out of town. He commended the Staff, especially Chief Furr and Steve Burke, for their efforts to assist. He stated that to assist with the matter, the resolution would perhaps move the removal process up about 30 days, though the reimbursement to the Town for the grant money would remain intact.

Mr. Robinett noted that the Town would be utilizing the State Procurement Act section that provided for an emergency situation. He added that the declaration would significantly shorten the removal process of the dam.

Mr. Robinett detailed portions of the last paragraph of the second page relating to the Town Manager and the Director of Environmental Services using necessary means to handle the process. He noted that it allowed the signatures to take place on the necessary documents without further consultation with the Council.

Mayor Darr stated that he had individually spoken with each Council member, who expressed agreement with the resolution before them.

Councilman Parker moved that Council approve a Resolution declaring the demolition of the Riverton Dam an “emergency” within the meaning of Section 2.2-4303(F) of the Code of Virginia, 1950, as amended.

Councilman Sayre asked about the matter of electricity generation, with regard to the recent low water levels being included in the resolution. Councilman Holloway noted that Mr. Sayre’s comments seemed to pertain to a rezoning discussion.

Councilman Holloway opined that the dam was in such bad shape, and although the site had signs to warn individuals, the dam should have been fully removed a long time ago.

Councilman Conkey noted that the public needs to understand that permits have to be received, even at this time, and failure to obtain the permits would be costly. He extended his compliments to Mr. Burke and Chief Furr for their fine work and the dedication shown by the Town employees during a very difficult situation. He extended his thanks to Mr. Robinett for a well written, sympathetic resolution.

Councilman Sayre praised Donnie Poe for the good work he did on shoring up the Riverton Dam area. He also thanked Mr. Burke for his dedication, and the people who assisted in ensuring that the situation was far less dangerous one.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre 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)

RESOLUTION – DEMOLITION OF THE RIVERTON DAM

WHEREAS, the Town Council of the Town of Front Royal, Virginia, many years ago, in approximately 1904, purchased the structure now known as the Riverton Dam across the North Fork of the Shenandoah River; and,

WHEREAS, the said Dam served the Town for many years after its purchase and conversion to the production of electricity as a source of electric power, but was gradually phased out for that purpose as wholesale electricity became available to the Town and its electric customers at rates which were financially attractive; and,

WHEREAS, quite recently, the said Council has debated whether or not the Dam should be demolished, even to the point of convening an advertised Public Hearing on the subject, and decided on March 22, 2010, to proceed with a Grant from the United States Fish & Wildlife Service to fund demolition of the structure, and to hire a contractor to perform that service; and,

WHEREAS, progress on the said Grant and demolition project has proceeded since the said Council’s decision to the point where it is nearly time to complete

specifications for the demolition, acquire the appropriate and required permits from the U. S. Army Corps of Engineers, and put the project out for competitive bids, in accordance with the requirements of the Virginia Public Procurement Act, however, within the last ninety (90) days two tragedies have occurred in the immediate vicinity of the Dam, resulting in the death by drowning of two individuals; and,

WHEREAS, the said Council believes that the Town has done everything it could reasonably do to seek demolition and removal of the structure and to warn individuals of the dangers presented by the structure, Council, nevertheless, also believes, rooted in a strong sense of compassion and sympathy for the families of the two aforesaid victims, that the nature of these tragedies requires it to seek out and utilize any legal means by which the demolition and removal project might be expedited.

NOW, THEREFORE, BE IT, HEREBY, RESOLVED that, pursuant to the authority of Section 2.2-4303 (F) of the Code of Virginia, 1950, as amended, the Town Council of the Town of Front Royal, Virginia, hereby declares the demolition and removal of the Riverton Dam to be an emergency procurement, and specifically authorizes and directs the Town Manager, the Director of Environmental Services, and the Town Attorney, as well as any other appropriate member of the Town’s Staff, to utilize any legally authorized means to procure the necessary grant, permits, and contractor to accomplish the expedited demolition and removal of the Riverton Dam, and to sign, on behalf of the Town, any and all necessary documents to achieve this objective without further consultation with the Council;

AND, BE IT, FURTHER RESOLVED, that the said Town Council hereby expresses its sincerest and deepest sympathy to the families of the two persons hereinabove identified, and pledges to take all required and necessary actions to cause removal of the Riverton Dam so as to provide for the welfare and safety of the users of the North Fork of the Shenandoah River.

There being no further business, the Mayor declared the meeting adjourned at 8:28 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council