

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 26, 2011, 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 Chris W. Holloway
Councilman Carson C. Lauder, Jr.
Councilman N. Shae Parker
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Interim Town Attorney George M. Sonnett
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Thomas E. Conkey

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

Councilman Parker moved that Council approve the Regular Council Meeting minutes of September 12, 2011 as revised and the Special Meeting Minutes of September 6, 2011 as revised.

Vote: Yes – Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)

Mayor Darr presented a Certificate of Appreciation to Sandra Charles for her many years of dedicated work while serving on the Planning Commission.

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Stanley Brooks, Jr., of 484 River Bend Farms Road, noted that while downtown would never be the central economic hub, Main Street is the cultural and social center of Front Royal and Warren County. He stated that Main Street is an economic asset that is alive in the community. Mr. Brooks stated that it had been suggested that the Town was considering buying the BB&T building on Main Street and he asked Council to consider a few factors. He noted that even with the building empty there would be about \$13,000 in taxes annually, and the building has more economic value to Main Street than any other. Mr. Brooks asked the Council to consider tasking the EDA with developing the building as a cornerstone of Main Street, adding that Council should think twice before moving forward with the purchase.

Mr. Brooks also commented that the Town was making smart choices, stating that currently his taxes were reasonable, his water/sewer/electric rates were low, and there was a response when he phoned Town Hall for assistance. He stated that recently tourists stopped him on the street asking if it was safe for them to walk back to their hotel in Town; he noted that the walk would

be safe for them. Mr. Brooks added that he was proud to say that anyone could walk on any street at any hour throughout Town and be safe, as Front Royal is a special place. He thanked Council for their efforts for the community.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Stated that Department of Environmental Services had begun to flush hydrants, and they will continue this for two weeks;
- Announced that they were continuing to monitor the bear issue, and reminded citizens to bring their dog and cat food in at night and to contact Public Works for a retrofit option for the refuse cans to prevent bear entry;
- Introduced Todd Jones, the Town's new IT Manager, to Council and welcomed him as an employee of the Town.

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

FY2011-2012 Budget – Staff has completed work on the FY2011-2012 budget book. The book was submitted to Local Government Finance Officials for award consideration last week. A PDF of the document is available on the County's website. Thanks to Carolyn Stimmel and Shelley Hayes for their hard work on the project.

Building Inspections – We saw a significant jump in new home starts in the month of August (12). This total was higher than the 1st Quarter (11) and equal to the 2nd Quarter (12) alone. We have issued 40 permits for new homes in 2011, five of which are located in the Town of Front Royal.

15th Street Middle School – The Board approved the low bid of Caldwell Santmeyers of Berryville for re-roofing the facility at its meeting on September 20th. Moseley has completed the update of the facility needs study and we look to be ready to move forward with working with the School Board on starting renovations on their portion of the facility in the coming months.

Eastham Trail/Phase I – The Board approved the low bid at the meeting on June 21st for Pettit Paving of Stanley, Virginia. Pettit has started mobilization to the site to begin work the week of September 19th. The project should be completed by November 1st.

Eastham Trail/Phase II – The County is working with its landscape architect on the design of Phase II of the trail. It is anticipated that the project will be bid spring 2012.

Eastham Park Recreational Access Project – The County has reached agreement with all of the property owners along Luray Avenue and will be working with VDOT to schedule the Luray Avenue Recreational Access project to widen Luray Avenue and put in stripped pedestrian trail to connect with the Town's trail along Luray Avenue and Phase One of the Eastham Park Trail. Based on the current schedule, VDOT will be bidding the project this fall and starting construction in the spring of 2012.

RSW Regional Jail – Work continues on the design of the facility. We are still on track to advertise and bid the project in spring 2012. At the Liaison Committee meeting last week we had a good discussion with the Town

representatives on the reuse of rainwater for laundry operations at the facility. We appreciate the Town's willingness to continue to work with us on the issue.

Thomas McKay House – County Maintenance staff has removed the front and side porches on the house. Working with the Warren Heritage Society, we will be re-pointing portions of the stonework and stabilizing the building in advance of the 150th Anniversary of the Battle of Front Royal next spring.

175th Anniversary – We recently held a Fall Farm Tour on September 17th and are planning an event for the 75th Anniversary Celebration of the Warren County Courthouse, which will include the unveiling of a print from Mort Kunstler on October 8th. We are also working with the Tree Stewards for the ceremonial planting of 5 oak trees on October 20th and 22nd. One tree will be planted in each of the five election districts as follows: South River (Skyline High School), Happy Creek (Warren County High School, Shenandoah District (Front Royal Golf Club), North River District (AS Rhodes Elementary) and the Fork District (Skyline Soccerplex).

Mayor Darr stated that the 15th Street school site was a great asset to the community. He commended the County crews for maintaining the track site so efficiently.

Jennifer McDonald, Executive Director of the Economic Development Authority, noted that the EDA has been working with Mr. Burke and other developers regarding the BB&T building and others on Main Street. She noted that there were restrictive covenants that are being reviewed with comments back to EPA hopefully by the end of the week regarding the Royal Phoenix site. Ms. McDonald stated that she met with Jeremy Camp, the Town's Planning & Zoning Director, regarding the mixed use zoning designation for the Royal Phoenix property, adding that County Attorney, Blair Mitchell, will give feedback on the matter. Ms. McDonald stated that there were only three final acquisitions for Leach Run Parkway, she was continuing to work with Messrs. Burke and Stanley regarding the Route 522 Corridor, and working towards the Local Connector Road (Kendrick to Kerfoot). She announced that the EDA was speaking with the Virginia Port Authority to capitalize on the Panama Canal expansion to see how the area could obtain business from the change, and she reminded Council that the EDA/Town Council meeting would be this Wednesday at the Warren County Community Center on Villa Avenue. Ms. McDonald noted that the NSVRC had moved into the building at the Royal Phoenix site as well.

Mrs. Breeden noted that Council had received the financial report for August in their recent packets. She stated that at the end of the quarter the Town's revenues were in line for the projections for Fiscal Year 2012, and revenues were tracking slightly under, though there was no need for concern. She stated that the field work by the Town's auditors had been finalized, and the reports would be coming in soon. Mrs. Breeden noted that there were conferences and training sessions for Town Staff during the fall and spring, and Council would be seeing said expenses on the report. She added that the Town's Purchasing Agent was continuing to determine the best way to handle purchases wisely, and the Finance Department had hired two Financial Analysts to assist the Town.

Councilman Sayre noted that Lt. Keller presented the deer issue to Council at a recent worksession and he was happy to see that many Council members will most likely support the matter. He announced to the public that he believes relief was on the way regarding the deer issue in Town.

Councilman Sayre stated that a GOP family picnic was recently held and the owner of the Lucky Star had approached him and apologized for misprinted statements in the newspaper. Councilman Sayre noted that he was happy to speak with the gentlemen.

Mayor Darr stated that the recent Liaison Meeting was successful and the Town and County continue to work well together. Mayor Darr added that the United Way and St. Luke’s Clinic Benefit Dinners were a pleasure to attend, and he was also impressed with the street closing changes during the Main Street Brew & Blues Festival.

Mayor Darr opined that Lt. Keller did an outstanding job of presenting the deer management issue, and many people were excited about the program. He noted that he and other members of Council would soon be attending the Virginia Municipal League’s Annual Conference.

Councilman Sayre noted that deer had been hit in front of his home, as well as other areas all over the Town. Mayor Darr thanked Lt. Keller and everyone who assisted with the program presentation.

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

Councilman Parker moved that Council add Item #13 and 14 – HUBZone Extension & Hometown Halloween to the Consent Agenda.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)

CONSENT AGENDA

- A. COUNCIL APPROVAL: Bid for Road Salt
- B. COUNCIL CONSIDERATION: Resolution to Support the Extension of HUBZone: EDA
- C. COUNCIL APPROVAL: Closure of Streets & Parking Lot for “Hometown Halloween”: Downtown Front Royal, Inc.

Councilman Sayre moved to approve the Consent Agenda as presented.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)

PUBLIC HEARING – Resolution and Ordinance to Amend and Re-enact Town Code Section 158-19.1, to Restrict Parking within the Peyton Street Parking Lot

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

Vice Mayor Holloway moved that Council approve a resolution and an ordinance to amend and re-enact Town Code Section 158.19.1, to restrict parking within the Peyton Street Parking Lot.

Vote: Yes – Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL – Resolution – VML/VACo Lease Financing for a Solid Waste Truck

Vice Mayor Holloway moved that Council approve a Resolution authorizing lease financing through VML/VACo Finance for the purchase of a solid waste truck in a requested loan amount of \$167,825.00.

Councilman Lauder asked Mrs. Breeden to brief the public on the matter. Mrs. Breeden noted that the Town has looked into a leased purchase previously, and when this purchase option came forward she examined it further. She explained that there were three to four banks that bid on the matter and it was a sound financial decision for the Town’s benefit. Councilman Sayre commended Mrs. Breeden to bring the matter to the forefront for Council review.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL – Donation of Zoning Permit Fee to the Front Royal Volunteer Fire & Rescue Department

Vice Mayor Holloway moved that Council approve a donation to the Front Royal Fire & Rescue Department in the amount of \$100 for a Zoning Permit Fee associated with a building permit with Warren County to remove a used motor oil tank at 221 Commerce Avenue.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL – Proposal for Capital Facilities Assessment – NSVRC

Councilman Parker moved that Council approve a proposal from Martha Shickle, Executive Director of the Northern Shenandoah Valley Regional Commission (NSVRC) for completion of a Capital Facilities Assessment for the Town of Front Royal, in an amount not to exceed \$12,000.00. I further move that any additional services require Council authorization.

Mayor Darr noted that the Council fully discussed the matter at their last meeting.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL AUTHORIZATION and SUPPORT – Acquisition of Real Estate for Portions of Right-of-Way for Leach Run Parkway

Councilman Parker moved that Town Council authorize and support the purchase by the EDA of a 0.3425-acre portion of Tax Map Parcel 20A21-2-4A from Roy and Nellie Benson for a purchase price of \$20,000, plus other associated costs, including the connection of the Benson home to Town sewer service, any costs associated with disconnecting the existing drainfield, construction of a sidewalk along a portion of the remaining frontage, and closing costs, the property to be used as a portion of the right-of-way for the Leach Run Parkway. He further moved that the Council support the purchase through the Council’s continued funding of the debt service of the EDA’s capital expense budget according to the herms of the Town – County Fair Funding Formula whereby the Town currently funds approximately 1/3 (34%) of the EDA debt service through an annual appropriation and expenditure from the Town’s adopted budget.

And he further moved that the Town Council authorize and support the purchase by the EDA of the house and lots at Tax Map Parcel 20A21-1-A-2, 1425 Happy Creek Road, from Timothy and Mary Chappell for a purchase price of \$181,000, plus other associated costs, including radon test, home inspection and insurance for 880 Cannon Street, closing costs, realtor’s commission, 2011 taxes, and relocation costs for the Chappells to move from 1425 Happy Creek Road to 880 Cannon Street, the property to be used as a portion of the right-of-way for the Leach Run Parkway, and that that the Council support the purchase through the Council’s continued funding of the debt service of the EDA’s capital expense budget according to the herms of the Town – County Fair Funding Formula whereby the Town currently funds approximately 1/3 (34%) of the EDA debt service through an annual appropriation and expenditure from the Town’s adopted budget.

Councilman Sayre noted that he had previously made mention of the disclosure regarding the matter and he referred to the past minutes on the issue. He stated that as there was a Commonwealth’s Attorney’s opinion noting that he did not have a conflict of interest and there were at least three or more property owners who may be affected similarly.

Councilman Parker commended the EDA for their work on the project and the property purchases. He noted that a tax increase had been passed in order to assist funding the acquisition and there were only three properties left to obtain. Mr. Parker added that he was quite pleased with the steps taken to move forward with the road at this point.

Councilman Sayre noted that many citizens would like Leach Run Parkway in place, though there was concern that with the projected growth John Marshall should be upgraded to a four lane road.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A

Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

CLOSED MEETING – 1) Acquisition of Real Estate and 2) Discussion of Prospective Candidates for the Town Attorney

Vice Mayor Holloway moved that Council convene a Closed Meeting for the purpose of 1) acquisition of real estate for a public purpose where discussion in an open meeting would adversely affect the bargaining position of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950 as amended; and 2) discussion of prospective candidates for the Town Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950 as amended.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Conkey
(Mayor Darr did not vote as there was no tie to require his vote)

Vice Mayor Holloway moved that Council certify that to the best of each Council member’s knowledge as recognized by each Council member’s affirmative vote, that only public business matters as were identified in the motion by which the preceding closed meeting was convened; were heard, discussed or considered during the closed meeting of the Council; and that the vote of each individual member be taken by roll call and recorded and included in the minutes of this meeting.

Vote: Yes – Darr, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Conkey
(By Roll Call)

COUNCIL APPROVAL: Acquisition of Real Estate

Councilman Parker moved that the Town Council authorize and support the purchase by the EDA of the house and lots at Tax Map Parcels 20-A21-2- -5, 20-A21-2- -12, and 20-A21-1-A-1., 1433 Happy Creek Road, from Raymond McDonald for a purchase price of \$460,000, plus other associated costs, the property to be used as a portion of the right-of-way for the Leach Run Parkway; and that the Town Council authorize and support the purchase by the EDA of the 23.25 acre parcel at Tax Map Parcels 20-A1-56, 20-A2-02-9A, 20-A2-02-12A, and 20-A2-02-8B, John Marshall Highway, from NVA Properties for a purchase price of \$300,000, plus other associated costs, the property to be used as a portion of the right-of-way for the Leach Run Parkway. He further moved that the Council support the purchase through the Council’s continued funding of the debt service of the EDA’s capital expense budget according to the terms of the Town – County Fair Funding Formula whereby the Town currently funds approximately 1/3 (34%) of the EDA debt service through an annual appropriation and expenditure from the Town’s adopted budget.

Councilman Sayre asked Mr. Sonnett about the earlier disclosure. Mr. Sonnett noted that he was unable to give Mr. Sayre personal legal advice, though he was welcome to refer to the earlier portion of the meeting where the disclosure was given. Councilman Sayre noted that he was making the same disclosure as earlier noted on the matter.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
 No – N/A
 Abstain – N/A
 Absent – Conkey
 (Mayor Darr did not vote as there was no tie to require his vote)
 (By Roll Call)

Councilman Parker moved that the Town Council amend the FY11-12 budget for an internal loan for acquisition of certain properties owned by BB&T by transferring an amount not to exceed one million five hundred thousand dollars (\$1,500,00) from Energy Services Account 9401-3510110 (Appropriated Funds Forward) to Public Works Account 4302-47009 (General Services – Buildings and Structures); said funds shall be dedicated for the acquisition of the properties at 102 East Main Street and the northeast corner of North Royal Avenue; the transfer of funds from the Energy Services budget to the Public Works budget to be repaid over ten (10) years, beginning from the date of completion of renovation, in the amount equal to ten (10) years divided by the borrowed amount. He further moved that the Town Council authorize the Town Manager to finalize the draft "Offer to Purchase and Contract" these BB&T properties based upon input from the Town Attorney and proceed with acquisition of said properties for an amount not to exceed \$1,225,000.

Councilman Sayre noted that there would be a full inspection before moving forward with the acquisition.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
 No – N/A
 Abstain – N/A
 Absent – Conkey
 (Mayor Darr did not vote as there was no tie to require his vote)
 (By Roll Call)

COUNCIL APPOINTMENT: Town Attorney

Vice Mayor Holloway moved that Council appoint Douglas W. Napier as Town Attorney for a two-year term beginning November 1, 2011 and approve the related employment agreement containing the terms and conditions of his service as Town Attorney with the Mayor to execute the agreement on behalf of the Town.

Vote: Yes – Holloway, Lauder, Parker, Sayre and Tharpe
 No – N/A
 Abstain – N/A
 Absent – Conkey
 (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 8:28 p.m.

APPROVED:

 Jennifer E. Berry
 Clerk of Council