

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on May 11, 2009, in the Warren County Government Center's Board Meeting Room. Mayor Tewalt 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 Eugene R. Tewalt
Vice Mayor Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Carson C. Lauder, Jr.
Councilman Thomas E. Conkey
Town Manager J. Michael Graham
Town Attorney Thomas R. Robinett
Clerk of Council Jennifer E. Berry

ABSENT: Councilman Chris W. Holloway
Councilman N. Shae Parker

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

Mayor Tewalt noted that Councilman Parker was in the hospital with pancreatitis and Councilman Holloway's grandmother was very ill.

Vice Mayor Hrbek moved that Council approve the Regular Council Meeting minutes of April 27, 2009 as presented.

Vote: Yes – Conkey, Hrbek, Lauder and Sayre
No – N/A
Abstain – N/A
Absent – Holloway and Parker

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Mike Ellinger, of 1076 Stuart Drive, read the following into the record:

I am here tonight to address the Town Council on behalf of the Front Royal Volunteer Fire & Rescue Department, Inc. We would like to make three points tonight. First, to update you on the last ten years since the 1998 agreement. Secondly, to thank you for the assistance you have already provided to the Fire Department; and finally, asking you for your support.

The face of emergency services has changed dramatically over the past years. In the 80's and 90's we were able to support up to four pumper trucks, a ladder truck, a rescue squad, a brush truck, four ambulances and provide other supplementary emergency services.

Over the years, we have been driven by necessity, to continually downsize. We are struggling to maintain the current apparatus provided; consisting of two pumper trucks, one ladder truck, one rescue squad, two ambulances and one advanced life support chase unit. The career staffing has been increased to six providers assigned to the Front Royal Station, but now stretched over 24 hours a day coverage which results in a reduction of career staffing during times that volunteers are scarce.

Secondly, we would like to thank the Town's truck repair shop for helping us to keep our American LaFrance pumper in service and repairs to our ambulances.

The Department's membership has recently, and with reluctance, voted to downsize yet again, as we did not have the funds necessary to repair, and more so, to support one of our primary pumpers, Engine 11. This fire truck is essential to our operational plans as it was designed, and equipped with certain fire scene conditions within our first due area in mind. It is only with the assistance of the Town's Maintenance Shop, that we have been able to keep this vital apparatus rolling.

Finally, we would like to solicit your support in the current and future appropriation levels that are being provided to assist with the emergency service coverage for the first due area of the Front Royal Fire Department. This would include both financial appropriations as well as career staffing appropriations.

Over the years, the County Fire Department has made significant improvements to the emergency services provided; however, their resources are stretched with the needs of the entire County. We have operational concerns within our first due that do not exist in other parts of the County, such as hydrant flows and substantial lays of large diameter hose lines, while outlying Departments contend with water supplied from tankers and accessibility that we do not hold as a high priority. The point being, there are issues germane to those in the Front Royal Department's first due that the Town leaders would be well served to address. Thank you for your attention to our concerns.

Richard Kirkland, of 807 West 13th Street, noted that the repairs for the Royal Village Subdivision are inadequate. He noted that the contractor did a poor job to say the least. Mr. Kirkland stated that his main concern was the safety of the area residents. He presented photos to Council of the poor conditions in his neighborhood. He added that there were numerous instances of busted tires and bent rims, as well as headlights coming loose and busting due to the poor road conditions. Mr. Kirkland stressed the importance of having a safe area for children to ride their bikes and for elderly citizens taking walks. He stated that he counted the pot holes in the neighborhood, and stopped counting when we counted 40 plus potholes in one stretch of road. He noted that there were also storm drains stuffed full of hay and some drains way above grade level, which would prevent water to run through into it properly.

Mayor Tewalt asked Mr. Graham to address Mr. Kirkland's concerns in the morning.

REPORT OF THE MAYOR, COUNCIL & STAFF

During his report, Town Manager Graham noted that:

- The flower baskets hanging around Town were a great beautification to the community, and he thanked those involved in placing them;
- Congratulated the Water Plant for the Bronze Award for Water Quality, adding that an official press release would be forthcoming;
- Noted that currently there were parts of Manassas Avenue where Allegheny was working on their lines; he stated that some areas were not allowing parking until their work was complete;
- In regard to the Royal Village Area, he noted that possibly next week the remaining parts of the road would receive paving and perhaps most of the problems listed by Mr. Kirkland would be addressed when the contractor completes the project. He stated that the Town would ensure that the area would be safe;
- It was National Police Week, with the flag flying half-staff in honor of officers who have died in the line of duty; and
- An Anti-Litter Council Awards Ceremony would be held later in the week.

Councilman Sayre asked if the area with pot holes would be receiving new water lines. Mr. Graham stated that the storm drains have to be repaired first, then be leveled. He added that after that curb and gutter would be placed and the road would be paved. He stated that there were no water or sewer pipe issues that he was aware of at this point.

Vice Mayor Hrbek stated that the Ms. Keck was quoted in the *Washington Examiner* for their brief article on Front Royal. He thanked those involved in bringing the article to fruition and expressed hope that those from the D.C. area would visit Front Royal.

Councilman Sayre noted that he had asked for the minutes to be pulled regarding the Billiard Ordinance from a few years ago. He stated that there was a loophole in the law regarding slot machines with an initial free payout, before it became gambling. Councilman Sayre noted that the Town previously had a restriction to limit the operation of said businesses past midnight, and he reminded his fellow Council members and the public that there was a reason that businesses should not be open past midnight, or in some cases 2 a.m.

Councilman Sayre noted that there were errors pertaining to him in a recent issue of *The Warren County Report* regarding Councilman Parker's voting rights and in relation to an Attorney General's opinion.

Councilman Lauder noted that he had visited Councilman Parker and he would be in the hospital for a few days.

Vice Mayor Hrbek clarified that the owner of Breaktime Billiards had only requested to remain open until 2 a.m. with the new ordinance, while he (Mr. Hrbek) had suggested that the ordinance be eliminated entirely.

Mayor Tewalt presented a Pride In Performance Award to Monica Dodson of the Town's Public Works Department. He noted that Mrs. Dodson was always friendly and pleasant with her dealings with citizens and fellow Staff members. He thanked her for her efforts.

Doug Stanley, Warren County Administrator, presented this report to Council, noting the highlights of major activities and other developments:

Eastham Park: The County's contractor has completed work at the now officially named "Eastham Park". The Board approved the naming of the park at the April 7th Board meeting in honor of the Eastham family, their contributions to the community and their donation of the property to the County. A ribbon cutting ceremony for the project will be held next Monday at 6:00 p.m. I would like to extend an invitation to the Council and staff to attend the event.

Skyline Soccer Plex: I would like to express our thanks to the Town for working with us on the improvements along Kerfoot Avenue to provide additional parking for the Skyline Soccer Plex. The proposed improvements will provide approximately 97 paved and striped parking spaces. We are currently out to bid to grade the expansion of the parking lot, the proposed concession/restroom pad site and the skatepark site. Under the proposed plan, 224 additional parking spaces would be added and should address long-term parking needs at the facility.

Royal Shenandoah Greenway/Luray Avenue Extended: I have sent a request to the Virginia Department of Transportation to formally evaluate Luray Avenue – from its intersection with Criser Road to the boat landing for Recreational Access Funds to widen and improve the roadway to provide for a trail section along the roadway. This will serve to link the end of the Town trail at the end of Luray Avenue to the proposed Eastham Park Trail.

Royal Shenandoah Greenway/Eastham Park Trail Section: The announcement of tentative selections for the Tea-21 grant for Phase I of the Eastham Park Trail has been delayed until May 21, 2009. Even with that delay, VDOT still anticipates that final approval of the selections should take place at the June 18 Commonwealth Transportation Board meeting as scheduled. Greenway Engineering has also recently completed surveying of this section of the Trail which will allow the County to begin design of the project once word is received from VDOT on whether or not we are selected for the grant.

General Reassessment: The Board of Supervisors, at its meeting on April 21st, approved a contract with Wingate and Associates, Ltd. for the County's General Reassessment which will start on July 1st and be completed by December 31, 2010. Wingate is an experienced firm and will also be performing reassessments for Rappahannock this year and Page next year.

FY2009-2010 Budget: The Board of Supervisors, at its meeting on April 21st, approved the FY2009-2010 budget. The budget included a \$0.01 increase in the RE tax rate and a \$0.85 increase in the PP tax rate. The RE tax increase has been designated by the Board for two capital projects including the renovation of the former Warren County High School and the proposed Public Safety Building.

In response to a question from Councilman Lauder, Mr. Stanley noted that the proposed Public Safety Building would house the Sheriffs Office, the Emergency 911 Center, and Fire & Rescue Services.

Christopher Price, Executive Director with the Northern Shenandoah Valley Regional Commission (NSVRC) updated the Council on:

- The RideShare/Commuter Assistance Program, which took hundreds of riders into the Northern Virginia area; he noted that they operated, by contract, two buses out of Front Royal and two out of Winchester as well;
- Perhaps the NSVRC could explore ways to have people from Northern Virginia into the area by using the commuter buses to bring those people into the Shenandoah Valley for tourism and recreational purposes;
- Noted that a way to bring people from Dulles Airport into the area in a convenient manner was being evaluated;
- The NSVRC had launched a study to determine area transit needs within the Shenandoah Valley in order to have a better coordinated effort for the needs of people within the community; and
- They were updating the Hazard Mitigation Plan to look for any changes in conditions relating to emergency response procedures.

Councilman Sayre asked about the home foreclosure program Mr. Price was working on regarding the Town. Mr. Price stated that they were keeping track of area foreclosures as required and the data was suggesting that since January the rates had become much worse for Front Royal, by almost doubling.

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

CONSENT AGENDA:

- A. COUNCIL APPROVAL – Bid – Padmount Transformers
- B. COUNCIL APPROVAL – Acceptance of Utility Lines – Rt. 522 Gas Mart – L. Gurcharan
- C. COUNCIL APPROVAL – Pole Attachment Agreement – Warren County Public Schools
- D. COUNCIL APPROVAL – Out of Town Water & Sewer Request – China City Buffet
- E. COUNCIL APPROVAL – Budget Amendment - Donations

Vice Mayor Hrbek moved that Council approve the consent agenda as presented.

Mayor Tewalt asked if any item on the Consent Agenda should be removed for discussion and a separate vote.

Councilman Sayre asked that Consent Items #7D (Water & Sewer Request) and #7E (Budget Amendment) be pulled for separate votes and discussion.

Vote: Yes – Conkey, Hrbek, Lauder and Sayre
 No – N/A
 Abstain – N/A
 Absent – Holloway and Parker
 (Mayor Tewalt did not vote as there was no tie to require his vote)
 (On Consent Items #7A, B & C Only)

COUNCIL APPROVAL – Out of Town Water & Sewer Request – China City Buffet

Councilman Sayre moved that Council approve the request for out-of-town water and sewer for China City Buffet located in Riverton Commons Plaza.

Mr. Graham noted that the restaurant signed the agreement back in October, and then their opening was delayed. He stated that with Council’s request for approvals, Staff asked that the item be placed on a Regular Agenda for an official vote.

Vice Mayor Hrbek noted that businesses were still opening in the 522 Corridor and business was growing in said area.

Councilman Sayre noted that business owners were seeing that the Corridor was the fashionable place to be for commercial entities.

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

COUNCIL APPROVAL – Budget Amendment – Donations

Councilman Sayre moved that Council amend the FY 2009 Budget by \$1,020 for donations received for trees planted in the first block of South Royal Avenue.

Councilman Sayre noted that the Tree Stewards were a treasured asset to the community and to have certain areas spruced up throughout Town was very beneficial. He voiced support of said changes.

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

PUBLIC HEARING – Special Use Permit for a Farmer’s Market – Downtown Front Royal, Inc.

Mayor Tewalt opened the public hearing. As no one came forward to speak; the public hearing was closed.

Vice Mayor Hrbek moved that Council approve a Special Use Permit for a Farmer’s Market in the C-2 Downtown Business District for Downtown Front Royal, Inc. at the Village Commons area near the Gazebo and Visitor’s Center at the intersection of East Main and

Chester Streets, with the conditions presented in the Director of Planning's Staff Report, shown here:

1. The Special Permit will remain valid until October 31, 2009.
2. Downtown Front Royal shall obtain an umbrella organization insurance policy for all potential vendors, valid for the duration of the event.
3. Pedestrian and vehicle circulation on the public right-of-way shall remain unobstructed by the activities of the Farmer's Market.
4. Vendor tables, display areas, and activities shall be located with a minimum (25) foot setback from all property lines, and shall not be located immediately around the gazebo, and shall be contained to the areas as shown on the Downtown Front Royal's Special Use Permit Application.
5. All tables, facilities and structures shall be maintained in a well-kept and attractive manner
6. Vendors shall be required to dispose of all trash and debris off-site on a daily basis.
7. All Farmer's Market sites shall be swept clean, hosed down and/or picked clean daily.
8. No foodstuff or debris shall be permitted to remain upon the site overnight. Foodstuffs must be displayed under sanitary conditions in compliance with all Health Department and/or Virginia Department of Agriculture standards.
9. All related Farmer's Market event signage shall be removed at 2:00pm on every Saturday afternoon during the Market period, as noted in Downtown Front Royal's application.

In response to questions from Vice Mayor Hrbek regarding fairness between the vendors that go to the Farmer's Market and those existing businesses Town housed in permanent structures. He asked how the Town collected revenue from vendors at the Farmer's Market in comparison with stand alone businesses. Mrs. Breeden explained that there were criteria to be met if businesses were located at the Farmer's Market, which were addressed in the Town Code. She noted that if the products are homegrown there are some exemptions; adding that if the products are purchased and then resold then the vendors must provide a gross sales amount, which their license is based upon. Mrs. Breeden stated that the vendors must provide a certified letter stating whether they were homegrown products or not, and the licensing was based on those amounts and that certification.

Vice Mayor Hrbek asked if a farmer with homegrown products would be under a different license than those that purchase from others for resale. Mrs. Breeden noted that he was accurate; the licenses would be different.

Councilman Conkey noted that he was a supporter of the program, and many downtown merchants were in support of the Farmer's Market as well. He stated that a similar program did wonders for the City of Manassas and it would be beneficial to Front Royal as well.

Vice Mayor Hrbek noted that having a Farmer's Market was generally within the small town atmosphere, such as Front Royal, which many larger cities tend to attempt to replicate. He wished the program tremendous success.

Councilman Conkey stated that when he moved to Front Royal he questioned where the Farmer's Market was, and was disappointed to learn there was not one in the area. He wished the organizers success with the program.

Councilman Sayre spoke in favor of the Main Street location for the Farmer's Market, noting that it was a prime location for the program.

Mr. Graham noted that Councilman Parker had asked that his concern with the location be brought to the surface. He explained that Councilman Parker had expressed concern with Main Street, suggesting that the Flea Market would better suit the program.

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

COUNCIL APPROVAL – Annual Appropriate Ordinance for Proposed budget Fiscal Year beginning July 1, 2009 and ending June 30, 2010 (2nd Reading)

Councilman Sayre moved that Council adopt on its second and final reading the Annual Appropriation Ordinance for the Proposed Budget Fiscal year beginning July 1, 2009 and ending June 30, 2010 with the following amendments:

- 1) the personal property tax rate remains at the current rate of \$.60 per \$100; and*
- 2) reduce the Library Fund by \$35,000 leaving a total of \$82,000 to be designated.*

Councilman Sayre voiced support of having the Library Funding remain at \$82,000, noting that many citizens had voiced their support of maintaining the Library Funding.

Councilman Conkey moved to table the budget vote until the June 8th meeting, as two members of Council were not present.

Councilman Conkey opined that the vote was too important to have two members of Council absent during the vote. He noted that out of courtesy to Councilmen Parker and Holloway, the Council owed it to them to provide them an opportunity to have their concerns heard.

Councilman Lauder voiced his support of the amendment, noting that it would be the proper path to take.

Vote: Yes – Conkey, Hrbek, Lauder and Sayre
No – N/A
Abstain – N/A
Absent – Holloway and Parker
(Mayor Tewalt did not vote as there was no tie to require his vote)
(To Table the Budget Vote until June 8th)

COUNCIL APPROVAL – Resolution – Renaming a Portion of Stonewall Drive to Kilby Drive

Vice Mayor Hrbek moved that Council approve a Resolution renaming a portion of Stonewall Drive that extends from Luray Avenue to the entrance of the former Warren County High School, to “Kilby Drive.”

Vice Mayor Hrbek noted that it was important to recognize the achievements of those who contributed to the segregation movement.

Councilman Sayre noted that Council was trying to heal and look forward. He voiced hope that eventually all could stand with pride knowing that the times had changed.

Mr. Graham clarified that the one house on the stretch of road would not have to change their address.

Councilman Conkey stated that the street name change was an appropriate, good thing to do. He voiced support of those who had the courage and stamina to stand up for their beliefs.

Councilman Sayre noted that he was aware that some members of the community were not in support of the resolution. He stated that perhaps in the future others would come around with their view on the circumstances.

Vote: Yes – Conkey, Hrbek, Lauder and Sayre

No – N/A

Abstain – N/A

Absent – Holloway and Parker

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

⌘ RESOLUTION -- KILBY DRIVE ⌘
Renaming A Portion of Stonewall Drive to Kilby Drive

WHEREAS, James W. Kilby, Sr. and others contributed to the effort to integrate Warren County High School; and,

WHEREAS, the Town Council during their April 13, 2009 meeting signed a Letter of Support to rename the former Warren County High School to James W. Kilby Middle School; and,

WHEREAS, after further consideration the Town Council suggests renaming that portion of Stonewall Drive that extends from Luray Avenue to the entrance of the former Warren County High School, to “Kilby Drive”; and,

NOW, THEREFORE, BE IT RESOLVED in accordance with the provisions of Town Code Section 148-26(I)(2), the Front Royal Town Council does hereby approve the change of the street name for the portion of Stonewall Drive that extends from Luray Avenue to the entrance of the former Warren County High School, to “Kilby Drive”.

The Clerk of Council is hereby directed to submit a certified copy of this Resolution to the Clerk of the Warren County Circuit Court for inclusion in the land records of Warren County and the Town of Front Royal.

Mayor Tewalt noted that the Closed Item had been pulled from the agenda.

There being no further business, the Mayor declared the meeting adjourned at 8:03 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council