

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on August 10, 2009, in the Warren County Government Center's Board Meeting Room. Vice Mayor Hrbek 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: Vice Mayor Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Carson C. Lauder, Jr.
Councilman Thomas E. Conkey
Councilman Chris W. Holloway
Councilman N. Shae Parker
Town Manager J. Michael Graham
Town Attorney Thomas R. Robinett
Clerk of Council Jennifer E. Berry

ABSENT: Mayor Eugene R. Tewart

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

Councilman Conkey moved that Council approve the Regular Council Meeting minutes of July 27, 2009 as presented.

Councilman Sayre asked that the minutes be amended to strike the sentence regarding the object being thrown, as it was the gentleman's partner who allegedly threw the object.

Councilman Sayre noted that he had asked about bike paths being included in the section relating to Happy Creek. He asked that said comments be placed in the minutes. Mr. Burke clarified that it was a bike lane (an extension of the road) not a bike path.

Vice Mayor Hrbek asked Mrs. Berry to make the noted changes in the minutes as requested, adding that the changes would be a friendly amendment.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – Mayor Tewart
(On Motion to Approve Minutes as Amended)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts of petitions or correspondence from the public.

REPORT OF THE MAYOR, COUNCIL & STAFF

During his report, Town Manager Graham noted that:

- Solar Conference highlights, including:

- The President of Solar Electric Power Association (SEPA) would be coming to Front Royal on the 24th
- The solar energy market has been increasing annually
- Projections note that within three years the solar use in the US will substantially increase
- While the demand for solar energy will go up greatly, the projected price of solar panels will decrease
- Possibly within three or four years 80% of homes will have solar panels
- Announced that tomorrow, Tuesday the 11th, the first meeting, including PJM, SolAVerde, and consultants would be held to consider connection to the grid discussions relating to solar power
- Neighborhood Revitalization Updates:
 - Royal Village curb and gutter was scheduled for Thursday
 - Contractor on site is very efficient and has done a great job thus far
 - Manassas Avenue curb and gutter has been completed and is now in preparation for slurry seal of the road
 - Shenandoah Avenue curb and gutter has been completed up to Salem Avenue
- The Town received a call concerning refuse trucks leaking. Mr. Graham noted that some older trucks do leak at times, though all of the seals for the Town trucks have just been replaced to ensure they are not leaking.
- The Town placed a new banner on the space across Royal Avenue, noting that they are the Canoe Capital of Virginia. He noted that it would be in place if other banners were not displayed through various times of the year.
- Mr. Graham reminded the citizenry that the first On the River event would be this Saturday, August 15th and he invited the community to join in the fun.
- A group motorcycles hosted by the American Legion would be coming through Town soon, with over three hundred riders to raise funds for scholarships
- Mr. Graham appealed to the public that if anyone had “borrowed” the windchime which was donated by Southern States to please return it as it was for the community’s enjoyment
- He thanked Doug Stanley for attending the Planning Commission meeting to speak regarding the Reciprocal Proffer Agreement. Mr. Graham stated that the Planning Commission fully understands the goals and expectations set forth.
- Mr. Graham noted that Warren County Board of Supervisors Supervisor Traczyk stated that the Town looked better than it had looked in years.

Town Attorney Robinett stated that his office kept statistics on their cases and when he began employment with the Town, there was approximately \$250,000 annually in traffic fines, etc. Mr. Robinett noted that the last calendar year the number exceeded \$350,000, and in the last six months there were over \$217,000 in fines, etc., with over 1,276 court cases prosecuted as well.

Vice Mayor Hrbek welcomed Doug Stanley, County Administrator, to give his report. Mr. Stanley gave updates on:

Disaster Shelter – The Warren County Fire and Rescue Department held its first full-scale disaster drill at the Skyline High School shelter this morning.

The drill included a number of organizations including the American Red Cross, Health Department, Sheriff's Department and Fire and Rescue Department. Red Cross staff checked in approximately 30 "would be" evacuees. The drill went off very successfully and will provide useful lessons for us when facing a real disaster.

Skyline Soccerplex – The improvements to grade the expansion of the parking lot, the proposed concession/restroom pad site and the skatepark site are approximately 80% completed. Under the proposed plan, 224 additional parking spaces will be added and should address long-term parking needs at the facility. The project will be completed in time for the fall soccer season. We anticipate moving forward with the proposed concession/restroom building bidding this fall with construction this fall/winter.

Royal Shenandoah Greenway/Luray Avenue Extended – At its meeting next week, the Board will consider a resolution for recreational access funds from the Virginia Department of Transportation to improve 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 County received a Tea-21 grant in the amount of \$118,000 for Phase I of the Eastham Park Trail. We will have to wait until final Federal approval this November/December before the County can begin design of the project. At this point it looks as though the project will be designed over the winter, bid next spring and constructed next summer/fall.

General Reassessment – Wingate and Associates, Ltd. will start work on the County's General Reassessment on or about October 1st with completion by December 31, 2010. Wingate is an experienced firm and will also be performing reassessments for Rappahannock this year and Page next year.

Public Safety Building – As you are aware, Warren County is currently in the planning stages for the potential for constructing a new Public Safety Building on a portion of the former Eastham Farm located on Route 340 South (Stonewall Jackson Highway) and Criser Road. As part of this process I wrote to Mike last week to formally ask the Town for access to its water and sewer system to serve the proposed facility. Given the fact that the adjacent Skyline High School is served by the Town we would not anticipate significant engineering problems tying into the system. Based on the high school construction we do realize that we will need to carefully look at water pressure and the potential need for a booster pump to provide adequate pressure for fire suppression.

Mr. Doug Stanley stated that he was excited to see the new signals in the bridge area and that Council was moving the Happy Creek Road project along.

Councilman Sayre thanked Mr. Stanley for cooperating and leading with regard to the Luray Avenue/Shenandoah Greenway and Eastham Park matters.

In answer to Mr. Sayre's question, Mr. Stanley noted that the General Assessment would include all properties.

Councilman Conkey complimented the County on their efforts to complete the new Samuels Public Library. He noted what an extemporary building it was and much needed by the community.

Councilman Holloway asked about whether walkways would be in place with the improvements at the SoccerPlex. Mr. Stanley noted that pile of top soil would be moved to the FMC site and eventually the area would be all tied together when funding was available.

Councilman Lauder noted that on Commerce Avenue some of the trees were getting large in the sign area. Mr. Stanley stated that the trees were actually on Town property; Mr. Graham noted that he would check on the matter.

Councilman Sayre stated that his father-in-law moved to the area recently and he had noted how clean the Town of Front Royal appeared. Mr. Sayre thanked Mr. Graham and the Staff for their efforts around Town, included the beautiful the flower baskets downtown.

Councilman Sayre clarified with Julie Bush, Director of Human Resources, that the Town Council did not receive a pay raise or COLA increase since July 2008. Mrs. Bush noted that they had not; nor had the Town Manager.

Councilman Lauder complimented the article relating to Mr. Gushee, Planning Commissioner. He noted that the article, from the Northern Virginia Daily, had explained many hard to describe issues quite well. Councilman Conkey expressed his agreement with Mr. Lauder regarding the article. He noted that the Planning Commission was receiving input from the citizens and it was vital to do so. Councilman Conkey stated that the citizenry of the community needed to be heard and he complimented the Planning Staff and the Planning Commission on their efforts with these important issues.

Councilman Sayre read the following into the record:

The solar array project is being negotiated with SolAVerde LLC, a private company putting together private financing funds in order to build a solar array and assembly and distribution company in Front Royal. As a Councilman with unique prior utility regulatory experience, working with governmental departments in accounting, engineering, financing, cost of services and legal, I am going to do everything I can to make it happen, timely and in a proper manner. Upon information and belief, they are following all of the proper, necessary and procedural steps with the EDA, town and county in order to negotiate either a land purchase or lease agreement in order to install the solar array. I am personally, very excited to be working with them.

Further, I am happy to report that Mr. Horton of SolAVerde LLC said the financial picture should be clearer in two weeks and that the solar project is

completely on course to becoming a reality. Mr. Horton says he is doing this for the town and the county and that “everything is out in the open”.

Moreover, the key to this deal is executing a proper PPPA (Private Public Power Agreement), which allows the Town of Front Royal to buy the solar power produced by the solar array and either to use the electricity ourselves and/or sell the excess electricity back to the grid. I want to make sure that the solar array will be reliable and that the private company, SolAVerde LLC has the ability to upgrade and maintain the solar panels over the course of the PPPA. We do not want this to become another Rt. 522 fiasco.

This is advantages to our citizens for the following reasons:

- 1) It allows the town to diversify their power portfolio and incorporate clean green renewable energy.
- 2) Allows the town to get better control of the cost of electric power for our citizens.
- 3) Takes advantage of an additional revenue opportunity for our citizens by creating a new revenue stream.
- 4) Environmentally it protects future generations and our most precious assets, our children, by reducing our carbon imprint.
- 5) Creates new jobs and business opportunities for new green technologies.

Contemporaneously upon executing the PPPA, the next step for the town will be to integrate the clean renewable electricity onto the electric grid with the blessing of the Federal Energy Regulatory Commission (FERC), managed by PJM Interconnection (PJM). PJM operates and manages the region’s power grid and the wholesale electric markets. Energy and capacity in our region are also traded bilaterally through brokers and the Intercontinental Exchange (ICE).

It could take a few months to a year to work out the details with PJM. The good news is that according to PJM’s website, they are “working to bringing renewable energy to the grid.”

I will do everything I can to help facilitate any concerns of PJM and hopefully the solar array project will not be delayed. As always, thank you for trusting me to be a public servant and I look forward to working with you in the future.

Vice Mayor Hrbek stated that he was pleased to fill in for the Mayor who was on vacation this week.

Vice Mayor Hrbek wished Councilman Lauder a Happy Birthday.

Vice Mayor Hrbek noted that soon classes will begin soon for James Madison University at the Royal Phoenix Site. He asked the Staff if the school could be added to the wayfinding signs if possible.

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

CONSENT AGENDA:

- A. **COUNCIL APPROVAL:** Donation Received by the Police Department – Ballistic Blanket
- B. **COUNCIL APPROVAL:** Amendment to Comcast Lease
- C. **COUNCIL APPROVAL:** Bid – Fencing Around the Water Treatment Plant
- D. **COUNCIL APPROVAL:** Bid – Sanitary Sewer Manhole Inspection/Survey
- E. **COUNCIL APPROVAL:** Award of Byrne Justice Assistance Grant – Police Dept.
- F. **COUNCIL APPROVAL:** Byrne Justice Assistance Grant Continuation 2009 -- Police Department
- G. **COUNCIL APPROVAL:** Resolution Regarding Resolution Dated May 23, 2005, to Abandon the Undeveloped Right-of-Way and Authorize Conveyance of an Undeveloped Portion of W. 8th Street to William M. Biggs and William J. Biggs
- H. **COUNCIL APPROVAL:** Bid – Janitorial Services

Councilman Conkey moved that Council approve the consent agenda as presented.

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

Councilman Sayre asked that Item B (Comcast Lease) be removed, discussed and voted on separately. Councilman Conkey asked that Item A (Ballistic Blanket) also be removed, discussed and voted on separately.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – Mayor Tewalt
(On Consent Agenda Items C - H)

RESOLUTION – Biggs/W. 8th Street

Resolution Regarding The Resolution Of Town Council Dated May 23, 2005, To Abandon The Undeveloped Right-Of-Way And Authorize Conveyance Of An Undeveloped Portion Of W. 8th Street To William M. Biggs And William J. Biggs

WHEREAS, the Town Council of the Town of Front Royal, Virginia, adopted a Resolution on May 23, 2005, after first conducting a duly advertised Public Hearing, as required by law, which authorized the, then, Mayor to execute a Quitclaim Deed to William M. Biggs and William J. Biggs (hereinafter “Biggs”), as tenants in common, for a portion of West

8th Street in said Town, measuring approximately 9,000 square feet, less and except a 20-foot wide easement for a sewer line, in exchange for the payment of the sum of \$30,000.00, and the conveyance by Biggs of an 1,860 square foot right-of-way at the intersection of Shenandoah Avenue and Kendrick Lane; and,

WHEREAS, said Resolution contained an additional requirement for Biggs to open an undeveloped alley that leads to 9th Street, as part of the consideration for the Town's Quitclaim Deed aforesaid, but an examination of the Minutes of the Meeting of May 23, 2005, clearly shows that Council voted to delete such a requirement from the arrangement as a result of the comments received from the public during the aforesaid Public Hearing, and that the resulting Resolution was, therefore, in error; and,

WHEREAS, the said Council now desires to reaffirm all portions of the aforesaid Resolution and to direct and authorize the Town's present Mayor to execute and deliver the aforesaid Quitclaim Deed in exchange for the payment described above and the conveyance described above, but deleting any and all references to any requirement that Biggs open any alley, developed or undeveloped, anywhere within the said Town.

NOW, THEREFORE, BE IT, HEREBY, RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the said Resolution of May 23, 2005, is, hereby, reaffirmed in all particulars, EXCEPT THAT the said William M. Biggs and William J. Biggs are, in no way, required to open any undeveloped alley anywhere within the said Town;

AND BE IT, FURTHER, RESOLVED that Eugene R. Tewalt, Mayor, is hereby authorized to execute and deliver, on behalf of the Town, the aforesaid Quitclaim Deed, and to execute, on behalf of the Town, as evidence of its acceptance of the conveyance, a Deed from the said William M. and William J. Biggs for the 1,860 square-foot right-of-way at the intersection of Shenandoah Avenue and Kendrick Lane, as aforesaid, all of this to be done upon delivery of the said sum and delivery of the said right-of-way Deed.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre

No – N/A

Abstain – N/A

Absent – Mayor Tewalt

(On Consent Agenda Items)

COUNCIL APPROVAL – Donation Received by Police Department – Ballistic Blanket

Councilman Conkey moved that Council approve the donation of a ballistic blanket valued at \$1,000 by Wayne and Sue Sealock, owners of Sue's Sewing & Embroidery, through the

Front Royal Police Foundation to be used by the Front Royal Police Department Emergency Services Team during high risk situations.

Councilman Conkey thanked the Sealocks for donating the \$1,000 item to the Police Department. He added that during such difficult financial times for small businesses, the Sealocks substantially assisted the Police Department with the donation of the protection blanket.

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

COUNCIL APPROVAL – Amendment to Comcast Lease

Councilman Sayre moved that Council approve the request from Comcast of Connecticut-Georgia-Massachusetts-New Hampshire-New York-North Carolina-Virginia-Vermont, LLC to amend the current lease between the Town of Front Royal and Comcast as presented; and, direct the Town Manager to sign such amendment.

Councilman Sayre noted that at one point Comcast had been looking into pulling their presence out of Front Royal. He stated that most of Council would like to see Comcast stay, and the amendment before Council currently was just a renewal for 12 months at their site. Mr. Robinett stated that the lease means that they would amend the office space lease, and it had nothing to do with Comcast maintaining a presence in the Town, which is a separate obligation in the franchise agreement.

Councilman Sayre stated that he, along with fellow members of Council, would like to see Comcast stay with their offices here in Front Royal.

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

PUBLIC HEARING – An Ordinance to Amend, Adopt and Re-Ordain Sections 180-185.1 through 180-185.21 of the Town Code to Grant a Franchise for the Operation of a Public Passenger Bus Service to Virginia Regional Transit (1st Reading)

Vice Mayor Hrbek opened the public hearing.

Ollie Sessions, of 123 W 5th Street, noted that she would like to see the bus service continue within the Town. She noted that to eliminate the Front Royal Area Transit (FRAT) Bus would be a disservice.

As no one else came forward, the public hearing was closed.

Councilman Parker moved that Council an Ordinance to amend, adopt and re-ordain Sections 180-185.1 through 180-185.21 of the Town Code to grant a franchise for the operation of a public passenger bus service to Virginia Regional Transit.

Councilman Sayre noted that this ordinance allowed the FRAT Bus to continue within the Town to serve the citizenry.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre

No – N/A

Abstain – N/A

Absent – Mayor Tewalt

(By Roll Call)

COUNCIL APPROVAL – An Ordinance to Amend and Reenact Section 85-3(A) of the Town Code Pertaining to Refuse Collection Charges for Containers of a Specific Size (2nd/Final Reading)

Councilman Holloway moved that Council adopt on its second and final reading an ordinance to amend and reenact 85-3(A) of the Town Code pertaining to Refuse Collection Charges for containers of a specific size, effective September 1, 2009.

Councilman Parker noted that the system which it is based upon is flawed, therefore, he would vote against the matter. He stated that businesses within the Town should not subsidize the services that the citizens receive.

Councilman Sayre stated that while he agrees with the concept of the matter; the Town does subsidize so much of what the County does to the tax system and he would lean that way. He noted that he did not think he voted for the item the last time.

Councilman Conkey stated that he believed Mr. Sayre had voted for the item previously. He added that he sympathized with Mr. Parker’s stance, however; it was a reasonably fair compromise. He stated that the agreed upon rate was reasonable and the boards were equally dissatisfied with the end results.

Councilman Sayre stated that Mr. Conkey was correct, and it had been the tipping fee which he did not vote for. He noted that he would vote for the matter before them.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder and Sayre

No – Parker

Abstain – N/A

Absent – Mayor Tewalt

(By Roll Call)

⌘ ORDINANCE – County Tipping Fees Charge ⌘

An Ordinance To Amend And Re-Enact Front Royal Town Code Section 85-3 (A) Pertaining To Refuse

Collection Charges For Containers Of A Specific Size

WHEREAS, the Town Charter and the Code of Virginia, at Section 15.2-928, expressly authorize the Town to regulate the collection of garbage and refuse, and to charge for the collection of these materials; and

WHEREAS, the Town Council has been advised that the County of Warren will begin levying a “tipping fee” against the Town for refuse generated by commercial establishments within the Town and brought to the County’s Transfer Station for disposition; and,

WHEREAS, the Council has determined that it is necessary to increase the rates it charges certain specifically-sized commercial refuse containers within the Town in order to offset the increase in costs to the Town generated by the aforesaid “tipping fee”.

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Section 85-3 (A) of the Front Royal Town Code is hereby amended and re-enacted as follows:

§ 85-3 COLLECTION CHARGES

A. The owner or occupant of each residential unit, office and retail and wholesale business, church, public building, and any other building or unit, provided such structure is connected to the Town’s water and sewer system, whether using or not, shall pay a charge to the Town for its collection of solid waste. The owners or occupants of such structures which are not so connected to the water and sewer system may request and pay for refuse collection services from the Town. The collection charge shall be two hundred ~~thirty~~ sixty-seven and 00/100 dollars (~~\$230.00~~ 267.00) per month for every customer ~~having each week~~ who requires twice weekly pickup service on an eight (8) cubic yard container; and one hundred eighty two hundred seventeen and 00/100 dollars (~~\$180.00~~ 217.00) per month for every customer ~~having each week a six (6) cubic yard container; who requires once weekly pickup service on an eight (8) cubic yard container;~~ twelve and 00/100 dollars (\$12.00) per month for each ninety-six (96) gallon container per customer each week; and eleven and 00/100 dollars (\$11.00) per month for each thirty-two (32) gallon container per customer each week.

This ordinance shall be effective on September 1, 2009.

COUNCIL APPROVAL – Liaison Committee Agenda for August 20, 2009

Councilman Parker moved that Council approve the following items for inclusion on the August 20, 2009 Liaison Committee Agenda:

- 1. Discussion on how Front Royal & Warren County Planning Commissions could work together;*
- 2. Town's desire to have more support from the Warren County Building Inspector;*
- 3. EDA Funding Formula; and*
- 4. McKay Property Update.*

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

COUNCIL APPOINTMENTS – Planning Commission and Board of Architectural Review (BAR)

Councilman Holloway moved that Council appoint Arnold M. Williams, Jr. to fill a four (4) year term on the Front Royal Planning Commission, said term to begin September 1, 2009 and expire August 31, 2013. He further moved to appoint Nancy R. Lehew to fill an unexpired term on the Board of Architectural Review (BAR), said term to expire November 13, 1012.

Councilman Sayre noted that those interviewed made the decision difficult to decide said appointments. He voiced support of a better notice or protocol for those not selected.

Councilman Conkey stated they had a fine selection of interviewees and he was quite comfortable with the decision of the Council.

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

With no further business, the Vice Mayor declared the meeting adjourned at 7:50 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council