

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 22, 2010, 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
Councilman Chris W. Holloway
Town Manager J. Michael Graham
Town Attorney Thomas R. Robinett
Clerk of Council Jennifer E. Berry

ABSENT: Councilman N. Shae Parker

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

Vice Mayor Hrbek moved that Council approve the Regular Council Meeting minutes of March 8, 2010 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no petitions or correspondence from the public.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Graham noted that the solar RFP (Request For Proposal) preliminary report was given at Council's worksession on March 15th. He explained that the discussions regarding benefits of whether or not to move forward with the RFP would need to take place.

Jennifer McDonald, Executive Director of the Economic Development Authority (EDA), reported that:

- The EDA reviewed the lease for SolAVerde and Standard Energy earlier in the day and it would now be forwarded onto the stakeholders involved. She noted that they would review and respond to the lease document.
- James Madison University was prohibited from being on the Royal Phoenix site, and the Department of Justice would be approached in order to have the restriction removed.

- On, March 25th the seminar regarding insurance for small businesses would be held in the EDA auditorium.

Councilman Sayre asked if there was anything the Town could do to assist bringing JMU to the area. Ms. McDonald noted that no education facility was allowed on the prior Avtex site, and the matter would have to go through the Department of Justice.

Councilman Holloway opined that it seemed odd that the EDA would be signing a lease with a solar company, as the Town had yet to approve any solar project. Ms. McDonald stated that, as it had been explained to her, the Town's solar project and the lease with the EDA solar company were two separate issues. Vice Mayor Hrbek pointed out that, as the Town is a stakeholder, Ms. McDonald brought the matter to Council's attention regarding the lease. Ms. McDonald stated that the company would have specific job creation requirements and certain guidelines for building on the site, just as any company would in a similar position.

Councilman Lauder suggested that JMU could use the movie theater downtown, the Government Center Board Room, or a room at the high schools. Ms. McDonald noted that they were looking into other alternatives until the matter was resolved.

Vice Mayor Hrbek noted that Google had a high speed wiring project for communities. He explained that the Town was not large enough to qualify for the program, though the Northern Shenandoah Valley Regional Commission (NSVRC) was working on a larger submittal, and he asked if the EDA was working with the NSVRC on the project. Ms. McDonald noted that they were attempting to do the "last mile" for high speed, and they may be partnering with Page County to qualify.

Councilman Sayre read the following statement:

I address this to my constituents, who saw a picture of myself in the caption posted on The Warren County Report website by Mr. Bianchini. It takes a dirty mind to intentionally photograph and misconstrue an otherwise normal picture. Obviously, I was not doing what Mr. Bianchini would like you to think. Hopefully, he can keep his mind better occupied this evening.

Vice Mayor Hrbek asked about discussing the Blue Ribbon Budget Committee at their next regular meeting for formal vote.

Vice Mayor Hrbek asked if a worksession discussion relating to 501c non-profit groups could present videos on the local Government Access Channel 16.

Councilman Lauder noted, in defense of Chief Furr, he had phoned the Chief of Police prior to the last Council meeting, and left a voicemail message. He stated that he had suggested that security should be in place for the tax rate meeting on March 8th.

Councilman Lauder asked about a notation in the Manager's Report relating to the Vint Hill EDA. Mr. Graham stated that the meeting had been postponed until this week.

Mayor Tewalt noted that he had no report for the current meeting.

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

Councilman Conkey moved that Council add the Blue Ribbon Committee authorization to the meeting agenda, in order to provide the Council with recommendations on balancing the budget.

Councilman Holloway voiced support of discussing the committee at a worksession. He stated that it would have to be operated in a specific manner, including minutes being taken and a great deal of Town Staff time as well, including the Town Attorney and the Finance Director. He suggested that the discussion take place at a worksession. Councilman Sayre noted that there may not be enough time for the committee at this stage of the process.

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

Vice Mayor Hrbek asked if the Blue Ribbon Committee could be on the next agenda. Mayor Tewalt stated that he would check the upcoming agendas in the morning at Town Hall and advise at that time when the matter could be placed for discussion.

CONSENT AGENDA:

- A) COUNCIL APPROVAL – Proclamation – “Paint the Town Purple Day” – Front Royal-Warren County Relay for Life
- B) COUNCIL APPROVAL – Proclamation – “disAbility Awareness Week” - Access Independence, Inc.
- C) COUNCIL APPROVAL – Budget Transfers
- D) COUNCIL APPROVAL – Blue Ridge Arts Council Grant Application
- E) COUNCIL APPROVAL – Bid – Circuit Breakers for Kendrick Substation

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.

Vice Mayor Hrbek asked that Council remove item #7D – Blue Ridge Arts Council Grant Application, in order to discuss and vote on the matter separately.

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

❧ PROCLAMATION – Paint the Town Purple Day ❧

Paint the Town Purple

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, tens of thousands of new cases of cancer are estimated to occur in our State, and approximately 13,920 people are expected to die from cancer this year; and

WHEREAS, the American Cancer Society is a voluntary community based health organization in Virginia dedicated to eliminating cancer as a major health problem, and

WHEREAS, the Relay for Life is a “Celebration of Life” benefiting the American Cancer Society; and

WHEREAS, the Relay for Life is a community affair held throughout the State of Virginia which presents an opportunity to dust off our camping gear, slip on our walking shoes and network with business associates, family and friends;

NOW THEREFORE, I, Mayor Eugene R. Tewart, on behalf of the Town Council of the Town of Front Royal, Virginia, do hereby proclaim Friday, May 7, 2010 as: Paint the Town Purple Day throughout Front Royal and we urge citizens to recognize and participate in the Relay for Life and Paint the Town Purple events held in their community.

❧ PROCLAMATION – disability Awareness Week ❧

disABILITY AWARENESS WEEK

WHEREAS, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

WHEREAS, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment and

WHEREAS, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

WHEREAS, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

WHEREAS, family, friends and neighbors play a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having

a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of Virginians with disabilities; and

WHEREAS, millions of people in the United States have disabilities, and with the increasing age of our population, Virginians and Americans must learn more about the special needs and abilities of this growing population; and

WHEREAS, agencies and organizations throughout Virginia participate in disability awareness programs during “*disAbility Awareness Week*” to enhance public understanding of and appreciation for the limitations and abilities of people living with disabilities;

NOW, THEREFORE, I Eugene R. Tewalt, Mayor of the Town of Front Royal, do hereby proclaim the week of APRIL 16 - 23, 2010 as “*disABILITY AWARENESS WEEK*”, and I call this observance to the attention of all our citizens, and I urge all residents to honor this occasion.

COUNCIL APPROVAL – Blue Ridge Arts Council Grant Application

Councilman Sayre moved that Council approve the request of the Blue Ridge Arts Council (BRAC) to approve an application for a Virginia Commission for the Arts Local Government Challenge Grant in the amount of \$5,000 for the year 2010-2011 and direct the Town Manager to sign the Grant Application.

Vice Mayor Hrbek opined that using taxpayer funds for the arts grant application was not an appropriate use of government money. He noted that he had not seen a return on the investment, and voiced concerns with the citizens funding the Arts Council several ways, including: through the Town, through the School Board, through Warren County, and through the State. Mr. Hrbek added that while it was a “nice” thing to do, it was not a “need,” adding that not enough business was being driven downtown for the expense requested.

Councilman Conkey stated that the program was an important aspect of the community. He encouraged Mr. Hrbek to speak to the restaurants, noting that they do get busy when there are events downtown. Mr. Conkey stated that activities to bring traffic downtown was vitally important to the community, adding that the visitors may return to the area at another time to patron the downtown establishments. Councilman Conkey stated that he would like the grant application to move forward, noting that it was not a commitment at this point, only an application.

Vice Mayor Hrbek explained that Downtown Front Royal, Inc. handles the Hometown Halloween, the Chamber of Commerce runs the Wine & Craft Festival, and the Warren Heritage Society does the Festival of Leaves, though they were not requesting funding, only mild help from the Town. Mr. Hrbek stated that only the BRAC asks for funding, while many others do not. He noted that he had no issue with using a line item within the Town treasury, which would allow citizens to donate and place the funds towards the needs of BRAC. He stated that his concern was handing out money for the arts program from

taxpayer dollars. Vice Mayor Hrbek stated that it was unfair to taxpayers and unfair to other organizations as well.

Councilman Sayre noted that the BRAC programs were great activities to have in the community. He stated his hope that it brought many people downtown to the area merchants. Mr. Sayre noted that it was a cultural win-win for everyone.

Councilman Lauder stated that last year BRAC produced over 96 events showcasing over 280 artists. He added that the events serviced over 16,000 residents and tourists and it was an important cultural event for the Town of Front Royal and he would support their request.

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

PUBLIC HEARING – Ordinance to Amend and Re-enact Town Code Section 75-44 so that Real Estate and Personal property Taxes are Imposed at Specified Rates (1st Reading)

Joseph Swiger, of 119 Gloucester Road, presented an idea for Council to consider in order to assist with the budget shortfall. He explained that previously, as Director of the Electric Department, he contributed computers, furniture and similar items. He noted that the contributions to the Town were appraised and noted as tax deductions; totaling \$48,137 over several years. Mr. Swiger asked Council to keep his idea in mind, and suggested that Council donate a portion of their salaries back to the Town.

Pat Egger, of 232 Lee Street, noted that most citizens did not get involved in local government, until the matter affects them financially. Ms. Egger added that she was very impressed with Vice Mayor Hrbek’s attempts to control the funding given to inappropriate requests, such as the Blue Ridge Arts Council Grant Application. She stated that many were losing their homes, and others would in the future. She added that once taxes go up, they will never go down, and if the Town had a slush fund that could assist in balancing the budget shortfall, they should use it for the General Fund, rather than raising taxes. Ms. Egger noted that there were many trees and flower baskets throughout the town, and if these items were the cause of raising taxes, she would prefer that they be eliminated. She questioned why Council spent \$100,000 for a consultant for the solar project.

Chief Richard Furr of, 978 Goodview Drive, read the following statement:

Mayor Tewalt and members of Council, my name is Richard H. Furr and I am a resident of 978 Goodview Drive, which is in the Town of Front Royal. I am speaking to you tonight as a citizen of this town. As you will notice, I am not wearing my police uniform or weapon for which I was criticized in Saturday’s Northern Virginia Daily. I wear my uniform with pride and not as a means to intimidate Council or any law abiding citizen. Tonight, though, I am carrying a different weapon, and that weapon is my passion for the Front

Royal Police Department. This is a passion that I have had for the past 29 years.

You as a Town Council are facing a tough decision tonight. It has been at least ten years since the Town of Front Royal has raised its taxes. As a result, Front Royal has one of the lowest, if not the lowest, tax rates in the area. Previous Councils have stood firm on the platform of no new taxes and now, unfortunately, they have created the “perfect storm” which this Council must now face.

During the booming economy that we have enjoyed in these past years, additional revenue came in from robust sales, construction, and other fees, supporting all of the day-to-day work that has to be done and also make the many improvements to the town that the citizens want from its government. Now however, as we all feared would sometime happen, the economy has taken a severe downturn and the Town’s revenue, which was heavily based on sales and fees, has spiraled downward.

As the old saying goes, the only thing you can be certain of is death and taxes. As Mayor Tewalt was quoted in Saturday’s Northern Virginia Daily, “we should raise taxes half a cent every year just to cover overhead costs.” That is wisdom that I wish previous Councils would have had during the good economic times. Then this Council would not be faced with having to raise taxes 8 – 10 cents at a time when the economy is tough.

By the figures that I have heard, I understand that the taxes for my home may be raised by as much as \$60-\$100 per year under this proposed tax increase. For the value of the many services that I receive from the town year round, I feel I am getting a good return on my dollar. If I didn’t, I would move into the county. Yes, I may have to do without some things to come up with that \$60-\$100 each year. Maybe I should take my wife’s suggestion and cancel my subscription to the Northern Virginia Daily.

As I understand the Town’s Finance Director and Town Manager, your vote in the affirmative tonight will set the maximum rate that these particular taxes can be increased, and as you move further along in the budget process, these rates could go down based on the revenue information you receive and decisions you make during the remainder of your discussions.

I, as a citizen, strongly encourage you to make the tough decisions that have to be made to fund the budget that has been presented to you. Tonight you must decide whether to keep this option on the table. Then as you move further through your budget process, you can decide to fund it with this full tax increase, a smaller tax increase, fund transfers, new taxes, or some combination of such.

Wilma Swiger, 119 Gloucester, stated that she has attended the Council meetings and viewed them on television as well. She noted that public utility accounting was different but used the same principles as other types of accounting. She added that she requested a copy of the Town’s deviation report, and found out there was not one. Mrs. Swiger stated that she asked many questions, researched the internet, and also spoke with Mr. Tederick in examining the matter. She opined that it was not the time to raise taxes, as the economy was

bad. She stated that many were struggling to pay bills, and others were losing their jobs. Mrs. Swiger noted that there were cuts to be made, including the Tourism Budget Division and the Trails Project. Mrs. Swiger stated that the Town Manager stated that the employees had not received a pay increase, which is unfortunate, however; having a job is better than joining the ranks of the unemployed. She noted that Council should not have a personal agenda and should conduct themselves appropriately. Mrs. Swiger stated that Council had stated that they would layoff off police officers if the 599 funding did not materialize, which was an inappropriate scare tactic.

Michael Biggs, an area resident, described his affiliation with the library, noting the importance of Samuels to his family and the rest of the community. Mr. Biggs stated that the vast resources and assistance Samuels provided to the citizenry was immeasurable.

Laura Biggs, an area resident, stated that she was a patron of the library and a parent. She noted that she had experience with the library has a homeschooler, an employee, a patron and a parent, noting that the library was a place where people met as equals. Mrs. Biggs noted that Town and County citizens come together at the site, and having access to the library strengthened the community. She stated that the area children were enriched with story times, puppet shows and dance productions; adding that it was a venue for regular clubs and classes as well. Mrs. Biggs noted that the Children's Library Division was a great asset to the many homeschoolers in Front Royal and Warren County. She stated that there was a large per capita of homeschooled children in the community and shutting down the library any additional days per week would be devastating. She noted that the public school children also thrived at Samuels when their schools are closed, the library was using their current funds wisely and the library began back in 1799.

Norma Dofflemeyer and her husband, area residents, voiced their agreement with Chief Furr's comments. She added that the Police Department needed to expand in order to address the community's needs. Mrs. Dofflemeyer stated that her husband had been the victim of financial exploitation, and the Police Department does not have an office addressing that crime.

Patty Baggarly, VIPS coordinator, noted that she volunteered often to support the Police Department. She asked that Council consider that there were thousands of hours by volunteers working with the Officers. She noted that their lives were on the line and they were currently underpaid as well. Mrs. Baggarly stated that if they raised the Town taxes it would affect many in a great way. She noted that the Town could not take from the Electric Department either. She stated that the Officers in the Police Department chose to have a lower pay rate in order to work in their communities, and their salaries could not be reduced further, as they had families. She pointed out that many in the small town of Berryville made more than Front Royal employees.

Allen Edwards, of 115 Lonesome Flats Road, stated that he served on Chief's Advisory Board and had a 22 year background in crime prevention. He noted that he moved here six years ago and had served on the Citizen's Police Academy in Fairfax prior to moving. Mr. Edwards stated that the Town had all the issues facing Fairfax, though they were currently able to hold back the crime from infiltrating the citizenry and area neighborhoods. He asked that the Police Department not be cut in anyway. He added that recent newspaper reports

pointed to a direct attack on Chief Furr and the Crime Prevention Specialist. Mr. Edwards stated that it takes a long time to re-establish Police Officers or a Crime Prevention Officer and would cost more in the long run. He added that it would not be a simple process to cut the budget and just higher more officers.

Dee Ratliffe Stokes, a Town Employee, stated that she was the Chairperson of Citizen's Advisory Board and proud to serve her community. She noted that Council should not impede the progress of the Police Department and continue to allow them to keep the community and citizens safe. She stated that if they took a 5% pay cut they would have to look elsewhere for employment, adding that many training aspects factored into the skills and abilities of officers and it was already difficult to attract officers to the community. Mrs. Stokes asked if Council would take a 5% cut as well, noting that Berryville does pay their officers more than Front Royal. She asked Council to consider the low crime numbers compared the numbers with February of last year. She noted that Crime Prevention programs were vital to the community, and each officer on duty was responsible for 625 residents at the present time. Mrs. Stokes stated that she did not wish to see Front Royal referred to as Hell Town once again.

Jerry Scholder, of 31 Bedford Drive, stated that many suggested that Council not cut services or raise taxes. He noted that it was impossible to nickel and dime the other programs. He asked Council to place politics aside, as the Town needed to raise taxes, even though they did not wish to do so. Mr. Scholder stated that it may be fair to share the burden, rather than focusing on one particular department. He stated that the Council members who did not wish to raise taxes needed to work with the facts before them. He noted that it was not a whole lot of money, roughly \$4 per week for some in order to help the help the Police Department and Samuels Library.

Matt Tederick, of 21 Edgewood Street, noted that he does not agree with the gentleman who just spoke before him and that many in the area did not have the facts. He stated that he spent time with Council and Staff and it would not make sense to increase taxes this year. He noted that the current Council had been disingenuous on the finances. Mr. Tederick opined that the Town's "savings account" had increased \$16 million, and the Town easily had \$6 million to use this year to pay some bills. He noted that he did not wish to see the Town scaring the public regarding the library and the Police Department. He asked Council to look into specific areas of each division by line item, as it was a bad time to raise taxes. Mr. Tederick noted that the Staff and the Town's Department Directors were burying costs. He thanked Mayor Tewalt, Councilman Conkey, Mr. Graham, and Mrs. Gilkey for meeting with him and providing detailed information.

Patrick Harvey, of 1713 N. Royal Avenue, stated that he was a volunteer with Fire Department and had been a resident for 11 years. He noted that he moved to the area for peace and relaxation and had no desire to move away, as it is the safest place he had ever been in his life. Mr. Harvey noted that he volunteered on top of having a full time job and he spent all of his money in the community. He asked Council how much of their time and money was donated to the community. He noted that Councilmen Parker and Hrbek spent too much time arguing within the newspapers and bickering over inappropriate items. He commented that he spent eight weeks out of work last year and could not live off \$400 a week. He also expressed concern with the snow plow program in the Town, noting that

everyone had their driveways plowed shut over and over again. He stated that when he contacted the Public Works office, the lady told him that it was, "Your problem not mine."

Manuel Vicente, of 1320 Commonwealth Avenue, stated that he was thankful for the comments regarding the internal workings of the Finance Division. He noted that the state of the country was poor, with many scoundrels and crooks in Washington, DC. He noted that he does not wish to fight locally with the elected officials, though recently it looks the same as Washington. Mr. Vicente noted that the unemployment rates were up, as were the foreclosure numbers. He asked what was happening to the funding, noting that no one believes that the taxes will be lowered when the economy rebounds. He noted that the aspects relating to Town finances were backward.

Sandy Ogorman, of 203 Lee Street, stated that the community was in a terrible position currently. She noted that it was a great idea to get together and help one another with utility bills, taxes, etc. She asked if Council was doing anything to help the current situation, noting that many were starving during the economic crisis. Ms. Ogorman asked Council to start thinking differently, adding that it was not business as usual.

David Silek, of 165 Hickerson Hollow Road, noted that the articles in the paper regarding the possibility of having funds in the Town's savings. He stated that the Town used to keep between 6-12 million in the Electric Fund and it was wrong to take from the citizens when funds were not necessary. Mr. Silek stated that it was time to tap the rainy day fund, not increase taxes. He added that the Town should be looking at doing what everyone else is doing, noting that he had a huge pay cut this year like many Americans, and he has adjusted his spending. He noted that the Town does not have an entitlement program to collect more taxes, but rather they needed to cut every single program by a certain percentage, not raise taxes.

Mayor Tewalt asked Mrs. Berry to read the letters received into the record, which noted:

From Lucy Beaty, area resident:

I had wanted to be able to attend the meeting tonight and am unable to, so I would appreciate you accepting this to be read as a part of the minutes.

I am deeply concerned about the cuts that are being discussed for the Town. I have been involved with several of the events that are sponsored by the Police Dept. The Crime Prevention Department does a lot of things that affect our community. I have attended the Citizens Police Academy and it was a wonderful experience and I would recommend it to everyone. It made me really realize that our officers risk their lives every day to keep our community safe. They never know when they take a call what they will face when they arrive on the scene. This program is one of many that will go away if this budget is cut. The National Night Out that we participated in for the first time in 2009 and got the Rookie of the Year Award. It was well attended and provided a night of safety information and fun for the whole family. A point that my daughter brought up from the aspect of the mother of a teenager was that the town felt safe now. In the past it was nothing to see the street corners full, knowing that drugs were a factor. We don't see that now because the streets are being patrolled on a regular basis. The speed

limits are being obeyed and not as many accidents are happening on the town streets. What if we were to lose our officers to other localities because of pay cuts?

Another area of concern for me is the possibility of the hours for our beautiful new library being cut. Such a wonderful resource for information, computer services for those that are looking for jobs, students in need of resources for school projects, not to mention the wonderful meeting rooms that they make available to the community. We have used them for a seminar for our business and got great comments on the facility. It would be a shame to have a beautiful facility like that and not have access to it in evenings and weekends.

No one wants a tax increase, especially right now, but 1 or 2 cents is not going to break the bank. This is an election year and everyone wants to run on a "no tax increase" platform. Well, if you always do what you have always done, you will always have what you have always HAD. Please do not set this Town back 10 years by trying to be a popular candidate and get the vote, do what you were voted in to do and keep the citizens that you took an oath to serve and take care of, continue the services at their present level in ALL departments.

From Robbie Seal, Town Employee:

I regret that I could not be present in order to speak to everyone in person so I hope my letter will suffice in the message I wish to bring before you. The Town's government body has some difficult decisions to make with regards to this FY's budget and I certainly do not envy all of you with the task you have before you. However, I am confident that as entrusted representatives of the citizens of the Town, you will make the appropriate decisions that will benefit the community as a whole.

I, like you, am a servant of the people...only in a different capacity. I am not a Town citizen but I am a Town Employee and have been so for almost 23 years...as a member of our Town's Police Department. I could easily focus my comments specifically on the department's invaluable services as others have mentioned towards our Crime Prevention & Community Relations Division. Generally, those who speak publicly do so on those matters which they are most familiar with or which affects them personally, whether they are directly involved or are close to someone who is.

However, I wish to just provide some insight and hence, a little advice as to who we are as representatives who serve the people. Like you, I have made many decisions that are not the most favorable at the time when confronted with issues. Like you, I have heard the heart felt stories and been the recipient of angry and threatening rhetoric. Like you, I have taken my communities problems home with me and vented them to my own family.

Some people may say that you and those who wish to sit in the same seats you are in...do so mainly to protect their own special interests. I would like to think that our Council representatives and representatives of all levels of Government do so because they have the best interests of the citizens at heart.

You will weigh the arguments for and against a tax increase, funding to our local library, decreasing services to citizens and to sustain or decrease town employee salaries, to name a few.

Remember, this country did not become great for the fact that we have not had down times, whether it be a recession or a war. We all as citizens need to pull together and do our share in working together to keep our communities prosperous. It is a small token compared to what our soldiers are doing for us in serving our community.

I would like to conclude by just saying that some of the hardest decisions I have had to made meant criminalizing and taking a person's freedom away. Yet, I have been humbled over the years by some of these same people who have visited me over time...thanking me for the decision I had made as it made them better people. Think about this as you make those hard decisions about this budget and those to come...you ultimately will make the community better and it's people the same!

From Kristen Sanders, area resident:

As a member of the Front Royal VIPS program, I would like to respectfully ask that you do everything in your power to fully fund the many community policing activities that have come to characterize our town and county.

From the Citizens Police Academy, which I happily attended a couple of years ago, to the different events sponsored by the Town and local businesses, community policing plays an integral role in maintaining the rich quality of life that residents, along with the many visitors to our Valley, have come to cherish and enjoy. VIPS plays an important part in these activities, offering breathalyzer tests, children's fingerprinting, free bike helmets, and appealing publications, warning young people about the dangers of drugs and alcohol. And we all know how much the kids like to sit on Officer Orye's motorcycle for pictures.

To lose the valuable resource that is community policing would be a true shame. I would respectfully ask that you do everything in your power to keep this vital and visible component of Front Royal's character and appeal foremost in your minds while considering the great responsibility that is crafting budgets.

From Linda McCarthy, area resident:

I regret that out of town business prevents me from attending the 22 March Town Council confab in person, as I did during the previous meeting where the Front Royal operating budget was considered. Hence, this correspondence, which I hope and trust will be read at the start of your most recent public consideration of Town funding and defunding proposals.

For the past two years, I have had the pleasure and privilege of volunteering with other members of the Front Royal Volunteers in Police Service (VIPS) program. This enriching opportunity to serve my community was made entirely possible by virtue of my enrollment in the 2008 Citizens' Police Academy. Participation in the Academy is one of the most rewarding experiences afforded area citizens, cultivating lasting and meaningful bonds

between Town and County law enforcement personnel and the diverse populations they serve.

As a member of VIPS, I have enjoyed assisting with the annual Open House, Wine and Craft Festival, Festival of Leaves, Tradefest, the bike rodeo and the yearly visit by the carnival, which benefits the Police Foundation. At each of these events, VIPS and uniformed officers have an opportunity to interact with the public, introducing them to the many functions performed by local law enforcement and the responsibilities and sacrifice that entails.

During these community get-togethers, I can honestly say that most visitors to the VIPS tent are genuinely pleased--sometimes even surprised--with the efforts made by the Department to openly and sincerely interact with the people it serves. Fingerprinting children and handing out all those endless goodie bags encourages a dynamic and synergistic relationship between the citizenry and those who proudly "protect and serve" it.

And how many kids safely riding bikes around our neighborhoods are sporting brand new helmets because they successfully navigated that demanding slalom course set up in the fire department or a shopping center parking lot each spring?

Community Policing and all it naturally engenders stands as a demonstrable and visible force for good in our community. To lose such an impressive outreach would be both sad and regrettable. I sincerely hope reasonable accommodations can be found to keep this program alive and prospering in the most beautiful and welcoming valley on Earth.

From Susan J. Haggerty, of 179 S. River Road:

It has come to my attention that consideration is being given to further cuts in funding to Samuels Public Library. I urge you to fight hard to maintain the funding so that the new facility remains open and perhaps additional funding can be found so the library can be open for longer hours and more programs can be provided to the public.

My family enjoys the library very much. Since my children were little, the public library has been an important and favorite location for story time, summer reading activities, volunteering and teen activities. During the past few years we have home schooled and the library has been a wonderful place to locate resource materials, videos and books to supplement our curriculum and to use conference room space to study and do lessons.

My oldest son and I are avid readers and look forward to finding new materials to read at the library. The displays created by the librarians and their helpfulness are examples of the service they are providing to the community. The staff at the library are terrific!

Two of my sons currently volunteer at the library. Prior to volunteering, they were not avid readers. I believe their experience at the library volunteering has changed that. They both always find something new and interesting to read and now I am more likely to find them reading than I will find them watching television. Also, the experience has helped them in other

ways. They are learning responsibility, organization skills, communication skills and program development.

The public library is an important and vital part of our community. Please fight to not only maintain the funding but to increase the funding.

Councilman Sayre moved that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Section 75-44 so that real and personal property taxes are imposed at 7 cents per \$100 assessed value and the personal property tax rate is proposed at 60 cents per \$100 assessed value, effective upon adoption of the ordinance.

Councilman Conkey clarified that the motion was for 7 cents per \$100 assessed value and the personal property tax rate is proposed at 60 cents per \$100 assessed value. Mr. Sayre noted that he was correct.

Councilman Conkey moved to amend the motion to 8.5 cents per \$100 assessed value and the personal property tax rate is proposed at 74 cents per \$100 assessed value

Councilman Conkey noted that rhetoric and fear tactics had been used, with many percentages and numbers thrown out as well. He stated that if the real estate tax was raised one or two pennies, it would bring in several hundred thousand dollars, without affecting most households much. Mr. Conkey noted that it was a difficult year and he understood that many were out of work, though he would be taking an increase as well as his business/home would be taxed on an amount which far exceeded the average house in Town. He stated that the extra funding many speak on is in the Enterprise Funds which the Town could not take huge amounts from to balance the budget. He mentioned the recent case in Leesburg and their issue with taking too much money out of their funds. He asked that Council not put Front Royal in the same situation with taking too much.

Councilman Conkey stated that the Town needed reserve funding for various reasons, including the snow events recently which totaled over \$150,000 just trying to clear the streets. He noted that if there was a major water or sewer main break large funding would be required and the Town needed that funding in place. He opined that the economy may be down for another year or two and it was appropriate to raise additional monies at this time.

Councilman Holloway thanked everyone for coming forward to speak. He noted that the ideas were valuable and appreciated. He stated that every Councilman should have been given a line item budget, and until he requested one recently, he had never been given one. He stated that Council should not even consider raising taxes until they review such a document. Mr. Holloway added that Council cannot determine how to balance the budget without obtaining a line item budget to determine where the funds go. He questioned how any Council member could request a tax increase when they have not reviewed the budget, line by line. Mr. Holloway commented that Mr. Hrbek was the only member of Council suggesting a 5% reduction in employee salaries. He noted that the Council should not consider such a reduction or a tax increase until they reviewed the budget in detail.

Councilman Holloway explained that Enterprise Funds could not be used for just anything via transfer, though the Town could borrow from the funds, interest free. Mr. Robinett noted that it was correct though they did have to pay it back. Mr. Holloway stated that he would

not support any reductions for the Police Department or the library. He added that Council should be going through the budget much earlier, line by line, and they should also tap into the reserves this year, rather than raising taxes.

Vice Mayor Hrbek noted that to suggest that he just recently questioned funding with the library was inaccurate, adding that he had been raising the library questions for several years. He stated that he had not suggested cutting Police Department salaries, but salary cuts across the board, including the Town Council. He noted that the Town has not raised taxes for ten years.

Vice Mayor Hrbek noted that the Council had been told that there was a limited amount of funding which could be transferred from Enterprise Funds into the General Fund. He asked Mrs. Breeden several questions.

In response to Mr. Hrbek's fund balance question, Mrs. Breeden noted that when she met with Mr. Tederick it was very enlightening and a very good dialogue. She added that some issues were raised pertaining to a legal ruling on the transfer of Enterprise Funds. Mrs. Breeden stated that she contacted the Town's independent auditor, Mr. Jeffrey Mitchell, who deferred the question to the Town Attorney, as it was a legal opinion requested. She noted that Mr. Mitchell and Mr. Robinett are in contact in order to determine if there is a State law or if it is just general accounting policy and procedure.

Mrs. Breeden stated that Mr. Mitchell met with the Council Finance Committee to review the CAFR, he noted that the books, regulations and procedures were stated as what he legally had to go by, as they were rulings for governmental accounting.

Mrs. Breeden stated that the Town could borrow from the Enterprise Funds, and it had been used in the past. She added that it must be paid back in a reasonable amount of time.

Mrs. Breeden explained that it was her interpretation that the Town could balance the budget with fund balance, though the Town is looking to see if there is a legal ruling on the matter. She noted that she was willing to look outside the box and should the ruling be noted to allow a different process for the Town, then the Town certainly could do so.

Mrs. Breeden noted that they had all ready taken about \$2 million out from the Enterprise Fund with the justifiable formula to support day to day activities, such as the Finance Department's work. She added that the formula was part of the yearly budget justifications.

Vice Mayor Hrbek asked about 599 Funding. Mrs. Breeden explained that an amount was given to her each year, and the amount the Town collects is always less than the amount they say Front Royal will receive. She noted that the number given for next year is \$350,000 and the number was reducing ever year.

Vice Mayor Hrbek asked the Town Manager for the line item budget, and suggested that the budget process be different for next year. He noted that he would vote against the amendment.

Mayor Tewalt declared a five minute recess in the meeting to allow the A/V Technician to adjust the video tapes.

Councilman Lauder noted that Strasburg has 16 cents for real estate and they had not raised taxes for nine years. He stated that should the Town have a major line breakage going out to the Corridor that needed replacement or repair it would have to be done with reserve funding. He suggested that the Criser Road Bridge was not replaced, but repaired, as the Town may need extra money for unknown items which may surface.

Councilman Sayre noted that the Police Department was not on the table. He stated that he had seen first hand the sound decision making by the members of the Police Department. He added that in the future he hoped they could have their own Public Safety Building. Councilman Sayre stated that Council had never made any decision to reduce the library funding, as it was one Councilmember's press release. He noted that the Town recently allotted funding for three police cars for the 2010-2011 Budget. Councilman Sayre stated that he agreed intently with Mr. Edwards, who spoke earlier. He noted that the Town's Crime Prevention efforts were important as it allowed the Town to hold back crime elements which could hurt the Town. He stated that the gang, drug and crime prevention efforts were vast and the community benefited from their actions greatly.

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

Councilman Conkey stated that he was very concerned for the future of the Town, as the Town could not continue to push the matter away. He noted that Council needed to make tough decisions in order to meet the needs of the community. He challenged members of Council to determine ways to fund areas of the budget.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder and Sayre
No – N/A
Abstain – N/A
Absent – Parker
(Mayor Tewalt did not vote as there was no tie to require his vote)
(On Original Motion for 7 cents and 60 cents; MOTION CARRIED)

PUBLIC HEARING – An Ordinance to Amend and Re-enact Town Code Section 4-1 so that the Single Regular Meeting Date in December of Each Year is moved from the Third Monday of that Month

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

Vice Mayor Hrbek moved that Council adopt an ordinance to amend and re-enact Front Royal Town Code Section 4-1 so that the single regular meeting date in December of each year is moved from the third Monday to the second Monday of the month.

Vice Mayor Hrbek noted that it was suggested that December still have one meeting, but have said meeting moved up in the month. He stated that it was merely a housekeeping matter.

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

No – N/A

Abstain – N/A

Absent – Parker

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

(By Roll Call)

COUNCIL TO RECEIVE PUBLIC COMMENT – Removal of the Riverton Dam

James Hart, of Northern Shenandoah Valley Trout Unlimited, encouraged Council to vote for the dam’s removal. He noted that he represented over 90 members, and he was requesting that for safety reasons, as well as proper fish habitats, the dam be removed. Mr. Hart stated that with the community facing a massive budget shortfall, it would seem counterproductive to maintain the dam during such a time. He noted that there were many reasons to remove the dam, while he knew of no reason to leave it in place.

Trace Noel, of 34 Church Street, explained why he had the credentials to speak on the dam’s removal. He stated that he supported the removal of the dam for many reasons, adding that he had spent years on the river. Mr. Noel stated that the dam was a silent killer on the river and it would be inappropriate to have it remain in place. He noted that the Town had the power to remove the dam and they should do so. He added that it was also expensive to maintain.

Patrick Harvey, of 1713 N. Royal Avenue, asked why it was built to begin with. Mayor Tewalt noted that it was built to generate power, though it was no longer used for that purpose. Mr. Harvey noted that it seemed cheaper to remove the dam, and with the budget in poor condition, Council should vote to remove the structure.

Skip Sims, a resident of Thunderbird Farms and members of both Isaac Walton League and Trout Unlimited, noted that the dam should be taken out for fishing reasons and safety reasons. He stated that the dam held great liability and was a nuisance. He added that the State will provide funds to remove the dam, while retaining the dam would be a great expense.

Mayor Tewalt asked Mrs. Berry to read the letters received into the record, which stated:

From John Brice, 406 Dodson Lane, Front Royal:

We own property along the North Fork and are writing to state that we strongly oppose the removal of the Riverton Dam. The dam helps keep any potentially contaminated fish that may still be present in the river contained

below the dam and prevents them from spreading up river. Many people fish on the river, especially with the North Fork Camp Ground along the river. The impact on the flow of water and potential water shortages especially over the summer are additional concerns. Please present our concerns at the Council meeting.

From Mike Swauger:

I write to strongly request that you vote for the removal of the Riverton Dam as recommended by our State Game & Inland Fisheries Department. As President of the Northern Shenandoah Valley Chapter of Trout Unlimited, representing more than 80 members, which has a mandate to preserve and protect our valley's watershed and fisheries, I request that you provide consistent and commonsense leadership by having this archaic, costly and dangerous obstacle to recreation, tourism, safety and fish habitat removed at the Commonwealth's expense.

With our community facing massive budget shortfalls it seems rather counterintuitive to vote funding for studies, repairs and future maintenance of this white elephant that represents a legal liability. In fact, it simply makes no sense at all.

If a cost to benefit ratio study were to be done, I cannot think of one item that could be added to the benefit side of the equation. The list on the cost side is extensive. I look forward to your strong leadership and urge you to vote for the Riverton Dam removal.

COUNCIL AUTHORIZATION – Continue with Riverton Dam Removal Process

Councilman Sayre moved that Council authorize Staff to continue with the Riverton Dam Removal Process through the United States Fish & Wildlife Service.

Vice Mayor Hrbek noted that should the Town remove the dam they will never be able to replace it, and questioned if it was worth the cost to repair and maintain the structure for future efforts. He stated that the Town Council asked for the public's input before making a decision on the matter. Vice Mayor Hrbek asked if the motion included the \$3,000 amount to study the dam. Mr. Graham noted that it did not include the \$3,000.

Councilman Conkey noted that he was previously unsure of the public's interest or preference regarding the dam. He explained that in order to receive more views and look into the facts further, the Council held the public comment time on the dam.

Councilman Sayre stated that the public has stated loud and clear that the dam should be removed. He noted that he was pleased to hear people speak on the matter, and he would be unable to vote to retain the dam with budget issues the Town was currently facing.

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

No – N/A

Abstain – N/A

Absent – Parker

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

COUNCIL APPROVAL – Council Sets Special Meeting Date

Vice Mayor Hrbek moved that Council vote to hold a Special Meeting on Monday, March 29, 2010 at the Town Hall Conference Room at 5 p.m. in order to hold the second reading of the tax rate ordinance.

Mr. Robinett clarified the summary read by Mrs. Berry, adding that the sample motion within the packet did not clearly define the setting of the Special Meeting, therefore Mr. Hrbek made the motion as just stated.

Councilman Sayre clarified the proposed tax rates. Mr. Robinett noted that they could be from no more than 7 cents for real estate and no more than 60 cents for personal property.

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

There being no further business, the Mayor declared the meeting adjourned at 9:28 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council