

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on June 28, 2010, in the Warren County Government Center’s Board Meeting Room. Mayor Tewart 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. Tewart
Vice Mayor Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Thomas E. Conkey
Councilman Carson C. Lauder, Jr.
Councilman Chris W. Holloway
Councilman N. Shae Parker
Town Attorney Thomas R. Robinett
Clerk of Council Jennifer E. Berry

ABSENT: Town Manager J. Michael Graham

(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 June 14, 2010 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Jay White, an area popcorn vendor, spoke to Council about his concerns pertaining to Town peddler’s fees. He explained that he talked with the Town Manager about his concerns and Mr. Graham had instructed him to appeal to a member of Council to sponsor the matter on the agenda for discussion.

Mayor Tewart requested that Mr. White return to the Town Manager with the request in writing.

Mr. White also questioned the reason for allowing only one ice cream truck vendor within the Town, noting that he would also like the ice cream truck matter discussed at a worksession as well.

Chris Stadlberger, of Hillbilly Hideway BBQ Catering, asked Council about the inability to connect to the Town’s electric system at the power pole near his portable trailer/catering business. He noted that it would be simple to install a meter for the change.

Mayor Tewalt requested that Mr. Stadlberger return to the Town Manager with his request in writing.

Tina Hobson, of 1045 Oakmont Drive, read the following into the minutes:

At your last Council meeting on June 14, the following motion was approved:

Vice Mayor Hrbek has requested that the Town Attorney and the law firm Troutman Sanders, as well as Town Staff, to release all information, which is currently protected from release under the Freedom of Information Act because of attorney/client privilege related to the solar project, the Request for Proposal (RFP) and communications regarding the RFP between elected and appointed officials and staff including, but not limited to, notes of phone calls, e-mails written by councilmen, staff and attorneys, including outside legal counsel (i.e. Troutman Sanders) and legal bills associated with such.

I thank Mayor Tewalt for emphasizing that all internal staff documents related to a possible solar "bribe" be released to the public. That information focuses on the town attorney's controversial third-party bribe inquiry and the subsequent leak to the Northern Virginia Daily (NVD) of three confidential documents.

On June 17, under the approved motion, I requested eight items directly relating to the Front Royal solar effort. As a Federal Government Senior Executive, I am familiar with the Freedom of Information Act (FOIA). Securing the specific information you want is often a shot in the dark. For instance, your request that Mr. Robinett implement your 6/14 motion had the same effect as putting a billy goat in charge of the garden. Since Mr. Robinett makes all FOIA decisions, he may elect to exempt from FOIA anything he wants -- just label it a "personnel" issue, or something similar. This is how he handled my request.

Although the Federal Government generally tells people, in advance, the estimated cost of their FOIA request, Mr. Robinett does not provide that courtesy. I received a bill on Town Attorney letterhead, with Mr. Robinett charging 1.75 hours @ \$61.19 per hour and the cost of an Administrative Assistant for 2.48 hours @ \$30.56 per hour -- total \$186.32. However, paying \$186.32 for just one document was worth it. I think it solves our problem. The document was an e-mail from Carter Glass to Thomas Robinett dated April 26.

In a casual conversation on March 30, the Town Manager was obviously seeking legal advice. The Town Attorney elected to follow his own agenda and instead of looking out for the Town Manager and Town of Front Royal, he chose instead to try to trip up the Town

Manager and in doing so has put the Town in legal peril, regardless as to whether another Council Member released the confidential memorandum to the NVD. This isn't the first time the Town Attorney has pushed his own agenda and it won't be his last. Until you make a decision to remove his scare tactics, it won't be possible for the Town of Front Royal to move forward.

The facts are that on March 29 and 30, Mr. Graham used the word "incentives" to describe the pre-RFP specific benefits raised by Standard Energy -- including dollars and jobs. Mr. Robinett chose to interpret Graham's words as referring to the RFP process. On April 26, Mr. Glass made clear that his opinions were based strictly on a telephone conference call with Mr. Robinett focusing on the RFP, that he never received any of the pre-RFP public documents that outlined the "benefits". In fact, Mr. Glass states that if there was no relationship to the RFP process " . . . then that would certainly have changed our ultimate conclusions."

We lost a major opportunity because of this damaging conflict. I've included notes on each of my FOIA requests which I hope will also be of value.

Pat Callahan, of 222 S. Royal Avenue, thanked Vice Mayor Hrbek and Mayor Tewalt for their efforts to the citizenry and their time while serving on the Town Council.

Tim Armstrong, a local hotdog vendor, commented on the fee being lowered for peddlers in the area. He noted that he paid \$250 to the County, though he pays a monthly rent to Ramsey Hardware for his location. He stated that he had been told that if he paid rent to Ramsey's then he should not have to pay the \$250 to the County. Mr. Armstrong requested a set of rules or guidelines to assist area vendors as they pursue business opportunities in the community.

Vice Mayor Hrbek stated that the Economic Development Authority (EDA) has a pamphlet or CD which walks business entrepreneurs through the ordinances of the Town and County. He added that the Town's Planning & Zoning Office could also assist as well. Mr. Hrbek requested that Mr. Armstrong also speak with the Chamber of Commerce.

David Silek, of 9306 Grant Avenue, Manassas, Virginia, noted that he was speaking on behalf of his client, SolAVerde. He congratulated Mr. Hrbek and Mayor Tewalt as their term was ending. Mr. Silek noted that he also submitted a FOIA request, as had Ms. Hobson, and the three area newspapers, in order to obtain information regarding the solar power. Mr. Silek stated that the Town had replied that they could not find some of the documents, and it had been over 20 days. He expressed concern that he, the area reporters and Ms. Hobson all had similar requests, yet they each were charge hundreds of dollars for the same research. He noted that as the Town has authorized the release of the documents, then he suggested that the Town post them online to make them accessible to all.

Mr. Silek expressed concern about the delay in providing some documents, noting that it had been suggested that the Town would be overrule the prior motion of Mr. Hrbek to release the documents, which may have been the cause for the delay. He stated that the Town Manager's Office and the Town Attorney's Office needed to search their computers and produce the documents quickly. He also requested that the member of Council who released the memorandum from Mr. Robinett's office come forward and show courage. Mr. Silek opined that the individual who released the document acted irresponsibly, intended to harm someone and has benefited politically. He added that Ben Orcutt, reporter for the Northern Virginia Daily, would not face jail time to cover for the person who released the memorandum.

Richard Caricofe, of 575 Cresthaven Court, echoed the remarks thanking Mr. Hrbek and Mayor Tewalt for their service to the Town. He stated that the mudslinging and finger pointing would continue, though it will be directed at someone else. He asked Council to not approve the increase in vehicle, water and sewer fees as it would only be redirecting a tax increase in another form.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mrs. Breeden stated that the slurry pavers would be on Commerce Avenue starting tomorrow, before moving onto Royal Avenue.

Mr. Burke explained that:

- The Water Quality Report for 2009 has been released;
- Regarding water conservation in the area, the Town is monitoring the current flow rate/the 14-day rolling average, which has indicated that if significant rainfall is not received, the Town will enter voluntary conservation efforts this summer;
- The Royal Avenue/Main Street signal installation is 95% complete; and the Royal Avenue/Jackson Street signal is completely installed and functioning;
- The Happy Creek Road work is not a Town project, though it is partially funded through urban funding. Mr. Burke added that the Town was attempting to act as an intermediary for the citizens and their concerns.
- A portion of Happy Creek Road east of Randolph to 6th Street has been closed in order to allow for the reconfiguration of said route.

Councilman Sayre asked about the issues within the plans pertaining to sidewalks. Mr. Burke stated that they would be on the south side of the new road, and bicycle improvements would be on both sides of the road. He added that an improved vertical alignment was also intended and the project had an 18-month construction timeframe, with the hopes of finishing around August of 2011.

Councilman Sayre noted that the July 3rd Cardinals baseball game would be allow area Scouts wearing their uniforms to get in free, and those bringing in St. John the Baptist Church bulletin. He added that there were also tickets available for that game as well from area sponsors.

Vice Mayor Hrbek addressed Ms. Hobson's comments, noting that Mr. Robinett had stated in his letter to her, that the some items were protected and they were exempt from FOIA

under the Virginia Code, adding that Council's vote did not cover said information. Mr. Hrbek noted that he was certain the Town Attorney's legal interpretation was accurate, though it was not Council's understanding upon the June 14 vote. He added that he provided said documents to Ms. Hobson, per her request.

Vice Mayor Hrbek read the following into the record:

It has been a true honor and privilege to have served the Town of Front Royal as councilman and vice mayor over the past four years. I am very proud of the accomplishments of the town and my contribution to them. I usually don't like to toot my own horn--I prefer others to do that!--which may be why I was unsuccessful in my re-election bid, but I would like to highlight a few things that I'm especially proud of.

In November 2006 I led the effort to eliminate the county's BPOL tax on in-town businesses. This resulted in a savings of about \$700k in taxes to our Front Royal businesses. I pushed to begin each meeting with a prayer which resulted, through the legislative process, a moment of silence. I have been a consistent voice in protecting private property rights, especially when it concerns property in the historic district. We now have our meetings streamed on-line -- live even -- because of my request. I was a vocal proponent of our downtown and other in-town businesses when I continued to push for the town to protect the 522 corridor agreement. Although ultimately deciding to not appeal the case, I believe that what we did was the right thing to do for the taxpayers of Front Royal. The town fought to make sure that the in-town water users did not subsidize the out-of-town 522 businesses. The court never ruled on the legality of the agreement but ruled that the language was too vague in the contract. We won the short term battle, but as a result the ruling was a check-mate on winning the entire case.

I have consistently opposed the funding of groups with taxpayer money that are outside the scope of why we collected the money to begin with. I was the lead voice in hiring Mike Graham as town manager and was one of the first to recognize the importance of a Front Royal-AMP relationship in 2007. And as everyone probably is aware that I was a lead voice in the solar field development and intimately involved in many of the details of the project.

Over the past four years my family and I have tried to make Front Royal a better place to live. I'm proud of my record of accomplishment and I'm proud of how Front Royal has moved forward in that time.

However, over the past couple months, this job has become less and less fun. I hope, for the sake of the town, that the politics of personal destruction will cease. This year's budget is held together by a fiscal band-aid and is not sustainable. This council will have to make tough choices and if future political ambitions or attempts to curry favor with the political elite continue to be the primary motivation of some, the town will begin make a major U-turn. I hope the future mayor and town council will always remember who they represent and that they are trustees of the public good for this and future generations. I may not have always made friends. I may have come across brash, undiplomatic and some might even say arrogant, but I have always

done what I believe was in the best interest of the people of Front Royal and always been open and honest with my opinions and thoughts. I've never hidden behind legalities and have called them like I see them.

It has been a pleasure to work with some fine men and women in the Town of Front Royal staff and commissions. I wish the town council the best and thank the mayor for his leadership. I want to leave you one last thought. In 1994 I was an intern with Congressman Frank Wolf's Washington, DC office. There I learned firsthand the power of budgeting and how money is "fungible." At the time each congressional office was allotted a budget item to fund their interns. Mr. Wolf opted to pay two of each of the four interns in his office--one for the first half of the summer and one in the second. It was the Lyndon B. Johnson Intern Scholarship. In the summer of 1994, the Democrats were desperate to show they were fiscally responsible. As in today, they could see the handwriting on the wall. The Democrats cut the scholarship funding and the CBO scored every two paid interns as one staffer. Therefore they could announce they had cut staff when in actuality they made it harder for young people like myself to be involved in the political process. Very similar to our own fiscal game of Twister we played this year.

At the time a young man named Buzz Hawley worked as a legislative assistant for Mr. Wolf. One day Buzz said to me that when Mr. Wolf retired he'd become congressman and I'd probably be mayor of Front Royal by then. I scoffed at the idea. I thought mayor of Front Royal? Are you absurd? I plan to be greater than mayor. Keep in mind I was 20. Now, 16 years later, I have come to realize that the privilege to do the hard work and make the choices at the local government level is one of the highest honors a man could enjoy. I thank the people of Front Royal for the opportunity. On behalf of my wife Jessica and my children, Noah, Annie and Hunter, God bless Front Royal and thank you for the privilege of service.

Councilman Conkey voiced supporting of posting the documents online as suggested, noting that he could not imagine anyone objecting to the posting. He noted that members of Council have been proponents of openness and the postings should be online if possible.

Mayor Tewalt stated that it was his understanding that the previous Council vote was to release all documents.

Mr. Robinett explained the text of the motion to Council, noting that the motion said:
to release all information which is currently protected from release under the Freedom of Information Act because of attorney/client privilege related to the solar project the Request for Proposal (RFP) and communications regarding the RFP between elected and appointed officials and staff. [motion of June 14, 2010)

Mr. Robinett stated that Staff was directed to release items protected under the attorney/client privilege relating to the RFP, though they were never directed to release any and all documents, nor were they directed to release them at no cost to the requestors.

Vice Mayor Hrbek noted that Council would seem to have unanimous support to correct the deficiencies in the prior motion of June 14. Councilman Sayre stated that it was a good idea to place the documents online as soon as possible. Councilman Lauder opined that it is evident that Council did not know what was to be released when the vote was taken.

Councilman Conkey presented plaques to Mayor Tewalt and Vice Mayor Hrbek with resolutions of appreciation for their work to the Town. Councilman Lauder thanked Vice Mayor Hrbek and Mayor Tewalt for their work for the Town over many years.

Councilman Sayre stated that the four years serving with Messrs. Hrbek and Tewalt were productive, adding that he had hoped to have a different outcome regarding the 522 Corridor lawsuit. He wished the outgoing Councilmen the very best.

Mayor Tewalt thanked the public for allowing him to serve the Town. He noted that as Mayor, he spent three to four hours each day at Town Hall and he had enjoyed every minute. Mayor Tewalt thanked Council for their efforts, and wished incoming Mayor-Elect Darr well as he served.

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

Vice Mayor Hrbek moved to add an item to the agenda to instruct Staff to post documents at no charge relating to the solar process, including the release of confidentiality of the closed session documents and conservations.

Councilman Sayre agreed that the documents should be placed on the internet. Councilman Conkey noted that if there were any matters relating to personnel issues, that said documents should be protected. He expressed concern that some documents could be released which would be critical of employees on Staff.

Vote: Yes – Conkey, Holloway, Hrbek, Lauder, Parker and Sayre
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(By Roll Call; Motion to Add Item to the Agenda)

CONSENT AGENDA

- A. COUNCIL APPROVAL: Resolution Pertaining to Employees’ Contributions to Virginia Retirement System (VRS)
- B. COUNCIL APPROVAL: Resolution re: Memorandum of Understanding Between the Town and Warren County School Board to Allow Access to the Town’s Backflow Prevention Equipment at New Warren County Middle School
- C. COUNCIL APPROVAL: Byrne Justice Assistance Grant – Police Department
- D. COUNCIL REFER TO PLANNING COMMISSION: Heptad (Swan Farm) Rezoning Application

- E. COUNCIL APPROVAL: Request to Close Crosby Road at the Corner of 8th Street AND Waiver of Fireworks Display Permit Application Fee – Front Royal Volunteer Fire/Rescue Department’s Annual Carnival

Vice Mayor Hrbek moved that Council approve the Consent Agenda as presented.

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

No – N/A

Abstain – N/A

Absent – N/A

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

⌘ RESOLUTION – VRS Contributions for Employees ⌘

Resolution Regarding Authorization to Pick-up the Employee’s Contribution to VRS Under §414 (H) of the Internal Revenue Code For Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session, passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010, (hereafter referred to a “Plan 2 Employees”). The legislation stipulates that Plan 2 Employees will pay their 5 per cent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code §414 (h) on a pre-tax basis; and,

WHEREAS, the legislation allows certain employers, including the Town of Front Royal, Virginia, to pick up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pickup and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 through June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent Resolution changing the way the 5 percent member contribution is paid; and,

WHEREAS, employee contributions that are picked up as a additional benefit not paid as salary are not considered wages for purposes of Virginia Code §51.1-700, *et seq.*, nor shall they be considered salary for purposes of Virginia Code Section 51.1-100, *et seq.*; and,

WHEREAS, the Town of Front Royal, Virginia, desires to pickup and pay its Plan 2 employees’ member contributions to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and,

WHEREAS, VRS tracks such picked up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, BE IT, HEREBY, RESOLVED that effective the first day of July 1, 2010 the Town of Front Royal, Virginia, shall pick up member contributions of its Plan 2 employees to VRS as an additional benefit nor paid

as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above;

AND, BE IT, FURTHER, RESOLVED that such contributions, although designated as member contributions, are to be made by the Town of Front Royal, Virginia, in lieu of member contributions;

AND, BE IT, FURTHER, RESOLVED that nothing shall be construed so as to permit or extend an option to VRS members to receive the picked up contributions made by the Town of Front Royal, Virginia, directly instead of having them paid to VRS.

RESOLUTION – MOU with Warren County School Board

Resolution Regarding a Memorandum of Understanding Between the Town of Front Royal, Virginia, and the Warren County School Board

WHEREAS, the Warren County School Board desires to negotiate procedures with the Town of Front Royal, Virginia, for accessing a new water meter vault at the new Warren County Middle School; and,

WHEREAS, the purpose for accessing the said vault will be so that the School Board may, through contractors or otherwise, conduct required component testing at the aforesaid facility, especially inspection of backflow prevention devices; and

WHEREAS, the Town, acting by and through the Town Council, desires to permit such access under the general terms and conditions hereinafter specified, provided that the Town’s Director of Environmental Services and the Superintendent of Schools for Warren County, or her designee, can reach a written agreement as to the specific terms and conditions of such access.

NOW, THEREFORE, BE IT, HEREBY, RESOLVED that, effective immediately, the Town’s Director of Environmental Services is hereby authorized to prepare, on behalf of the Town, an Agreement with the aforesaid School Board as to the requested access into the Town’s meter vault at the new Warren County Middle School upon the following terms and conditions, and upon such additional terms as he shall deem necessary and appropriate for access to the Town’s meter vault:

- (1) The Town shall be notified forty-eight (48) hours in advance of the Board’s need to access the vault, and only those persons certified by the State of Virginia to conduct back-flow testing and who have exhibited proof of same in advance shall be permitted to enter the vault.
- (2) Town staff shall be physically present at the vault during the entire time that the Board or its contractors are in the meter vault, but shall not be responsible for providing tools or materials to the Board’s contractor.
- (3) The Board’s contractor shall provide all test equipment and tools, to expressly include any and all equipment necessary to make repairs, and the said contractor shall comply with all confined space entry procedures. In addition, to the extent permitted by law, the Board shall hold the Town

harmless from any damage or injury to the vault or any facilities located within it, and shall be entirely responsible for the repair.

(4) The Board must agree that the meter pit shall be installed in accordance with all Town standards applicable to such structures, without deviation of any kind, and that repair or replacement of any backflow prevention devices shall conform to all applicable Town and State standards.

(5) Such other terms and conditions as the Director of Environmental Services and the Superintendent, or her designee, may agree are necessary to the safe and orderly performance of the access and testing hereinabove described.

PUBLIC HEARING – An Ordinance to Confirm the Exchange of a 40-year Easement to Allow an Encroachment in Exchange for a Conveyance in Fee Simple – Michael V. Greenan

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

Councilman Conkey moved that Council adopt an ordinance to confirm the exchange of a 40-year easement along the right-of-way lines for Prospect Street and Blue Ridge Avenue to allow an encroachment for a fence in exchange for a Conveyance in Fee Simple for Michael V. Greenan.

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

⌘ ORDINANCE – Greenan Easement/Encroachment ⌘

An Ordinance To Confirm The Exchange Of A Forty-Year Easement Along The Right-Of-Way Lines For Prospect Street And Blue Ridge Avenue To Allow An Encroachment On Town Property For A Fence In Exchange For A Conveyance In Fee Simple To The Town Of A Triangular Parcel Of Land From Michael V. Greenan

WHEREAS, the Town Council of the Town of Front Royal, Virginia, has, by Resolution dated June 14, 2010, authorized the conveyance of a forty-year easement along the right-of-way lines for Prospect Street and Blue Ridge Avenue, in order to allow the encroachment of a fence on said streets, in exchange for a deed conveying the fee simple interest in and to a triangular-shaped parcel of land, all as depicted on a plat of survey by Darryl G. Merchant, Consulting Land Surveyor, dated April 5, 2010, said plat being incorporated herein by reference; and,

WHEREAS, the said Council, consistent with the terms of the aforesaid Resolution, continues to find that the exchange of the aforesaid easement for

the fee simple in the triangular parcel between the Town and Michael V. Greenan exchanges interests in land of approximately equal value, and allows an encroachment on Town property by Greenan while eradicating an encroachment by the Town on other property owned by Greenan; and,

WHEREAS, the said Council has, this day, conducted a Public Hearing, after due advertisement thereof, of its intention to exchange the aforesaid easement in exchange for a conveyance in fee of the aforesaid property by Michael V. Greenan, and to adopt this Ordinance confirming said exchange.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Front Royal, Virginia, that the exchange of the interests in the real estate hereinabove described between the Town and Michael V. Greenan is, hereby, ratified and confirmed; and, BE IT, FURTHER, ORDAINED AND ENACTED That the Town Attorney shall cause the preparation of one or more good and sufficient instruments exchanging such interest in the above-described real estate between the Town and Michael V. Greenan, and that the Mayor is, hereby, authorized, on behalf of the Town, to sign said instruments, which shall include a copy of the aforesaid plat of survey and a certified copy of this Ordinance and of the Resolution of June 14, 2010, and that such documents shall be delivered and recorded as required by law.

This Ordinance is designated as “routine” for purposes of Section 4-4 (E) of the Town Code, and shall be effective on adoption.

COUNCIL APPROVAL – An Ordinance to Amend and Re-enact Town Code Sections 134-22.1, 134-31.1 and 160-3 so that Rates for Both Sanitary Sewer and Water Services, as well as Annual Vehicle License Fees, are increased (2nd Reading)

Councilman Holloway moved that Council adopt on its second/final reading an Ordinance to amend and re-enact Front Royal Town Code Sections 134-22.1, 134-31.1 and 160-3 so that rates for both Sanitary Sewer and Water Services, as well as Annual Vehicle License Fees, are increased as presented.

Water & Sewer Service Rates

Sewer service base rate from \$7.45 to \$7.75
Sewer service over 3,000 gallons from \$5.90 per 1,000 gallons to \$6.67
Water base rate from \$6.45 to \$6.75
Water over 3,000 gallons from \$4.63 per 1,000 gallons to \$5.79

Annual Vehicle Licenses

Automobiles from \$20.00 to \$25.00
Motorcycles, scooters, etc. from \$12.00 to \$15.00
Trailers, semitrailer etc. from \$12.00 to \$15.00
Special plates for Virginia National Guard from \$10.00 to \$12.00
Prisoner of War plate fees are entirely repealed

Vice Mayor Hrbek noted that the item was an additional tax, though it was called a fee. He stated that the Town's water fund had no resources in order to subsidize the budget, adding that major expenses were arising with the Wastewater Treatment Plant upgrade requirement. Mr. Hrbek opined that the Town needed to have reserves in order to sustain the water system for the community.

Councilman Sayre stated that, in comparison with a private sector matter, these rates would run the "Water Company" and "Sewer Company." He noted that he was not voting for a tax on water and sewer rates, adding that the increase was for good quality water and sewer systems. He stated that the increase in license amounts were taxes.

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

☞ **ORDINANCE – Water-Sewer Fees & Vehicle License Fees** ☞

An Ordinance to Amend and Re-Enact Front Royal Town Code Sections 134-22.1, 134-31.1, and 160-3 so that Rates for Both Sanitary Sewer Service and Water Service, As Well As Annual Vehicle License Fees, Are Increased

WHEREAS, various Sections of the Code of Virginia, 1950, as amended, and the Town Charter of the Town of Front Royal, Virginia, expressly authorize the Town Council to enact Ordinances which impose and collect fees for both water and sanitary sewer service, as well as to impose an annual license fee on motor vehicles; and

WHEREAS, the said Town Council has considered whether or not it should increase these fees in order to provide additional revenue for the Town Budget for the Fiscal year ending June 30, 2011, and has determined that it is absolutely necessary to do so

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Sections 134-22.1, 134-31.1, and 160-3 of the Front Royal Town Code are hereby amended and re-enacted as follows:

Section 134-22.1 SANITARY SEWER SERVICE RATES.

The monthly base rate for sanitary sewer service usage shall be as follows:

- A. Base rate, up to three thousand (3,000) gallons per month: ~~seven dollars and forty five cents (\$7.45)~~ seven dollars and seventy-five cents (\$7.75).

B. All sanitary sewer service usage exceeding three thousand (3,000) gallons per month: ~~five dollars and ninety cents (\$5.90)~~ six dollars and sixty-seven cents (\$6.67) per month, for each one thousand (1,000) gallons thereafter.

Section 134-31.1 WATER SERVICE RATES.

The monthly rates for water service usage shall be as follows:

A. Base rate, up to three thousand (3,000) gallons per month: ~~six dollars and forty-five cents (\$6.45)~~ six dollars and seventy-five cents (\$6.75) per month.

B. All water service usage exceeding three thousand (3,000) gallons per month: ~~four dollars and sixty-three cents (\$4.63)~~ five dollars and seventy-nine cents (\$5.79) per month, for each one thousand (1,000) gallons thereafter.

Section 160-3 ANNUAL LICENSE FEES; PRORATION.

A. Annual fees. The annual license fee for motor vehicles, trailers or semitrailers are:

1. Upon each passenger automobile, station wagon, motor home, bus, truck or similar motor vehicle: ~~twenty dollars (\$20)~~ twenty-five dollars (\$25.00).

2. Upon each motorcycle, motor scooter or other similar vehicle: ~~twelve dollars (\$12)~~ fifteen dollars (\$15.00).

3. Upon each trailer, semitrailer or any vehicle without motive power, except mobile homes: ~~twelve dollars (\$12)~~ fifteen dollars (\$15.00). Each such trailer, semitrailer or vehicle without motive power with a gross weight of one thousand five hundred (1,500) pounds or less shall be exempt from these requirements.

4. No fee of any kind shall be charged ~~One dollar (\$1.00)~~ for any passenger vehicle, pickup or panel truck bearing lawful prisoner of war license plates issued by the Commonwealth of Virginia in accordance with the provisions of the Code of Virginia, Section 46.2-746.

5. ~~Ten dollars (\$10.)~~ Twelve dollars (\$12.00) for each motor vehicle bearing Virginia National Guard license plates issued by the Commonwealth of Virginia in accordance with the provisions of the Code of Virginia, Section 46.2-744.

6. In no event shall be the fees described in subsections 1 through 5 be greater than the amount of the license tax imposed by the

Commonwealth of Virginia on the motor vehicle, trailer, or semitrailer.

COUNCIL APPROVAL – Web Posting of Solar Documents

Vice Mayor Hrbek moved that the Town:

- *Post all documents related to the FOIA requests regarding the solar project including before, during, and after the RFP process on the world wide web.*
- *He further moved to waive all traditional charges related to FOIA requests by the Town Attorney’s office; and to*
- *Lift the confidentiality of the closed session conversations and documents regarding the solar project, and that;*
- *Personnel issues related to the solar project be exempt from the motion.*

Councilman Sayre spoke of amending the motion to include any solar project issues. Mr. Hrbek noted that he had stated that “all documents” related to FOIA requests regarding the solar project.

Vice Mayor noted that should any citizen come to the Town Attorney with a FOIA request, the documents could be given to them via posting the items to the web, including closed session materials.

Councilman Sayre cautioned that any documents placed would be “window dressing,” adding that individuals would not produce some documents. Vice Mayor Hrbek noted that if it was window dressing, the covering was sheer.

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

There being no further business, the Mayor declared the meeting adjourned at 7:52 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council