

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on May 23, 2011, in the Warren County Government Center’s Board Meeting Room. Mayor Darr led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

**PRESENT:** Mayor Timothy W. Darr  
Vice Mayor Chris W. Holloway *arrived at 7:20 p.m.*  
Councilman Thomas E. Conkey  
Councilman Carson C. Lauder, Jr.  
Councilman N. Shae Parker  
Councilman Thomas H. Sayre  
Councilman Hollis L. Tharpe  
Interim Town Manager Steven M. Burke, P.E.  
Town Attorney Thomas R. Robinett  
Clerk of Council Jennifer E. Berry, CMC

(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 May 9, 2011 as presented.*

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

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**RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC**

Paula Wayland, of 429 Belair Avenue, explained to Council that a group of area citizens planned to propose a new Eagles organization in the community. Ms. Wayland voiced support of a family oriented and community minded group to assist those in need throughout the Town of Front Royal and Warren County. She noted that as the process continued, they would like to obtain Council’s viewpoint on the matter. Ms. Wayland described some of the charitable groups they hoped to support.

Jim Martin, Executive Director of the Downtown Front Royal (DFR), noted that they do not object to the County’s Dancin’ in the Streets event. He expressed a willingness to work with the Town Manager to establish procedures and guidelines for future event permitting for such events.

Valentina Sacks, business owner at 122 E. Main Street, stated that she moved to the area two years ago to open a business. She spoke of the event permitting issues and how it impacted the businesses when Main Street is closed. Ms. Sacks noted that Messrs. Ratigan and Turner have noted that festivals were good for Main Street businesses; though she opined that if said gentlemen owned businesses on Main Street they may feel differently on the matter. Ms. Sacks stated that the closing of Main Street will always have an adverse impact on the shop owners, as it severely limits them in several ways. She stated that she understood that there were a few festivals annually, such as the Wine & Craft Festival and Festival of Leaves, though now there was the Celtic Festival, the Dancin’ Downtown type events and others. Ms. Sacks noted that

when the Wine & Craft Festival took place recently, Peyton Street Parking Lot was filled at 7 a.m. with vendors, not visitors to the area. She added that the events bringing in the vendors were in direct competition with the onsite Main Street businesses and every dollar going to the vendors is a dollar taken from the Main Street merchants. Ms. Sacks noted that the occasional festival, carnival and parade was great for the Town, however the Celtic Festival and the Dancin' in the Streets event sponsored by Warren County were not. She opined that Main Street is a business corridor, not a park.

Tina Hobson, of 1045 Oakmont Drive, presented a copy of the letter from February regarding the May/November election dates. She read the following into the record:

We have consulted with our Virginia Delegate and Virginia Senator Offices and understand that the Front Royal Council, by adopting a simple ordinance (law) in 2011, can change the election date of the Mayor and members of Council from the May general election 2012 to the November general election 2012. An ordinance requires a public hearing and then at least one reading followed by a roll call vote of the Council. In order for the shift in date to take effect in 2012, Front Royal much – at some time – give notice to the General Assembly (via Mark Obenshain/Clifford Athey's Offices) and any changes must be approved by the General Assembly. This fact was confirmed by Matt Able at the State Board of Election Services who pointed to recent State Attorney General guidance. Senator Obenshain's Office assured me the change in date could be made this year – even though the general session ends on February 25.

An "emergency clause" could be placed on the request and submitted during the refilling session scheduled on November 21, 2011, for the regular 2012 general session. We could expect routine approval by the General Assembly by the end of February 2012 which complies with the relevant code sections from Virginia Elections Laws. If the Council is unanimous in their request for an election date change in 2012, there is even a possibility that a "letter of resolution" could lead to a General Assembly approval of the date change by February, 2012.

In Warren County there are 23,406 registered voters, including 8,389 Town residents. In the last three voting years, the highest percent of residents voting in the May Town elections was 19%. IN most cases, new Town Council members won their positions with less than 900 votes, or only about 10.7% of the Town voting residents. However, the number of registered voters participating in the last three County wide November elections ranged from 29.40% to a Presidential election with 70.83%. The increase in numbers is similar in other locations.

**REPORT OF THE MAYOR, COUNCIL & STAFF**

Mayor Darr presented Bruce Drummond, who is retiring as Planning & Zoning Director, with a commemorative plaque. Mayor Darr noted that he was initially hired by the Town in December of 2006, and had contributed to the Town during numerous rezoning, special use

permits and conservation easements. Mayor Darr added that he assisted with the planning of the Leach Run Parkway and the East/West Connector Road and had worked closely with the County of Warren. He congratulated Mr. Drummond on his retirement and thanked him for his dedication to the Town.

Mr. Burke:

- Stated that they continued the design of the replacement of the water line at the K-Mart Shopping Center, noting that the Town had selected Patton Harris Rust for the project;
- Noted that they issued a rabies alert in the John Marshall Highway and Jamestown Road area, as a raccoon was a confirmed rabid animal. He added that residents are not to be alarmed, but rather be aware of the actions of animals in the area, and contact the Warren County Sheriff's Office at 635-4128 with any concerns;
- Reported that they have had many electric meter tampering episodes. He stressed to the public, that if they cannot make their utility payments contact the Finance Office for payment arrangements. He noted that several meter bases have melted and electrocution could occur if the meters are tampered with; and
- Stated that offices closed for Memorial Day, Monday, May 31<sup>st</sup> with regular trash rescheduled to Wednesday of said week.

Doug Stanley, County Administrator, stated that the meeting location for Tuesday's Route 522 Corridor discussion will be at the Government Center and the full County-Town-EDA Meeting would be at the Villa Ave-Warren County Community Center at 6 p.m. Mr. Stanley wished Mr. Drummond the best in his retirement and thanked him for his efforts while working with the County on certain projects. Mr. Stanley submitted the following report to Council:

***Flood Damage*** – Governor Bob McDonnell announced several weeks ago that those affected by the severe storms that struck Virginia on April 8 and April 16 will be granted a 30-day extension for filing returns and making payments on their state taxes. Warren County was included in the list of Counties where residents will be able to get the 30-day extension.

We are still cleaning up from the damage. Current estimates from Parks and Recreation indicate that facilities sustained \$45,000 to \$55,000 in damage. This figure includes labor and materials. Chris Fisher estimated that we incurred approximately \$45,000 in damage in Shenandoah Farms Sanitary District. Most of the work has been completed. We are continuing to pursue possible insurance and FEMA claims to offset the costs incurred.

***Royal Shenandoah Greenway/Eastham Trail/Phase I*** – The County will be re-bidding the Eastham Trail project in the next week. The previously selected contractor was unable to meet all VDOT bidding requirements. We are hoping to have a bid awarded in time to allow construction to commence in July.

***Warren County Dog Park*** – We continue to work with the Warren County Dog Park Association to develop a dog park at Eastham Park. County is funding the design of the facility and we are working with the Association to identify potential donors both for cash donations or in-kind services. The goal is to get the facility constructed by fall 2011. The "Bark for the Park" evening on March 29<sup>th</sup> at the Warren County Community Center went extremely well. Anyone interested in supporting the project and providing a place for dogs in

our community to have a place to run off their leash is asked to contact Kelly Walker or Jim Eastham.

**Royal Shenandoah Greenway/Eastham Trail/Phase II** – We have received verbal design approval from Norfolk Southern on the crossing underneath the railroad bridge. We have authorized our Landscape Architect to proceed with the preliminary design of the project.

**Public Safety Building** – Work continues on the Public Safety Building despite the wet weather. Stone work has been completed on the exterior and the steel decking on the roof. We currently estimate the project to be about 2 months behind the estimated completion date of December 2011.

**Regional Jail** – The architect is proceeding in earnest with the design of the facility. The Board of Supervisors will hold a public hearing on the conditional use permit for the design of the facility at its meeting on June 21<sup>st</sup>. The estimated bid date of the project is spring 2012.

**15<sup>th</sup> Street Middle School** – County staff is working with Moseley Architects on the roof design and reconfirming the layout of the building with the proposed tenants. We hope to have much of the preliminary work completed by the end of summer.

**Warren County Comprehensive Plan Review/Update** – The Planning Commission reviewed Chapter 7 (Infrastructure Chapter) at its meeting on April 13th. The schedule is to have a final draft of the plan to the Board for consideration in the fall.

**Redistricting** – As part of the Redistricting process, the County needed to shift voters out of the Happy Creek and Shenandoah Districts which had grown at a faster rate than the other districts over the past decade.

The Board of Supervisors approved Option #1 at a special meeting and public hearing on May 10th. In Town, the major changes involve shifting of the area east of Biggs Drive south of Route 55 East to the Town limits from the Happy Creek District to the South River District, the area between Commerce Avenue and Happy Creek Road to Manassas Avenue and south of 6<sup>th</sup> Street from the Shenandoah District to the Fork District, and the area north of 6<sup>th</sup> Street and west of Manassas Avenue to Commerce Avenue from the Shenandoah District to the North River District. The Board also approved a consolidation of several voting precincts including part of the North River Town Precinct and the Riverton Precinct which will see residents of the Riverton area voting at the 15<sup>th</sup> Street Middle School in the future.

**Airport Hangar Building** – The contractor has started work on the 8-unit T-Hangar building at the Front Royal-Warren County Airport. Construction should be completed by August 1<sup>st</sup>.

Councilman Conkey noted that he had worked with many Planning Directors and he could confidently state that Mr. Drummond would be missed. He added that he was detail oriented with his work and the Town will miss him significantly.

Councilman Conkey stated that the Town should address the guidelines for festivals to ensure certain aspects were fully addressed for the community, visitors and the business owners. He

noted that some Winchester merchants close down at Apple Blossom, as the festival overwhelms their area; and in Front Royal some shop owners close on Main Street at times, when a festival is about to take place.

Councilman Conkey asked about the election change process. Mr. Robinett stated that they were working on the ordinance to move the election date and he anticipates Council will see the matter soon. Mr. Burke stated that the documents were ready to be advertised for a public hearing.

Mayor Darr asked that an upcoming worksession near future address the status of the festival permitting topic. He noted that Jennifer Keck, Tourism Coordinator, and Mr. Burke will be soliciting input soon on the matter.

Mayor Darr noted that he had been honored to co-chair the 2011 Virginia Wine & Craft Festival. He thanked Pam Riffle, with the Chamber of Commerce, and the many others for their efforts in making the event such a successful time for the Town of Front Royal.

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

**CONSENT AGENDA: No Items**

**PUBLIC HEARING – Proposed Power Sales Contract Between the Town and American Municipal Power, Inc. – Fremont Energy Center**

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

*Councilman Sayre moved that Council postpone the AMP-Fremont item until the June 13, 2011 Regular Council Meeting.*

Councilman Lauder explained that the Town needed further information before a committing to the matter regarding Fremont.

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

BY ROLL CALL

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**PUBLIC HEARING – Ordinance to Amend and Re-enact Town Code Section 175-48, New and Used Auto and Truck Sales would be Permitted by Special Use Permit in the C-3 Zoning District**

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

*Vice Mayor Holloway moved that Council approve an Ordinance to amend and re-enact Town Code Section 175-48, new and Used Auto and Truck Sales would be permitted by Special Use Permit in the C-2 Zoning District.*

Councilman Sayre noted that he previously lived on Stonewall Drive and Jack Evans put in over a million dollars to renovate the business, and the job was well done. He stated that it assisted in the improvement of the neighborhood and many residents improved their homes as well. Mr. Sayre stated that trees had been planted on site and was done in good taste.

Councilman Lauder noted that in the 1950's the business was Parkway Chevrolet and it was a cornerstone business at that time. He stated that it remained a cornerstone business for the community and was very viable to the Town.

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

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**COUNCIL APPROVAL – Ordinance to Amend and Re-enact Town Code So that Rates, Large Meter Fees and Connection Fees for Both Sanitary Sewer Service and Water Service are Increased (2<sup>nd</sup> Reading)**

*Councilman Conkey moved that Council adopt on its second reading an Ordinance to amend and re-enact Front Royal Town Code Sections 134-22, 134-22.1, 134-22.4, 134-30, 134-31.1 and 134-31.2, so that rates, large meters and connection fees for both sanitary sewer service and water service are increased, effective July 1, 2011.*

Councilman Conkey commented that he had questioned the necessity of the ordinance change at the last meeting and since that time the Town has further reviewed the model presented and he is now convinced of the importance of the amendment. He noted that it was an ordinance that must move forward, and by delaying the change, future rate increases would just be amplified. Mr. Conkey explained that the service was not a for-profit operation, but rather the Town needed the funding for the construction work on the wastewater plant, which is required.

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

**⌘ ORDINANCE: Rates, Large Meter Fees & Connection Fees ⌘**

**An Ordinance To Amend And Re-Enact Sections 134-22, 134-22.1, 134-22.4, 134-30, 134-31.1, And 134-31.2, Of The Front Royal Town Code So That Rates, Large Meter Fees, And Connection Fees For Both Sanitary Sewer Service And Water Service Are Increased**

**WHEREAS**, the Town of Front Royal has recently completed \$9 million worth of improvements to its Water Treatment Plant, which have increased the Plant's capacity and improved the treatment process; and,

**WHEREAS**, the Town Council of the Town of Front Royal has been advised by its Staff, Consultants, and numerous other sources that the Virginia Chesapeake Bay Act has been amended so that the quality of treated effluent flowing from the Town's Wastewater Treatment Plant into the Shenandoah River must be improved so as to meet new standards mandated by the Commonwealth of Virginia; and,

**WHEREAS**, the Council has employed both design engineers and consultants who have estimated the cost of designing and constructing the necessary structures at the said Wastewater Treatment Plant to meet these new mandated treatment standards to be in excess of \$45 million, and it has directed a design engineering firm to begin work on the new design; and,

**WHEREAS**, the Council is fully aware that all of this money must come from bonded indebtedness against the Town's Water and Sewer Enterprise Fund, and that it is absolutely required to increase the stream of both water and sewer revenue flowing into such Fund so that sufficient funds will be available to pay both principal and interest on such bonds.

**NOW, THEREFORE, BE IT ENACTED** by the Town Council of the Town of Front Royal, Virginia, that Sections 134-22, 134-22.1, 134-22.4, 134-30, 134-31.1 and 134-31.2 of the Front Royal Town Code is hereby amended and re-enacted, as follows:

**134-22 CONNECTION FEES**

A. The connection charge for sewer service, independent of and in addition to installation costs, will be based on the size of the water meter for water entering the premises from which a sewer connection exits, according to the following:

1. Sewer tap served by three-fourths-inch water meter: ~~seven~~ *nine* thousand ~~five hundred~~ *seven hundred fifty* dollars (~~\$7,500.00~~ *\$9,750.00*) each.
2. Sewer tap served by one-inch water meter: ~~sixteen~~ *twenty-one* thousand ~~eight~~ *nine* hundred ~~seventy-five~~ *thirty-eight* dollars (~~16,875.00~~ *\$21,938.00*) each.
3. Sewer tap served by one and one-half-inch water meter: ~~thirty-two~~ *forty-two* thousand ~~five~~ *two* hundred *fifty* dollars (~~32,500.00~~ *\$42,250.00*) each.

4. Sewer tap served by two-inch water meter: ~~forty-one~~ *sixty-six* thousand ~~two~~ *six* hundred ~~forty~~ *twenty-five* dollars (~~51,250.00~~ *\$66,625.00*) each.
5. Sewer tap served by three-inch water meter: ~~one hundred one~~ *one hundred thirty-one* thousand ~~two~~ *six* hundred ~~forty~~ *twenty-five* dollars (~~\$101,250.00~~ *\$131,625.00*) each.
6. Sewer tap served by four-inch water meter: ~~one hundred fifty seven~~ *two hundred four* thousand ~~five~~ *seven* hundred ~~forty~~ *fifty* dollars (~~\$157,500.00~~ *\$204,750.00*) each.
7. Sewer tap served by six-inch water meter: ~~three~~ *four* hundred ~~thirteen~~ *seven* thousand ~~seven~~ *eight* hundred ~~forty~~ *seventy-five* dollars (~~\$313,750.00~~ *\$407,875.00*) each.
8. Sewer tap served by eight-inch water meter: ~~five~~ *six* hundred ~~one~~ *fifty-one* thousand ~~two~~ *six* hundred ~~forty~~ *twenty-five* dollars (~~\$501,250.00~~ *\$651,625.00*) each.
9. Sewer tap served by ten-inch water meter: ~~seven~~ *nine* hundred ~~twenty~~ *thirty-six* thousand dollars (~~\$720,000.00~~ *\$936,000.00*) each.
10. Sewer tap served by twelve-inch water meter: ~~one million nine~~ *two* hundred ~~thirty-eight~~ *twenty* thousand ~~seven~~ *three* hundred ~~forty~~ *seventy-five* dollars (~~\$938,750.00~~ *\$1,220,375.00*) each.

**134-22.1 SANITARY SEWER SERVICE RATES**

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

- A. Base rate, up to three thousand (3,000) gallons per month: ~~ten~~ *thirteen* dollars and ~~eight~~ *ten* cents (~~\$10.08~~ *\$13.10*).
- B. All sanitary sewer service usage exceeding three thousand (3,000) gallons per month: ~~eight~~ *eleven* dollars and ~~sixty-seven~~ *twenty-seven* cents (~~\$8.67~~ *\$11.27*) per month, for each one thousand (1,000) gallons thereafter.
- C. The rates for sanitary sewer service usage furnished outside of the limits of the Town of Front Royal: one hundred percent (100%) more than the in-town rates as provided above.

**134-22.4 SEWER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES**

A. In-Town Laundries: The monthly rates for sewer service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

1. All sanitary sewer service usage for the first one hundred thousand (100,000) gallons: ~~nine twelve~~ dollars and ~~thirty nine~~ cents (~~\$9.30~~ **\$12.09**) per one thousand (1,000) gallons.
2. All sanitary sewer service usages from one hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: ~~eight ten~~ dollars and ~~forty five ninety-nine~~ cents (~~\$8.45~~ **\$10.99**) per one thousand (1,000) gallons.
3. All sanitary sewer service usage above five hundred thousand (500,000) gallons: ~~eight ten~~ dollars and ~~three forty-four~~ cents (~~\$8.03~~ **\$10.44**) per thousand (1,000) gallons.

B. Out-of-Town Laundries: The monthly rates for sewer service usage by licensed commercial or industrial laundries located outside the corporate limits of the Town of Front Royal shall be as follows:

1. The rates for sanitary sewer service usage furnished outside of the limits of the Town of Front Royal: one hundred percent (100%) more than the in-town rates as provided above.

**134-30 CONNECTION CHARGE ESTABLISHED**

A. Connection charge for water service, independent of and in addition to installation costs, will be based on meter size and service line size. The larger size will dictate the fee in conjunction with the following schedule:

1. Three-fourths-inch water tap: four thousand *three hundred forty* dollars (~~\$4,000.00~~ **\$4,340.00**) each.
2. One-inch water tap: eight thousand *one hundred twenty five eight hundred sixteen* dollars (~~\$8,125.00~~ **\$8,816.00**) each.
3. One and one-half-inch water tap: ~~fifteen sixteen~~ thousand *two hundred seventy-five* dollars (~~\$15,000.00~~ **\$16,275.00**) each.
4. Two-inch water tap: ~~twenty three~~ *twenty-five* thousand *two hundred fifty twenty-six* dollars (~~\$23,250.00~~ **\$25,226.00**) each.

5. Three-inch water tap: ~~forty-five~~ *forty-nine* thousand ~~two hundred fifty~~ *ninety-six* dollars (~~\$45,250.00~~ *\$49,096.00*) each.

6. Four-inch water tap: ~~seventy-five~~ thousand *nine hundred fifty* dollars (~~\$70,000.00~~ *\$75,950.00*) each.

7. Six-inch water tap: one hundred ~~thirty-eight~~ *fifty* thousand ~~seven~~ *five* hundred ~~fifty~~ *forty-four* dollars (~~\$138,750.00~~ *\$150,544.00*) each.

8. Eight-inch water tap: two hundred ~~twenty-one~~ *forty* thousand ~~two~~ *hundred fifty* ~~fifty-six~~ dollars (~~\$221,250.00~~ *\$240,056.00*) each.

9. Ten-inch water tap: three hundred ~~seventeen~~ *forty-four* thousand ~~five~~ *four* hundred ~~eighty-eight~~ dollars (~~\$317,500.00~~ *\$344,488.00*) each.

10. Twelve-Inch water tap: four hundred ~~thirteen~~ *forty-eight* thousand ~~seven~~ *nine* hundred ~~fifty~~ *nineteen* dollars (~~\$413,750.00~~ *\$448,919.00*) each.

B. The connection charge for water service exclusively used for fire-suppression systems will be based on the line size, according to the following fee schedule:

1. Three-inch line or smaller: one thousand ~~five~~ *seven* hundred ~~eighty-five~~ *twenty* dollars (~~\$1,585.00~~ *\$1,720.00*), plus ~~twenty-seven~~ *thirty* dollars and ~~eighty~~ *sixteen* cents (~~\$27.80~~ *\$30.16*) per month.

2. Four-inch line: three thousand ~~one~~ *four* hundred ~~seventy~~ *thirty-nine* dollars (~~\$3,170.00~~ *\$3,439.00*), plus ~~fifty-five~~ *sixty* dollars and ~~fifty-eight~~ *thirty* cents (~~\$55.58~~ *\$60.30*) per month.

3. Six-inch line: six thousand ~~three~~ *eight* hundred ~~forty~~ *seventy-nine* dollars (~~\$6,340.00~~ *\$6,879.00*), plus one hundred ~~thirteen~~ *twenty-two* dollars and ~~sixteen~~ *seventy-eight* cents (~~\$113.16~~ *\$122.78*) per month.

4. Eight-inch line: ~~nine~~ *ten* thousand ~~five~~ *three* hundred ~~ten~~ *eighteen* dollars (~~\$9,510.00~~ *\$10,318.00*), plus one hundred ~~sixty-eight~~ *eighty-three* dollars and ~~seventy-four~~ *eight* cents (~~\$168.74~~ *\$183.08*) per month.

5. Ten-inch line: ~~twelve~~ *thirteen* thousand ~~six~~ *seven* hundred ~~eighty~~ *fifty-eight* dollars (~~\$12,680.00~~ *\$13,758.00*), plus two hundred ~~twenty-four~~ *forty-three* dollars and ~~thirty-three~~ *forty* cents (~~\$224.33~~ *\$243.40*) per month.

6. Twelve-inch line: ~~fifteen~~ *seventeen* thousand ~~eight~~ *one* hundred ~~fifty-one~~ *ninety-eight* dollars (~~\$15,851.00~~ *\$17,198.00*), plus ~~two~~ *three*

hundred ~~seventy-nine~~ *three* dollars and ~~ninety-three~~ *seventy-two* cents (~~\$279.93~~ *\$303.72*) per month.

I. There will be an additional monthly charge for each water meter exceeding one (1) inch in size according to the following fee schedule:

1. One-and-one-fourth inch meter: ~~twelve~~ *thirteen* dollars and ~~sixteen~~ *nineteen* cents (~~\$12.16~~ *\$13.19*) per month.

2. One-and-one-half inch meter: ~~sixteen~~ *seventeen* dollars and ~~thirty-one~~ *seventy* cents (~~\$16.31~~ *\$17.70*) per month.

3. Two-inch meter: ~~thirty-eight~~ *forty-two* dollars and ~~seventy-six~~ *five* cents (~~\$38.76~~ *\$42.05*) per month.

4. Three-inch meter: two hundred ~~three~~ *twenty* dollars and ~~thirty-three~~ *sixty-one* cents (~~\$203.33~~ *\$220.61*) per month.

5. Four-inch meter: two hundred ~~sixty-four~~ *eighty-six* dollars and ~~thirty-three~~ *eighty* cents (~~\$264.33~~ *\$286.60*) per month.

6. Six-inch meter: four hundred ~~six~~ *forty-one* dollars and ~~sixty-six~~ *twenty-three* cents (~~\$406.66~~ *\$441.23*) per month.

### **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~~ *seven* dollars and ~~ninety-five~~ *fifty-four* cents (~~\$6.95~~ *\$7.54*) per month.

B. All water service usage exceeding three thousand (3,000) gallons per month: ~~five~~ *six* dollars and ~~ninety-six~~ *forty-seven* cents (~~\$5.96~~ *\$6.47*) per month, for each one thousand (1,000) gallons thereafter.

C. The rates for water service usage furnished outside of the limits of the Town of Front Royal: one hundred percent (100%) more than the in-town rates as provided above.

### **134-31.2 WATER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES**

A. In-Town Laundries: The monthly rates for water service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

1. The first one hundred thousand (100,000) gallons: six dollars and ~~forty-one~~ *ninety-five* cents (~~\$6.41~~ *\$6.95*) per one thousand (1,000) gallons.
2. One hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: ~~five six~~ dollars and ~~eighty-two~~ *thirty-one* cents (~~\$5.82~~ *\$6.31*) per one thousand (1,000) gallons.
3. Above five hundred thousand one (500,001) gallons: ~~five six~~ dollars and ~~fifty-three~~ cents (~~\$5.53~~ *\$6.00*) per one thousand (1,000) gallons.

B. Out-of-Town Laundries: The monthly rates for water service usage by licensed commercial or industrial laundries located outside the corporate limits of the Town of Front Royal shall be as follows:

1. The rates for water usage furnished outside of the limits of the Town of Front Royal: one hundred percent (100%) more than the in-town rates as provided above.

This Ordinance shall take effect on July 1, 2011.

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**NOTE: \*\*\*Mayor Darr referred to Item #9 – Auto & Truck Sales Ordinance change, noting that Council needed to have a Roll Call for record keeping purposes.**

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe  
 No – N/A  
 Abstain – N/A  
 Absent – N/A  
 (Mayor Darr did not vote as there was no tie to require his vote)  
 (By Roll Call, for Item #9 – Auto & Truck Sales Ordinance)

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**COUNCIL APPROVAL – FY2011-2012 Town Budget and Appropriation Ordinance for Fiscal year Ending June 30, 2012 (2<sup>nd</sup> Reading)**

*Councilman Parker moved that Council adopt on its second reading the FY2011-2012 Budget and Appropriation Ordinance for Fiscal Year Ending June 30, 2012 as presented.*

*Councilman Parker moved to amend his motion:*

- *To reduce \$125,000.00 from Account 4102-47005 “Motor Vehicles” for the acquisition of a new tar distributor and snow blower; and*
- *To reduce \$60,000.00 from Account ALL-4200 “Medical Insurance”, which included an anticipated 5% increase that was not realized; and redirect these funds to the following accounts at the stated amount;*
  - *ALL-41001 – Add \$64,220.00 to fund an additional 1% Cost of Living Increase (COLA);*
  - *2201-41001 – Add \$91,323.00 to fund the re-establishment of the Assistant Town Attorney position;*

- 1205-45625 – Add \$10,000.00 to fund the Tourism Department working with local agencies to promote Front Royal;
- 3102-42013 – Add \$4,000.00 to fund tuition reimbursement for Patrol Officers
- 9790-4999 – Add \$15,457 to fund contingencies in the General Fund Reserve.

Vote: Yes – Conkey, Holloway, Lauder, Parker and Tharpe

Councilman Sayre inquired as to whether Council was voting on the original motion or only the amendment. Mayor Darr and Mr. Robinett clarified that it was the amendment as moved by Councilman Parker.

No – Sayre

Abstain – N/A

Absent – N/A

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

(On Motion to Amend to Redirect Funds)

(By Roll Call; MOTION CARRIED to Amend)

Councilman Parker noted that he had desired to add another amendment regarding the Refuse Crew positions, though he was unsure if the amendment would pass at the current meeting. Mr. Parker challenged staff to be creative after the budget process in order to obtain the funding to move the part-time employee to full-time if possible. He added that the employee could then be reclassified if need be.

Councilman Conkey stated that it did not seem possible that the votes were in place to have the matter go forward. He voiced his strong feeling that the Town should make a commitment to their employees at this level if possible. He opined that if there is someone working 39 hours then the Town needs a full-time person, rather than someone labeled as part-time, working such lengthy hours. Mr. Conkey stated that at times part-time works, such as the many part-time workers at the Visitor Center.

*Councilman Conkey moved to transfer \$16,000 from 1205-41003 to 1205-41001 to establish a full-time Marketing Coordinator position (Tourism Division/ Visitor Center).*

Councilman Sayre asked if there were five new employees within the budget. Mrs. Breeden noted that there were. Mr. Burke explained the change for the Marketing Coordinator at the Visitor Center and how the transfer of funds would not constitute another position. Councilman Conkey clarified that the transfer was within the department and was not adding \$16,000 to the overall budget.

Councilman Sayre spoke on the Town Attorney matter within the budget. Councilman Lauder interjected, noting that Mr. Sayre was going down the wrong track regarding the topic. Mr. Sayre noted that Mr. Conkey had proposed added another employee full-time just a moment earlier. Councilman Conkey reiterated that it was not another employee, it was merely a re-alignment of employees already working at the Visitor Center.

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

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)  
(On Motion to Amend – Marketing Coordinator)  
(By Roll Call; MOTION CARRIED)

Vote: Yes – Conkey, Holloway, Lauder, Parker and Tharpe  
No – Sayre  
Abstain – N/A  
Absent – N/A  
(Mayor Darr did not vote as there was no tie to require his vote)  
(On **Final Motion** to Approve Budget As Amended)  
(By Roll Call; MOTION CARRIED)

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Mayor Darr thanked Director of Finance Breeden, Interim Town Manager Burke and the entire Staff for the legible, sound budget they presented. He noted that it was easy to understand, and Staff had been very helpful during the process in recent months. Mayor Darr commended the Staff for their efforts.

**COUNCIL APPROVAL: Closure of Portions of Streets and Parking Lot for Dancin’ Downtown – Downtown Front Royal, Inc.**

*Councilman Holloway moved that Council approve the request from Downtown Front Royal, inc. (DFR) to close the parking lot around the Visitors Center and Gazebo at 3:00 p.m. and the closure of Main Street at Blue Ridge Avenue and Cloud Street; and, Chester Street at Laura Virginia Hale at 4:30 p.m. for Dancin’ Downtown on July 9, 2011 (rain date July 23, 2011) from 6-11 p.m.*

Councilman Conkey noted that some had concerns on the closures, and he expressed hope that DFR was working well to tend to said issues.

Councilman Sayre stated that there are many Town employees that come out and clean up after these events. He noted that the employees were important and valuable, and moving the one employee referenced during the budget discussion from part to full-time would have been a good idea.

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

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**COUNCIL APPROVAL: Closure of Portions of Streets and Parking Lot for Dancin’ in the Streets – Warren County’s 175<sup>th</sup> Celebration Event Committee**

*Vice Mayor Holloway moved that Council approve the request from the Warren County’s 175<sup>th</sup> Celebration Committee, to close the parking lot around the Visitors Center and Gazebo at 3:00 p.m. and the closure of Main Street at Blue Ridge Avenue and Cloud Street; and, Chester Street at Laura Virginia Hale at 4:30 p.m. for Dancin’ in the Streets on July 16, 2011 (rain date July 17, 2011) from 6-11 p.m. (rain date from 2-6:30 p.m.).*

Councilman Sayre stated that many merchants on Main Street had concerns, and he hoped the needs of the merchants were met.

Councilman Parker noted that Saturday, July 16<sup>th</sup>, would be following the Dancin’ Downtown event held the week prior. He asked for the reasoning behind said event. Brandy Rosser, event Coordinator, noted that the other 175<sup>th</sup> celebration events had been more family focused and the committee wished to have an event that was more focused towards adults. Ms. Rosser assted that they had met with Mrs. Keck and Mr. Martin to avoid the dates being back to back, and at the time the County submitted their permit, DFR did not have their event planned.

Councilman Parker voiced concerns with approving the request considering the ire from Main Street merchants. He added that there seemed to be too much taking place at the current time. Mr. Parker noted that some had suggested that rather than closing Main Street, perhaps some organizations could be having the events on Warren County property throughout the community.

Councilman Parker inquired of Mr. Martin, of DFR, when Dancin’ Downtown was generally held. Mr. Martin stated that DFR will hold a Dancin’ Downtown event in September, in conjunction with the Warren County Air Show. He added that while DFR attempted to hold the July-planned event on different dates, with prom and graduation, that proved unattainable. Mr. Martin noted that perhaps they did not communicate as well enough with the County as they could have.

Councilman Parker stated that the merchants have concerns, and Council hoped to have everyone on the same festival and tourism “page”, with everyone working together.

Councilman Conkey opined that by holding the requested event, it would be asking the downtown merchants to lose two weekends in one month. He encouraged DFR and the County to work together on such events; adding that it was too much to have the merchants lose their livelihood for two weekends straight. Mr. Conkey noted that the matter should not move forward as presented.

Councilman Lauder commented that it took Warren County 175 years to get to where they currently were, and they deserved to hold their event.

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

**COUNCIL APPROVAL – Award of I&I Engineering Services Contract**

*Vice Mayor Holloway moved that Council approve a contract with Prism Contractors & Engineers, inc. to evaluate the sanitary sewer system to address inflow and infiltration issues in an amount up to \$50,000 for one (1) year with possible renewals for three (3) additional one (1) year extensions.*

Councilman Sayre asked if the issues related to the Fire Department would be addressed with the study. Mr. Burke noted that surcharge of the sanitary sewer is a direct result of the Fire

Department’s backflow event. He stated that the firm would continue with the abatement of the I&I problem.

Mr. Burke gave a synopsis of the I&I (inflow and infiltration) issues, noting the cracks in the manholes and cracks in the pipes, which leads to leaching. He noted that as the pipes fill up and reach capacity, the lower lying buildings can have fluids within the sewer system that can seep to the easiest point of escape. Mr. Burke stated that the manholes and majority of lines have been thoroughly surveyed, and these engineers will put forth contract documents to repair the necessary pipes and manholes to tighten the Town’s system as a whole.

Councilman Conkey asked if it was the same company that conducted the manhole surveys. Mr. Burke noted that it was and they had completed many similar projects throughout the State of Virginia. He added that the company’s work had always been very acceptable.

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

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**COUNCIL APPROVAL: Contributions towards a Restroom for Luray Avenue Boat Landing and Amenities at the Happy Creek Arboretum – Tree Stewards**

*Councilman Parker moved that Council approve the contribution of funds in the amount of \$12,219.64, from the Front Royal/Warren County Tree Stewards, to purchase an extractable restroom for the Luray Avenue Boat Landing and amenities at the Happy Creek Arboretum as specified in the summary.*

Councilman Conkey thanked the Tree Stewards for their ongoing work to beautify and assist the Town of Front Royal and it’s citizenry. Councilman Sayre asked about the restrooms that were installed at the site. Mr. Burke noted that they did look into constructing restrooms, and in the interim the Town chose to place a temporary/portable toilet on site. He added that they have continued to work with the Tree Stewards and the Warren County Building Department to determine the type of extractable facility which can be placed on site. Mr. Burke stated that the train tracks overhead entering the site, and the potential for flooding cause some issues when choosing the structure type.

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

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**COUNCIL APPROVAL: Resolution re: Relocation of a Water Line on Property Owners by Virginia Electric and Power Company – Dominion Power**

*Vice Mayor Holloway moved that Council approve a resolution for the Resolution for the relocation of a water line on property located on Kelley Drive and owner by Virginia Electric and Power Company (Dominion Power).*

Mr. Robinett noted that the resolution was prepared by Dominion and has been expressly approved by the Town Attorney’s Office and the Town Manager. He added that there were no further issues with the document.

Councilman Conkey thanked Staff for working so diligently with Dominion. He also expressed appreciation to Dominion for their efforts.

Councilman Sayre noted that the resolution was very thick. He added that it was good news for the community, and though Council had not had a chance to study the revised resolution closely, Staff has had time to study it fully.

Jim Eck, with Dominion, thanked Council for their efforts towards moving the resolution forward. He also expressed thanks to the Town Staff for working on a resolution with Dominion that addresses their mutual concerns. He stated that Dominion had very good discussions with Staff, and he appreciates their support.

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

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**CLOSED MEETING: Prospective Candidates for the Town Manager’s Position**

*Councilman Parker moved that Council convene a Closed Meeting to discuss prospective candidates for the Town manager’s position, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950 as amended.*

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

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

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

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There being no further business, the Mayor declared the meeting adjourned at 8:37 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council