

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on June 8, 2015, 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  
Councilman John P. Connolly  
Councilman Bébhinn C. Egger  
Councilman Daryl L. Funk  
Councilman Bret W. Hrbek  
Councilman Eugene R. Tewalt  
Vice Mayor Hollis L. Tharpe  
Town Attorney Douglas W. Napier  
Town Manager Steven M. Burke, P.E.  
Clerk of Council Jennifer E. Berry, CMC

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

*Councilman Tewalt moved, seconded by Councilman Egger that Council approve the Regular Council Meeting minutes of May 26, 2015 as presented.*

Councilman Hrbek stated that regarding the minutes of the meeting of May 26, he clarified that he supported the motion after the Closed Session pertaining to the resolution for the Route 522 Corridor as one last olive branch to Warren County. He added that it excluded the Crooked Run property.

Members of Council indicated their acceptance of said changes.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt 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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**RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC**

Timothy Ratigan, of 120 W. 6<sup>th</sup> Street, #6, noted that his comments were in response to the Town’s final offer to the County in reference to the Corridor in the recent newspaper article. He noted that Councilman Funk stated that he would like matters to be worked out in the Corridor in order to have a Kohl’s and a Chik-Fil-A. Mr. Ratigan stated that he would like a response from Council pertaining to economic development. He noted that the answer for the Town and County’s economic issues would be to bring in more living wage businesses and industry, not more retail and fast food establishments. Mr. Ratigan noted that 33 cents on the meals tax and 15 cents on the lodging tax seems more like a fire sale and he asked how those amounts would benefit the citizens of Front Royal. He asked if Mr. Funk worked for the Town or the County and whether Mr. Funk’s law firm, who used to represent Crooked Run on the Corridor, was in conflict of interest.

Mr. Ratigan asked why the Town Council was resistant to taking the advice of both the Planning Commission and the Mayor’s Economic Committee on how to jumpstart the new economic growth in the Town. Mr. Ratigan asked if Councilman Funk supported a boundary line

adjustment if a deal could be worked out to come close to a revenue neutral situation; he also asked if the County would help to pay for the new wastewater treatment plant which would service the area. Mr. Ratigan stated that a boundary line adjustment be a win-win for the Town and County and solve many of the current issues at hand. Mr. Ratigan asked that all members of Council answer the matters he has presented.

Craig Laird, of 203 E. Main Street shared the following with members of Council:

I am the President of FRIBA, the Front Royal Independent Business Alliance. I also am a local independent business owner at 203 E Main Street in Downtown Front Royal. FRIBA's mission is to support and encourage the local independent businesses of Front Royal and Warren County, and give them strength in our numbers.

According to the state of Virginia, over 95% of our businesses are small business, and the majority of those are independently owned. They are responsible for about half of all new hiring. Front Royal, our municipal government, can help support these local businesses and improve and sustain our economy. Now, I know that the state of Virginia does not allow us to give preference in using local firms, something that 26 OTHER states do allow. But what you can do, is set the tone to buy locally, some of which you have already started by social media campaigns and also by employing the Small Business Development Center this past year.

But what I'd like to share with you is a secret formula that can help Front Royal improve its economy, bring you more revenue so you do not need to raise taxes as frequently. (Since FRIBA supports all of Warren County, I can say the same to the county supervisors, but today I'll give the Town a head start with this secret formula.)

This formula is called the local multiplier effect. It's about shopping and buying locally. Money that is spent with locally-owned business goes around the community about 3 times more than shopping at non-local businesses. Its effect is felt in three ways:

Direct impact- This is spending done by a business to operate the business, including inventory, utilities, equipment and paying employees.

Indirect impact- This happens as dollars the local business spent at other area businesses re-circulates.

Induced impact- This refers to the additional consumer spending that happens as employees, business owners and others spend their income in the local economy.

So, if your Town people, and Town employees shop and dine locally, that money is then spent locally on goods and produce, paychecks to employ local residents, banking at local banks - which then stimulates local lending, and then re-spending income and profits by the business and their employees within the community.

Now, here's a special way that Front Royal can benefit:

If we encourage our citizens to shop and eat locally, a percentage of the sales tax, and ALL of the meals tax comes back to Front Royal's treasury!

So, eating at Joe's or at the Daily Grind, getting your hair done at Blake and Company, buying your printer ink at, yes, Royal Oak Computers all have a direct economic impact on Front Royal, and help to make us a sustainable community.

So I urge the Town to get this message out, to the citizens, and also to the Town's over 100 employees, that buying local is a wonderful way to help Front Royal. I'm Craig Laird, from FRIBA, the Front Royal Independent Business Alliance, and I thank you for your time and your support.

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

Town Manager Steve Burke:

- Noted that alley improvements continue throughout Town;
- Stated that signal improvements continue through Town with intermittent lane closures to take place at times;
- Stated that Blue Ridge Arts Council events will begin this coming Friday at the gazebo and invited the community downtown to join in;
- Announced that the Williams Chapel Anniversary event is coming up on Sunday, June 14<sup>th</sup>;
- Shared with Council that former Police Chief Ronald Ricucci and Public Works employee Ray Mullenax had passed away and the Town recognizes these long time employees and sends condolences to their families during this time of loss;

Robert Good, of VDOT, reported on the South Fork Bridge project, adding that the contractor from York, Pennsylvania, was present as well to answer questions. He reported that the:

- Project is on schedule, and final beams are to be set Thursday/Friday;
- Deck would be formed in the next two months;
- First phase of the bridge would be switched prior to Thanksgiving;
- Demolition of old bridge would begin during the winter months;
- 18<sup>th</sup> Street would be reopened as soon as possible (perhaps fall);
- Minor traffic shift would take place week of June 15<sup>th</sup>; and the
- Contractor thanked the Town Police Department and Town Water Crew for their efforts during this huge project.

Councilman Hrbek stated that Mr. Christofel noted that he would be speaking with Warren County first and then would meet with the Town Council.

Councilman Funk stated that the Relay for Life event was a great, successful time this year. He noted that he was also pleased to be part of the Front Royal Beautification event with funds raised for their organization.

Councilman Funk noted that he was honored to participate in the Appalachian Trail Kiosk Dedication, as did Councilman Egger, and the hike was also well attended.

Councilman Hrbek asked about having the Happy Creek trail cleaned up twice a year. He asked that discussion take place regarding the clearing at a Council worksession.

Councilman Hrbek stated that he was reviewing previous minutes and the Council had discussed the Community Development position back before he was elected in 2012. He noted that Council

began to fund the position with the 2013 budget and funds have been set aside each year and now the Town needed to execute the process, so as not to gather funds and not just hold onto them as Mr. Connolly had pointed out at the last meeting. Mr. Hrbek explained that the Town advertised for the Community Development position in November 2013 and several candidates applied. He stated that the scope of the position included that the individual:

- Provide the case for Front Royal;
- Develop economic incentives for job creation within the Town;
- Negotiate catalyst economic opportunities that will spur further economic growth;
- Assist with the development of economic zones within the Town;
- Represent the Town with the EDA, Chamber of Commerce, FRIBA, Downtown Front Royal, and other community/civic organizations for economic matters;
- Work with Planning & Zoning to identify areas for economic redevelopment;
- Work with Tourism Division for areas for new economic development; and
- Work with stakeholders to develop comprehensive economic plan for the Town of Front Royal.

Councilman Hrbek opined that the comprehensive economic plan was key to showing outside developers and interested investors in the community what the Town citizens would like to see. He noted that the Town Council endorsed the recommendations of the Mayor's Economic Committee; including a Town Building Inspector, the contract with the SBDC, and creating a Community Development Authority. Mr. Hrbek added that those three areas were endorsed by Council and Council should continue to move forward to support that direction. He voiced his support of Council moving fairly aggressively on these matters.

Mayor Darr noted that the recent County/Town/EDA joint meeting went very well, and they intend to have these meetings more often to discuss matters as a collectively body.

Mayor Darr presented Monica Dodson, an Administrative Assistant with the Department of Environmental Services, a plaque in recognition for receiving the 2015 Risk Management Excellence Award from the Virginia Municipal League Insurance Program for her management of the "Where the Rubber Meets the Road" defensive driving program for the Town. Mayor Darr stated that Ms. Dodson has conducted all training classes for Town employees to become safer drivers; he congratulated her and thanked her for her work.

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

**CONSENT AGENDA ITEMS**

*Councilman Temalt moved, seconded by Vice Mayor Tharpe, that Council approve the Consent Agenda as presented.*

- A. COUNCIL APPROVAL – Proclamation - Mt. Vernon Baptist Church Anniversary
- B. COUNCIL APPROVAL – Ordinance to Amend Town Code Sections 134-22.1 & 134-22.4 to Decrease Rates for Sanitary Sewer Service *(2nd Reading)*
- C. COUNCIL APPROVAL – Ordinance to Amend Town Code Chapter 12: Fees *(2nd Reading)*

D. COUNCIL APPROVAL – Ordinance to Amend Town Code Section 75-44 (C) Pertaining to Machinery and Tools Tax and Mobile Home Tax *(2nd Reading)*

E. COUNCIL APPROVAL – Ordinance to Amend Town Code Section 75-52 Pertaining to Front Royal Enterprise Zone *(2nd Reading)*

F. COUNCIL APPROVAL – Installation of Memorial to Patricia Windrow Klein

G. COUNCIL APPROVAL – MOU - Recreational Facilities at Catlett Mountain Landfill Site

H. COUNCIL APPROVAL – Cool Harbor Motel (Solid Gold, Inc) Lease Agreement Extension

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt 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)

∞ **PROCLAMATION – Mount Vernon Baptist Church** ∞  
**Celebrating 150 Years**

**WHEREAS**, the Mount Vernon Baptist Church, at 240 Church Street, Front Royal, in the Shenandoah Valley, Warren County, Virginia has welcomed the community with open and loving arms for 150 years, from 1865-2015; and

**WHEREAS**, the mission Mount Vernon Baptist Church is a place of hope, the restoration of faith and love, and a small church in Front Royal dedicated to spreading the Word to the masses; and

**WHEREAS**, Mount Vernon Baptist Church brings the message through their Pastor Harold L. Brown, Sr., and the many steadfast believers who give tirelessly through their ongoing weekly services and prayer groups; and,

**WHEREAS**, Mount Vernon Baptist Church will recognize their 150<sup>th</sup> Anniversary with a Revival Celebration on June 24, 25 & 26, 2015 and Worship Service on Sunday, June 28, 2015;

**NOW, THEREFORE**, the Mayor and Town Council of the Town of Front Royal, hereby proclaim and congratulate Mount Vernon Baptist Church and their congregation for 150 years of Love and Celebration of the Word.

∞ **ORDINANCE: REDUCE SANITARY SEWER RATES** ∞

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL  
TOWN CODE SECTIONS 134-22.1 (A) (B), 134-22.4(A), TO REDUCE  
SANITARY SEWER RATES**

**WHEREAS**, the Town of Front Royal is reducing sanitary sewer rates and laundry sanitary sewer rates by 6.5%; and,

**NOW THEREFORE, BE IT ENACTED** by the Town Council of the Town of Front Royal, Virginia that Sections 134-22.1 (A) (B) and 134-22.4 (A), of the Front Royal Town Code is hereby amended and re-enacted as follows:

**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: seventeen dollars and thirty cents (\$17.30). **sixteen dollars and seventeen cents (\$16.17)**.

B. All sanitary sewer service usage exceeding three thousand (3,000) gallons per month: fourteen dollars and eighty-eight cents (\$14.88) **thirteen dollars and ninety-one cents (\$13.91)** per month, for each one thousand (1,000) gallons thereafter.

**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: fifteen dollars and ninety-six cents (\$15.96) **fourteen dollars and ninety-two cents (\$14.92)** per one thousand (1,000) gallons.

2. All sanitary sewer usage from one hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: fourteen dollars and fifty-one cents (\$14.51) **thirteen dollars and fifty-six cents (\$13.56)** per one thousand (1,000) gallons.

3. All sanitary sewer service usage above five hundred thousand (500,000) gallons: thirteen dollars and seventy-eight cents (\$13.78) **twelve dollars and eighty-eight cents (\$12.88)** per thousand (1,000) gallons. **This ordinance shall become effective July 1, 2015.**

☞ **ORDINANCE – Chapter 12: FEES** ☞

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE  
CHAPTER 12-2; 12-4; and 12-5 PERTAINING TO FEES**

**WHEREAS**, after Town Staff reviewed various fees in the Town Code, they presented their revision to Town Council during a Work Session held April 27, 2015; and,

**NOW THEREFORE, BE IT ENACTED**, by the Town Council of the Town of Front Royal, Virginia, that Chapter 12 of the Front Royal Town Code is hereby amended and re-enacted as follows:

**12-2 ENVIRONMENTAL SERVICES FEES**

After hours shut-off calls (water) \$25.00

Construction Specifications \$15.00

Excavation for Sewer Clean Out Installation \$350.00 **\$150.00 per hour**

Freon Removal (white goods commercial or residential) \$15.00

Grease Trap Inspection (3<sup>rd</sup> and all subsequent) \$50.00 per inspection  
On-Call Refuse Collection Can be found in §85-3(E) of the Town Code  
Recreational Vehicle Septic Tank Dump \$17.50 each  
Right-of-Way Utilization Fee \$25.00 plus bond and insurance  
Septic Tank Waste \$50.00 per 1,000 gallons  
Temporary Hydrant Meter Deposit  
(agreement for reading of water must be signed)  
\$400.00 5/8" and smaller  
\$1,500 **\$2,350** greater than 5/8"

Tires without Rim, not to exceed 16.5 inches \$1.50 per tire  
Tires on Rim, not to exceed 16.5 inches \$2.50 per tire  
Tires over 16.5 inches with or without Rim \$3.00 per tire  
Water Meter Test (2<sup>nd</sup> or subsequent test) \$25.00 each  
White Goods Disposal, Commercial \$15.00 per item plus \$15.00 per Freon item  
White Goods Disposal, Residential No Charge plus \$15.00 per Freon item  
Yard Waste Disposal, Commercial, Lg. Truck \$50.00  
Yard Waste Disposal, Commercial, Pickup Tk \$25.00  
Yard Waste Disposal, Residential (Town Decal) No Charge

**12-4 PLANNING AND ZONING FEES**

Can be found in §148-58 **1100** and §175-137 of the Front Royal Town Code.

**12-5 POLICE DEPARTMENT FEES**

Accident Report **RESERVED** \$5.00

**12-2 and 12-5 shall become effective July 1, 2015.**

**12-4 shall become effective upon final adoption of Chapter 148.**

**ORDINANCE: MACHINERY & TOOLS & MOBILE HOME TAX**

**ORDINANCE TO AMEND SECTION 75-44 (C) OF THE FRONT ROYAL TOWN  
CODE PERTAINING TO MAILING OF DELINQUENT REAL ESTATE AND  
PERSONAL PROPERTY TAXES BY INCLUDING MACHINERY, TOOLS AND  
MOBILE HOMES TAX RATE**

**WHEREAS**, Section 75-44 (C) imposes upon all real property within the limits of the Town of Front Royal, Virginia, a tax; and,

**WHEREAS**, the Town Code does not specify the tax rates for Machinery and Tools and for Mobile Homes; and,

**NOW, THEREFORE, BE IT ENACTED** by the Town Council of the Town of Front Royal, Virginia that Section 75-44 (C) of the Front Royal Town Code is hereby amended as follows:

**75-44 DELINQUENT TAX LISTS - MAILING OF BILLS; DUE DATES, PENALTY**

**AND INTEREST; IMPOSITION OF THE TAXES AND RATES**

C. There is hereby imposed upon all real property within the limits of the Town of Front Royal, Virginia, a tax in the amount of thirteen cents (\$0.13) per one hundred dollars (\$100.00) of assessed valuation, and a tax upon all tangible personal property located within the limits of the Town of Front Royal, Virginia, in the amount of sixty cents (\$0.64) per one hundred dollars (\$100.00) of assessed valuation. **The tax on all personal property shall include all Machinery and Tools.**

**The tax on all real property shall include all mobile homes.** The tax imposed upon real property within the limits of the Town of Front Royal, Virginia, shall be decreased by \$0.02 to \$0.11 per \$100 assessed value, which is reinstatement of the previous Real Estate Tax Rate for Fiscal Year 2013-2014, upon completion of payment of debt service of the new Police Department Headquarters and construction of Leach Run Parkway; and Town Code Section 75-44.C, shall thereupon be amended accordingly to reflect said decrease and reinstatement of such previous reduced Real Estate Tax Rate.

**⌘ ORDINANCE: ENTERPRISE ZONE ⌘**

**AN ORDINANCE TO AMEND SECTION 75-52 OF THE FRONT ROYAL TOWN CODE PERTAINING TO ENTERPRISE ZONE BOUNDARIES**

**WHEREAS**, the reference to the “Front Royal Enterprise Zone” has been deactivated by the Commonwealth of Virginia; and,

**WHEREAS**, the Economic Development Authority has requested to maintain the language in the Town Code to pursue a new Zone for the Avtex Site; and,

**NOW THEREFORE, BE IT ENACTED**, by the Town Council of the Town of Front Royal, Virginia, that Chapter 75 of the Front Royal Town Code is hereby amended and re-enacted as follows:

**75-52 ENTERPRISE ZONE - BOUNDARIES**

The boundaries of the Front Royal Enterprise Zone are as set forth on the map entitled "Map of the Front Royal Enterprise Zone", which is on file in the office of the Town Manager of the Town of Front Royal, Virginia, the area of which has been declared an enterprise zone by the Governor of the Commonwealth of Virginia for a period of twenty (20) years in accordance with the Virginia Enterprise Zone Act. **The Front Royal Enterprise Zone has been deactivated by the Commonwealth of Virginia.**

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**PUBLIC HEARING – An Ordinance to Amend Town Code Section 158-6 Pertaining to Adoption by Reference of the State Motor Vehicular Laws (1st Reading)**

**Summary:** Council is requested to affirm on its first reading an Ordinance to amend Section 158-6 of the Front Royal Town Code pertaining to Adoption by Reference of the State Motor Vehicular Laws.

**Annually, Towns must readopt this section of the Town Code that legally allow the Town to incorporate all the changes to the State Code traffic laws that have been made during the year.**

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

*Councilman Egger moved, seconded by Councilman Connolly, that Council affirm on its first reading an Ordinance to amend Section 158-6 of the Front Royal Town Code pertaining to Adoption by Reference of the State Motor Vehicular Laws, as presented.*

Mayor Darr noted that this was a housekeeping matter completed annually by the Town.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt 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 Amendment to Chapter 156 “Urban Forestry”**  
*(1st Reading)*

**Summary: Council is requested to affirm on its first reading an Ordinance Amendment to Town Code Chapter 156 “Urban Forestry” also referred to as the “Tree Ordinance”. Changes are being proposed primarily in association with changes to Chapter 148 and 175. This amendment would be contingent upon final adoption of Chapters 148 and 175.**

Mayor Darr opened the public hearing.

Ron Perlik, of 566 Skyline View Drive, noted that he was a certified arborist, and that the Town was in its 16<sup>th</sup> year as a Tree City USA. Mr. Perlik reported that there were less than 30 communities nationwide at the silver level as Front Royal was. Mr. Perlik stated that the ordinance changes were the result of several years of input and review for the benefit of our community. He noted that it pertained to erosion control, opining that the trees represent a financial asset to a community and have monetary value. Mr. Perlik stated that said value can be taken into account when looking at the worth of a community.

David Means, 210 W. 1st Street, Tree Steward and Urban Forestry Advisory Commission (UFAC) Chairman, stated that this was a big moment for the Town. He looked for Council’s positive input or suggestion, noting that this began with Planning Commission member, David Gushee, and his vision has taken time and has been a real benefit to learn the fine points of the ordinance. Mr. Means stated that in order to address the Town’s urban forest, this ordinance was a step in the right direction and he was grateful for the work of all members that have contributed to this item.

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

*Councilman Tewalt moved, seconded by Councilman Egger that Council affirm on its first reading an Ordinance Amendment to Town Code Chapter 156 "Urban Forestry", as presented and contingent upon final adoption of Chapters 148 and 175.*

Councilman Hrbek asked about the Town's current canopy percentage. Mr. Burke stated that it was about 41%, with a goal of 45% coverage.

Councilman Funk thanked UFAC and the Tree Stewards for their work, noting that their ongoing work was evident. He explained his family history and philosophy of supporting earth conscious efforts, such as tree coverage and recycling. Mr. Funk noted that he had issue with matters relating to the encroachment onto private property, so therefore he cannot support the ordinance as presented.

Vote: Yes – Connolly, Egger, Hrbek, Tewalt and Tharpe  
No – Funk  
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 – Annual Appropriation Ordinance for FY2015-2016  
Proposed Budget (2<sup>nd</sup> Reading)**

**Summary: Council is requested to adopt on its second and final reading the Annual Appropriation Ordinance for FY2015-2016 Proposed Budget effective July 1, 2015 – June 30, 2016, as presented and amended at the May 26th meeting. The Proposed FY2015-16 Budget was amended by a 6-0 vote at the May 26th meeting to remove the establishment of the Assistant Town Manager position from the FY2015-16 Budget and remove the \$10,000 for reclassification from 1214-41001 Finance Administration. Council further amended the Budget to add \$5,000 to the salary for the Town Attorney in 2201-41001 Salaries – Regular and to add \$5,000 to Council Expenses in 1101-45507.**

*Councilman Hrbek moved, seconded by Councilman Tewalt that Council adopt on its second and final reading the Annual Appropriation Ordinance for FY 2015-2016 Proposed Budget effective July 1, 2015 - June 30, 2016, as presented and as amended at the May 26th meeting.*

Councilman Connolly noted that the Town should give back to the taxpayer when the Town is in financial good standing. He stated that the Town was able to do a lot, such as give a one dollar raise per hour for employees and he will support the budget as presented. He added that he is hoping for better next year.

Vote: Yes – Connolly, Egger, Hrbek, Funk, Tewalt 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)

☞ **BUDGET ORDINANCE** ☛

**APPROPRIATION ORDINANCE**  
**ANNUAL APPROPRIATION ORDINANCE**  
**OF THE TOWN OF FRONT ROYAL, VIRGINIA**  
**FOR THE FISCAL YEAR ENDING JUNE 30, 2016**

AN ORDINANCE MAKING APPROPRIATIONS OF SUMS OF MONEY FOR ALL NECESSARY EXPENDITURES OF THE TOWN OF FRONT ROYAL, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2016 TO PRESCRIBE THE PROVISOS, TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE TERMS APPROPRIATION AND THEIR PAYMENT, AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ALL ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA:

SECTION I

That the following sums of money are hereby appropriated for the general governmental purposes herein specified for the fiscal year ending June 30, 2016.

GENERAL FUND EXPENDITURES

General Government \$1,196,305  
Financial Administration \$881,410  
Legal \$408,335  
Law Enforcement Services \$4,371,325  
General Property Maintenance \$1,088,630  
Planning and Zoning Administration - Including Boards and Commissions \$452,685  
Risk Management and Insurances \$611,200  
Economic Development \$8,600  
Information Technology \$716,045  
Transfers and or Contingency Reserves \$503,440  
TOTAL GENERAL FUND EXPENDITURES \$10,237,975

STREET FUND EXPENDITURES

Public Works and Inspections \$358,530  
State Highway Maintenance System \$2,177,690  
TOTAL STREET FUND EXPENDITURES \$2,536,220

ECONOMIC DEVELOPMENT AND SPECIAL REVENUE FUNDS

Debt obligation - Economic Development \$193,740  
Community Development Projects \$375,000  
Asset Forfeitures - Public Safety \$12,000  
TOTAL ECONOMIC AND SPECIAL REVENUE FUNDS \$580,740

and the following sums of money are hereby appropriated for the enterprise operations specified for the year ending June 30, 2016

ELECTRIC FUND EXPENDITURES

Operations \$2,685,850  
Purchase of Electricity \$13,460,000  
Transfer to General Fund and or Contingency Fund \$1,470,000  
TOTAL ELECTRIC FUND EXPENDITURES \$17,615,850

WATER FUND EXPENDITURES

Administrative Office \$127,125  
Water Plant Operations \$1,723,290  
Line Maintenance Division \$1,066,475  
Meter Reading \$102,430  
Debt Service \$970,000  
Transfer to General Fund and or Contingency Fund \$1,800,180  
TOTAL WATER FUND EXPENDITURES \$5,789,500

SEWER FUND EXPENDITURES

Administrative Office \$122,000  
Sewer Plant Operations \$2,319,425  
Line Maintenance Division \$960,170  
Debt Service \$257,185  
Transfer to General Fund and or Contingency Fund \$2,806,220  
TOTAL SEWER FUND EXPENDITURES \$6,465,000

SOLID WASTE FUND EXPENDITURES  
Operations \$982,100  
Transfer to General Fund and or Contingency Fund \$33,400  
TOTAL SOLID WASTE FUND EXPENDITURES \$1,015,500

TOTAL ALL FUNDS EXPENDITURES \$44,240,785

REVENUES  
TO BE PROVIDED AS FOLLOWS

GENERAL FUND  
Real Estate Property Tax [\$.0725 per \$100. assessed valuation] \$970,000  
Public Service Property Tax & Tax Penalties \$42,230  
Personal Property Tax [\$.64 per \$100. assessed valuation] \$587,000  
Other Local Taxes \$4,519,000  
Permits and Fees \$28,000  
Fines and Forfeitures \$150,000  
Use of Money and Property \$65,250  
Public Rights-of-Way Use Fees \$5,000  
Intergovernmental \$615,350  
Interfund Transfers:  
Electric Fund \$1,470,000  
Water Fund \$840,000  
Sewer Fund \$850,000  
Solid Waste Fund \$33,645  
Miscellaneous Receipts \$62,500  
TOTAL GENERAL FUND REVENUE \$10,237,975

STREET FUND  
State Highway Maintenance Funds \$2,160,000  
Use of Money and Property \$20,780  
Street, Curb & Gutter Assessments \$2,000  
Transfer from General Fund \$353,440  
TOTAL STREET FUND REVENUE \$2,536,220

ECONOMIC DEVELOPMENT AND SPECIAL REVENUE FUND  
Real Estate Property Tax [\$.0175 per \$100 assessed valuation]  
- Economic Development \$193,740  
Asset Forfeiture - Grant Funding \$12,000  
Real Estate Property Tax [\$.04 per \$100 assessed valuation]  
- Community Development \$375,000  
TOTAL ECONOMIC DEVELOPMENT AND SPECIAL REVENUE FUND \$580,740

ELECTRIC FUND  
Use of Money and Property \$47,500  
Connection Fees \$100,000  
Internal Loan \$150,000  
Sale of Services \$17,293,850  
Miscellaneous Receipts \$24,500  
TOTAL ELECTRIC FUND REVENUE \$17,615,850

WATER FUND  
Use of Money and Property \$44,000  
Antenna Rentals \$70,000  
Sale of Services \$5,600,000  
Connection Fees \$75,000  
Miscellaneous Receipts \$500

TOTAL WATER FUND REVENUE \$5,789,500

SEWER FUND

Use of Money and Property \$44,000

Sale of Services \$6,320,000

Connection Fees \$100,000

Miscellaneous Receipts \$1,000

TOTAL SEWER FUND REVENUE \$6,465,000

SOLID WASTE FUND

Use of Money and Property \$22,000

Sale of Services \$ 993,500

Miscellaneous Receipts

TOTAL SOLID WASTE FUND REVENUE \$1,015,500

TOTAL ALL FUNDS REVENUES \$44,240,785

SECTION II

All monies appropriated as shown by the items contained in Section I are appropriated upon the provisions, terms, conditions and provisions hereinafter set forth in connection with said items and those set forth in this section.

Paragraph One

I. To provide for the current and other expenditures of the Town of Front Royal, Virginia; for the fiscal year beginning July 1, 2015 and ending June 30, 2016 the tax rates have been set at:

A. Upon all real estate the rate shall be set at \$0.13 per \$100 assessed valuation.

B. Upon all personal property and machinery and tools the rate shall remain set at \$0.64 per \$100 of assessed valuation. Except, that personal property described in Town of Front Royal Code 75-40(B), that has been specifically accepted for special classification by the designated official shall remain at \$0.32 per \$100. of assessed valuation for such volunteer fire or rescue members' single vehicle used to respond to calls or perform other official duties.

II. Assessed valuation of property shall be determined and certified to the Town of Front Royal by the Commissioner of the Revenue of Warren County, and the State Corporation Commission on Public Service Corporation Property. All taxes 1st installment shall be due payable on or before June 5, 2015 and second installment due on or before December 5, 2015. For taxes not paid on or before due date for each installment a penalty of ten percent of the tax due will be added to the tax due. Interest at the annual rate of ten percent of the tax due will be added after December 31, 2015 on all unpaid taxes.

III. Proration of Personal Property Tax

A. Tax levied and prorated on monthly basis. Tangible personal property tax shall be levied and collected on motor vehicles, trailers and boats which have acquired a situs within the Town after January 1 of any tax year for the remaining portion of the tax year. When any person acquires a motor vehicle, trailer or boat with situs in the Town after January 1 and situs remains in the Town after such acquisition, the tax shall be assessed against the new owner for the remainder of the tax year. Such tax shall be prorated on a monthly basis. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and period of less than one-half of a month shall not be counted.

B. Relief or refund. When any motor vehicle, trailer or boat loses it situs within the Town after January 1 or after the day on which it acquires a situs within the Town (hereafter "situs day"), the tax shall be relieved, prorated on a month basis, and the appropriate amount of tax refunded if such tax has already been paid, upon application by the owner to the Commissioner of the Revenue and notice to the Commonwealth of Virginia Department of Motor Vehicles (if applicable); provided however that no refund shall be made if the motor vehicle, trailer or boat acquires a situs within the Commonwealth in a non-prorating locality.

C. Relief, refund or credit on sale. When any person sells or otherwise transfers title to a motor vehicle, trailer or boat with a situs in the Town after January 1 or situs day, the tax shall be relieved, prorated on a monthly basis, upon application by the owner to the Commissioner of the Revenue and notice to the Commonwealth of Virginia Department of Motor Vehicles (if applicable), and the appropriated amount of tax already paid refunded or credited by the Treasurer, at the option of the taxpayer, against the tax due on any motor vehicle, trailer or boat owned by the taxpayer during the same tax year.

D. Time Limitation for refund; minimum refund. Any refund required shall be made within thirty (30) days of the date such tax is relieved. No refund of less than five dollars (\$5.00) shall be issued to a taxpayer, unless specifically requested by the taxpayer.

E. Conditions for certain tax credits. Any person who moves from a non-prorating locality to the Town in a single tax year shall be entitled to a property tax credit in the Town if (i) the person was liable for personal property taxes on a motor vehicle, trailer or boat and has paid those taxes to a non-prorating locality; and (ii) the owner replaces for any reason the original vehicle, trailer or boat upon which taxes are due to the non-prorating locality for the same tax year. The Town shall provide a credit against the total tax due on the replacement vehicle, trailer or boat in an amount equal to the tax paid to the non-prorating locality for the period of time commencing with the disposition of the original vehicle, trailer or boat and continuing through the close of the tax year in which the owner incurred tax liability to the non-prorating locality for the original vehicle, trailer or boat.

F. Exemptions of property for which tax has been paid to another jurisdiction. Tangible personal property which was legally assessed by another jurisdiction in the Commonwealth and on which the tax has been paid is exempt from taxation under this section for the tax year or portion thereof during which such property was legally assessed by other jurisdiction and taxes were paid to that jurisdiction and not refunded in whole or in part.

G. Filing of returns. Filing procedures shall be in compliance with the Warren County Code.

H. Billing for less than full year. Notwithstanding any other date for billings and payment of personal property taxes, the Town may bill all personal property taxes assessed for a portion of the tax year on or after December 15 of each year.

I. Due date of taxes. The taxes shall be due not less than thirty (30) days after the tax bill or due date on the tax bill, whichever is later.

J. Time limit for applications. Any taxpayer entitled to a refund or credit must make application therefore to the Director of Finance no later than three (3) years from the last day of the tax year during which the motor vehicle, trailer or boat lost situs, was sold or had its title transferred.

Paragraph Two Subject to the qualifications contained in this ordinance all appropriations made out of the General Fund, Street Fund, Economic Development and Special Projects Funds, Special Revenue Fund, Electric Fund, Water and Sewer Funds, and Solid Waste Fund are declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amount named, if necessary, and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all the appropriations in full. Otherwise the said appropriations shall be deemed to be payable in such proportions as the total sum of all realized revenue of the General Fund, Street Fund, Economic Development and Special Projects fund, Special Revenue Fund, Electric Fund, Water and Sewer Funds, and Solid Waste Fund is to the total amount of revenues estimated to be available in the said fiscal year by the Town Council.

Paragraph Three

All balances of the appropriations payable out of the General Fund, Street Fund, Economic Development and Special Projects Funds, Special Revenue Funds, Electric Fund, Water and Sewer Funds, and Solid Waste Fund of the Town Treasury unencumbered at the close of business on the thirtieth day of June 2015, except as otherwise provided for, are hereby declared to be lapsed into the Town Treasury. Such unencumbered balances shall be used for the payment of the appropriations that may be made in the appropriation ordinance for the fiscal year beginning July 1, 2015. However, nothing in this paragraph shall be construed to be applicable to unencumbered balances remaining to the credit of any Sinking Fund, or any funds created by the setting up of special revenues, but such balances shall be used in the financing the proposed expenditures of these funds for the fiscal year beginning July 1, 2015.

Paragraph Four

The Director or Administrative Officer in charge of a department shall have the authority to transfer monies between line items and categories within the budgeted appropriations of such department. No department receiving appropriations under the provisions of this ordinance shall exceed the total amount of its appropriation except with the prior consent and approval of the Town Council or the Town Manager. Where the Town Manager is the administrative officer in charge of a department, no prior consent or approval shall be required for such department to exceed its appropriation. The Town

manager may transfer monies within any Fund to provide for such expenditure in excess of a department's budgeted appropriation. No Fund receiving appropriations under the provisions of this ordinance shall exceed the total amount of its appropriation except with the prior consent and approval of the Town Council who may then authorize by resolution the transfer of monies between the Funds. If any such department or fund shall exceed the amount of its appropriation without such consent and approval, the Director or Administrative Officer, in the discretion of the Town Council, may be deemed guilty of neglect of official duty and may be subject to removal therefore.

Paragraph Five

Nothing in this section shall be construed as authorizing any reduction to be made in the amounts appropriated in this ordinance for the payment of interest, bonds, or contributions to any Sinking Fund on the bonded debt of the Town Government.

Paragraph Six

None of the monies mentioned in this ordinance in connection with the General Fund, Street Fund, Economic Development and Special Project Funds, Special Revenue Fund, Electric Fund, Water and Sewer Funds, and Solid Waste Fund shall be expended for any purpose other than those for which they are appropriated except as provided in Paragraph Four. It shall be the duty of the Director of Finance to see that this provision is strictly observed and to report to the Town Manager any irregularities.

Paragraph Seven

Allowances out of any of the appropriations made in this ordinance by any or all of the Town departments, bureaus, or agencies to any of their officers and employees for expenses on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall not exceed the standard mileage rate as determined by the IRS (56 cents per mile as of January 1, 2014).

Paragraph Eight

All traveling expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Town Manager.

Paragraph Nine

All monies from the sale of general government real estate or other property shall be set aside in a separate account of the General Fund and subject to expenditure only through appropriate action of the Council. Except, where the Council shall have specified that the monies from the sale of an item or a class of property shall be paid into a specified account of a Town department.

Paragraph Ten

All monies collected by any department, bureau, agency or individual of the Town Government shall be paid into the Town Treasury not later than the day immediately following the day of collections.

Paragraph Eleven

The Fund budgets in Section I as included in the general budget are hereby adopted and made the official budget document of the Town of Front Royal. It is expressly provided that the restrictions with respect to the expenditure of the monies appropriated shall apply only to the lump sum amounts for the classes of expenditures, of Funds, which have been included in this ordinance.

Paragraph Twelve

All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

THIS ORDINANCE SHALL BECOME EFFECTIVE JULY 1, 2015.

**COUNCIL APPROVAL – Ordinance Amendment to Chapter 148 “Subdivision and Land Development”** (2nd Reading)

**Summary:** Council held a Public Hearing on an Ordinance Amendment to Chapter 148 “Subdivision and Land Development” on February 23, 2015 and affirmed the first reading of the Ordinance Amendment on May 26, 2015. Town Code Chapter 148 governs the development and subdivision of land in the Town of Front Royal,

as mandated by the Commonwealth of Virginia under Virginia Code §15.2-2240. Council is requested to adopt on its second and final reading an ordinance to amend and completely update Chapter 148 “Subdivision and Land Development” Ordinance as recommended by the Town of Front Royal Planning Commission and as amended by Town Council at the May 26, 2015 Town Council Meeting. At the May 26, 2015 Council meeting, Council voted to maintain the minimum street widths in Section 148-820.D.6 “Street Widths” as presented in the advertised Amendment and to remove Section 148-820.O “House Elevation Above Street Grade” in its entirety. Council is requested to adopt this ordinance contingent upon the final adoptions of ordinance amendments to Town Code Chapters 175 “Zoning” and 156 “Urban Forestry”.

*Councilman Tewalt moved, seconded by Vice Mayor Tharpe that Council adopt on its second and final reading an Ordinance to amend Chapter 148 “Subdivision and Land Development” of the Front Royal Town Code as presented and as amended at the May 26, 2015 meeting, contingent upon the final adoption of the ordinance amendments to Town Code Chapters 175 “Zoning” and 156 “Urban Forestry”.*

Councilman Egger noted that she was concerned about the future appearance of the Town and would be unable to support the ordinance as presented. She added that some new neighborhoods have been built in compliance with the current street widths and she did not wish to see more neighborhoods built along those same lines. Ms. Egger thanked the Planning Commission and Mr. Camp for their efforts in putting together such a large-scale document.

Councilman Tewalt thanked Mr. Gushee and the Town Staff for their ongoing efforts over the years and he is hoping that all works well for the Town and the community. Mr. Tewalt noted that he would vote in support of the matter as presented.

Vote: Yes – Connolly, Funk, Tewalt and Tharpe  
No – Egger and Hrbek  
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 for Valley Health Revenue Refunding Bonds**

**Summary:** Council has received a request from Valley Health to consider adoption of a Resolution with respect to the issuance of Economic Development Authority of the City of Winchester, Virginia revenue refunding bonds for the Warren Memorial Hospital Project in the amount up to \$132,700,000

*Councilman Tewalt moved, seconded by Vice Mayor Tharpe that Council approve a Resolution from Valley Health with respect to the issuance of Economic Development Authority of the City of Winchester, Virginia revenue refunding bonds for the Warren Memorial Hospital Project in the amount up to \$132,700,000.*

Councilman Connolly noted that it was simply to allow the bonds to be issued by Winchester’s EDA. Mr. Burke noted that was correct.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt 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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There being no further business, the Mayor declared the meeting adjourned at 7:45 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council