

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on June 11, 2012, in the Warren County Government Center’s Board Meeting Room. Vice Mayor Holloway led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Vice Mayor Chris W. Holloway
Councilman Thomas E. Conkey (*arrived at 7:05 p.m.*)
Councilman Carson C. Lauder, Jr.
Councilman N. Shae Parker
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Mayor Timothy W. Darr

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

Councilman Parker moved, seconded by Councilman Sayre, that Council approve the Regular Council Meeting minutes of May 29, 2012 as presented.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – Darr

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

David Means, of 210 W. 1st Street, thanked Council for their responses to the situations throughout Town. He added that the Town has been outstanding and Council’s interest in tree matters presented has been exceptional. Mr. Means noted that the Tree Stewards were aware that Council has made a difference, adding that credit also goes to Town Manager Steve Burke and Director of Energy Services Joseph Waltz as well.

Mr. Means noted that issues pertaining to erosion and sediment control have been looked into, and he added that Director of Planning & Zoning Jeremy Camp has given good insight into the process. He stated that some regulations do not address the erosion and sediment issues that he feels need to be addressed, particularly as it relates to silt fences.

Michael Graham, of 234 Druid Hill, read a letter into the record from Jim Graham, of Lynn Care Center. The letter thanked the Town for the recent improvements at the Luray Avenue Boat Landing, noting that at times some residents coming to the park have had issue with the inability to get over the unpaved area. Mr. Graham thanked Councilman Conkey for this work to connect the trail to the overlook, and he added that in the future perhaps grass could be planted in said area.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Reported that the Water Treatment Plant staff has mailed out the annual Water Quality Report, and he pointed out there were no violations and the water standards had been met;
- Noted that the Town has upgraded the email system and have faced some challenges to continue with public notices being emailed out. Mr. Burke explained that the IT Manager was addressing the matter, and asked that residents interested in receiving timely updates join the Town's FaceBook and Twitter accounts in order to receive area notifications;
- Stated that the Visitor Center pavement and tree work should be completed within the next week perhaps;
- Announced that Chester Street would be closed next week for an automobile show; and
- Reminded Council that the Planning Office had advised that on June 20th, at 7 p.m., a Public Information meeting would be held immediately after the regular Planning Commission meeting regarding the outdoor display matter.

Councilman Conkey apologized for being tardy to the Council meeting.

Councilman Conkey noted that typically the Mayor steps down off the dais to make the plaque and award presentations, though he would like to request that the entire Town Council come to the floor to award Mrs. Hart and demonstrate their support to the Police Department.

Councilman Sayre noted that Mrs. Hart began as volunteer before becoming a part-time employee. He stated that there would eventually be funding in the budget for the Master Police Program and to allot full-time status to Mrs. Hart's position.

Vice Mayor Holloway and the entire Council congratulated Mrs. Hart on her award as a National Crime Prevention Specialist. Mr. Holloway noted that Mrs. Hart's work with the Police Department did begin as a volunteer position and the Town was able to acquire her as a part-time employee thankfully. Mrs. Hart noted that without the volunteers and the Police Department staff and officers the certification would not be possible.

Chief of Police presented the plaque to Mrs. Hart and noted that she was one of 30 Crime Prevention Specialists being recognized nationally. He added that the Town's very low crime rate in the community was due to the efforts of Janice Hart, the Police Officers, the Staff and the volunteers within Front Royal.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL: Acceptance of Donation for Flowers in Hanging Flower Basket – The Beautification of Front Royal Committee
- B. COUNCIL APPROVAL: Bid – Cargo Trailer for Water/Sewer Maintenance Department

Councilman Conkey moved, seconded by Councilman Tharpe, that Council approve the Consent Agenda as presented.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

PUBLIC HEARING – An Ordinance to Amend/ReEnact Section 134-1 of the Town Code Pertaining to Water and Sewer Connections (1st Reading)

Vice Mayor Holloway opened the public hearing. As no one came forward to speak, he closed the public hearing.

Councilman Parker moved, seconded by Councilman Tharpe, that Council affirm on its first reading an ordinance to amend and re-enact Section 134-1 of the Front Royal Town Code pertaining to Water and Sewer Connections, as presented.

Councilman Parker noted that by amending the Town Code section they would be codifying the Water & Sewer Policy. He added that Council discussed the matter intently in January and adjusted the former policy to some degree. Mr. Parker noted that the Council would have a firm number that the County and the EDA can use for surplus water planning in the future and the policy would be reviewed at least on an annual basis.

Councilman Sayre noted that the Council had a previous water policy and it was well written.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

COUNCIL APPROVAL – An Ordinance to Amend Town Code 158-6 Pertaining to Adoption by Reference of the State Motor Vehicular Laws (2nd Reading)

Councilman Parker moved, seconded by Councilman Sayre that Council adopt on its second and final reading an ordinance to amend Front Royal Town Code 158-6 pertaining to adoption by reference of the State motor vehicular laws.

Councilman Sayre noted that he was reminded of an incident four years earlier that made him realize that Council needed to be very cautious when moving matters through from the State. He added that Front Royal was part of the effort to end the civil penalties that were attached to the motor vehicle Code sections at that time.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

⌘ ORDINANCE: STATE MOTOR VEHICULAR LAWS ⌘

An Ordinance To Amend Section 158-6 Of The Front Royal Town Code Pertaining To Adoption By Reference Of The State Motor Vehicular Laws

BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that Section 158-6 of the Front Royal Town Code is hereby amended and enacted as follows:

Pursuant to the authority of Section 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the State as of July 1, 2012, contained in Title 46.2, Code of Virginia, 1950, as amended, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the Town, are adopted and incorporated by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made part of this chapter as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia.

This Ordinance shall be effective on **July 1, 2012.**

COUNCIL APPROVAL – An Ordinance to Enact Code 158-13(D) Pertaining to Through Trucks Prohibited *(2nd Reading)*

Councilman Sayre moved, seconded by Councilman Tharpe that Council adopt on its second and final reading an ordinance to enact Front Royal Town Code 158-13(D) pertaining to Through Trucks Prohibited, as presented.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

⌘ ORDINANCE: THROUGH TRUCKS PROHIBITED ⌘

An Ordinance To Enact Front Royal Town Code
158-13 (D) Pertaining To Through Trucks Prohibited

WHEREAS, Section 158-13 prohibits through truck traffic on Royal Avenue; and,
WHEREAS, the definition of “truck” is overly broad; and,
WHEREAS, the proposed amendment limits the type of through truck banned by defining “truck”; and,

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia, that 158-13(D) of the Front Royal Town Code is hereby enacted as follows:

158-13 THROUGH TRUCKS PROHIBITED

A. It shall be unlawful to operate trucks, except for the purpose of receiving loads or making deliveries, on the streets and roads of the Town of Front Royal designated as closed to through truck traffic.

B. The Town Council of Front Royal shall designate those streets and roads of the Town of Front Royal which shall be closed to through truck traffic. Those streets and roads so designated shall be plainly marked with posted signs reading NO THRU TRUCKS.

C. Royal Avenue, between its intersection with Commerce Avenue and South Street, is hereby designated as being closed to through truck traffic within the meaning of Subsection (A) hereof, and this area shall be marked as described in Subsection (B) hereof, together with appropriate signage designating both Commerce Avenue and South Street as a through truck route for U.S. Route 340.

D. For purposes of this section only, "truck" shall mean "commercial motor vehicle" as defined in §46.2-341.4 of the Code of Virginia (1950, as amended).

This ordinance shall become effective upon passage.

COUNCIL APPROVAL – An Ordinance to Amend/Re-enact Code 85-3(E) Pertaining to On-Call Refuse Collection *(2nd Reading)*

Councilman Parker moved, seconded by Councilman Sayre, that Council adopt on its second and final reading an ordinance to amend and re-enact Front Royal Town Code 85-3(E) Pertaining to On-Call Refuse Collection, as presented.

Councilman Parker noted that Councilman Conkey had an amendment to this ordinance at the first reading of the matter. Conkey man Conkey noted that he did; Mr. Parker stated that he had a copy of the motion from the first reading.

Councilman Parker moved, seconded by Councilman Conkey, that Council amend the motion to modify Section E(2) that the 4th line from bottom insert after the word "stumps":

"However, yard waste items may be collected on a not on-call basis in accordance with the procedures established in Section 85-4 of the Town Code."

Councilman Sayre asked for clarification. Mr. Conkey explained that it would make it clear that the yard waste could still be collected on normal, weekly yard week collection days. Mr. Conkey thanked Mr. Parker and Town Attorney Napier for their efforts on bringing the amendment to fruition.

In a friendly amendment from Councilman Sayre,
Councilman Parker agreed that the inserted text should begin after "picnic tables and other items."

Councilman Conkey clarified that it would allow citizens to continue to place items for regular seasonal yard waste collection as scheduled weekly.

After a question from Councilman Sayre, Councilman Parker read the full section to clarify text for the Council before voting on the matter.

Vote: Yes – Conkey, Holloway, Lauder, Parker and Sayre
No – Tharpe
Abstain – N/A
Absent – Darr

(On Motion to Amend to insert yard waste wording after “picnic tables and other items”)

Vote: Yes – Conkey, Holloway, Lauder, Parker and Sayre
No – Tharpe
Abstain – N/A
Absent – Darr

(By Roll Call; On Motion as Amended)

✧ ORDINANCE: ON-CALL REFUSE COLLECTION ✧

An Ordinance To Amend And Re-Enact Front Royal
Town Code 85-3(E) Pertaining On-Call Refuse Collection

WHEREAS, on November 27, 2006, Council approved an ordinance that enacted the “On Call Collection” of large items to existing customers; and,

WHEREAS, since that time certain residents and landlords are taking advantage of the on-call refuse service by sometimes creating the need to use a dumpster to pick up refuse; and,

WHEREAS, the Department of Environmental Services suggests to tighten the restrictions currently in place for on-call refuse collection; and,

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

85-3 Collection Charges

[A. THROUGH D. NOT SET OUT]

~~E. The Town shall continue to schedule one “free” fall or spring clean up period during which all residents of the Town shall be permitted to place large items or large quantities of items for curbside pickup. The “free” cleanup period shall be at a time as designated by the Town Manager and shall be adequately advertised and announced in order to inform the public of the dates of the program. Except during such “free” cleanup period, T The Town shall provide “On-Call Collection” of large items or large quantities of items to existing customers as follows:~~

~~(i). Individuals shall establish a work order for collection through the Finance Department and schedule collection with the Department of Public~~

~~Works– Environmental Services. –A fee of \$25.00 shall be paid for each collection work order.~~

(ii). Individuals shall identify the type and quantity of items to be collected, so that the Town may dedicate the necessary forces for collection. Items not acceptable for disposal, such as those identified in Section 85-10(E), or other items, such as, but not limited to, computer monitors, items containing mercury such as thermometers, sofas containing hideaway beds, bed box springs, items not readily crushable by the Town’s mechanical refuse crushers, railroad ties, bricks, rocks, wooden or metal fencing, yard waste including tree limbs, roots, root balls, and stumps, air or propane tanks, swing sets, porch swings, picnic tables, and other items, (however, yard waste items may be collected on a not on-call basis in accordance with the procedures established in Section 85-4 of the Town Code) determined by the Director of ~~Public Works~~ Environmental Services to be unacceptable shall not be collected as part of this program.

(iii). There will be no fee for the first collection work order per customer per calendar year containing twenty (20) or fewer bags, not exceeding fifty-five (55) gallons per bag, of bagged items to be collected, plus five (5) pieces of furniture determined by the Department of Environmental Services as readily crushable by the Town’s mechanical refuse crushers, or household appliances not containing Freon or mercury.

(iv.) For a second or subsequent collection work order per customer per calendar year, or for a collection work order containing more than twenty (20) bags, or containing more than five (5) pieces of furniture or other acceptable items for collection, there will be a fee of \$--- per hour for the first hour, or any portion thereof, of collection, with an additional fee of \$---- for each portion of a half hour beyond the first hour, of collection of said items.

(v). For the first collection of unbagged items, or for collection of more than five (5) items of other acceptable items for collection, per customer per calendar year, there shall be a fee of Four Hundred Dollars (\$400.00) per hour. For a second collection of unbagged items or second collection of more than five (5) items of furniture or other acceptable items for collection, per customer per calendar year, there shall be a fee of Six Hundred Dollars (\$600.00) per hour. For a third of subsequent collection of unbagged items or a third or subsequent collection of more than five (5) times of other acceptable items for collection, there shall be a fee of Eight Hundred Dollars (\$800.00) per hour.

(vi). Items containing Freon or other refrigerants, such as refrigerators, freezers, air conditioners, and dehumidifiers shall be subject to an additional fee of \$15.00 per item for the recovery of such refrigerants from the device.

(vii). Tires with rims shall be subject to an additional fee of \$4.00 per tire for the Town's additional time and labor involved in separating the tires from the rims.

COUNCIL APPROVAL – An Ordinance to Amend/Re-enact Code Chapter 12 re: Fees
(2nd Reading)

Councilman Parker moved, seconded by Councilman Tharpe that Council adopt on its second and final reading an ordinance to amend and re-enact Front Royal Town Code Chapter 12 pertaining to fees, as presented.

Councilman Conkey moved that Council adjust the reconnection to \$20 dollars; the motion did not receive a second.

Councilman Sayre raised a point of order, asking if the losing side of a motion from the previous meeting could bring the same motion to the table for a second time. Town Attorney Napier noted that Councilman Sayre seemed to be correct.

Councilman Conkey withdrew his motion to adjust the reconnection fee.

Councilman Parker noted he understands Councilman Sayre's point, however; the Council follows Robert's Rules of Order and as Council was not in an extended session and each Council meeting ends the said session. He asked if the rule as suggested by Mr. Sayre would still apply. Mr. Napier noted that the motion was to reconsider and he was unsure of the full answer to Councilman Parker's questions.

Councilman Sayre noted that it was an ordinance in the Town Code. Mr. Napier noted that the issue could be fully looked into if the matter was postponed. He added that he did not feel that Robert's Rules of Order fully addressed the question.

Councilman Conkey moved, seconded by Vice Mayor Holloway, to postpone the matter until the next regular meeting for vote.

Councilman Sayre noted that the Town held the public hearing for specific dates. Mr. Napier, noted that the Town did advertise the public hearing for the *last* meeting, though the matter was not for public hearing for this evening and would not need to be readvertised.

- Vote: Yes – Conkey, Holloway, Lauder and Parker
- No – Sayre and Tharpe
- Abstain – N/A
- Absent – Darr

(By Roll Call; To POSTPONE)

COUNCIL APPROVAL – An Ordinance to Amend/Re-enact Code 148-53 & 175-137 Pertaining to Fees
(2nd Reading)

Councilman Parker moved, seconded by Councilman Tharpe that Council adopt on its second and final reading an ordinance to amend and re-enact Front Royal Town Code 175-137 in the Zoning Ordinance and 148-58 in the Subdivision Ordinance, pertaining to fees, as presented.

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

No – Tharpe
 Abstain – N/A
 Absent – Darr

(By Roll Call)

⌘ ORDINANCE: Code 148-53 & 175-137 Regarding Fees ⌘
 An Ordinance To Amend And Re-Enact Front Royal Town Code
 175-137 Fees, Charges And Expenses And 148-58 Fees

175-137 FEES, CHARGES AND EXPENSES

- A. The Town Council hereby establishes the following schedule of fees, charges, and expenses for zoning permits, certificates of use, special permits, variances, appeals, amendments and other matters pertaining to this chapter.
- For processing an Administrative Variance - \$100.00
 - ⊖ For processing a Board of Architectural Review request –~~\$100.00~~
 - Administrative Review: \$50.00
 - Board of Architectural Review: \$100.00
 - Demolition of Historically Significant Structure: \$200.00
 - For processing a Board of Zoning Appeals application - ~~\$300.00~~ \$400.00
 - For Business License Zoning Clearance - \$10.00
 - For issuing a Certificate of Compliance - \$25.00
 - For processing an application to amend the Comprehensive Plan - \$400.00
 - ⊖ ~~Copy of the Comprehensive Plan (each) – \$20.00~~
 - For processing an amendment to the Zoning Ordinance - \$400.00
 - ⊖ For processing a Rezoning application –~~\$450.00~~
 - 1 acre or less: \$500.00
 - Over 1 acre: \$500.00 + 100 per acre over 1st acre
 - Downzoning: \$400.00
 - Proffer amendment or Concept Plan/Master Land Use Plan Revision - \$400.00
 - ⊖ For processing an application for a Sign Permit (~~Entrance Corridor~~) –~~\$75.00~~
 - ⊖ ~~For processing an application for a Sign Permit (Permanent) – \$50.00~~
 - ⊖ ~~For processing an application for a Sign Permit (Temporary) – \$25.00~~
 - Permanent: \$50.00
 - Permanent (Entrance Corridor): \$75.00
 - Temporary: \$25.00
 - Relocation of previously approved sign: no charge for review
 - Requested Re-advertisement - \$200.00 per meeting
 - For processing an application for a Special Use Permit - \$400.00
 - ⊖ ~~Copy of the Zoning Ordinance – \$15.00~~
 - For a Zoning Permit, Commercial Accessories/Additions - \$100.00
 - For a Zoning Permit, Residential Accessories/Additions - \$25.00
 - For a Zoning Permit, Multi-Family Residential Dwelling - ~~\$100.00~~ \$50 per unit.
 - For a Zoning Permit, New Commercial - \$100.00
 - For a Zoning Permit, New Single-Family Residential Dwelling - \$75.00
 - For a Zoning Permit, Portable Storage Container (Residential or Commercial) - \$25.00 each
 - Construction or land disturbance activity without a permit – double zoning permit regular fee.
 - Requested Copies:
 - Letter paper size: .15 per sheet (b&w) or 2.00 per sheet (color)
 - Legal paper size: .50 per sheet (b&w) or 2.50 per sheet (color)
 - 11” x 17” paper size: .75 per sheet (b&w) or 3.50 per sheet (color)
 - Bond paper for over 11” x 17” sizes: \$.50 per s.f.(b&w) or \$3.00 per s.f.(color)
 - Copy of the Zoning Ordinance: \$15.00
 - Copy of the Comprehensive Plan (each): \$20.00

- B. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.
- C. Additional fees may be charged for Staff time used to research/prepare Freedom of Information Act (FOIA) requests.

148-58 FEES

- A. The following fees are hereby assessed for the services indicated:
 - o For processing an application for a Boundary Adjustment - \$100.00
 - o For lot line vacation plat - \$100
 - o For review of a boundary/plat of survey – no charge for review
 - o For processing a partial release of a Performance Bond (each) - ~~\$75.00~~\$100.00
 - o For Right-of-Way Utilization Permit - \$25.00
 - o For processing Site Development Plan—~~\$300.00~~
 - Change of Use 1 acre or less - \$100.00
 - New construction or change of use over 1 acre - \$750
 - o For processing a Sketch Plan - \$100.00
 - o ~~Copy of Town Mapping Product - \$5.00~~
 - o Copy of Town Subdivision and Land Development Ordinance - ~~\$10.00~~ \$15.00
 - o For processing as Subdivision Variance - \$250.00
 - o For processing Subdivision Final Plat (Major) - ~~\$400.00~~\$1,000.00 plus \$10.00\$100.00 per lot
 - o For processing Subdivision Final Plat (Minor) -~~\$200.00~~ plus \$10.00\$100.00 per lot
 - o For processing Subdivision Preliminary Plat (Major) - \$500.00 plus \$25.00 per lot
 - o For processing Subdivision Preliminary Plat (Minor) - \$300.00 plus \$25.00 per lot
 - o GIS Data:
 - Aerials(1,250' x 1,250' Panel) - \$5.00 / panel
 - Base Maps (5,000' x 5,000' Panel) - \$25.00 per panel or \$400.00 Townwide
 - Other Layers (As Available) - \$50.00 / Townwide
 - Parcel Layers (As Available) - \$100.00 / Townwide
 - Scanned Document – \$12.50 per sheet
- B. Additional fees may be charged for Staff time used to research/prepare Freedom of Information Act (FOIA) requests.
This Ordinance shall become effective **July 1, 2012.**

COUNCIL APPROVAL – Appropriation Ordinance for Fiscal Year Ending June 30, 2013 on Proposed Budget (2nd Reading)

Councilman Parker moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an Appropriation Ordinance for Fiscal Year ending June 30, 2013 on the Proposed Fiscal Year 2013 Budget.

Councilman Parker moved, seconded by Councilman Conkey, that Council reduce the following line items and these funds be placed in the Reserve for Contingencies to fund the Master Police Officer and Senior Dispatcher Program:

1101-3002	\$5,000	Town Council Professional Services
1101-5410	400	Town Council Wearing Apparel
1201-1001	1,200	Town Manager Reclassification Proposal
1201-5402	250	Town Manager Vehicle Maintenance
1201-5410	50	Town Manager Wearing Apparel
1201-5412	250	Town Manager Furniture
1201-5504	250	Town Manager Travel
1201-5506	250	Town Manager Miscellaneous Expenses
1201-7005	20,000	Town Manager Vehicle Replacement

1202-5410	300	Human Resources Wearing Apparel
1205-3007	10,000	Tourism Advertising
2201-1001	2,100	Town Attorney Reclassification Proposal
3101-1001	13,800	Police Reclassification Proposal
3102-1001	6,100	Police Reclassification Proposal
8101-5410	250	Planning Wearing Apparel

For a total of \$60,200

Councilman Tharpe asked about the \$200 adjustment from the previous meeting and the amount now. Councilman Parker noted that he removed the rest of shirt funding for Council.

Councilman Sayre asked about the reserve for contingencies. Mr. Burke noted that \$60,200, if the amendment is approved by Council, would be in reserve, though Staff would return to Council at a later time to identify where the funding should go.

Vote: Yes – Conkey, Lauder, Parker and Sayre
No – Holloway and Tharpe
Abstain – N/A
Absent – Darr

(By Roll Call; On Amendment to take the remaining \$200 from the Council shirt amount for a total of \$400 from 1101-5410, Total Amendment Amount \$60,200)

Council had a brief discussion on the number of Councilmen voting for the budget. Mr. Napier clarified that the Vice Mayor would be voting and the Council would need four votes to pass the budget.

Councilman Conkey, seconded by Councilman Parker, moved that Council would take no more than \$295,000 from the appropriate general funds in the reserve contingency fund and allot a 2% raise to the employees of the Town.

Councilman Sayre noted that the employees needed the extra income, though the matter had not been fully discussed through the worksession process. He stated that he would not vote for the amendment as presented.

In response to Councilman Parker's questions, Mr. Burke noted that the current budget includes a one-time bonus of \$500 for full-time employees, and \$250 for part-time employees. Mr. Burke stated that enterprise fund employees could not receive the increase from said fund. He noted that he would assume Mr. Conkey's request was intended to include enterprise employees as well and could be broadened. Mr. Burke expressed concern with pulling funds from the reserve amount and challenging the next Town Council to continue the two percent raise going forward. He added that it could result in reducing the other budget items by an equivalent raise amount in order to maintain the 2% raise going forward.

Councilman Conkey noted that Councilman Parker found \$60,000 and the fund balances were quite sturdy. He stated that he would like to take it from appropriate fund balances and he challenges the next Council to find the funds to maintain the amounts. Mr. Conkey noted that the Town had been discussing the potential for various taxes and other income and the Police Department was not the only employees in need of an increase. He added that the Town recently purchased a downtown building and it seems the employees are more important than fancy buildings.

Councilman Lauder asked if the explanation given by Mr. Burke was very reasonable. Mrs. Breeden noted that it was. She added that while she appreciates what Councilman Conkey would like to do for the employees, it would cause a challenge for the next Council to find where the amounts would continue to come from.

Councilman Sayre noted that about six years ago many police officers' salaries were low, and he had been very open to the Master Police Officer program. Mr. Sayre stated that while Councilman Conkey's heart was in the right place, it would be rushing through the matter at this time. He added that hopefully in six or eight months Council could discuss the matter once again with the incoming Council.

Councilman Parker noted that as much as he would like to allot employees a raise, it concerns him. He added that perhaps he could offer an alternative to vote to double the one-time employee bonus if Mr. Conkey's amendment failed.

Vote: Yes – Conkey, Holloway and Parker

No – Lauder, Sayre and Tharpe

Abstain – N/A

Absent – Darr

(By Roll Call; Motion FAILS, No Majority for the Motion)

Councilman Parker moved, seconded by Councilman Conkey, moved to double the one-time bonuses to \$500 for part-time employees and \$1,000 for full-time employees and set aside no more than \$70,000 from reserve funds for said increases.

Councilman Conkey noted that he would support the motion and he appreciates Mr. Parker's effort for the employees.

Councilman Lauder noted that all employees deserve a five percent raise, though the funding to support the wants of Council for the employees was not available just because it was desired. Vice Mayor Holloway voiced his agreement with Mr. Lauder.

Councilman Sayre reiterated that the matter should have been vetted out during the worksession process, adding that Mr. Conkey was merely looking for headlines. Councilman Conkey stated that as he was absolutely not looking for headlines.

Councilman Sayre opined that it was irresponsible to not vet the matter and discuss it in full during Council worksession meetings. He added that some members of Council would like Front Royal to also become a city.

Councilman Conkey responded that it had nothing to do with being a Town or a City, adding that it had everything to do with the safety and welfare of the employees. He added that the employees had been taking it very hard since the economic downtown and they deserved some recognition.

Vote: Yes – Conkey, Holloway, Lauder and Parker

No – Sayre and Tharpe

Abstain – N/A

Absent – Darr

(By Roll Call; To Double the Bonus Amounts for Employees)

Councilman Sayre noted that the budget would be taking away funding for the Economic Development Authority (EDA) and the Town would fund the Community Development position as well. He suggested that the funding could go towards the Master Police Officer (MPO) Program instead.

Councilman Lauder opined that if the Community Development position was successful, then there would be additional funding in place for the MPO Program and other programs as well.

Councilman Conkey noted that Counties typically supported the EDA, so the funding adjustment to Warren County was accurate. He stated that the EDA was not biased and they would continue to fully promote the area, including the Town. Mr. Conkey explained that funding an additional person for local economic development could only benefit the Town even more, as the EDA would be working in conjunction with the Community Development position.

Councilman Parker stated that the funding for the Community Development position was in Council's budget, and Council would make the choice on how the funds were spent. He added that he would like the EDA's opinion on the Community Development position. Mr. Parker noted that the Town would still have day to day interaction with the EDA and if Council did their due diligence, then perhaps they would see more revenue brought into the community. He stated that the Community Development position was just as important as the MPO program. Mr. Parker summarized that it was a good budget, and the employees and the citizens would benefit.

Mr. Burke noted that it did not include tax increase to citizens.

Councilman Lauder voiced his appreciation to Councilmen Parker and Conkey with regard to the Community Development position. He noted that it was his hope that the position would revamp the commerce activity within the community. Mr. Lauder added that the position was the correct path to take and the Town deserves the opportunity to try the position for two years.

Councilman Sayre noted that the Virginia Main Street program was important and that the Town needed to be more business friendly. He added that inspections have been a problem in the community.

Councilman Parker noted that perhaps in the future the Community Development position could examine the Virginia Main Street Program. He asked Councilman Sayre to support the budget for the potential outreach the Community Development position could bring to the Town of Front Royal.

Vice Mayor Holloway thanked Mrs. Breeden and Mr. Burke for their efforts on the budget, noting that matters were in place for the Town to have no increased taxes this year.

Vote: Yes – Conkey, Holloway, Lauder, Parker, Sayre and Tharpe
No – N/A
Abstain – N/A

Absent – Darr
 (By Roll Call; FINAL BUDGET VOTE)

ANNUAL APPROPRIATION ORDINANCE
OF THE
TOWN OF FRONT ROYAL, VIRGINIA

For The Fiscal Year Ending June 30, 2013 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, 2013 To Prescribe The Provisos, Terms, Conditions, And Provisions With Respect To The Terms Of 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, 2013

GENERAL FUND EXPENDITURES

General Government	1,055,599
Financial Administration	822,594
Legal	391,810
Law Enforcement Services	3,816,653
General Property Maintenance	1,039,837
Planning and Zoning Administration	444,840
Risk Management/Insurance	627,940
Economic Development	34,955
Information Technology	429,774
Library	47,500
Transfers/Contingency Reserve	846,570
TOTAL GENERAL FUND EXPENDITURES	\$9,558,072

STREET FUND EXPENDITURES

Public Works	479,446
State Highway Maintenance System	1,679,001
TOTAL STREET FUND EXPENDITURES	\$2,158,447

ECONOMIC DEVELOPMENT FUND

Principal on Debt	135,000
Interest Payments	25,000
Operations	35,639
TOTAL DEBT SERVICE FUND EXPENDITURES	\$195,639

SPECIAL REVENUE FUND

Community Development Projects	225,000
Asset Forfeiture	12,000
TOTAL SPECIAL REVENUE FUND EXPENDITURES	\$237,000

and the following sums of money are hereby appropriated for the enterprise operations specified for the year ending June 30, 2013:

ELECTRIC FUND EXPENDITURES

Operations	2,304,091
Purchase of Bulk Electricity	12,225,150
Transfer to General Fund	1,471,000
TOTAL ELECTRIC FUND EXPENDITURES	\$16,000,241

WATER FUND EXPENDITURES

Administrative Office	115,849
Water Plant Operation	1,439,164
Maintenance of Lines	828,922
Meter Reading	93,460
Debt Service	1,118,905
Contingency and Transfers to Other Funds	623,000
TOTAL WATER FUND EXPENDITURES	\$4,219,300

SEWER FUND EXPENDITURES

Administrative Office	114,786
Wastewater Treatment Plant Operations	1,969,056
Maintenance of Lines	761,924
Debt Service	465,347
Contingency and Transfers to Other Funds	735,200
TOTAL SEWER FUND EXPENDITURES	\$4,046,313

REFUSE FUND EXPENDITURES

Operations	912,146
<i>Transfer to General Fund</i>	122,000
TOTAL REFUSE FUND EXPENDITURES	\$1,034,146

TOTAL ALL FUNDS EXPENDITURES **\$37,449,158**

REVENUES TO BE PROVIDED AS FOLLOWS

GENERAL FUND

Real Estate Property Tax (\$.0725 Per \$100 assessed valuation)	1,091,000
Public Service Property Tax & Tax Penalties	54,612
Personal Property Tax (\$.64 per \$100 assessed valuation)	532,000
Other Local Taxes	3,932,000
Permits and Fees	30,000

Fines and Forfeitures	240,000
Revenue from Use of Money and Property	90,000
Public Rights-of-Way Use Fee	60,000
Charges for Services	16,000
Intergovernmental	654,000
Interfund Transfers:	
Electric Fund	1,471,000
Water Fund	623,000
Sewer Fund	705,200
Refuse Fund	19,260
Non-Revenue Receipts	40,000
TOTAL GENERAL FUND REVENUE	\$ 9,558,072

STREET FUND

State Highway Maintenance Funds	1,500,000
Revenue from Use of Money and Property	10,000
Street, Curb & Gutter Assessments	14,000
Transfers from General Fund	634,447
TOTAL STREET FUND REVENUE	\$2,158,447

ECONOMIC DEVELOPMENT FUND

Real Estate Property Tax (\$.0175 per \$100 assessed valuation)	195,639
TOTAL DEBT SERVICE FUND REVENUE	\$195,639

SPECIAL REVENUE FUND

Asset Forfeiture Grant Funding	12,000
Community Development (\$.0200 per \$100 assessed valuation)	225,000
TOTAL SPECIAL REVENUE FUND	\$237,000

ELECTRIC FUND

Revenue from Use of Money and Property	80,000
Sale of Service	15,589,281
Non-Revenue Receipts	330,960
TOTAL ELECTRIC FUND REVENUE	\$16,000,241

WATER FUND

Revenue from Use of Money and Property	50,000
Antenna Rentals	50,000
Sale of Service and Commodities	3,889,300
Connection Fees	225,000
Miscellaneous	5,000
TOTAL WATER FUND REVENUE	\$4,219,300

SEWER FUND

Revenue from Use of Money and Property	46,000
Sale of Service and Commodities	3,830,313
Connection Fees	135,500
Miscellaneous	4,500

<u>TOTAL SEWER FUND REVENUE</u>	<u>\$4,046,313</u>
<u>REFUSE FUND</u>	
Revenue from Use of Money and Property	1,500
Sale of Services/Bags/Recycle Bins/Other	1,019,846
Sale of Recyclable Materials	12,800
<u>TOTAL REFUSE FUND REVENUE</u>	<u>\$1,034,146</u>
<u>TOTAL ALL FUNDS REVENUES</u>	<u>\$37,449,158</u>

SECTION II

All moneys appropriated as shown by the items contained in Section I are appropriated upon the provisos, 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, 2012 and ending June 30, 2013 the tax rates have been set at:

- A) Upon all real estate the rate shall be set at \$0.11 for each \$100.00 of assessed valuation.
- B) Upon all personal property and machinery and tools the rate shall remain set at \$0.64 for each \$100.00 of assessed valuation. Except, that personal property described in Town of Front Royal Code §75-49(B), that has been specifically accepted for special classification by the designated official, shall remain at \$0.32 for each \$100.00 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 and payable on or before June 5, 2012 and second installment due on or before December 5, 2012. 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, 2012 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 a 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 its 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 monthly 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 appropriate 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 date of 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 Fund, Special Projects Fund, Service District Fund, Special Revenue Fund, Electric Fund, Water Fund, Sewer Fund, and Refuse 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, Debt Service Fund, Special Projects Fund, Service District Fund, Special Revenue Fund, Electric Fund, Water Fund, Sewer Fund, and Refuse 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, Debt Service Fund, Special Projects Fund, Service District Fund, Special Revenue Fund, Electric Fund, Water Fund, Sewer Fund, and Refuse Fund of the Town Treasury unencumbered at the close of business on the thirtieth day of June, 2012, 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, 2012. 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 financing the proposed expenditures of these funds for the fiscal year beginning July 1, 2012.

Paragraph Four

The director or administrative officer in charge of a department shall have the authority to transfer moneys 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 moneys 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 moneys 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 moneys mentioned in this ordinance in connection with the General Fund, Street Fund, Economic Development Fund, Special Projects Fund, Service District Fund, Special Revenue Fund, Electric Fund, Water Fund, Sewer Fund, and Refuse 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 (55 cents per mile as of January 1, 2009).

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 moneys 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 moneys 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 moneys 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 collection.

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 moneys 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, 2012.

COUNCIL APPROVAL – Virginia Retirement System (VRS) Line of Duty Act (LODA) Fund Participation

Councilman Conkey moved, seconded by Councilman Parker, that Council approve the Virginia Retirement System (VRS) as the provider of the Line of Duty Act (LODA) fund coverage for the Town of Front Royal, until such time that lower rates can be determined with the Virginia Municipal League (VML).

- Vote: Yes – Conkey, Lauder, Parker and Sayre
- No – Holloway and Tharpe
- Abstain – N/A
- Absent – Darr

(By Roll Call)

There being no further business, the Vice Mayor declared the meeting adjourned at 8:12 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council