



**TOWN OF FRONT ROYAL, VIRGINIA
TOWN COUNCIL MEETING
Monday, September 23, 2013 @ 7:00 p.m.
Warren County Government Center**

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of September 9, 2013.
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 - * Report from EDA – Jennifer McDonald
 - * Report from Warren County Administrator – Doug Stanley
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.

- *7. **CONSENT AGENDA ITEMS – (ROLL CALL VOTE REQUIRED) – N/A**
A. COUNCIL APPROVAL – Waiver of Old Virginia Industrial Large Meter Charge
B. COUNCIL APPROVAL - Bid for Salt

**The nature of a consent agenda is such that discussion of individual items does not occur.*

8. **PUBLIC HEARING** – An Ordinance to Amend Town Code Section 167-4.A.4 Pertaining to Wildlife Management (*1st Reading*)
9. **COUNCIL APPROVAL** - Budget Amendment and Bid for Construction of Happy Creek Trail
10. **COUNCIL APPOINTMENT** – Virginia Municipal League (VML) Voting Delegates
11. **CLOSED MEETING** - Investment of Public Funds and Consultation with Legal Counsel



**Town of Front Royal, Virginia
Council Agenda Statement**

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Item No. 7A

Meeting Date: September 23, 2013

Agenda Item: COUNCIL APPROVAL – Waiver of Old Virginia Industrial Large Meter Charge

Summary: Council is requested to approve a waiver from the Large Meter Monthly Charge specified in Town Code 134-30.I. for the Old Virginia Industrial site due to current property use requiring limited water consumption. The original 4" meter was required when the site was a high volume customer; the current use for storage and office space has limited water consumption. The waiver would apply until such time that use of the site resumed high water consumption. The Town had not been assessing the monthly charge until the oversight was discovered three months ago.

Budget/Funding: None

Attachments: None

Meetings: None

**Staff
Recommendation:** Approval ☒ Denial ☐

Should Council wish to remove this item from the Consent Agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a waiver from the Large Meter Monthly Charge specified in Town Code 134-30.I. for the Old Virginia Industrial site until such time that use of the site resumes high water consumption.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB



**Town of Front Royal, Virginia
Council Agenda Statement**

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Item No. 7B

Meeting Date: September 23, 2013

Agenda Item: COUNCIL APPROVAL – Bid for Road Salt

Summary: Council is requested to accept a bid of \$66.20 per ton for road salt from Mid-Atlantic Salt for FY13-14 snow removal.

Budget/Funding: 4500-45478 - Snow Removal

Attachments: Memorandum and quotation tabulation from the Purchasing Agent

Meetings: None

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council accept a bid of \$66.20 per ton for road salt from Mid-Atlantic Salt for FY13-14 snow removal.

ROLL CALL VOTE REQUIRED

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proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB



MEMORANDUM

Date: September 17, 2013
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

On Tuesday, September 17, 2013, I held a bid opening to set firm pricing for the purchase of road salt during the upcoming winter season, through April 30, 2014. Out of 14 vendors directly solicited, I received six (6) responses (see attached tabulation sheet). The lowest quotation was submitted by Mid-Atlantic Salt, at a cost of \$66.20 per ton, which is \$1.90 per ton lower than last year's cost.

As we have no means of forecasting the quantity of salt we will use during a winter season, the request is for an estimated quantity up to 1500 tons. Due to the dollar amount the Town historically spends for this commodity, the award will need Town Council approval. Please add this to the September 23, 2013 agenda, for their action.

During last year's winter season, we purchased 1065.64 of salt from this same company, Mid-Atlantic Salt, at \$68.10 per ton, for a total expenditure of \$72,570.08.

Staff recommends the award for deicing road salt for the 2013-2014 winter season be made to Mid-Atlantic Salt at a cost of \$66.20 per ton. Funding for this project is in the FY14 Public Works line item 4500-45478 "Snow Removal".

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: ROAD SALT

Quotation #26

Date: September 17, 2013

Mailed: 14

Replied 6

Vendor Quotation						
	CARGILL DEICING	INTERNATIONAL SALT	MID-ATLANTIC SALT	NORTH AMERICAN SALT	HARVEY SALT	OCEANPORT
	NORTH OLMSTEAD, OH	CLARKS SUMMIT, PA	NARBERTH PA	OVERLAND PARK KS	BALTIMORE MD	CLAYMONT DE
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION	QUOTATION	QUOTATION
BULK ROAD SALT FOR HIGHWAY USE (PER TON) THROUGH APRIL 30, 2014 (QUOTE BASED ON SEASONAL AMOUNT OF UP TO 1500 TONS)	\$67.27	\$85.61	\$66.20	\$104.16	\$79.22	\$96.75
TOTAL QUOTATION						

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


PURCHASING AGENT



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: September 23, 2013

Agenda Item: PUBLIC HEARING – An Ordinance to Amend Section 167-4.A.4 of the Town Code Pertaining to Wildlife Management (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to amend Section 167-4.A.4 of the Front Royal Town Code pertaining to Wildlife Management. If approved, the word “deer” in the ordinance will be amended to “wildlife”, as presented.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: Work Session held September 3, 2013

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an Ordinance to amend Section 167-4.A.4 of the Front Royal Town Code pertaining to Wildlife Management, as presented.

ROLL CALL VOTE REQUIRED

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Approved By: JB

**ORDINANCE TO AMEND SECTION 167-4.A.4 OF THE FRONT ROYAL
TOWN CODE PERTAINING TO WILDLIFE MANAGEMENT**

WHEREAS, Town Code Section 167-4 was approved by Council on January 23, 2012; and,

WHEREAS, the Section was added for agents of the Town to perform deer management through bow hunting; and,

WHEREAS, after discussion with Town Staff and the Department of Game and Inland Fisheries, it is requested to amend the language in the Town Code from "deer management" to "wildlife management" to facilitate control of other forms of wildlife the Department of Game and Inland Fisheries include in specific management plans; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Section 167-4.A.4 of the Front Royal Town Code is hereby amended as follows:

167-3 DISCHARGE OF MISSILE PROJECTING WEAPONS

A. It shall be unlawful to discharge any non-firearm or non-pneumatic missile projecting gun or weapons to include bows, crossbows, and slingshots within the Town, with the exception of the following:

1. Any law enforcement officer in the performance of official duties;
2. Any other person whose said willful act is otherwise justified or excusable at law in the protection of life or property, or is otherwise is specifically authorized by law;
3. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained; and,
4. Lawfully hunting ~~deer~~ **wildlife** pursuant to a specific grant of authority under a ~~Deer~~ **Wildlife** Management Plan adopted by the Virginia Department of Game and Inland Fisheries and the Town Council.

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2013, upon the following recorded vote:

Thomas H. Sayre Yes/No

Bret W. Hrbek Yes/No

Hollis L. Tharpe Yes/No

Eugene R. Tewalt Yes/No

N. Shae Parker Yes/No

Daryl L. Funk Yes/No

A public hearing on the above was held on _____, 2013 having been advertised in the Northern Virginia Daily on _____, 2013 and _____, 2013. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2013.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____



**Town of Front Royal, Virginia
Council Agenda Statement**

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Item No. 9

Meeting Date: September 23, 2013

Agenda Item: COUNCIL APPROVAL – Budget Amendment and Bid for Construction of Happy Creek Trail

Summary: Council is requested to approve a budget amendment in the amount of \$162,013.61 for the construction of the Happy Creek Trail. \$10,956.55 was spent on materials, survey, and equipment for construction of Phase I. Council is also requested to accept a bid of \$137,324.60 plus 10% Contingency (Total Amount \$151,057.06) from Racey Paving & Excavating for the construction of Phase II.

Budget/Funding: Revenue 1000-3510110 (\$162,013.61 - Appropriated Funds Forward)
Expense 1205-7912 (\$10,956.55 - Phase I)
1205-7932 (\$151,057.06 - Phase II)

Attachments: Memorandum and quotation tabulation from the Purchasing Agent

Meetings: None

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve a Budget Amendment in the amount not to exceed \$162,013.61 to fund the construction of the Happy Creek Trail. I further move that Council accept the bid of \$137,324.60 from Racey Paving & Excavating plus a 10% contingency in the total award amount of \$151,057.06 for the construction of Phase II of the Happy Creek Trail.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

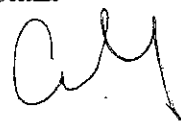
*To be clear and concise, motions should be made in the positive

Approved By: JB



MEMORANDUM

Date: September 16, 2013
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item



On Friday, September 13, 2013, I held a bid opening for the construction of the Happy Creek Trail, from South Street to Criser Road. I received four (4) responses (see attached tabulation sheet). Due to the dollar amount, the award of this project requires Town Council approval. Please add this item to the September 23, 2013 Council agenda for their action.

Staff recommends the award for the construction of the Happy Creek Trail project from South Street to Criser Road be made to Racey Paving & Excavating LLC, in the amount of \$137,324.60.

Contingent upon the approval of the previous agenda item for a budget transfer, funding for this project will be available in the Department of Tourism FY14 budget line item 1205-47912 "Happy Creek Trail, Phase II".

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: HAPPY CREEK TRAIL CONSTRUCTION

Quotation #27

Date: SEPTEMBER 13, 2013

Mailed: _____

Replied 4

QUANTITY	Vendor Quotation			
	KICKIN ASPHALT PAVING & SEALING	RACEY PAVING & EXCAVATING	FINLEY ASPHALT & SEALING	W-L CONSTRUCT & PAVING
LUMP SUM - MOBILIZATION	\$8,500.00	\$6,272.00	\$12,566.00	\$5,400.00
LUMP SUM - TRAFFIC MAINTENANCE	\$5,000.00	\$500.00	\$5,000.00	\$1,051.00
LUMP SUM - EROSION & WATER POLLUTION PREVENTION	\$17,300.00	\$3,500.00	\$60,940.00	\$9,700.00
LUMP SUM - GRADING	\$110,000.00	\$37,353.00	\$37,568.75	\$64,500.00
LUMP SUM - GROUND CLEARING	\$14,200.00	\$25,600.00	\$51,535.00	\$25,000.00
PER CY - UNSUITABLE MATERIAL EXCAVATION	\$500.00	\$18.00	\$100.00	\$88.30
32 LINEAR FEET - 48" X 8' CONCRETE PIPE	\$7,680.00	\$6,400.00	\$4,390.00	\$6,720.00
24 LINEAR FEET - 18" X 8' CONCRETE PIPE	\$2,880.00	\$2,364.00	\$3,163.60	\$1,872.00
2,320 LINEAR FEET - PAVED TRAIL	\$29,820.00	\$28,768.00	\$63,889.43	\$26,128.00
2,320 LINEAR FEET - 3" SCH-40 ELECTRIC CONDUIT	\$69,600.00	\$13,409.60	\$45,066.00	\$22,968.00
16 EACH - CONCRETE JUNCTION BOXES	\$5,280.00	\$9,760.00	\$10,920.00	\$11,728.00
34 EACH - 3" SCH-80 LONG SWEEPS	\$2,380.00	\$2,380.00	\$3,440.77	\$7,888.00
CONTINGENCY FOR BEAVER REMOVAL	N/Q	\$1,000.00	N/Q	N/Q
TOTAL QUOTATION	\$273,140.00	\$137,324.60	\$298,579.55	\$183,043.30

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


PURCHASING AGENT



**Town of Front Royal, Virginia
Council Agenda Statement**

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Item No. 10

Meeting Date: September 23, 2013

Agenda Item: COUNCIL APPOINTMENT – Virginia Municipal League Voting Delegates

Summary: Council is requested to appoint a voting delegate and an alternate voting delegate for the Virginia Municipal League's (VML) Business Meeting during the VML Conference on Tuesday, October 15, 2013, since the Mayor will not be attending. Forms are to be returned to VML by September 30, 2013.

Budget/Funding: None

Attachments: Letter from VML

Meetings: None

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council appoint _____ voting delegate and _____ alternate voting delegate for the Virginia Municipal League's (VML) Business Meeting during the VML Conference on Tuesday, October 15, 2013.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB



OFFICERS

PRESIDENT

EDWIN C. DALEY, DPA
HOPEWELL CITY MANAGER

PRESIDENT-ELECT

DAVID P. HELMS
MARION MAYOR

VICE PRESIDENT

WILLIAM D. EUILLE
ALEXANDRIA MAYOR

IMMEDIATE PAST PRESIDENT

ROSEMARY WILSON
VIRGINIA BEACH COUNCIL MEMBER

EXECUTIVE DIRECTOR

R. MICHAEL AMYX

MAGAZINE

VIRGINIA TOWN & CITY

TO: Key Officials
FROM: R. Michael Amyx, Executive Director
DATE: August 28, 2013
RE: Voting at the Business Meeting

The rules for voting by member localities during the Business Session are set out in Article IV, Section 6 of the League Constitution:

"Representatives. The mayor or board chairman, as the case may be, of each active member shall be deemed to be its official representative for the purpose of voting upon matters considered by an annual or special meeting of the League. In lieu of the mayor or board chairman, the governing body of a member may designate another official of the member to vote on behalf of the member. Such designation shall be in writing filed with the Executive Director or such other person acting as Secretary of the meeting prior to any vote. In the absence of the mayor or board chairman or other officers designated by the governing body as above specified at a vote taking, a majority of the elected and appointed officials present and registered at the meeting may file with the Executive Director or Secretary of the meeting in writing designating one of the member's officials present to vote in behalf of the member, and said filing to be in advance of the taking of any vote in which such person casts a vote."

VML's principle is that each locality that attends should be entitled to one vote at the business meeting. The rules are set up to ensure that.

Voting may not be by proxy. If the mayor or chair is not going to be at the business meeting, please complete the enclosed form (**Attachment A**) and return by September 30 to certify your locality's voting delegate during the Conference's Business Meeting on Tuesday, October 15. If you are not sure who will be present at the Business Session, credentials may be certified at the registration desk during the Conference or prior to the start of the business meeting. Each member locality has one vote at the business meeting. This voting certification does not exclude others from your locality from participating in discussions during the Business Session.

At the business meeting, VML staff will check in each attending member locality. Any vote that is contested or not unanimous will be by voice roll call administered by the presiding officer. The goal is that each locality attending the business meeting has the opportunity to cast a vote.

P.O. Box 12164
RICHMOND, VIRGINIA 23241

13 EAST FRANKLIN STREET
RICHMOND, VIRGINIA 23219

804/649-8471
FAX 804/343-3758
e-mail@vml.org
www.vml.org

ATTACHMENT A

CERTIFICATION OF VOTING DELEGATE
AND ALTERNATE

BUSINESS SESSION

Virginia Municipal League Annual Conference
Arlington County, Virginia
Tuesday, October 15, 2013

Voting Delegate:

Name _____

Title _____

Locality _____

Alternate Voting Delegate:

Name _____

Title _____

Locality _____

Certified by:

Name _____

Title _____

Locality _____

Return by September 30, 2013 to:

Virginia Municipal League
P.O. Box 12164
Richmond, Virginia 23241
FAX: (804) 343-3758



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: September 23, 2013

Agenda Item: CLOSED MEETING - 1) Investment of Public Funds and 2) Consultation with Legal Counsel

Summary: Council is requested to convene and go into Closed Meeting for the purpose of 1) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711.A.6. of the Code of Virginia; and 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically annexation, pursuant to Section 2.2-3711.A.7. of the Code of Virginia.

Budget/Funding: None

Meetings: None

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion:

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of 1) discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711.A.6. of the Code of Virginia; and 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically annexation, pursuant to Section 2.2-3711.A.7. of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion

(At the conclusion of the Closed Meeting, immediately reconvene in open meeting and take a roll call vote on the following:)

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed, or considered in the Closed Meeting by Council and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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Approved By: JSB