TOWN OF FRONT ROYAL, VIRGINIA
TOWN COUNCIL MEETING
Monday, July 8, 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 June 24, 2013.
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
   a. Report of special committees or Town officials and Town Manager.
      A. Report from the NSVRC – Martha Shickle
      B. Monthly Report from Director of Finance – Kim Gilkey-Breeden
   b. Requests and inquiries of Council members.
   c. Report of the Mayor
   d. Proposals for addition/deletion of items to the Agenda.

*7. **<u>CONSENT AGENDA ITEMS</u> – (ROLL CALL VOTE REQUIRED) –**
   A. COUNCIL APPROVAL – Liaison Committee Meeting Agenda Items
   B. COUNCIL APPROVAL - Proclamation for *"Christkindlmarkt Front Royal Day"* and Permission to Decorate Town Property
   C: COUNCIL APPROVAL – Audit Contract/GASB 34 Reporting
   D. COUNCIL APPROVAL – Bid for Various Grades of Asphalt

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

8. **<u>COUNCIL APPROVAL</u>** – An Ordinance to Repeal Town Code Section 158-40 Pertaining to the Towing Advisory Board *(2nd Reading)*

9. **<u>COUNCIL APPROVAL</u>** – Resolution to Participate for a Loan for Design of Leach Run Parkway

10. **<u>CLOSED MEETING</u>** – 1) Acquisition of Real Property and 2) Investment of Public Funds

<u>WORKSESSION</u>
(to be held immediately after the Regular Council Meeting)

1. Discharge of Rainwater – Code Amendments Chapter 134-4 & 134-79 – *Town Attorney*

Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(A)

Meeting Date: July 8, 2013

Agenda Item: COUNCIL APPROVAL – Liaison Committee Meeting Agenda Items

Summary: Council is requested to approve the following items to be included on the July 18, 2013 Liaison Committee Agenda:

1) Catlett Mountain Landfill
2) Building Inspection Software
3) Leach Run Parkway RFP
4) Wastewater Treatment Plant Septage Receiving Updated Agreement
5) South Fork Bridge Lighting Development Agreement
6) Blue Ridge Shadows Update
7) Resolution to EPA for Release of Avtex Site
8) Channel 16
9) Rt. 340/522 Corridor
10) FRLP Annexation

Budget/Funding: None

Attachments: None

Meetings: Work Session held July 1, 2013

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 the following items to be included on the July 18, 2013 Liaison Committee Agenda: 1) Catlett Mountain Landfill; 2) Building Inspection Software; 3) Leach Run Parkway RFP; 4) Wastewater Treatment Plant Septage Receiving Updated Agreement; 5) South Fork Bridge Lighting Development Agreement; 6) Blue Ridge Shadows Update; 7) Resolution to EPA for Release of Avtex Site; 8) Channel 16; 9) Rt. 340/522 Corridor; 10) FRLP Annexation.**

*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: [signature]

Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(B)

Meeting Date: July 8, 2013

Agenda Item: COUNCIL APPROVAL – Proclamation – *"Christkndlmarkt Front Royal Day"* and Permission to Decorate Town Property

Summary: Council has received a request from Maggie Sill, Event Coordinator, to approve Saturday, December 7, 2013 as the official *"Christkindlmarkt Front Royal Day"* in the Town of Front Royal. Mrs. Sill is also requesting permission to place lights on the caboose, snowflakes in the trees and mark vendor spaces on Sunday, December 1, 2013, as well as have a major transformation of the caboose and gazebo areas into Winter Wonderland on Wednesday, December 4 and Thursday, December 5, 2013. The Special Event Permit was approved to be held Friday, December 6, 2013 from 12:00p – 6:00p and Saturday, December 7, 2013 from 9:00a – 6:00p in the Village Commons Area located at Chester Street and Main Street.

Budget/Funding: None

Attachments: Proclamation and Letter from Mrs. Sill

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 Proclamation proclaiming Saturday, December 7, 2013 as *"Christkindlmarkt Front Royal Day"* in the Town of Front Royal. I further move to permit Mrs. Sill to place lights on the caboose, snowflakes in the trees and mark vendor spaces on Sunday, December 1, 2013, as well as have a major transformation of the caboose and gazebo areas into Winter Wonderland on Wednesday, December 4 and Thursday, December 5, 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: ______

Christkindlmarkt Front Royal

119 Chester Street

Front Royal, VA 22630

(540) 622-2060

13 JUN 13

SUBJ #1: CKM FR Proclamation Request

SUBJ #2: Approval For Dates For CKM Set -up

Town Of Front Royal
Attn: Mr. Steve Burke & Council
P. O. Box 1560
Front Royal, VA 22630

JUN 18 20

Dear Mr. Burke & Council,

Item #1. The Christkindlmarkt committee requests once again, for the Council to approve the First Saturday, December 7, 2013, as The Official Christkindlmarkt Front Royal Day! We appreciate the Council's support for this non-alcoholic CommUnity event.

Item #2: The CKM committee also requests permission to:

- Put the lights on the Caboose/snowflakes in trees/vendor spaces marked
- – SUN/01 DEC 13
- Do major transformation of Gazebo/Caboose areas into Winter Wonderland & fine-tuning – WED/04 & THURS/05 DEC 13.

We thank the Town Manager & the Council for their cooperation, as they so duly have supported CKM in the past.

Very sincerely,

Maggie Sill, Event Coordinator

CKM2013LtrCouncilProclamationSetUpDatesApproval

~PROCLAMATION~

"CHRISTKINDLMARKT FRONT ROYAL DAY"

WHEREAS, the event known as Front Royal Christkindlmarkt has been held in the Town of Front Royal, Virginia since 2004; and,

WHEREAS, the event has been beneficial to the Town of Front Royal, Virginia, because of its popularity in attracting local residents and visitors to patronize the various vendors who have participated in said event; and,

WHEREAS, to the extent there is an influx of families and people, the Town enjoys the possible financial benefits of having more people frequenting local establishments for the purposes of shopping for merchandise, eating at restaurants, lodging in local motels and inns, and visiting local landmarks; and,

NOW, THEREFORE, the Mayor and Town Council of the Town of Front Royal, hereby proclaims Saturday, December 7, 2013 as *"Christkindlmarkt Front Royal Day"* in the Town of Front Royal.

APPROVED:

____
Timothy W. Darr
Mayor

ATTEST:

____
Jennifer E. Berry
Clerk of Council

This proclamation was adopted by the Town Council of the Town of Front Royal, Virginia on ______________________________.

Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(C)

Meeting Date: July 8, 2013

Agenda Item: COUNCIL APPROVAL – Audit Contract/GASB 34 Reporting

Summary: Council is requested to approve the Audit Contract with Mitchell & Co., P.C. Certified Public Accounts for year ending June 30, 2013. This is the last year of the contract and will be placed for bids next year.

Budget/Funding: Currently funded for FY14 - 1101-3002 Professional Services

Attachments: Letter from Mitchell & Co., P.C.

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 the Audit Contract with Mitchell & Co., P.C. Certified Public Accounts for year ending June 30, 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

MITCHELL & CO., P.C.
CERTIFIED PUBLIC ACCOUNTANTS

JEFFREY D. MITCHELL, CPA
SANDRA M. TONDREAU, CPA

MEGAN R. JOLLON, CPA
AMANDA L. MASON, CPA

110 EAST MARKET STREET | SUITE 200
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P 703.777.4900 | F 703.771.3082
WWW.MCOCPA.COM

MEMBERS
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

VIRGINIA SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

June 14, 2013

The Honorable Mayor and Members of Town Council
Town of Front Royal, Virginia
P.O. Box 1560
Front Royal, Virginia 22630

Attention: Kim Gilkey-Breeden, Director of Finance

We are pleased to confirm our understanding of the services we are to provide for the Town of Front Royal, Virginia, for the year ending June 30, 2013. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town of Front Royal, Virginia as of and for the year ending June 30, 2013. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Front Royal's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Town of Front Royal's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1) Management's Discussion and Analysis

We have also been engaged to report on supplementary information other than RSI that accompanies Town of Front Royal's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1) Schedules

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

1) Statistical Data

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Town of Front Royal, Virginia and other procedures we consider necessary to enable us to express such opinions. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe the scope of testing of internal control over financial reporting and compliance, and the result of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, and that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance. The paragraph will also state that the report is not suitable for any other purpose. If during our audit we become aware that the Town of Front Royal, Virginia is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. As part of the audit, we will assist with preparation of your financial statements and related notes. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, violations of contracts or grant agreements, or abuse that we may report.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures - General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*.
In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures - Internal Control

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Front Royal's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Engagement Administration, Fees, and Other

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will assist in preparing all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Town of Front Royal, Virginia; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Mitchell & Co., P.C. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Mitchell & Co., P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed the following:

Function	Fee
Audit (Contract)	$ 33,000
GASB 34 Reporting	2,500

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of service to the Town of Front Royal, Virginia and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

Mitchell & Co., P.C.

Jeffrey D. Mitchell

Jeffrey D. Mitchell, CPA

Response:

This letter correctly sets forth the understanding of the Town of Front Royal, Virginia.

Signature: __________________________

Title: __________________________

Date: __________________________

Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(D)

Meeting Date: July 8, 2013

Agenda Item: COUNCIL APPROVAL – Bid for Various Grades of Asphalt

Summary: Council has received a request from the Purchasing Agent, seeking approval of a bid from Stuart M. Perry, Inc. at a cost of $62.15 per ton for base asphalt; $62.15 per ton for intermediate asphalt and $62.15 per ton for finish asphalt, to be hauled by Town trucks for FY14.

Budget/Funding: DES FY14 budget line item 4500-45407, "Repair & Maintenance Supplies".

Attachments: Memorandum from Purchasing Agent and Quotation Tabulation

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 bid from Stuart M. Perry, Inc. at a cost of $62.15 per ton for base asphalt; $62.15 per ton for intermediate asphalt and $62.15 per ton for finish asphalt, to be hauled by Town trucks for FY14.**

*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: SB

MEMORANDUM

Date: June 26, 2013

To: Tina Presley, Senior Administrative Assistant

Jennifer Berry, Clerk of Council

From: Cindy Hartman, Purchasing Agent

RE: Agenda Item

On Tuesday, June 25, 2013, I held a bid opening to obtain a firm price for various grades of asphalt through June 30, 2014. This contract will be for asphalt material only, picked up by Town trucks to be hauled to a job site. This is not a paving contract. Out of the five (5) vendors directly solicited, I received only one (1) response (see attached tabulation sheet).

Due to the dollar amount we historically spend during the year for asphalt material, this award would need Town Council approval. Please add this item to the July 8, 2013 Council agenda, for their action.

Staff recommends the award for asphalt material to be hauled by Town trucks, as needed, be made to Stuart M. Perry, Inc., at a cost of $62.15 per ton for base asphalt, $62.15 per ton for intermediate asphalt, and $62.15 per ton for finish asphalt. This is the same company we used during FY13, and this bid is $2.00 per ton lower than last year's cost.

Funding for asphalt is within the FY14 Public Works budget line item 4500-45407, "Repair & Maintenance Supplies".

JUN 26 2013

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: ASPHALT   Quotation #17

Date: JUNE 25, 2013   Mailed 5   Replied 1

	Vendor Quotation			
	STUART M. PERRY Front Royal			
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
ASPHALT COSTS FOR FY14				
TO BE HAULED BY TOWN TRUCKS				
STANDARD "PATCH" MATERIAL FOR USE ON SECONDARY STREETS AND COLLECTOR - LOCAL ROADS NOT REQUIRING VDOT GRADE MATERIAL				
PRICE PER TON:				
BASE ASPHALT, TYPE BM-25.0	$62.15			
INTERMEDIATE ASPHALT, TYPE IM-190.0A	$62.15			
FINISH ASPHALT, TYPE SM-9.5A	$62.15			
Total Discount				
Net Quotation				
Terms				

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. 8

Meeting Date: July 8, 2013

Agenda Item: COUNCIL APPROVAL – An Ordinance to Repeal Town Code Section 158-40 Pertaining to the Towing Advisory Board *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading an Ordinance to repeal Town Code Section 158-40 pertaining to the Towing Advisory Board. If approved, Section 158-40, "Establishment of Towing Advisory Board", will be repealed in its entirety.

Budget/Funding: None

Attachments: Ordinance and copy of current Town Code

Meetings: Work Session held May 20, 2013. Public Hearing held June 24, 2013

Staff Recommendation: Approval ✓ Denial______

Proposed Motion: **I move that Council adopt on its second and final reading an Ordinance to repeal Town Code Section 158-40 pertaining to the Towing Advisory Board in its entirety as presented.**

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: SB

AN ORDINANCE TO REPEAL SECTION 158-40 OF THE FRONT ROYAL TOWN CODE PERTAINING TO THE TOWING ADVISORY BOARD

BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that § 158-40 of the Front Royal Town Code, pertaining to the Towing Advisory Board, is hereby ***repealed.***

This ordinance shall be effective upon enactment.

APPROVE:

____

Hon. Timothy W. Darr, Mayor

ATTEST:

____

Jennifer E. Berry, Clerk of Council

==

This ordinance was advertised in the Northern Virginia Daily on _______ ________________ and ________________________, 2013, was adopted by the Town Council during the first reading held during the regular Council Meeting of ____________________, 2013, and was enacted during its second and final reading during the regular Council Meeting of _________ ____________________, 2013.

==

APPROVED AS TO FORM & LEGALITY:

____

Douglas W. Napier, Town Attorney Date

158-40 ESTABLISHMENT OF TOWING ADVISORY BOARD

A. Town Council shall appoint a Towing Advisory Board which shall include representatives of local law enforcement agencies, towing and recovery operators, and the general public. Such members shall serve at the will of Town Council and shall organize themselves as to best carry out the purpose of their appointment.

B. The Towing Advisory Board shall meet at least twice per year.

C. At minimum, the Towing Advisory Board shall:

1. recommend changes to Town Council concerning Town ordinances, contracts, and policies on towing; and

2. maintain and annually update approved lists of towing services that may be dispatched by the police pursuant to this Chapter.

D. Approved towing companies shall be selected upon the following standards:

1. Emergency services must be available twenty-four (24) hours a day, seven (7) days a week. Vehicles are to be removed pursuant to Sections 158-39 and 158-40 during normal working hours (8 A.M. – 6 P.M.) Monday through Friday, UNLESS they constitute a traffic hazard or are impeding the flow of traffic, or as may be required by the Police Department. In the latter instances, they are subject to immediate removal.

2. An approved towing company shall be responsible, when removing a wrecked vehicle or vehicles from any accident, to remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

3. An approved towing company shall agree that the cost of towing vehicles will be paid by the owner, operator, insurance company or owner company unless directed by the Police that said vehicle will be impounded for evidence in a judicial proceeding.

4. An approved towing company agrees to own, and provide the following equipment, and maintain in proper condition to handle crane calls for vehicles from points both on and off the roadway:

a. Nothing less than a one (1) ton wrecker for small vehicles, such as automobiles and small trucks.

b. Optional: A wrecker of greater capacity of one (1)ton for larger vehicles such as large trucks and semi-trailers. Such optional service shall be classified heavy duty.

5. Operators of wreckers must be sufficiently experienced to properly operate on calls. Applicants for approval shall provide a complete listing of all equipment he/she will use to handle the necessary requirements.

6. An approved towing company will provide and maintain a suitable protected storage lot for such vehicles as are required to be held according to all applicable State and local regulations. The storage is to meet all the requirements of Front Royal Town Code Ordinance Numbers 158-39 through 158-41. Copies of these ordinances are attached and are hereby made a part of these specifications. Applicants shall provide a complete description of storage facility including area (square feet) and security measures.

7. Secured storage must be provided for impounded vehicles and made available for authorized search procedures.

8. An approved towing company will be required to cooperate with the Police Department in maintaining all necessary records on all vehicles towed, stored, or released.

9. An approved towing company must have the required liability, fire, theft insurance to cover both crane service and storage of vehicles and any damage to stored vehicles.

10. No vehicles impounded by the Police Department will be released from storage without a written authorization by the Police Department. This will not apply to vehicles towed at the request of the owner and which are not impounded.

11. An approved towing company will be responsible for the collection of monies due for all vehicles towed to its premises. The approved towing company will waive the right to collect all monies for any vehicle which is stored on the Town of Front Royal property.

12. An approved towing company will, by legal process, dispose of all vehicles impounded by the Police Department, which remain unclaimed after a period of ninety (90) days. The Police Department will cooperate in, but not be responsible for the legal disposition of all unclaimed vehicles held by the approved towing company, which have not been impounded.

E. Towing companies may be removed from the list by a majority vote of the Towing Advisory Board:

1. If the Board finds that the company is not complying with applicable standards; and

2. After notice to the company and an opportunity by the company to be heard by the Board.

F. Approved Towing Services

1. The Front Royal Department of Police shall maintain a list of approved towing services prepared by the Town's Towing Advisory Board. At minimum, the list shall have two (2) categories of services – light and heavy duty.

2. In responding to towing requests, the police dispatcher shall rotate through the lists as appropriate. If a towing service is unable to respond or respond in a timely manner, the dispatcher may rotate through that towing service and proceed to the next on the list.

a. Notwithstanding the foregoing, if a person is in an accident or otherwise has a disabled vehicle and expresses a preference for a particular towing service, the police officer will request the dispatcher to contact the motorist's service of preference, unless, in the officer's sole discretion, quicker service is required.

b. When, in the opinion of the officer in charge, rotation on the list should be ignored because of investigative exigencies or emergency, the police may use the towing service deemed most appropriate under the circumstances.

Town of Front Royal, Virginia
Council Agenda Statement

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Item No. 9

Meeting Date: July 8, 2013

Agenda Item: COUNCIL APPROVAL – Resolution to Participate for a Loan for Design of Leach Run Parkway.

Summary: Council is requested to consider approval of a Resolution to participate for a loan for Design of Leach Run Parkway with the County of Warren and the Economic Development Authority.

Budget/Funding: None

Attachments: Resolution

Meetings: Work Session held July 8, 2013

Staff Recommendation: Approval ✓ Denial______

Proposed Motion: **I move that Council approve a Resolution to participate for a loan for Design of Leach Run Parkway with the County of Warren and the Economic Development Authority.**

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: STb

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA

WHEREAS, at the request of the Board of Supervisors **(the "Board of Supervisors")** of the County of Warren, Virginia **(the "County")** the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia doing business as the Economic Development Authority **(the "Authority")** has previously issued its $7,500,000 Public Facility Bond Anticipation Note (Luray Avenue Middle School Project – Build America Bond), Series 2010 **(the "Outstanding 2010 Note")** in order to finance a portion of the costs of the construction, renovation and equipping of the Luray Avenue Middle School in the County;

WHEREAS, the Board of Supervisors has requested that the Authority assist the County and, in turn, the Warren County School Board **(the "School Board")** in providing financing to refund the Outstanding 2010 Note and to finance the costs of planning, design and engineering of a new middle school project and the acquisition, design, construction, equipping, renovation and furnishing of other County capital projects, including, but not limited to planning and design related to improvements to Leach Run Parkway **(together, the "Project")**, by the issuance in one or more series of up to $10,000,000 of the Authority's Lease Revenue and Refunding Bonds, Series 2013 **(the "Series 2013 Bonds")**, as approved by Sands Anderson PC, as bond counsel to the County **("Bond Counsel")** to be in compliance with tax regulations to maintain the tax-exempt and bank qualified status of the Series 2013 Bonds;

WHEREAS, the County has designated the entire $10,000,000 principal amount of the Series 2013 Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended **(the "Code")**;

WHEREAS, the Authority was created jointly by the County and the Town of Front Royal, Virginia **(the "Town")** and issues obligations on behalf of both the County and the Town from time to time and a portion of the Project may provide ancillary benefits to the citizens of the Town;

WHEREAS, Bond Counsel has recommended that pursuant to Section 265(b)(3) of the Code, the Town Council of the Town **(the "Town Council")** agree with the allocations made by the County before the issuance of the Series 2013 Bonds, providing that for purposes of Section 265(b)(3)(C) and (D) of the Code, the full allocation of the principal amount of the Series 2013 Bonds be made to the County and that the no allocation of that issue be made to the Town, thereby preserving the possible future allocation of "qualified tax-exempt obligations" by the Town for purposes of Section 265(b)(3) during calendar year 2013;

WHEREAS, the Town Council finds that such allocation bears a reasonable relationship to the respective benefits to the Town and the County from the issuance of the Series 2013 Bonds;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia:

1. The allocation of the principal amount of the Series 2013 Bonds 100% to the County and 0% to the Town for purposes of "qualified tax-exempt obligations" under Section 265(b)(3) of the Code as described in the preambles of this Resolution is hereby approved.

2. The Mayor or Vice Mayor of the Town, or either of them, are each hereby authorized and directed to execute and deliver any documents or certificates requested by the County reflecting the allocation of the Series 2013 Bonds described herein.

3. Nothing in this Resolution, the Series 2013 Bonds, or the any related documents shall constitute a debt or a pledge of the faith and credit of the Town, and the Town shall not be obligated to make any payments under the Series 2013 Bonds or any related documents.

4. This resolution shall take effect immediately.

Adopted this 1st day of July, 2013.

CERTIFICATION OF ADOPTION OF RESOLUTION

The undersigned Clerk of the Town Council of the Town of Front Royal hereby certifies that the Resolution set forth above was adopted on July 1st, 2013 in an open meeting, by the Town Council with the following votes:

Aye:

Nay:

Abstentions:

Signed this ___ day of __________, 2013.

By: ________________________
Clerk

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Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 10

Meeting Date: July 8, 2013

Agenda Item: CLOSED MEETING – 1) Acquisition of Real Property and 2) Investment of Public Funds

Summary: Council is requested to convene and go into Closed Meeting for: (1) the purpose of discussion or consideration of the acquisition of real property for a public purpose, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia; and (2) for the purpose of 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.

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: (1) the purpose of discussion or consideration of the acquisition of real property for a public purpose, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia; and (2) for the purpose of 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.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene 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 Action 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.

*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: SB

TOWN COUNCIL WORK SESSION

Monday, July 8, 2013
(to be held right after regular meeting)

1. Discharge of Rainwater – Code Amendment Chapter 134-4 & 134-79 – *Town Attorney*

Work Session

Town of Front Royal, Virginia
Work Session Agenda Form

Date: July 8, 2013

Agenda Item: Discharge of Rainwater - Code Amendment Chapters 134-4 & 134-79

Summary: At the July 1st Work Session, Town Council requested revisions to Town Code Chapters 134-4 and 134-79 to facilitate compliance with the Utility Agreement with the RSW Regional Jail, yet limit introduction of prohibited discharge to the sanitary sewer system to only the Jail. The Town Attorney has drafted the Code Amendment as requested.

Council Discussion: Council is requested to consider the Code Amendment that has been advertised for public hearing at the July 22nd Council Meeting.

Staff Evaluation: The proposed Code Amendment will allow the Town to comply with requirements of the Utility Agreement with the RSW Regional Jail, and should limit prohibited discharge to only municipal correctional facilities.

Budget/Funding: The Director of Finance will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends Town Council consider the Code Amendment as presented and conduct a public hearing at their July 22nd Meeting.

Town Manager Recommendation: The Town Manager recommends Town Council consider the Code Amendment as presented and conduct a public hearing at their July 22nd Meeting.

Council Recommendation:

□ Additional Work Session □ Regular Meeting □ No Action

Consensus Poll on Action: ____(Aye) ____(Nay)

BE IT ORDAINED by the Council of the Town of Front Royal, Virginia, that Chapter 134 of the Front Royal Town Code, entitled Prohibited Discharge Standards, Section A thereof, be amended and re-ordained as follows:

134-4 PROHIBITED DISCHARGE STANDARDS

A. No user, *except as set forth in subparagraph no. 14. below,* shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference pass-through or violation of water quality standards. These general prohibitions apply to all users of the municipal wastewater system whether or not the use is subject to the Categorical Pretreatment Standards or to any other national, state or local pretreatment standards or requirements. Furthermore, no use may contribute any of the following substances to the municipal wastewater system:

[1. TO 13. NOT SET OUT- ALREADY PART OF ORDINANCE.]

14. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater where Town water or sanitary sewer lines are available for connection thereto, unless specifically authorized by the Administrator, *except that governmentally owned, operated, and appropriately licensed and credentialed correctional facilities may utilize a local central rain collection and distribution system only for purposes of flushing toilets, operating HVAC cooling and heating systems, and/or operating laundry facilities, provided that the system is approved by the Administrator, or designee, as meeting or exceeding the Leadership in Energy and Environmental Design ("LEED") initiative or comparable or better environmental standards, Town procedures and ordinances relating to water and sanitary sewer facilities, and other applicable policies, regulations, and laws; and further provided the system is approved by the Administrator as meeting or exceeding the Pre-Treatment protocols and standards set forth in the Virginia Department of Health's "Virginia Rainwater Harvesting & Use Guidelines".*

134-79 DISCHARGE OF RAINWATER OR SURFACE WATER PROHIBITED

A. Except as provided in Section 134-4.A.14. of this ordinance, the discharge of rainwater or surface water into a sanitary sewer line through connections from the roofs of houses or other buildings, basement drains, foundation drains, yard drains or any other connection is hereby prohibited.

B. Except as provided in Section 134-4.A.14. of this ordinance, it shall be unlawful to make any connection to the town's sanitary sewer system which allows rainwater or surface water to flow into said system, and no occupancy permit shall be issued for any new structure or construction having such a connection to the sanitary sewer system.

[C. and D. NOT SET OUT.]

ADOPTED by the Council of the Town of Front Royal, Virginia, this _______ day of _______________, 2013.

APPROVED:

____

Timothy W. Darr, Mayor

ATTEST:

____

Jennifer E. Berry, Clerk of the Council

THIS RESOLUTION was approved at the Special Meeting of the Town of Front Royal, Virginia 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

Approved as to form and legality:

____

Douglas W. Napier, Town Attorney

Date: ____/____/_____