



REGULAR TOWN COUNCIL MEETING

Monday, September 26, 2022, at 7:00pm in Warren County Government Center Board Room

View LIVE on Government Access Channel 16 or <https://www.frontroyalva.com/673/Town-Hall-Live>

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES – *I move that Council approve the minutes of the following meetings of Town Council as presented: Regular Meeting of July 25th, Work Sessions of August 8th and September 12th, and Special Meetings of August 29th and September 12, 2022*
5. ADDITION/DELETION OF ITEMS FROM THE AGENDA
[Items added will be placed as the last item under Business Items. Unanimous vote is required to add/delete]
6. RECOGNITIONS/AWARDS/REPORTS/PRESENTATIONS
 - Recognition of Officers from the Virginia Association of the Chiefs of Police – Chief Magalis
 - Project Updates by Infrastructure Manager Steve Scheulen
7. PUBLIC HEARINGS –
 - A. Special Use Permit for Short-Term Rental at 107 Highfield Lane – William & Melissa Gordon - *Lauren Kopishke*
 - B. Special Use Permit for Short-Term Rental at 124 Luray Avenue – Philip Vaught - *Lauren Kopishke*
 - C. Special Use Permit for Short-Term Rental at 12 Chester Street – Lea Justice - *Lauren Kopishke*
 - D. Proposed Ordinance Amendments to Town Code Chapter 4 – Administration of Government – *T Presley*
8. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS
9. REPORTS
 - A. Report of Town Manager
 - B. Report of Councilmembers
 - C. Report of the Mayor
10. CONSENT AGENDA ITEMS - *I move that Council approve the Consent Agenda as presented.*
 - A. FY23 Budget Amendment to Receive Funds from VA Tourism Corp & Allocate to Discover Front Royal – *BJ Wilson*
 - B. FY23 Budget Amendment to Receive Funds from the VA DMV Highway Safety Program - *BJ Wilson*
 - C. FY23 Budget Amendment to Receive Funds from the Virginia Department of Criminal Justice Services Local Law Enforcement Block Grant Program – *BJ Wilson*
 - D. Contract Amendment/Budget Transfer to Replace Curb/Gutter & Install Sidewalk on Commerce Ave – *BJ Wilson*
 - E. Sole Source Procurement Services to Repair Clarifier #4 at Wastewater Treatment Plant – *BJ Wilson*
 - F. Task Order to Complete Development/Implementation of a Water Backflow Prevention Program – *BJ Wilson*
 - G. Bid Award for De-icing Road Salt - *BJ Wilson*
 - H. Bid Awards for FY23 Water & Wastewater Treatment Chemicals - *BJ Wilson*
 - I. Amendment to Dominion Energy's Water & Sewage Service Agreement – *BJ Wilson*
 - J. Bid Award for John Marshall Highway Waterline Upgrades – *BJ Wilson*
 - K. Proclamation for Public Power Week – *Mary Ellen Lynn*
 - L. Conversion of One Part-time Custodian Position into a Full-time Position – *Kathy Leidich*
 - M. Resolution to Approve the Form and Authorize the Execution of the 2022 Locust Ridge Energy Schedule with American Municipal Power Inc (AMP) – *Mary Ellen Lynn*
 - N. Deed of Easement for Existing and New Stormwater Infrastructure Between Luray Avenue and Cherry Street – Front Royal Presbyterian Church
11. BUSINESS ITEMS – NONE
12. CLOSED MEETING – Consultation with Legal Counsel and Personnel
13. Adjourn



TOWN COUNCIL REGULAR MEETING MINUTES

July 25, 2022 @ 7:00PM in the Warren County Government Center

The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

Moment of Silence

Pledge of Allegiance

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Joseph E. McFadden
Councilwoman Amber F. Morris
Councilwoman Letasha T. Thompson

ABSENT: Vice Mayor Lori A. Cockrell
Councilman Zackary Jackson

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Deputy Town Attorney George Sonnett
Deputy Clerk of Council Mary Ellen Lynn

APPOINTED STAFF ABSENT: Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman McFadden moved, seconded by Councilwoman Thompson that Council approve the minutes of the following meetings of Town Council as presented: Special Meeting of June 27th, Regular Meeting of June 27th and Work Session of July 11, 2022, as presented.

Vote: Yes – Councilmembers, Gillispie, McFadden, Morris, and Thompson
No – N/A
Absent – Vice Mayor Cockrell and Councilman Jackson
Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA – Councilwoman Morris moved seconded by Councilman McFadden to delete item #10B "Condemnation Resolution for Redundant Waterline for the Route 522 Corridor" from the Consent Agenda and add as item #11A under Business Items.

Vote: Yes – Councilmembers, Gillispie, McFadden, Morris, and Thompson
No – N/A
Absent – Vice Mayor Cockrell and Councilman Jackson
Abstain – N/A

ROLL CALL

RECOGNITIONS/AWARDS/REPORTS –

Council recognized Town employee Jerry Carter on his retirement with approximately thirty years of service with the Town and presented him with a plaque.

Chief of Police Magalis and Warren County Fire Department Chief Jimmy Bonzano recognized Front Royal Police Sergeant Eric Suess and Officer Rachel Martin for their heroic efforts during an active structure fire on June 15, 2022. A body cam video was shown of the rescue of two residents that day. The Chief presented each officer with a life-saving medal. He noted that he had contacted the Virginia Association of the Chiefs of Police for the officers to be considered for the life-saving awards they offer. Mr. Bonzano noted the good relationship with the “brothers and sisters in blue” and the knowledge and calm demeanor of the officers which set the tone for success of the rescue. He presented both a life-saving award.

Interim Director of Energy Services Mary Ellen Lynn recognized Town employee Chris Cubbage’s completion of the Apprentice Lineman Training Program through the Virginia/Maryland/Delaware Association Northwest Lineman College. She explained the commitment and training that it takes to become a lineman and presented him with a framed diploma certifying his completion and qualification as a journeyman lineman.

Interim Director of Energy Services Mary Ellen introduced Harry Phillips, American Municipal Power (AMP) representative who recognized and awarded local Warren County High School senior Ian Hoelscher as one of AMP’s 2022 Lyle B. Wright Scholarship recipients in the amount of \$3,000. Due to unforeseen circumstances Mr. Hoelscher could not be in attendance therefore Mrs. Lynn accepted the award for him on behalf of the Town.

Public Works Director Robbie Boyer gave a Project Update:

Public Works Infrastructure Update July 25, 2022 –

Curb & Gutter Installation Project – Installing 9,000’ of CG6 curb & gutter and CG9 driveway aprons on 10 streets, project 50% completed and should be wrapped up by mid-September 2022.

W. Duck St Drainage Project – GEI started on July 18th upgrading the existing 18” culvert to 30”, they’ll be finishing up the curb & gutter and backfilling this week and should be done by Thursday, July 28th.

N. Royal Ave Paving Project – Kick’in Asphalt started on N. Royal Ave on July 18th milling and paving, they should be wrapped up with this on Friday July 29th. Their line painters will be here on Sunday night and Monday night to install the new line markings. Then W. 13th St, George Banks and Belmont Ave.

610B and 612 W. 11th St Storm Drain Upgrade – The town has installed the new 36” culvert between the two town houses to the back of the property shy of the EDA fence. We received the signed right-of-entry agreement from the EDA this past Friday July 22nd.

Braxton Rd and Manassas Ave Waterline Upgrade Projects – We had a pre-bid meeting on June 27th at town hall and had a good turn out of contractors show up, the bid opening is this Thursday at 2pm. The plan is to have ready for Town Council approval in August.

John Marshall Hwy Waterline Upgrade Project – Bid will be posted on Friday, July 29th with a pre-bid meeting on Thursday, August 11th and bids will be opened on Tuesday, August 30th.

Robinhood Lane Prv Vault – Order on April 26, 2022 and still looking at another 10 weeks for delivery due to the traffic bearing hatch.

Richmond Rd PRV Vault – Working on the vault drawing's and bid documents, plan to bid out in late August 2022.

Redundant Water-line Project – Pre-bid meeting was held on July 19th and we had roughly 12 different contractors show up, the bid opening will August 24, 2022.

Custom Storm Drain Lids -We're in the process of coating the 25 custom storm drain lids for E. Main St, we're planning to have them all coated by the end of next week.

~~New Urbanism – Town's Comprehensive Plan Presentation by Leon Krier/Irene Krier~~ REMOVED

PUBLIC HEARING

Ordinance Amendments to Town Code Chapter 16 – Industrial Development Authority

Mayor Holloway opened the public hearing. Since there were no speakers, the Mayor closed the public hearing and opened up to Council.

Councilwoman Thompson moved seconded by Councilman Gillispie that Council approve ordinance amendments to Chapter 16 – Industrial Development Authority as presented.

Vote: Yes – Councilmembers, Gillispie, McFadden, Morris, and Thompson

No – N/A

Absent – Vice Mayor Cockrell and Councilman Jackson

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Tom Sayre, P.O. Box 56, Front Royal, commented on several items: 1) reminded Council of helping the Town save \$10 million when he was on Council in the past; 2) clarified that it was a Warren County Sheriff Deputy not a Front Royal Police Officer that threatened people if they tried to cross the train tracks when the train was blocking Shenandoah Shores Road a few weeks ago; 3) urged Council to not allow the Front Royal Economic Development Authority to spend or loan money to private businesses; and 4) noted that during a special meeting held by Council on June 13, 2022, \$150,000 was moved from general fund to authorize payment for legal fees related to litigation. He opined that it "looked like settlement money" and felt Council should have been more transparent on the legal fees.

REPORTS

A. Town Manager Report – Mr. Hicks thanked County of Warren for their participation during their most recent Liaison Committee Meeting. He thanked Public Works Director Robbie Boyer for representing the Town during his "Town Talk" with Mike McCool of the Royal Examiner. Mr. Hicks advised that comments were still being accepted for the Comprehensive Plan rewrite. He concluded by advising of several dates of importance: 1) Employee Appreciation Day on July 21 with a Town-hosted Cardinals game that night; 2) "National Night Out" scheduled for August 2nd and a Council Work Session scheduled for August 8th.

B. Town Council Reports – No reports

C. Mayor Report – No report

CONSENT AGENDA ITEMS**A. FY23 Budget Amendment to Receive Funds from the Anti-Litter Council**

Council approved a FY23 Budget Amendment in the amount of \$5,142.25 to receive funds from the Front-Royal Warren County Anti-Litter Council to be used to purchase additional bear proof and regular solid waste receptacles.

B. Condemnation Resolution for Redundant Waterline for Route 522 Corridor **MOVED TO BUSINESS ITEMS****C. Appointment of Non-Elected Representative to the NSVRC**

Council appointed Director of Planning/Zoning Lauren Kopishke as the non-elected representative to the Northern Shenandoah Valley Regional Commission (NSVRC) to an unexpired term ending June 30, 2023.

D. Front Royal Economic Development Authority Bylaws

Council approved the Front Royal Economic Development Authority Bylaws as presented contingent upon the approval of Town Code Amendments to Chapter 16 during the public hearing held earlier.

Councilwoman Thompson moved seconded by Councilwoman Morris that Council approve the Consent Agenda, as presented with Item 10B removed.

Vote: Yes – Councilmembers, Gillispie, McFadden, Morris, and Thompson

No – N/A

Absent – Vice Mayor Cockrell and Councilman Jackson

Abstain – N/A

ROLL CALL

BUSINESS ITEMS**Condemnation Resolution for Redundant Waterline for the Route 522 Corridor** **MOVED FROM CONSENT AGENDA**

Councilwoman Morris moved seconded by Councilwoman Thompson that Council discuss and delay the Condemnation Resolution for Redundant Waterline for the Route 522 Corridor upon full Council attendance and further information be presented.

Councilwoman Morris reminded Council that during their July 11th Work Session staff advised them that Good Faith Letters had been mailed to all property owners and asked for confirmation of the mailings. Deputy Town Attorney Sonnett advised that negotiations are ongoing with one of the easements. He explained that the letters were not mailed by the legal department, since that was the responsibility of the Town's consultant CHA with his understanding that at least one has not been mailed.

Councilwoman Morris noted that the resolution before Council tonight is a misrepresentation considering the negotiations have not progressed. Town Manager Hicks explained that negotiations will always be ongoing during the condemnation process. Mrs. Morris advised that the condemnation process does not need to proceed since the owner has agreed to the easement documents including the value. Mr. Hicks advised that a meeting with the property owner has been scheduled for July 29th and that he was hoping for a positive outcome and encouraged Council to continue to move forward with the approval of the resolution should the outcome not be positive. Councilwoman Morris voiced concern that it was irresponsible to adopt a resolution in anticipation and hopes of cooperation without having documents signed.

Mr. Hicks asked Assistant Town Manager Leidich to address whether the Good Faith Letters were mailed. Ms. Leidich advised that the letter for the Schultz property was mailed but the other one was held pending the upcoming meeting with the property owner. She continued that the resolution as written gives staff the ability to pursue condemnation should we need to. Councilwoman Morris voiced confusion on why the letters were sent to one property owner and not all property owners. Councilwoman Thompson referred to the July 11th memo under “F&R Limited Partnership, Item #14 (xiv) 6/29/22: Good Faith Offer Letter mailed via certified mail to property owner”. She advised that #14 is incorrect because that letter was not mailed. Ms. Leidich admitted the oversight.

Councilwoman Morris reiterated that the resolution before Council tonight was a misrepresentation and voiced concern that Council did not approve any negotiations being any more than the fair market value and why there were further meetings with one property owner. Mr. Hicks explained that there have been a series of discussions with this landowner regarding the redundant waterline and the process in place is connected to negotiations that will be disclosed in a closed session. Councilwoman Morris concluded that a formal notice has not been mailed to this property owners which is “alarming.” She thanked Ms. Leidich for the update.

Councilwoman Morris reread her motion (the wording slightly different than the first motion)

Councilwoman Morris moved seconded by Councilwoman Thompson that council pause the Condemnation Resolution for Redundant Waterline for the Route 522 Corridor until further discussion with Council regarding negotiations.

Councilman Gillispie asked whether it would be placed back on an upcoming agenda. Deputy Town Attorney Sonnet asked for the date to be included in the motion as to when action will be taken by Council.

Councilwoman Morris amended her motion:

Councilwoman Morris moved seconded by Councilwoman Thompson that Council approve the pausing of the Condemnation Resolution for Redundant Waterline for the Route 522 Corridor to Council’s Special Called August 16th meeting.

Vote: Yes – Councilmembers, Gillispie, McFadden, Morris, and Thompson

No – N/A

Absent – Vice Mayor Cockrell and Councilman Jackson

Abstain – N/A

ROLL CALL

Meeting adjourned at 7:49pm.

Approved by Town Council

Date: _____



TOWN COUNCIL WORK SESSION MINUTES

Monday, August 8, 2022 at 7:00 PM - Town Hall Conference Room

The following minutes are a summary of items on the agenda.

This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

CLOSED MEETING – Planning Commission Interviews and Personnel

Motion to Go into Closed Meeting

Vice Mayor Cockrell moved seconded by Councilman McFadden that Town Council convene and go into Closed Meeting for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specifically Planning Commission, Town Manager and Town Attorney, pursuant to §2.2-3711(1) of the Code of Virginia. Following the Closed Meeting, Council may take further action in open session.

Vote: Yes – Vice Mayor Cockrell and Councilmembers, Gillispie, Jackson, McFadden, Morris (remote due to vacation), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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:]

Vice Mayor Cockrell moved seconded by Councilman Gillispie 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.

Vote: Yes – Vice Mayor Cockrell and Councilmembers, Gillispie, Jackson, McFadden, Morris (remote due to vacation), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Gillispie moved seconded by Councilwoman Morris that Town Council, acting in its sole and absolute discretion, immediately terminate the Town Manager Employment Agreement, dated December 7, 2020 ("Agreement"), and the employment of the Town Manager, Steven Hicks, "without cause", pursuant to paragraphs VI.6.1.f and VI.6.3.A through D, of the Agreement, without waiving any rights the Town may otherwise have pursuant to the Agreement. Kathleen Leidich, Assistant Town Manager, is hereby appointed Town Manager, on a temporary interim basis as may be agreed upon, effective upon assuming the office, who shall hold the office until such time as Council shall appoint a Town Manager for an agreed upon term of office.

Vote: Yes – Councilmembers, Gillispie, Jackson, and Morris (remote due to vacation)

No – Vice Mayor Cockrell, Councilmembers McFadden and Thompson

Absent – N/A

Abstain – N/A

ROLL CALL

Due to a tie vote Mayor Holloway broke the tie – YES VOTE

MOTION PASSED

Steven Hicks left the room.

Councilman McFadden resigned and left the room.

Councilman Gillispie moved seconded by Councilwoman Morris that Council authorize the Mayor to request the resignation of James E. Cornwell, Jr. Esq. as the Interim Town Attorney for the Town of Front Royal, and to provide him with written notice of the termination of the Client Engagement Agreement dated October 27, 2021. I hereby authorize George Sonnett as Interim Town Attorney.

Vote: Yes – Councilmembers, Gillispie, Jackson, Morris (remote due to vacation) and Thompson

No – Vice Mayor Cockrell

Absent – N/A

Abstain – N/A

ROLL CALL

8:15pm - Mayor Holloway took a 5-minute recess

Councilman Gillispie moved seconded by Councilwoman Thompson that Council add to the agenda "A Special Exception Application Requesting a New, Non-Dedicated Private Street Pursuant to Town Code Chapter 148-820.N.1.b. Submitted by Poe's River Edge LLC & Eagle Sky Industrial Park LLC. The Applicants are Requesting Approval of the Private Street to Improve Traffic Flow Through Parcels located at 508 Kendrick Lane Parcel (T.M. #20A1-3-5A1 & 20A1 3 4). The Parcels are Zoned 1-2".

Vote: Yes – Vice Mayor Cockrell and Councilmembers, Gillispie, Jackson, Morris (remote due to vacation), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Planning Director Kopishke gave Council and overview of the request. She confirmed that there has not been a public hearing and no recommendation from the Planning Commission; however, the Planning Commission had no issues with the request when it was recently heard in their work session.

Items Slated for Public Hearings on August 22nd

Special Use Permit for Short-Term Rental at 425 N. Royal Avenue – Joy Allen/Patrick Masch

Special Use Permit for Short-Term Rental at 18 E. Stonewall Drive – Jerry & Martha Britton

Special Use Permit for Apartments at 650 W. 11th Street – Ramzi Beidas

Ms. Kopishke advised that they have all met all the requirements needed for their requests. She noted that there was some discussion at the Public Hearing for the apartments on W. 11th Street. It was confirmed that there is already two apartments upstairs.

Proposed Ordinance Amendments to Town Code Chapter 4 – Clerk of Council Presley advised that this was the same ordinance that was before Council on July 11th with the addition of the two amendments that were added that night. Vice Mayor Cockrell asked staff to determine by the Human Resources Department how evaluations in the Town Attorney's Office would be handled if Chapter 4-27 and 4-39 were amended. There was much discussion and concern regarding Chapter 4-53 "Residency of Town Employees". Council questioned why various staff members were restricted on their residency and agreed to restrict only those staff members that were considered "emergency personnel". It was agreed by Council to

- remove the Clerk of Council and Assistant Town Manager from 4-53.B.1. and 4-53.B.2. [Assistant Town Manager is not listed currently in the Town Code]
- add the Director of Planning to 4-53.B.
- remove 4-53.C. in its entirety

Items Slated for Consent Agenda for August 22nd Regular Council Meeting –

Purchase of Kendrick Lane Substation Transformer – Finance Director Wilson advised that the transformer would be at an approximate cost of \$650,000 and about a year out to receive.

Contract Award for Bridge Inspections Services – No discussion

Contract Award for Waterline Upgrades – Mr. Wilson advised it was Manassas Avenue and Braxton Road

Contract Award for Compensation Study/Employee Handbook Update – Mr. Wilson advised that the RFPs have been evaluated.

Waiver of Curb, Gutter, Sidewalk Request from Kathy Blevins on Crisman Drive – Deputy Zoning Administrator/Town Planner I John Ware briefed Council on the request from Ms. Blevins. Mr. Ware confirmed that there was a possibility of approximately four more lots for construction of houses on Crisman Drive if property owners were to subdivide their parcels. He noted that there were no vacant lots and Crisman Drive. He advised that Town Code allows Council to waive the installation of curb, gutter, and sidewalk. Council agreed to the waiver. Mr. Ware continued that Ms. Blevins is requesting to waive the requirement for a nonerodable driveway; however, there was no provision in the Town Code for Council to waive this requirement. He explained that Ms Blevins contractor did not include the 90-foot driveway into the cost. Council agreed they could not waive the driveway requirement.

Resolution Acknowledging [Declaring] End of COVID-19 Communicable Disease Local Emergency – Interim Town Attorney Sonnett advised that Council approve a resolution declaring the end of the COVID-19 Communicable Disease Local Emergency noting that the continuity of government procedures authorized by the March 23, 2020 and September 28, 2020 ordinance were no longer enabled.

Open Discussion – N/A

Adjourn at 9:04pm

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, McFadden(resigned during the meeting), Morris (remote due to vacation) and Thompson, Town Manager Steven Hicks (terminated during the meeting), Deputy Town Attorney George Sonnett, Clerk of Council Tina Presley, Finance Director BJ Wilson, Assistant Town Manager Kathy Leidich, Director of Planning Lauren Kopishke, Deputy Zoning Administrator/Planner I John Ware, Manager of IT Grant Autry and members of the public and press.

Approved by Town Council

Date: -----



TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, August 29, 2022

The following minutes are a summary of items on the agenda.

This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Zachary Jackson
Councilwoman Amber F. Morris
Councilman Letasha T. Thompson

APPOINTED STAFF PRESENT: Acting Town Manager BJ Wilson
Deputy Town Attorney George Sonnett
Clerk of Council Tina L. Presley

ABSENT: Interim Town Manager Kathleen Leidich

RECOGNITIONS/PROJECT UPDATE

Retired employee Freddie Jenkins was unable to attend tonight's meeting.

Mayor and Council recognized Douglas Jones for his 14 years of service on the Planning Commission.

Officer Bryan House was recognized by Director of the Department of Social Services Jon Martz for going above and beyond for a woman that needed help and was presented with an excellence award.

Director of Public Works Robbie Boyers gave Council a Projects Update.

Curb & Gutter Installation Project – Installation of 9,000 of CG6 curb and gutter and CG9 driveway aprons on 10 streets, this project is 85% complete and will be completed mid-September 2022.

W. Duck St Drainage Project – GEI has completed the replacement of the 18" to 30" culvert and added storm drain boxes and curb and gutter. This was paved last week, and the project is now complete.

N. Royal Ave Paving Project – Kick'in Asphalt has completed paving and the line painting and thermo plastic work has been finish. They also paved four secondary streets, Forrest Hill Drive, Valleyview Drive, Virginia Ave and W. 16th St. The paving contractor will return the fist of September 2022 to continue paving.

610B & 612 W. 11th St Storm Drain Upgrade Project – Town has the signed right-of-entry agreement from the WCEDA, the precast storm drain structure was delivered last week from CP&P so we can install the last 15' of pipe. This should be complete by mid-September 2022.

Braxton Rd & Manassas Ave Waterline Upgrade Projects – The bid open was July 28th at 2pm, we received a total of 5 bids with Bushong Contracting Corp being the lowest bid at \$448,982.00. This item is on consent agenda for approval tonight.

John Marshall Hwy Waterline Upgrade Project – Town held a pre-bid meeting on Thursday, August 11th and had three different contractors attend. The bid opening for this project will be held on Tuesday, August 30th at 2pm.

Robinhood Lane PRV Vault Replacement Project – Still another 6 weeks out for delivery due to the traffic bearing hatch. Vault weighs 24,000 LBS so a crane will be needed to set the vault.

Richmond Rd PRV Vault Replacement Project – The vault drawings are completed and we're finishing up the bid documents, we plan to have this out to bid by the first of September 2022.

Redundant Waterline Project – The bid opening is rescheduled from August 24 to August 31, 2022, due to questions from contractors regarding the project and construction plans.

Custom Storm Drain Lids – The 25 custom storm drain lids have been installed on E. Main St, we're going to go back and repaint the frames in the existing storm boxes before winter, so it matches better.

Virginia Department of Agriculture – Had a contractor spraying for the Spotted Lantern Fly in the Front Royal area the Wednesday 24th and Thursday 25th weather permitting.

Front Royal- Warren County Anti-Liter Council Funding – The town received \$5,150.00 to be able to purchase two 96-gallon bear proof trash containers for the Luray Ave Boat Landing. These containers should be here mid-October.

PUBLIC HEARING – Special Use Permit for a Special Exception to Allow a Private Street to Improve Traffic Flow through Parcels at 508 Kendrick Lane from Poe's River Edge LLC & Eagle Sky Industrial Park LLC

Mayor Holloway opened the public hearing.

Joe Brogan advised Council that he was representing Poes' River Edge LLC and Eagle Sky Industrial Park LLC and would be available for any questions.

Vice Mayor Cockrell questioned how the owner is aware that the street was a private street if the land in question were ever sold. It was confirmed that it is written in the deed and the Road Maintenance Agreement was one of the four contingencies upon approval of the Special Use Permit.

Mayor Holloway closed the public hearing.

Councilwoman Thompson moved, seconded by Councilman Gillispie that Council approve a Special Use Permit Application from Poe's River Edge LLC and Eagle Sky Industrial Park LLC for a Special Exception to allow a new private street to improve traffic flow through parcels located at 508 Kendrick Lane (tax map 20A 1-3-5A 1 and 20A 1 3 4) contingent upon the following conditions: 1) this Special Use Permit is authorized for a 20-foot-wide private street to be constructed to the aforementioned standards, as indicated on the "Overall Private Street Plan", submitted to staff on July 27, 2022 and located on tax map parcel #20A1-3-5A1 and #20A1 3 4.; 2) The applicant agrees to comply with Town standards for the location of utilities; 3) The applicant shall provide a copy of the Road Maintenance Agreement to staff at the time of site plan approval; 4) A Master Development Plan be submitted if parcel tax map #20A1-3-5A1 is further subdivided.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

CONSENT AGENDA ITEMS

Vice Mayor Cockrell moved seconded by Councilwoman Morris to move G – Resolution to Authorize GDS Associates to Execute the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP) to Business Items #5.C.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALLContract Award for Waterline Upgrades at Braxton Road & Manassas Avenue

Council awarded a contract to Bushong Contracting Corp in the amount of \$448,982.00 to provide services to perform waterline upgrades on Manassas Avenue and Braxton Road.

Contract Award for Bridge Inspections Services & Reports

Council approved the award of a contract for Annual Bridge Inspections and Reports for the Town's Department of Public Works to Mattern & Craig Engineering Surveyors for a period of one year with the option to renew for 4 (four) additional one-year periods.

Contract Award for Compensation Study/Employee Handbook Update Services

Council approved a contract award for a compensation study and employee handbook update services for the Town's Department of Human Resources to Paypoint HR in the amount of \$32,500.00.

Purchase of Kendrick Lane Substation Transformer

Council approved the purchase of an electric transformer in the amount of \$612,933.00 from Virginia Transformer Corporation.

Resolution Declaring End of Covid-19 Communicable Disease Local Emergency

Council declared the end of COVID-19 Communicable Disease Local Emergency in the Town of Front Royal

Condemnation Resolution for Redundant Waterline in Rt 522 N. Corridor

Council approved a Condemnation Resolution for the redundant waterline proposed for the Route 522 N Corridor as presented.

~~Resolution to Authorize GDS Associates to Execute the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP)~~ MOVED TO BUSINESS ITEMS

Waiver of Curb, Gutter, Sidewalk on Crisman Drive

Council approved the waiver of curb, gutter and sidewalk installation at 1340 Crisman Drive, pursuant to Town Code Chapter 148-850. C. and D.

Councilman Gillispie moved seconded by Vice Mayor Cockrell to approve the Consent Agenda as amended.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMSAppointment to the Planning Commission

Vice Mayor Cockrell moved seconded by Councilwoman Thompson that Council appoint Daniel S. Wells to the Front Royal Planning Commission to a four-year term beginning September 1, 2022 and ending August 31, 2022.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Designation of Town's FOIA Officer

Vice Mayor Cockrell moved seconded by Councilman Jackson that Council designate the Clerk of Council as Freedom of Information Act (FOIA) Officer for the Town of Front Royal.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Resolution to Authorize GDS Associates to Execute the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP) MOVED FROM CONSENT

Councilwoman Thompson moved seconded by Councilwoman Morris that Council approve a resolution authorizing GDS Associates to Execute the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP) as presented.

Finance Director BJ Wilson explained the not to exceed costs have increased since the August 22nd meeting.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

6. CLOSED MEETING – Consultation with Legal Counsel

Councilman Gillispie moved seconded by Councilman Jackson that Town Council convene and go into Closed Meeting for 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, setting a date for a special election as required by Virginia Code §24.2-226, pursuant to §2.2-3711(A)(8) of the Code of Virginia.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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:]

Councilwoman Morris moved seconded by Councilman Jackson 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.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Gillispie moved seconded by Councilwoman Thompson that Council direct the Deputy Town Attorney to petition the Warren County Circuit Court to issue a writ of election for a special election to fill the vacancy now existing on Town Council, and, with such vacancy occurring within 90 days of the next general election and with Council not wishing to incur the expense of a "stand alone" special election, Council further directs that the petition include a request that the special election be held on the date of the second such general election, November 7, 2023, pursuant to Virginia Code §24.2-226(A).

Councilwoman Morris advised that the Town consulted with outside legal counsel, Martin Crim, Vanderpool, Frostick & Nishanion, PC. for an opinion on the withdrawal of Mr. McFadden's resignation. She advised that a portion of the opinion stated that it was questionable whether the Council could refuse to accept a resignation after the deadline of his revocation. She reminded Council that the request for withdrawal occurred four (4) days later not the same day. She emphasized that the Town Council needs to effectively work and govern the Town of Front Royal and it needs to be done with a full body of Council.

Councilwoman Thompson agreed that a second opinion was sought and emphasized the need to work with a full body of Council.

Councilman Gillispie opined that by accepting Mr. McFadden back onto Council would open up legal issues.

Vice Mayor Cockrell opined that Council were five (5) people who represent the citizens and Mr. McFadden was elected by the citizens. She advised that she was not comfortable with deciding whether his resignation was effective or not. She suggested an Attorney General's opinion voicing concerns over the votes taken since his resignation and the issue of whether the resignation was valid or not has not be clearly validated.

Mayor Holloway reminded Council that the citizens voted Mr. McFadden to Council and that Mr. McFadden let the citizens down not the Town Council. He reminded Council that they have received two legal opinions on this issue (in-house and outside legal counsel). He voiced concern that every vote would be challenged and that the Council does not have the authority to allow him back on Council.

Councilman Jackson recognized the arguments on both sides that included asking for an Attorney General's Opinion as well as keeping government moving forward. He noted that he was torn on his vote and would therefore be abstaining.

Vote: Yes – Councilmembers, Gillispie, Morris, and Thompson

No – Vice Mayor Cockrell

Absent – N/A

Abstain – Councilman Jackson

ROLL CALL

Adjourned by Mayor at 7:59pm.

Approved by Town Council

Date: -----



TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, September 12, 2022

The following minutes are a summary of items on the agenda.

This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

Mayor Holloway called the meeting to order and then called a recess for approximately one hour to obtain a quorum. There were no objections from sitting Councilmembers Thompson and Gillispie.

Meeting recessed at 6:01pm.

Mayor Holloway called the meeting back to order at 7:00pm

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilwoman Amber F. Morris
Councilman Letasha T. Thompson
ABSENT: Councilman Zachary Jackson

APPOINTED STAFF PRESENT: Acting Town Manager BJ Wilson
Deputy Town Attorney George Sonnett
Clerk of Council Tina L. Presley
ABSENT: Interim Town Manager Kathleen Leidich

PUBLIC HEARINGS

PUBLIC HEARING – Special Use Permit for two (2) dwelling units at 650 W. 11th Street – Ramzi Beidas
Mayor Holloway opened the public hearing. No one spoke. Mayor Holloway closed the public hearing.

Councilwoman Thompson moved seconded by Vice Mayor Cockrell that Council approve a request from Ramzi Beidas for a Special Use Permit for two (2) dwelling units to be located on the ground floor of 650 W. 11th Street (tax map 20A 1 2 3, Lots 7,8 & 9) with the following conditions: 1) This Special Use Permit is authorized for ground floor dwelling units to be located at 650 W. 11th Street; 2) The existing parking lot shall be resurfaced prior to the business opening; 3) Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this Special Use Permit; 4) Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this Special Use Permit, the Town may revoke the Special Use Permit after notice to the applicant and public hearing.

Councilwoman Morris voiced concern over the conditions #2 and #3. Planning Director Kopishke confirmed that the owner is aware of the conditions and #2 was a condition previously placed on the property when

it was another use. Councilman Gillispie confirmed that it would be ADA compliant. Ms. Morris suggested removing conditions #2 and #3.

Councilwoman Morris moved seconded by Councilwoman Thompson to amend the motion, that Council approve a request from Ramzi Beidas for a Special Use Permit for two (2) dwelling units to be located on the ground floor of 650 W. 11th Street (tax map 20A 1 2 3, Lots 7,8 & 9) with the following conditions: 1) This Special Use Permit is authorized for ground floor dwelling units to be located at 650 W. 11th Street; and 2) Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this Special Use Permit, the Town may revoke the Special Use Permit after notice to the applicant and public hearing.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Morris, and Thompson

No – N/A

Absent – Councilman Jackson

Abstain – N/A

ROLL CALL

PUBLIC HEARING – Special Use Permit for Short-Term Rental at 425 N. Royal Ave – Joy Allen/Patrick Masch
Mayor Holloway opened the public hearing. No one spoke. Mayor Holloway closed the public hearing.

Councilwoman Morris moved seconded by Councilwoman Thompson that Council approve a request from Joy Allen/Patrick Masch for a Special Use Permit for Short-Term Rental at 425 N. Royal Ave (tax map 20A5 613, Lots 9 & 10).

Vice Mayor Cockrell confirmed that only six (6) people were allowed at one time.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Morris, and Thompson

No – N/A

Absent – Councilman Jackson

Abstain – N/A

ROLL CALL

PUBLIC HEARING – Special Use Permit for Short-Term Rental at 18 E. Stonewall Drive – Jerry/Martha Britton
Mayor Holloway opened the public hearing. No one spoke. Mayor Holloway closed the public hearing.

Councilwoman Thompson moved seconded by Councilwoman Morris that Council approve a request from Jerry & Martha Britton for a Special Use Permit for a Short-Term Rental at 18 E. Stonewall Dr (tax map 20A7 4 42).

Council confirmed that parking was not an issue since there was street parking.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Morris, and Thompson

No – N/A

Absent – Councilman Jackson

Abstain – N/A

ROLL CALL

Mayor Holloway adjourned the Special Meeting at 7:10pm.

Approved by Town Council

Date: -----



TOWN COUNCIL WORK SESSION MINUTES

Monday, September 12, 2022

immediately following the Special Meeting

The following minutes are a summary of items on the agenda.

This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilwoman Amber F. Morris
Councilman Letasha T. Thompson

ABSENT: Councilman Zachary Jackson

APPOINTED STAFF PRESENT: Acting Town Manager BJ Wilson
Deputy Town Attorney George Sonnett
Clerk of Council Tina L. Presley

ABSENT: Interim Town Manager Kathleen Leidich

ITEMS SLATED FOR PUBLIC HEARINGS ON SEPTEMBER 26TH REGULAR COUNCIL MEETING

Special Use Permit for Short-Term Rental at 107 Highfield Lane – William & Melissa Gordon

Planning Director briefed Council on the specifics of the application noting that the Planning Commission recommended approval with no conditions.

Special Use Permit for Short – Term Rental at 124 Luray Avenue – Philip Vaught

Planning Director briefed Council on the specifics of the application noting that the Planning Commission recommended approval with no conditions. Vice Mayor Cockrell questioned the rooms since the application only has three (3) bedrooms. Ms. Kopishke advised that it gives the applicant flexibility.

Special Use Permit for Short-Term Rental at 12 Chester Street – Lea Justice

Planning Director briefed Council on the specifics of the application noting that the Planning Commission recommended approval; however, she made Council aware of a few things. First, the second sleeping area is a pull-out couch and Council can make the decision at the public hearing whether to allow this or not. Second, the applicant must have parking within 300 feet of the property or ask for a special exception. She explained that the property does not have onsite parking. There was consensus to allow the second sleeping area and the special exception for the parking.

Ordinance Amendments to Chapter 4

Clerk of Council Tina Presley updated Council on the proposed ordinance amendments to Chapter 4, noting that the proposed amendments were the same as discussed by Council since July 2022, but revised to show the revisions to Chapter 37 Freedom of Information Act that changed September 1st and another revision to Chapter 4-37 by removing reference to 1932.

ITEMS SLATED FOR CONSENT AGENDA FOR SEPTEMBER 26TH REGULAR COUNCIL MEETING

A. FY23 Budget Amendment for Virginia Tourism Grant – BJ Wilson

B. FY23 Budget Amendment for Highway Safety Program - BJ Wilson

C. FY23 Budget Amendment for Law Enforcement Block Grant – BJ Wilson

D. Contract Amendment/Budget Transfer-Replace Curb/Gutter/Install Sidewalk-Commerce Av – B. Wilson

Finance Director BJ Wilson gave a brief overview of A – D above.

E. Wastewater Treatment Clarifier #4 Repairs – BJ Wilson

Mr. Wilson advised Council that one of the clarifiers broke down warranting the repairs.

F. Water Backflow Prevention Program – BJ Wilson

Mr. Wilson advised Council that this was a mandate from the Virginia Department Water Works. Councilman Gillispie questioned who would run the program. Mr. Wilson advised that this question was still under discussion, and staff would come back to Council with a recommendation.

G. Bid Award for De-icing Road Salt - BJ Wilson

H. Bid for Water & Wastewater Chemicals - BJ Wilson

Mr. Wilson advised that G & H were housekeeping items.

I. Amendment to Dominion Energy Water & Sewage Service Agreement – BJ Wilson

Mr. Wilson explained that this was an amendment to the current agreement that would accelerate the payments from Dominion Energy based on a schedule.

J. Waterline Upgrades on John Marshall Highway – BJ Wilson

Mr. Wilson gave a brief overview of the bid.

K. Proclamation for Public Power Week – Mary Ellen Lynn

Interim Director of Energy Services Mary Ellen Lynn explained the recognition and celebration of Public Power Week.

L. Drainage Easement on Cherry Street – Kathy Leidich

Mr. Wilson advised that this was the installation of a new storm drain. Staff also noted that the Deed of Easement would be available at the 26th meeting.

M. Converting one Part-time Custodian Position into a Full-time Position – Kathy Leidich

Mr. Wilson explained that there has been difficulty attaining janitorial services and outsourcing was more expensive. He advised that the \$30,995.50 included benefits which would be covered from some vacant positions for this year and added to future budgets as a full-time position. Vice Mayor Cockrell questioned

whether this position would keep the Gazebo restrooms clean. Mr. Wilson advised that this question was currently being reviewed noting that Town's Maintenance personnel currently cleans them.

Amending Section 142.4.1 A of the Town Code, Snow and Ice on Sidewalks

Mr. Wilson advised that the only amendment to the ordinance was adding the word "residential". There was much discussion on whether the Town should have the ordinance if it is not being enforced. Deputy Town Attorney George Sonnett explained that it was a "citizen-type" ordinance meaning it is there to encourage them to abide by. He advised that the sidewalks are Town property and therefore difficult to enforce violations. Council agreed to move forward.

Update on 8th Street Bridge VDOT Revenue Sharing

Mr. Wilson advised Council that he was notified by the Virginia Department of Transportation (VDOT) that they had moved up the disbursement of the revenue sharing that he thought would take three (3) years to receive. Council agreed that it was good news but were concerned about taking the match from the paving funds. Mr. Wilson explained that the paving plan was still moving forward. Councilman Gillispie questioned whether a bond could be sought for the match. Mr. Wilson advised that the money was needed up front. Councilwoman Morris advised the 8th Street bridge was a safety issue but questioned when the new lines would be put back throughout Town that were scraped up months ago. Mr. Wilson advised that a new bid was going out in about a month. He advised that he would have an agreement for Council's approval to accept the monies in October.

Resolution/Energy Schedule for Locust Ridge Wind Farm Power Purchase Agreement

Mrs. Lynn advised Council that American Municipal Power Inc. (AMP) recommended that the Town commit to a 2 MW purchase of wind power at \$47.50 beginning October 2022 – September 2025. She reminded Council of the scheduled fall outage of the Coal Fired Plant and the wind purchase would replace that in their portfolio.

Update on Property Maintenance Program

Ms. Kopishke gave Council an update on where staff is with the program: 1) drafting policies and procedures, 2) advertising for the Local Board of Building Code Appeals (LBBCA), 3) updating the renters and landlords' responsibility guides and 4) creating the property maintenance page on the Town's website. It was confirmed that Council would appoint the LBBCA and it would be open until filled.

Front Royal Economic Development Authority

Mr. Wilson asked that Council send their recommendations for the set up/support of the Front Royal Economic Development Authority moving forward to Interim Town Manager Kathy Leidich and Mrs. Presley to add for continued discussion on the October 11th Work Session.

OPEN DISCUSSION

Councilwoman Thompson gave Council an overview of the current revision to the Front Royal-Warren County Agreement with Discover Front Royal (DFR) requiring Council's approval. She stressed the need for DFR to hire a director and take over the Town employees who currently work at the Visitors Center. Mr. Sonnett voiced concern that the County's Attorney had not reviewed the document. Council agreed to add it to the Closed Meeting on the 26th for further discussion with the possibility of taking a vote afterwards.

Mayor Holloway questioned whether the parking "islands" on N. Shenandoah Avenue in front of the former hospital could be removed to allow more parking for residents in the area. Captain Kevin Nicewarner

updated Council on why they were placed there. Mr. Wilson advised Council that staff would review the situation and get back to Council.

CLOSED MEETING

Vice Mayor Cockrell moved seconded by Councilman Gillispie that Town Council convene and go into Closed Meeting for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specifically Town Manager, Town Attorney, and Clerk of Council pursuant to §2.2-3711(A)(1) of the Code of Virginia.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Morris, and Thompson

No – N/A

Absent – Councilman Jackson

Abstain – N/A

ROLL CALL

Councilman Gillispie moved seconded by Councilwoman Morris 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.

Vote: Yes – Vice Mayor Cockrell, Councilmembers, Gillispie, Morris, and Thompson

No – N/A

Absent – Councilman Jackson

Abstain – N/A

ROLL CALL

Adjourned by Mayor.

Approved by Town Council

Date: -----



Council Agenda Statement

Item # 07A

Meeting Date: September 26, 2022

Agenda Item: PUBLIC HEARING – Special Use Permit for Short-Term Rental at 107 Highfield Lane – William and Melissa Gordon

Summary: Council is requested to consider approval of a Special Use Permit for a short-term rental to William and Melissa Gordon at their property located at 107 Highfield Lane (*tax map #20A 10-8-27*) and zoned R-1. The applicants are requesting to rent the entire house consisting of five (5) bedrooms to no more than ten (10) occupants. There is parking onsite for four (4) vehicles in the driveway. Staff has inspected the property and it is compliant with regulations. The Planning Commission held a public hearing on August 24th and recommended approval with no conditions.

Letters were sent to adjacent property owners on September 16th inviting them to the public hearing.

Budget/Funding: None

Meetings: Work Session held September 12, 2022

Proposed Motion: I move that Council approve a Special Use Permit for a short-term rental to William and Melissa Gordon at their property located at 107 Highfield Lane (*tax map #20A 10-8-27*).

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Jackson* _____ *Morris* _____ *Thompson* _____



**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**

**Planning Commission Regular Meeting
August 17, 2022**

APPLICATION #:

2200225

APPLICANT:

WILLIAM & MELISSA GORDON

APPLICATION SUMMARY:

A Special Use Permit Application has been submitted for a Short-Term Rental located at 107 Highfield Lane. The applicant intends to rent the entire home. The Inspection was completed on August 4, 2022, the applicant failed due to missing smoke detectors. A re-inspection was completed August 10, 2022, the applicant passed.

GENERAL INFORMATION:

<i>Site Addresses</i>	107 Highfield Lane
<i>Owner(s)</i>	William and Melissa Gordon
<i>Zoning District</i>	R-1, Residential District
<i>Historic District</i>	No
<i>Tax Identification</i>	Tax Map #20A10-8-2-7
<i>Request/ Recommendation</i>	The Applicant is requesting to rent the entire house as a short term rental. Staff recommends approval and does not have any recommended conditions.

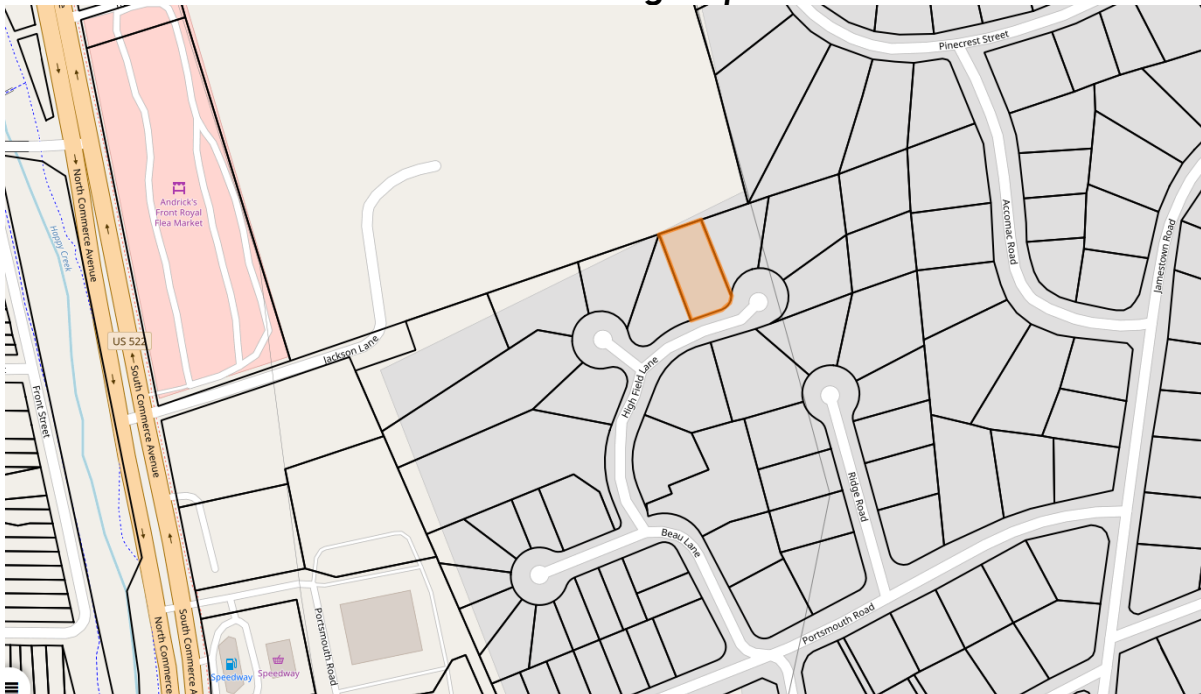
ATTACHMENTS:

1. Special Use Permit Application
2. Inspection report

View of Front Elevation – 107 Highfield Lane



Aerial Zoning Map





Council Agenda Statement

Item #07B

Meeting Date: September 26, 2022

Agenda Item: PUBLIC HEARING – Special Use Permit for Short-Term Rental at 124 Luray Avenue – Philip Vaught/Vaught Real Estate LLC

Summary: Council is requested to approve a Special Use Permit for a short-term rental to Philip Vaught/Vaught Real Estate LLC on their property located at 124 Luray Avenue (*tax map 20A7-4-74*). The property is zoned R-3. The applicant is requesting up to ten (10) occupants in five (5) rooms. There is parking onsite for seven (7) vehicles in the driveway. Staff has inspected the property and it is compliant with regulations. The Planning Commission held a public hearing on August 24th and recommended approval.

Letters were sent to adjacent property owners on September 16th inviting them to the public hearing.

Budget/Funding: None

Meetings: Work Session held September 12, 2022

Proposed Motion: I move that Council approve a Special Use Permit for a short-term rental to Philip Vaught/Vaught Real Estate LLC on their property located at 124 Luray Avenue (*tax map 20A7-4-74*).

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**

**Planning Commission Regular Meeting
August 17, 2022**

APPLICATION #:

2200238 – Special Use Permit for Short
Term Rental

APPLICANT:

PHILIP VAUGHT/VAUGHT REAL ESTATE
LLC

APPLICATION SUMMARY:

A Special Use Permit Application has been submitted for a Short-Term Rental located at 124 Luray Avenue. Inspection was completed on August 2, 2022.

GENERAL INFORMATION:

<i>Site Addresses</i>	124 Luray Avenue
<i>Owner(s)</i>	Vaught Real Estate, LLC
<i>Zoning District</i>	R-3, Residential District
<i>Historic District</i>	Yes
<i>Tax Identification</i>	Tax Map #20A7-4-74
<i>Request/ Recommendation</i>	The Applicant is requesting to rent three (3) bedroom in the house. This is the applicant's primary residence. Staff recommends approval and does not have any recommended conditions.

ATTACHMENTS:

1. Special Use Permit Application
2. Inspection report

View of Front Elevation – 124 Luray Avenue



Aerial Zoning Map





Council Agenda Statement

Item # 07C

Meeting Date: September 26, 2022

Agenda Item: PUBLIC HEARING – Special Use Permit for Short-Term Rental at 12 Chester Street – Lea Justice

Summary: Council is requested to approve a Special Use Permit for a short-term rental to Lea Justice on property located at 12 Chester Street (*tax map 20A8-4-43*). The property is zoned C-2. The applicant is requesting to rent an upstairs apartment consisting of one (1) bedroom, a bathroom, a living area and kitchen/dining room to no more than four (4) occupants. There is sleeping for two (2) people in the bedroom and two (2) on a pullout couch. The property does not have onsite parking. Council discussed at their September 12th work session that the pullout couch shall be used as a separate sleeping area and consensus was to allow it. Council also discussed at their September 12th work session the issue of no onsite parking and directed staff to advise the applicant to apply for a special exception.

Planning Commission held a public hearing on August 24th and recommended approval with no conditions.

Letters were sent to adjacent property owners on September 16th inviting them to the public hearing.

Budget/Funding: None

Meetings: Work Session held September 12, 2022

Proposed Motion: I move that Council approve a Special Use Permit for a short-term rental to Lea Justice on property located at 12 Chester Street (*tax map 20A8-4-43*) allowing two (2) occupants to occupy a pullout couch for sleeping; and, contingent upon the applicant applying for and being approved for a special exception for parking.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**

**Planning Commission Regular Meeting
August 17, 2022**

APPLICATION #:

2200230 – Special Use Permit for Short
Term Rental

APPLICANT:

LEA JUSTICE

APPLICATION SUMMARY:

A Special Use Permit Application has been submitted for a Short-Term Rental located at 12 Chester Street. Inspection was completed on August 9, 2022.

GENERAL INFORMATION:

<i>Site Addresses</i>	12 Chester Street
<i>Owner(s)</i>	Renovatio Trust
<i>Zoning District</i>	C-2, Downtown Business District
<i>Historic District</i>	Yes
<i>Tax Identification</i>	Tax Map #20A8-4-43
<i>Request/ Recommendation</i>	The Applicant is requesting to rent an upstairs apartment which contains a bedroom, bathroom, living room and kitchen/dining room. Staff recommends approval and does not have any recommended conditions.

ATTACHMENTS:

1. Special Use Permit Application
2. Inspection report

View of Front Elevation – 12 Chester Street



Aerial Map





Council Agenda Statement

Item # 07D

Meeting Date: September 26, 2022

Agenda Item: PUBLIC HEARING – Proposed Ordinance Amendments to Town Code Chapter 4 – Administration of Government

Summary: Council is requested to approve the proposed ordinance amendments to Town Code Chapter 4 – Administration of Government, as presented and effective upon passage. Highlights of the amendments include but are not limited to: Time of Meetings, Remote Participation by Electronic Means and Residency of Town Employees. Other amendments noted where applicable.

Budget/Funding: None

Meetings: Work Sessions July 11th, August 8th and September 16th, 2022

Proposed Motion: I move that Council approve the proposed amendments to Town Code Chapter 4 – Administration of Government as presented and effective upon passage.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

Chapter 4

ADMINISTRATION OF GOVERNMENT

Sections:

TOWN COUNCIL**4-1 TIME OF MEETINGS****4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS****4-2 STANDING COMMITTEES****4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING****4-4 READING/PUBLICATION OF ORDINANCES & EMERGENCY ORDINANCES****4-5 ATTENDANCE OF WITNESSES & PRODUCTION OF BOOKS AND PAPERS****RULES OF ORDER****4-6 APPLICABILITY OF *ROBERT'S RULES OF ORDER*, ~~10TH EDITION~~****4-7 SUSPENSION OF RULES****4-8 MAYOR AS PRESIDING OFFICER****4-9 QUESTIONS OF ORDER****4-10 STATEMENT OF QUESTION AND DECLARATION OF RESULT; RECORDED VOTE****4-11 WITHDRAWAL FROM MEETING****4-12 CONDUCT IN ADDRESSING COUNCIL****4-13 PRIORITY IN SPEAKING****4-14 COMMUNICATIONS TO BE IN WRITING****4-15 MOTIONS****4-16 MEETINGS AND ORGANIZATION OF COMMITTEES****4-17 COMMITTEE REPORTS****4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES****4-19 ORDER OF BUSINESS; PLACEMENT OF ITEMS ON THE AGENDA****OFFICERS****4-20 RIGHT OF ENTRY****MAYOR****4-21 EXECUTIVE HEAD****4-22 CONTRACTING DEBT****4-23 RECOMMENDATIONS TO COUNCIL****TOWN MANAGER****4-24 (RESERVED)****4-25 BOND****4-26 POSITION TO BE FULL-TIME; REMOVAL****4-27 GENERAL RESPONSIBILITIES AND DUTIES****4-28 DUTIES AS TOWN TREASURER**

- 4-29 BUDGET AND FINANCIAL ADVICE
- 4-30 ATTENDANCE AT COUNCIL MEETINGS; RECOMMENDATIONS TO COUNCIL
- 4-31 EMPLOYMENT AND DISCHARGE OF TOWN EMPLOYEES
- 4-32 MONTHLY FINANCIAL REPORT
- 4-33 SINKING FUND; INTEREST ON OUTSTANDING BONDS
- 4-34 CONTROL OF TOWN-OWNED REAL PROPERTY
- 4-35 BILLS
- 4-36 DISPOSITION OF TOWN FUNDS

TOWN ATTORNEY

- 4-37 ~~ELECTION~~ APPOINTMENT
- 4-38 COMPENSATION
- 4-39 GENERAL POWERS AND DUTIES
- 4-40 SUITS, PROSECUTIONS AND DEFENSE DUTIES
- 4-41 REPORTS TO COUNCIL
- 4-42 ACCOUNTING FOR FUNDS

TOWN ENGINEER

- 4-43 APPOINTMENT; DUTIES

DISCLOSURE BY CERTAIN EMPLOYEES

- 4-44 FILING REQUIRED
- 4-45 APPLICABILITY

PUBLIC RECORDS

- 4-46 TOWN RECORDS - DEFINITION
- 4-47 TOWN RECORDS DECLARED PUBLIC PROPERTY
- 4-48 CUSTODY AND PRESERVATION OF TOWN COUNCIL RECORDS
- 4-49 RECORDS MANAGEMENT PROGRAM
- 4-50 RECORDS MANAGER
- 4-51 DEPARTMENT RECORDS OFFICERS

AUXILIARY POLICE OFFICERS

- 4-52 APPOINTMENT; POWER AND DUTIES
- 4-53 RESIDENCY OF TOWN EMPLOYEES

Revised/Re-codified 3-11-85. (Chapter 2 of the 1965 Code. Section 2-39 "Compensation of Town Attorney" amended 6-14-54; Section 2-4 "Ordinances" amended 6-13-60; Section 2-2 "Appointment of Standing Committees" amended 8-8-60; Section 2A "Regulate Emissions" was amended 11-9-64; 12-14-64; 8-23-65; Section 2-43 "Industrial Development Authority" was added 12-11-67; Section 2-27.1 "Duties include those of Town Treasurer" amended 8-9-71; Amended 4-45 7-27-09; Removed 4-45 (Applicability) 12-13-21. General Provisions regarding Town Council and Town Manager are located in the Town Charter; Chapters I – VI. Other amendments noted where applicable.

TOWN COUNCIL**4-1 TIME OF MEETINGS**

A. The Council shall hold one regular meeting in the Warren County Government Center on the fourth Monday of each month at 7:00 p.m.; provided however, the regular meeting in the month of December of each year, shall be on the second Monday of that month, held at the same time and in the same place.

B. In the event that a regular Town Council meeting shall fall on a date designated as a Town holiday, then the regular Council meeting shall be held on the following day (Tuesday) at 7:00 p.m. with location being in the Warren County Government Center or Town Hall whichever is available.

C. In the event that a regular Town Council meeting cannot be conducted at the regular time or location due to circumstances beyond the Town's control, the alternative meeting date shall be the following Monday at 7:00 p.m. in the Warren County Government Center or Town Hall whichever is available.

D. The Council shall hold one **regular** work session in the Town Hall on the second Monday of each month **at a time specified on the agenda 7:00 P.M.; provided except for the regular** work session in ~~the month of~~ December **which shall be held** ~~of each year shall be~~ on the first Monday of that month. ~~held at the same time and in the same place.~~ In the event that a **regular** work session cannot be held due to circumstances beyond the Town's control the Council may either ~~has the option to~~ cancel the **regular** work session or reschedule the **regular** work session to another date, time **and location.**

E. Special Meetings shall be called by the Clerk of Council upon the written request of the Mayor, or any three members of the Council. No business shall be transacted at a special meeting but that for which it shall be called unless the Council be unanimous [Charter §11]

4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS

A. Pursuant to Chapter 37, Virginia Freedom of Information Act §2.2-3708.3, individual members of a public body may use remote participation instead of attending a public meeting in person, if in advance of the public meeting, notifies the public body chair that:

- 1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance.**
- 2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance; or**
- 3. The member is unable to attend the meeting due to a personal matter and identifies with the specificity the nature of the personal matter. The member may not use remote participation due to personal matters more than two (2) meetings per calendar**

year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Whenever a member of the public body wishes to participate from a remote location, a quorum of the public body shall be physically assembled at the primary or central public meeting location, pursuant to Chapter 37, Virginia Freedom of Information Act §2.2-3701, and arrangements made for the voice of the member attending remotely to be heard by all persons at the primary or central public body meeting location. The public body holding the meeting shall record in its minutes the member's remote participation was due to one of the above reasons as well as including in the minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.

A member's participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provision of Chapter 37, Virginia Freedom of Information Act.

If the member's participation from a remote location is challenged, the public body shall vote whether to allow such participation. If the public body vote disapproves of the member's remote participation such disapproval shall be recorded in the minutes with specificity.

B. ALL-VIRTUAL MEETINGS - Pursuant to Chapter 37, Virginia Freedom of Information Act §2.2-3708.3. Local governing bodies, planning commission, architectural review boards, zoning appeals boards and boards with the authority to deny, revoke or suspend a professional or occupational license may not hold all-virtual public meetings.

C. STATE OF EMERGENCY - Pursuant to Chapter 37, Virginia Freedom of Information Act §2.2-3708.2., any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with §44-146.17 or the locality in which the public body is located has declared a local state of emergency pursuant to §44-146.21.

D. This ordinance, upon approval of Town Council, creates the Policy for remote participation by electronic means as required in Chapter 37, Virginia Freedom of Information Act §2.2-3708.3.

~~A. Individual members of Town Public Bodies may participate in meetings of Town Public Bodies by electronic communication means from a remote location that is not open to the public, as permitted by Virginia Code § 2.2-3708.1., as that Section may from time to time be amended, or by other future applicable law. This policy shall apply to the entire membership of Town Council, the Planning Commission, and all other entities however designated, of Town Council created to perform delegated functions of Town Council or Town government or to advise or assist Town Council or Town government, including, but not limited to, the Board of Zoning Appeals, the Board of Architectural Review, the Town Economic Development Authority and the Urban Forestry Advisory Committee (collectively, "Public Bodies", or in the singular,~~

~~“Public Body”). Public Body Member’s requesting remote participation or the matters that will be considered or voted on at the meeting.~~

- ~~A. Whenever an individual Town Public Body Member wishes to participate from a remote location, a quorum of the Public Body shall be physically assembled at the primary or central Public Meeting location, and arrangements will be made for the voice of the remote Public Body Member to be heard by all persons at the primary or central Public Body Meeting location. The reason that the remote Public Body Member is unable to attend the Public Body Meeting and the remote location from which the Public Body Member participates will be recorded in the Public Body Meeting Minutes.~~
- ~~B. When such remote individual Public Body’s participation is due to an emergency or personal matter, such participation is limited by the Code of Virginia to two (2) meetings or 25 percent of the meetings of the Public Body per Public Body Member each calendar year, whichever is fewer.~~
- ~~C. Individual Public Body Member participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provisions of the Virginia Freedom of Information Act.~~
- ~~D. If a Public Body Member's participation from a remote location is challenged, then the Public Body shall vote whether to allow such participation. If the Public Body votes to disapprove of the Public Body Member's remote participation because such participation would violate this ordinance or the provisions of the Virginia Freedom of Information Act, such disapproval will be recorded in the Public Body Meeting Minutes with specificity.~~
- ~~E. This policy applies to all Meetings, Work Sessions, and committees of the Public Body.~~

4-2 STANDING COMMITTEES

The Council, as soon as practicable after the qualification of the newly elected members of each Council, may appoint the following standing Committees:

- A. A Street Committee with which the Town Manager may consult on all matters with regard to streets.
- B. A Water Committee with which the Town Manager may consult on all matters with regard to water.
- C. An Electric Committee with which the Town Manager may consult on all electric matters.
- D. A Sewer Committee with which the Town Manager may consult on all matters concerning sewers.

4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING

No proposed ordinance or proposed resolution having the effect of an ordinance shall be considered or passed by the Council unless it shall be submitted in writing.

4-4 READING AND PUBLICATION OF ORDINANCES; AND EMERGENCY ORDINANCES

A. The Clerk of Council shall, upon receipt of ordinances requiring a public hearing, cause such publication as legally prescribed. The public hearing shall be scheduled for the first available meeting after the completion of the publication requirements.

B. Ordinances shall be adopted at the first reading. Ordinances may be read by title only and not verbatim.

C. Ordinances which fail to pass during the first reading of Council, shall fail at that time and shall not be placed on a subsequent meeting agenda for twelve months unless one of the following occurs: (1) there is a change in the membership of Council, (2) one councilmember who initially voted against the ordinance concurs with its placement on the agenda, (3) an ordinance that was defeated for the lack of a second is again placed on the agenda with the concurrence of any ~~councilman~~ **councilmember** who did not make the initial motion for approval.

D. Emergency ordinances shall take effect immediately upon their passage. An emergency ordinance is an ordinance passed by the Council for the immediate preservation of the public peace, property, health, welfare, safety or morals. No ordinance granting, enlarging or affecting any franchise or amending or repealing any ordinance fixing any property tax rate or assessment shall be an emergency ordinance. Ordinances pertaining to the appropriating of money or levying taxes or licenses, or reconsideration of matters at special meetings shall be considered as provided in Town Charter §13.

4-5 ATTENDANCE OF WITNESSES & PRODUCTION OF BOOKS AND PAPERS

The Council or any Committee thereof when especially authorized, shall have the power to require the attendance of any person as a witness and the production by any person of all proper books and papers when, in the opinion of such body, such attendance or such production is necessary and proper. Summons to attend as witnesses or produce books or papers shall be in writing signed by the presiding officer of the Council or committee thereof and shall be served by the Chief of Police in the same manner as a process to commence an action at law. Such witnesses shall be sworn by the officer presiding at such investigation and shall be liable for perjury or false testimony given at any such investigation. Any person failing or refusing to testify or produce such books or papers may be summoned before the County Court and, upon failure to give a satisfactory excuse, shall be fined a sum not exceeding one hundred dollars (\$100) or imprisoned not exceeding thirty (30) days. A right of appeal shall lie to the Circuit Court of the county as in cases of a misdemeanor.

RULES OF ORDER

4-6 APPLICABILITY OF *ROBERT'S RULES OF ORDER*, ~~10TH~~ **EDITION**

The proceedings of the Council, except as its own rules may otherwise provide, shall be governed by the rules of procedure described **in the current edition of** *Robert's Rules of Order*, ~~10th Edition~~.

4-7 SUSPENSION OF RULES

No rule adopted by the Council shall be suspended without the concurrence of two-thirds (2/3) of the members elected to the Council.

4-8 MAYOR AS PRESIDING OFFICER

The Mayor, as the presiding officer of the Council, shall enforce the **parliamentary** rules of procedure, preserve order and decorum and appoint all Committees.

4-9 QUESTIONS OF ORDER

At Council meetings, the Mayor shall decide questions of order and may, without vacating the chair, give his reasons for his decision. From any decision of the chair, an appeal may be made to the body in session, the question being "Shall the decision of the chair be sustained?" Upon such appeal no debate shall be allowed if it refers to a question of decorum, but if it relates to the priority of business or to the relevancy or applicability of propositions, the appeal may be debated.

4-10 STATEMENT OF QUESTION AND DECLARATION OF RESULT; RECORDED VOTE

At Council meetings, the Mayor shall state the question and shall declare the result of the vote. He may direct, or any member may demand, a recorded vote, which shall be taken by a call of the roll.

4-11 WITHDRAWAL FROM MEETING

After a member of the Council, at any meeting thereof, has been recorded as present, he shall not, without permission of the Mayor or the presiding officer, absent himself from such meeting until its adjournment.

4-12 CONDUCT IN ADDRESSING COUNCIL

Every member of the Council shall address the presiding officer before speaking, confine himself to the question before the body and avoid all personal or indecorous language. No such member shall interrupt another while speaking except to rise to a point of order, the point to be briefly stated to the presiding officer.

4-13 PRIORITY IN SPEAKING

At Council meetings, the person first to address the chair shall speak first. When two (2) or more members speak at the same time, the presiding officer shall name the one to speak.

4-14 COMMUNICATIONS TO BE IN WRITING

No communication to the Council shall be entertained unless such communication is in writing.

4-15 MOTIONS

Every motion or proposition at a Council meeting, except such as a subsidiary or incidental, shall be in writing. When a motion is made and seconded, it shall be stated by the presiding officer before being debated. A motion or proposition may be withdrawn by the mover at any time before it is decided, amended or otherwise acted upon.

4-16 MEETINGS AND ORGANIZATION OF COMMITTEES

The members of a Committee of the ~~City~~ **Town** Council shall meet on the call of the Chairman, who shall be the first-named person on the Committee. A majority of the Committee shall constitute a quorum to do business.

4-17 COMMITTEE REPORTS

Every Committee of the ~~City~~ **Town** Council shall, unless otherwise directed, report at the next succeeding regular meeting upon the subject matter referred to it or shall show good cause why such report is not made. Every such Committee shall have authority to report on any matter proper for its consideration, though not specially referred to it. The reports of Committees shall be in writing and shall be signed by a majority of its members. The papers referred to therein as well as all written opinions in reference thereto obtained from the attorney for the town shall be returned with the report.

4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES

No claims against the Town shall be acted upon at any Council meeting, except by unanimous consent, unless the same has been considered and laid on the table for one (1) meeting. Every application for a remission of taxes shall be verified by the oath of the applicant and, without special order, shall stand referred to the next meeting.

4-19 ORDER OF BUSINESS; PLACEMENT AND APPROVAL OF ITEMS ON AGENDAS

1. At the first regular meeting of Town Council, Town Council, by majority vote of a quorum of all members of Council, shall decide upon the order of business for all regular meetings of Town Council for that upcoming calendar year. The order of business shall be reduced to writing and certified by the Mayor and Clerk of Town Council.
2. The order of business shall not be departed from except by the consent of two-thirds (2/3) of the members of the Council present and voting.
3. Items which appear under the heading "Consent Agenda items" are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion

of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the “Items for Approval” portion of the order of business.

4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

B. Placement of Items on Agendas

1. The following items shall be placed on a Council Agenda for a regular meeting or work session provided they are delivered to the office of the Town Manager.

- a. Items from members of Town Boards or Commissions whose membership is appointed by the Council.
- b. Items required for decision by the Town Manager, to include citizen requests placed in writing by the citizen or by the Town Manager.
- c. Items requested by the Mayor to include citizen requests placed in writing.
- d. Items requested by at least two (2) members of Council to be placed on a work session. Items requested by a majority of Council be placed on a regular meeting. In the event of a tie the Mayor will determine the placement.
- e. Items requested from citizens who have appeared at a previous meeting of Council, and who have placed their requests in writing and asked for the matter to be considered at an upcoming meeting of Council.

C. Approval of Placement of Items on Agendas

1. The Mayor, or in his absence, the Vice Mayor approves the final regular meeting and work session agendas before publication and shall not remove any item on said agendas placed by at least (2) council members for a work session agenda or a majority of councilmembers for a regular meeting agenda.

2. No items may be placed on regular meeting or work session agendas after publication without unanimous vote from all members of Council present and voting.

OFFICERS

4-20 RIGHT OF ENTRY

Whenever any officer or employee of the Town is required or authorized by statute, the provisions of this Code or any ordinance or resolution or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making

an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

MAYOR

4-21 EXECUTIVE HEAD

The Mayor of the Town shall be the executive head of its municipal government.

4-22 CONTRACTING DEBT

The Mayor shall not at any time contract any debt or liability for the Town, but he may, as agent of the Town, after being duly authorized by the recorded vote of the majority of the Council at any regular or special meeting, contract such debt or liability.

4-23 RECOMMENDATIONS TO COUNCIL

From time to time, the Mayor shall recommend to the Council such measures as he may deem needful for the welfare of the Town.

TOWN MANAGER

4-24 (RESERVED)

4-25 BOND

The Town Manager shall give bond in such sum as the Council may deem with corporate surety to be approved by the Council; provided that such sum shall not be less than \$500,000.00; and further provided that such bond shall be for the faithful performance of the duties of the Town Manager and the Town Treasurer, provided such duties remain combined in one (1) office.

4-26 POSITION TO BE FULL-TIME; REMOVAL

The Town Manager shall devote his entire time to the business of the Town and shall be subject at all times to removal by the Council on proven charges of malfeasance, misfeasance, neglect of duty or incompetency.

4-27 GENERAL RESPONSIBILITIES AND DUTIES

A. The Town Manager shall be responsible to the Council for the proper administration of all affairs of the Town coming within the ordinances and resolutions of the Council.

B. It shall be the duty of the Town Manager to exercise supervision and control over all departments of the ~~city~~ **Town** government and to have general supervision over all public improvements, works and undertakings.

C. SOCIAL MEDIA - The Town Manager shall oversee all communication commonly referred to as “Social Media” given the following regulations:

1. The Town’s Facebook, Twitter, or other social media communications are operated by the Town under the direction of the Town Manager.
2. The Town reserves the right, at the sole discretion of the Town Manager, to change, modify, add or delete comments, photos or videos at any time. The following is a list of justifications for deletion of comments, photos or videos by the Town Manager or designee, but is not exhaustive:
 - a. Comments, photos, or videos associated with unlawful activity
 - b. Comments, photos, or videos that contain offensive or vulgar language
 - c. Comments, photos, or videos that contain personal attacks on staff, Town Council or members of the public
 - d. Comments, photos, or videos that contain commercial solicitation or advertisement.
3. The Town has the right to reproduce any pictures or videos to this site in any of its publications or websites or any other media outlets.
4. The Town shall not share information gathered through its social media with third parties for promotional purposes.
5. The views, postings, or opinions expressed through social media do not necessarily reflect those of the Town of Front Royal

4-28 DUTIES AS TOWN TREASURER

The duties of the Town Treasurer shall be combined with those of the duties of the Town Manager, effective September 1, 1971, and from that day forward the Town Manager shall have all of the power, authority, duties, obligations and responsibilities which are set forth in the Charter of the Town Treasurer.

4-29 BUDGET AND FINANCIAL ADVICE

The Town Manager shall prepare the annual budget and keep the Town Council fully advised as to its financial conditions and needs of the Town.

4-30 ATTENDANCE AT COUNCIL MEETINGS; RECOMMENDATIONS TO COUNCIL

The Town Manager shall attend all meetings of the Council and recommend to the Council for adoption such measures as he may deem expedient or necessary.

4-31 EMPLOYMENT AND DISCHARGE OF TOWN EMPLOYEES

The Town Manager shall be authorized and empowered, except as otherwise specifically provided, to employ and discharge such employees as the Council shall determine are necessary for the proper administration and conduct of the Town and its utilities.

4-32 MONTHLY FINANCIAL REPORT

The Town Manager shall make a monthly report to the Council at its regular monthly meeting of all moneys collected, the amount then due and any sums paid out.

4-33 SINKING FUND; INTEREST ON OUTSTANDING BONDS

A. The Town Manager shall, in preparing budgets for the future years for the consideration of the Council of the Town, set up a sufficient sum per year to be covered in the sinking fund of the Town to create sufficient funds in the sinking fund of the Town to retire outstanding bonds as they mature or become callable.

B. An additional amount sufficient to pay interest on outstanding bonds shall be also set up each year in the budget when made up for the consideration of the Town Council.

4-34 CONTROL OF TOWN-OWNED REAL PROPERTY

All real property owned in whole or in part by the Town shall be under the general control and supervision of the Town Council. No private person or other entity shall use or occupy any of the real property owned in whole or in part by the Town except upon the express consent of the Town Council or its designated agent, who shall be the Town Manager. Any person or entity using or occupying any real property owned by the Town without first having obtained consent therefor shall be guilty of a misdemeanor and shall be punished as provided in Section 1-15 of the Town Code.

4-35 BILLS

The Town Manager shall prepare and make prompt collection of all bills for taxes, water and sewer service and electricity and shall keep separate accounts and records of the same.

4-36 DISPOSITION OF TOWN FUNDS

The Town Manager shall deposit daily to the credit of the Town, in the depositories designated in Section 75-1 of this Code, all money collected through his office or other funds coming into his hands.

TOWN ATTORNEY

4-37 ~~ELECTION~~ APPOINTMENT

The Council shall appoint ~~elect~~ a Town Attorney ~~biennially, which Attorney shall be elected at the first regular meeting in September 1932, or as soon thereafter as practicable, for a term of two (2)~~

~~years, beginning September 1, 1932.~~ Such Attorney shall have been admitted to practice law in the courts of the state.

4-38 COMPENSATION

The salary of the Town Attorney shall be in such amount as may be fixed by the Council. When the duties of his office require his presence out of Town, his reasonable expenses shall be allowed him.

4-39 GENERAL POWERS AND DUTIES

A. The Town Attorney shall have charge, management and control of all legal matters affecting the Town and, in regard to all municipal affairs, shall be the legal advisor of the Mayor, Town Manager and Council or any Committee thereof, and when requested, he shall furnish written or verbal opinions upon any subjects involving questions of law in which the Town is interested.

B. It shall be the duty of the Town Attorney to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required of him by any ordinance or order of the Council, or which, by law, usage or agreement, should be drawn by the Town. The Town Attorney shall perform such other duties as are or may be required of him for the Town by any ordinance or resolution of the Council.

4-40 SUITS, PROSECUTIONS AND DEFENSE DUTIES

It shall also be the duty of the Town Attorney to commence and prosecute all actions and suits to be brought by the Town before any tribunal in this state and to appear, defend and advocate the rights and interests of the Town or any officer of the Town in any suit or prosecution for any act in the discharge of his official duties or wherein any estate, right, privilege, ordinance or acts of the Town government may be brought in question. He shall appear before the County Court and prosecute on behalf of the Town any person or persons charged with violation of any ordinance of the Town when requested so to do by the Mayor or Town Manager. He shall also prosecute or assist in the prosecution before the Circuit Court of all appeals of criminal cases from the County Court to the Circuit Court of the County.

4-41 REPORTS TO COUNCIL

Whenever requested by the Council, the Town Attorney shall prepare and duly deliver to the Council a report showing the conditions of all cases handled by him and the conditions of all cases pending in which the Town is interested.

4-42 ACCOUNTING FOR FUNDS

The Town Attorney shall promptly account for and pay over to the Town ~~Collector~~ any and all funds belonging to the Town, collected or received by him/**her**, together with an itemized statement showing from whom received and for what accounts such money was received.

TOWN ENGINEER

4-43 APPOINTMENT; DUTIES

The Town Manager may appoint a Town Engineer who shall hold office at the pleasure of the Town Manager. He shall have control and supervision, under the direction of the Town Manager, over all public works of the town. He shall perform such other duties as may be required of him by the Town Manager or the provisions of this Code and other ordinances of the Town.

DISCLOSURE BY CERTAIN EMPLOYEES

(Adopted 12-12-83)

4-44 FILING REQUIRED

A. FILING REQUIRED: In accordance with the Code of Virginia §2.2-3115, members of every governing body, the Executive Director and members of the Economic Development Authority as created by the Industrial Development and Revenue Bond Act (§15.2-4900), persons appointed by the governing body, persons occupying such positions of employment with the governing body and specific non-salaried citizen members of local boards and commissions shall file as a condition to assuming office or employment, a disclosure statement of personal interests and other information as required annually on or before February 1st. ~~Per Code of Virginia Chapter 31—State and Local Government Conflict of Interest Act (§§ 2.2-3100—2.2-3132) any local elected official, local appointed officer or member of a board or commission, employee or nonsalaried citizen member required to file an annual disclosure on or before February 1 shall disclose their personal interests and other information as required on forms prescribed by the Virginia Conflict of Interest and Ethics Advisory Council for the preceding calendar year complete through December 31.~~

B. APPLICABILITY: The following local elected and appointed officials are required to file the Virginia Conflict of Interest and Ethics Advisory Council State and Local Statement of Economic Interest Disclosure:

- Mayor and Members of Town Council
- Executive Director and Members of Economic Development Authority of the Town of Front Royal

The following local board and commission members are required to file the Virginia Conflict of Interest and Ethics Advisory Council Financial Disclosure Statement:

- Non-salaried citizen members of local boards and commissions if the governing body has designated them to file

The following board and commission members and employee(s) are required to file the Virginia Conflict of Interest and Ethics Advisory Council Disclosure of Real Estate Holdings:

- Planning Commission Members
- Board of Zoning Appeals Members
- Town Manager
- Town Attorney
- Clerk of Council
- Director of Finance

All those required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

The Clerk of Council shall be responsible for the maintenance and retention of disclosure forms for five (5) years, **pursuant to the** ~~Per~~ Code of Virginia Chapter 37 - Virginia Freedom of Information Act (~~§§ 2.2-3700—2.2-3715~~); The Clerk of Council shall make available for public inspection all disclosure forms, upon request.

C. TRAINING: ~~Per~~ **In accordance with** Code of Virginia §2.2-3132 local elected officials and **the Executive Director and Directors of the Front Royal Economic Development Authority** are required to take training on the State and Local Government Conflict of Interests Act (provided by the Virginia Conflict of Interest and Ethics Advisory Council) and the Virginia Freedom of Information Advisory Council (provided by the Freedom of Information Advisory Council) within two months of starting their position, and then once every two years based on the date of the last completed training. ~~Town Council may also receive the training requirements from the Town Attorney.~~

4-45 RESERVED

PUBLIC RECORDS

(Adopted 11-26-90)

4-46 TOWN RECORDS - DEFINITION

The term "Town records" shall include all written books, papers, letters, documents, photographs, tapes, microfiche, microfilm, photostats, sound recordings, maps and other documentary materials or information in any recording medium, regardless of physical form or characteristics, including

data-processing devices and computers, which are made or received in connection with the transaction of any public business by any office or department of the Town of Front Royal.

The following described material shall not be included in the definition of town records: "Nonrecord" materials shall mean reference books and exhibit materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference and stocks of publications.

4-47 TOWN RECORDS DECLARED PUBLIC PROPERTY

All Town records as defined in this **Article Code** are hereby declared to be the property of the Town of Front Royal. No Town official or employee shall have by virtue of his/her position any personal or property rights to such records. All custodians of Town records shall, at the expiration of his/her term of office, appointment or employment, deliver to his/her successor or, if there be none, to the Town Records Manager, all books, writings, letters, documents and other Town records in his/her possession or otherwise entrusted to his/her care.

4-48 CUSTODY AND PRESERVATION OF TOWN COUNCIL RECORDS

The Clerk of the Front Royal Town Council shall be responsible for the retention and preservation of the records of that body. The Clerk shall see to it that all such records, to include the minutes of its meetings, are accurately recorded on a durable medium and preserved in a manner which meets the requirements of Section 15.2-1412.

4-49 RECORDS MANAGEMENT PROGRAM

The Front Royal Town Manager shall develop a comprehensive Records Management Program which establishes and provides procedures for the management of Town records from their creation to their ultimate disposition. The Records Management Program shall provide for the efficient and economical creation, distribution, maintenance, use, preservation and disposition of all Town records.

4-50 RECORDS MANAGER

The Front Royal Town Manager shall designate a Records Manager for all Town records. The Records Manager shall be responsible for administering the Records Management Program and for implementing the policies and procedures established thereby.

4-51 DEPARTMENT RECORDS OFFICERS

Each department head shall designate from his/her staff personnel a Records Officer. The departmental Records Officer shall report directly to the department and shall be responsible for coordinating and implementing the Records Management Program for his/her office or department. Each Records Officer shall cooperate and work with the Town Records Manager to ensure compliance. ~~that the provisions of Part 4 are complied with by his/her respective~~

~~department. Each department Records Officer shall monitor compliance within his/her department with all provisions for the retention and disposition of Town records~~

AUXILIARY POLICE OFFICERS

(Adopted 11-14-94)

4-52 APPOINTMENT; POWER AND DUTIES

A. The Director of Public Safety is hereby authorized to appoint auxiliary police officers as he deems necessary, not to exceed the number of ten (10).

B. The Director of Public Safety, with the approval of the Town Manager, shall establish rules and regulations concerning the operation of the auxiliary police officers, including their uniforms, arms and equipment and training.

C. Persons appointed as auxiliary police officers shall be of good character. Their appointment shall be revocable at any time by the Director of Public Safety or the Town Manager.

D. The auxiliary police officers may be called into service as deemed necessary by the Director of Public Safety or, in times of public emergencies, by the Town Manager. Said auxiliary may also be called into service at such times as there are insufficient numbers of regular police officers to preserve the peace, safety and good order of the Town and at any time for the purpose of training.

E. When called into service, the auxiliary police officers shall wear the prescribed uniform and shall have all the powers and authority and all the immunities of constables at common law and shall have all of the power and authority and all of the immunities of full-time law enforcement officers if all work forces have met the training requirements established by the Department of Criminal Justice Services ~~under Section 9-170~~ **§9-1** of the Code of Virginia, 1950, as amended, or its successor statute.

F. Persons appointed as auxiliary police officers shall serve without compensation.

G. Persons appointed as auxiliary police officers may not engage in employment which may occasionally require the use of their police powers in the performance of such employment unless such employment is specifically approved by the Town Manager.

4-53 RESIDENCY OF TOWN EMPLOYEES

A. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within the Town's corporate limits as soon as practical upon the commencement of employment and to remain residents within the Town corporate limits during the duration of their employment in such offices:

1. Town Manager

B. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within the boundaries of Warren County as soon as practical upon the commencement of employment and to remain residents within the County during the duration of their employment in such offices:

~~1. Clerk of Council;~~

1. Chief of Police;

2. Director of ~~Electrical~~ **Energy** Services;

3. Director of Public Works/~~Utilities~~;

4. Director of Planning

~~C. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within a thirty (30) mile radius of Town Hall as soon as practical upon the commencement of employment and to remain residents within the thirty (30) mile radius of Town Hall during the duration of their employment in such offices:~~

~~1. Director of Finance;~~

~~2. Director of Planning;~~

~~3. Director of Human Resources;~~

~~4. Town Engineer.~~

~~D.~~ **C.** If any such employee required to meet such residency described above shall, after having established such bona fide residence, cease to be a bona fide resident as required above, or if any such employee fail to become a bona fide resident as required above within the twelve-month period following the commencement of such employment, the individual's employment shall be deemed to have been voluntarily vacated.

~~E.~~ **D.** The residency requirements set forth ~~in paragraph B and C~~ above may be waived or modified by Town Council in its sole discretion, for good and acceptable cause, on a case-by- case basis, for an identifiable candidate or employee in any of the designated positions.

~~F.~~ **E.** Any person occupying a position to which the aforesaid residence requirements apply, but who prior to March 1, 2001, was not required to maintain a residence as required above, shall not, by the adoption of this section, be required to establish such a residence. Such person shall, however, be subject to the residence requirements contained herein upon promotion or re-assignment to another of the positions enumerated herein, or upon establishment of a residence, as required above subsequent to July 1, 2005.

This ordinance shall become effective upon passage.

APPROVED:

Lori A. Cockrell, Vice Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2022, upon the following recorded vote:

Lori A. Cockrell __ Yes __ No

Gary L. Gillispie __ Yes __ No

Letasha T. Thompson __ Yes __ No

Amber F. Morris __ Yes __ No

Zachary Jackson __ Yes __ No

A public hearing on the above was held on September 26, 2022 having been advertised in the Northern Virginia Daily on September 9 and September 16, 2022.

Approved as to form and legality:

George Sonnett, Deputy Town Attorney

Date: ____/____/____



Council Consent Agenda Statement

Item # 10A

Meeting Date: September 26, 2022

Agenda Item: FY23 Budget Amendment to Receive Funds from the Virginia Tourism Corporation and Allocate to *Discover Front Royal*

Summary: Council is requested to approve a FY23 Budget Amendment in the amount of \$19,976.19 to receive funds from the Virginia Tourism Corporation and allocate the funds received to *Discover Front Royal*. Payment will be remitted to *Discover Front Royal* once *Discover Front Royal* has established as a 501C-6 nonprofit organization and set up a bank account.

Budget/Funding:	1000-3310010 General Fund Revenue Grant Proceeds	\$19,976.19
	1205-47017 Office of Tourism – Tourism Development	\$19,976.19

Meetings: Work Session September 12, 2022

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 FY23 Budget Amendment in the amount of \$19,976.19 to receive funds from the Virginia Tourism Corporation and allocate the funds received to *Discover Front Royal* once *Discover Front Royal* has established as a 501C-6 nonprofit organization and set up a bank account.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Town of Front Royal Tourism

MEMORANDUM

TO: BJ Wilson, Director of Finance

FROM: Elizabeth Lewis, Special Events & Public Arts Coordinator

DATE: August 22, 2022

SUBJECT: Virginia Tourism Corporation Payment transfer to Discover Front Royal

Discover Front Royal (DFR) applied for and received grant funding from Virginia Tourism Corporation (VTC) in the amount of \$19,976.19. As the Destination Marketing Organization (DMO) of record with VTC, the check for their grant was written and sent to the Town of Front Royal. This award needs to be given to DFR in full, as it's their grant, not the Town's. The money needs to be held by the Town until the bank account can be established by DFR's new 501(c)6 organization, likely by end of August 2022.

Staff Recommendation: Town deposits the amount into an account to be re-distributed to Discover Front Royal upon approval of the transfer from Town Council. The money was never "ours" in the first place, so it isn't a budget concern. Moving forward, DFR will apply and receive their own DMO designation with VTC, so this won't be a recurring issue.

If you have any questions or need any further information, please contact me at 540-631-3627 or via email elewis@frontroyalva.com.

Thank You.



Council Consent Agenda Statement

Item # 10B

Meeting Date: September 26, 2022

Agenda Item: FY23 Budget Amendment to Receive Funds from the Virginia Department of Motor Vehicles Highway Safety Program

Summary: Council is requested to approve a FY23 Budget Amendment in the amount of \$23,494 to increase FY23 budgeted revenues to receive funds from the Virginia Department of Motor Vehicles Highway Safety Program and allocate \$23,494 to reimburse for over-time funds used for specific speed and impaired driving enforcement operations.

Note: Complete highway safety grant agreement general terms and conditions can be found in the Work Session Packet of September 12th.

Budget/Funding:	1000-3310010	General Fund Grant Proceeds	\$23,494
	3102-41002	Police Patrol Overtime	\$23,494

Meetings: Work Session held September 12, 2022

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 FY23 Budget Amendment in the amount of \$23,494 to receive funds from the Virginia Department of Motor Vehicles Highway Safety Program and allocate \$23,494 to reimburse for over-time funds used for specific speed and impaired driving enforcement operations.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

HIGHWAY SAFETY GRANT AGREEMENT

Purpose: Virginia's Highway Safety Program Subrecipients use this form to certify and assure that they will fully comply with all terms of the Highway Safety Grant Agreement.

Instructions: Subrecipients must read the contract, complete all applicable information on the first and last page, initial and date the subsequent pages, and return all pages to the Department of Motor Vehicles.

This Highway Safety Grant Agreement is entered into between the Virginia Department of Motor Vehicles (hereinafter "Department"), 2300 West Broad Street, Richmond, Virginia 23220, and the following:

Subrecipient: Front Royal Town	Federal Award Identification Number (FAIN): 69A37522300001540VAA
Project Title: Selective Enforcement - Alcohol	Project Number: ENF_AL-2023-53044-23044
Assistance Listing Number (ALN): 20.607 ALN Name: Alcohol Open Container Requirements	Grant Award Amount: \$ 13,408.00 Federal Funds Obligated: \$ 13,408.00 Total Federal Funds Obligated: \$ 13,408.00
Period of Performance: From October 1, 2022, or the date the Highway Safety Grant Agreement is signed by the Director, Virginia Highway Safety Office (whichever is later) through September 30, 2023. Allow 21 days for the Department to complete its review and signature. FINAL VOUCHER IS DUE ON OR BEFORE NOVEMBER 5, 2023.	Source of funds obligated to this award: U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) Date of Award Letter from NHTSA: September 30, 2022

In performing its responsibilities under this Highway Safety Grant Agreement, the Subrecipient certifies and assures that it will fully comply with the following:

- Applicable Department regulations and policies and State and Federal laws, regulations, and policies
- Statement of Work and Special Conditions and an Approved Budget, included with this Highway Safety Grant Agreement
- General Terms and Conditions, also included with this Highway Safety Grant Agreement

Subrecipient's signature below indicates that the Subrecipient has read, understands and agrees to fully comply with all terms and conditions of this Highway Safety Grant Agreement without alteration. This Highway Safety Grant Agreement (hereinafter referred to as "Grant Agreement"), consisting of this certification, the attached Statement of Work and Special Conditions, the attached General Terms and Conditions, the attached Project Budget, the Subrecipient's proposal and the letter awarding the grant to the Subrecipient constitutes the entire agreement between the Department and the Subrecipient, supersedes any prior oral or written agreement between the parties and may not be modified except by written agreement as provided herein. Where any conflict arises between terms, the following is the order of governance of one term over another: (1) applicable Department regulations and policies, except where superseded by Federal laws, regulations, or policies; (2) applicable State laws, regulations, and policies, except where superseded by Federal laws, regulations, or policies; (3) applicable Federal laws, regulations, and policies; (4) Statement of Work and Special Conditions; (5) General Terms and Conditions; (6) Project Budget; (7) Subrecipient's proposal; and (8) grant award letter. **Subrecipient certifies that this grant does not include research and development.**

SIGNATURES OF AUTHORIZED APPROVING OFFICIALS

For Subrecipient:

Jason A. Ryan - Captain
Name and Title of Project Director (print)

[Signature] 8/29/22
Signature Date

Subrecipient's UEI Number N7VQXJM58JPG
Does your locality/legal entity expend \$750,000 or more annually in total federal funds? (check one) ☐ Yes ☒ No

Kathleen R. Leitch, Interim Town Manager
Name and Title of Authorized Approving Official (print)

[Signature] 8/30/22
Signature Date

For Virginia Department of Motor Vehicles:

John Saunders
Director, Virginia Highway Safety Office (print)

Signature Date

HIGHWAY SAFETY GRANT AGREEMENT



Council Consent Agenda Statement

Item # 10C

Meeting Date: September 26, 2022

Agenda Item: FY23 Budget Amendment to Receive Funds from the Virginia Department of Criminal Justice Services Local Law Enforcement Block Grant Program

Summary: Council is requested to approve a FY23 Budget Amendment in the amount of \$2,276 to increase FY23 budgeted revenues to receive funds from the Virginia Department of Criminal Justice Services Local Law Enforcement Block Grant Program and allocate \$2,276 to help support public safety and crime prevention efforts.

Budget/Funding:	1000-3310010	General Fund Grant Proceeds	\$2,276
	3102-45413	Police Patrol Other Operating Supplies	\$2,276

Meetings: Work Session held September 12, 2022

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 FY23 Budget Amendment in the amount of \$2,276 to receive funds from the Virginia Department of Criminal Justice Services Local Law Enforcement Block Grant Program and allocate \$2,276 to help support public safety and crime prevention efforts.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Council Consent Agenda Statement

Item # 10D

Meeting Date: September 26, 2022

Agenda Item: Contract Amendment and Budget Transfer to Replace Curb/Gutter and Install Sidewalk on Commerce Avenue

Summary: Council is requested to approve a contract amendment for Imperio Construction and budget transfer in the amount of \$81,695.50 that would allow Imperio Construction to replace curb and gutter and install sidewalk along a portion of South Commerce Avenue from Prospect Street to South Street.

Note: This would amend the original contract approved by Town Council on March 28th, 2022, for installation of curb and gutter services by Imperio Construction from \$414,882.00 to a total of \$496,577.00.

Budget/Funding:

Budget Transfer from Street Reconstruction to Curb/Gutter & Sidewalk Line Items		
4500-47927	Highway Maintenance Street Reconstruction	<\$81,695.00>
4500-45477	Highway Maintenance Curb & Gutter Reconstruction	\$49,295.00
4500-47909	Highway Maintenance New Sidewalk Construction	\$32,400.00

Meetings: Work Session held September 12, 2022

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 contract amendment for Imperio Construction and budget transfer in the amount of \$81,695.50 that would allow Imperio Construction to replace curb and gutter and install sidewalk along a portion of South Commerce Avenue from Prospect Street to South Street.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

**QUOTE**

Date: 4/25/2022
 Quote #: FR220425
 Customer ID:
 Valid Through: 5/25/2022

IMPERIO CONSTRUCTION, LLC

7900 Sycamore Drive,
 Falls Church, VA 22042
 PHONE: 703-439-9047
 PREPARED BY: Jason Esteves

CUSTOMER CONTACT:

NAME: Steve Scheule
 ADDRESS: Town of Front Royal
 CITY, ST, ZIP: Front Royal, VA
 PHONE: 540-692-4725
 EMAIL: sscheulen@frontroyalva.com

PROJECT:

NAME: **S Commerce Additional Work**
 ADDRESS: S Commerce Avenue
 CITY, ST, ZIP: Front Royal, VA 22630

BID ITEM #	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
<u>1</u>	Maitenance of Traffic	1.00	LS	\$ 5,000.00	\$5,000.00
<u>2</u>	Curb Demo	805.00	LF	\$ 10.97	\$8,830.85
<u>3</u>	Sidewalk (per VDOT standard)	720.00	SY	\$ 45.00	\$32,400.00
<u>4</u>	CG-6 (per VDOT standard)	845.00	LF	\$ 41.97	\$35,464.65
				SUBTOTAL	\$81,695.50
				TAX RATE	
				TAX DUE	
				TOTAL DUE	\$81,695.50

*** Quantities are approximations. Actual quantities to be taken (measured), and approved by Town of Front Royal and Imperio Construction for billing purposes.

COMMENTS:

Nat Gomes

Nat Gomes

4/25/2022

DATE

CLIENT ACCEPTANCE

DATE



Council Consent Agenda Statement

Item # 10E

Meeting Date: September 26, 2022

Agenda Item: Sole Source Procurement of Services to Repair Clarifier #4 at the Wastewater Treatment Plant

Summary: Council is requested to approve a sole source procurement of services from Evoqua Water Technologies in the amount of \$87,337.30 to make repairs to clarifier #4 at the Wastewater Treatment Plant (WWTP).

Note: The WWTP clarifiers are settling tanks used to remove solid particles from liquid for clarification of wastewater treatment. The WWTP is able to operate temporarily without clarifier #4 but could exceed established limits on wastewater discharge if the clarifier remains out of service for a long duration of time.

Note: Complete Standard Terms of Sale can be found in the Work Session packet of September 12th.

Budget/Funding: Funds for these unexpected repairs were not included in the adopted FY23 Budget. Staff has processed a FY23 Budget Transfer to decrease budgeted funds for I&I Abatement and reallocate funds to cover these necessary repairs to the Wastewater Treatment Plant.

9801-43002	Wastewater Treatment Plant Professional Services	\$87,337.30
------------	--	-------------

Meetings: Work Session held September 12, 2022

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 sole source procurement of services from Evoqua Water Technologies in the amount of \$87,337.30 to make repairs to clarifier #4 at the Wastewater Treatment Plant.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



To: Front Royal, VA

Date 5/4/2022

To whom it may concern:

This is to confirm that Evoqua Water Technologies is the sole source for all Envirex™, US Filter™, Siemens™.

We are the OEM and retain all drawings and proprietary rights on this equipment, and we are the OEM.

Heyward Virginia is our Sales Representative in this area.

No one else is authorized to sell, solicit or manufacture our products in your area.

If you should have any questions regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Douglas E Pimlott". The signature is written in a cursive, flowing style.

Douglas Pimlott

Evoqua Water

2607 N Grandview Blvd. Suite 130

Waukesha, WI 53188

Tel: 262-521-8468

Fax: 262-521-8272

Proposal For: FRONT ROYAL WWTP
 Robbie Taylor
 1100 MANASSAS AVE
 FRONT ROYAL, VA 22630
 Phone: 540-683-1241
 wwtp@frontroyalva.com

Jeremy Finnel
 Evoqua Water Technologies
 N19W23993 Ridgeview Pkwy, Suite 200
 Waukesha, WI 53188
 Phone: (262) 521-8202
 jeremy.finnel@evoqua.com

Item Pricing Summary

Item	Part No Description	Qty	Net Price	Ext. Price
1	W3T260571 Turn Key Installation (no electrical)	1 EA	\$43,600.00	\$43,600.00
2	W3T22412 DRIVE ASSY-H40ALT, CW,0.04RPM,EURO Reference #: 603-81657-80	1 EA	\$40,840.00	\$35,840.00
3	W2T119476 SEAL-MANF, 3.625"W X 600"L X 0.25"THK; Reference #: 103-81481-1	50 FT	\$9.81	\$490.50
4	W2T119880 KIT,CLAMP W/BAND 50' X.62" FSTNRS & SPLC Reference #: 303-1380-1	1 EA	\$156.80	\$156.80

Currency: USD

Item(s) Subtotal:	\$87,087.30
Shipping and Handling Charges:	\$2,250.00
Total Net Price:	\$87,337.30

Material Escalation

Due to volatility in steel costs, prices quoted in this proposal will be adjusted to reflect changes in the Metal and Metal Products Index (MMPI) published by the U.S. Department of Labor, Bureau of Labor Statistics. The most recent published MMPI is 334.957 for March 2022. If the MMPI exceeds 341.656 at the time the Equipment is released for manufacture, then the price will be increased by the same percentage as the MMPI exceeds 341.656.

Please provide tax exempt certificate with purchase order.

Our Manufacturer Rep in your area is:

Representative: Steve Childers



Council Consent Agenda Statement

Item # 10F

Meeting Date: September 26, 2022

Agenda Item: Task Order to Complete Development and Implementation of a Water Backflow Prevention Program

Summary: Council is requested to approve a task order for CHA Engineering in the amount of \$49,000 to complete the development and implementation of a water backflow prevention program to meet the Commonwealth of Virginia Department Water Works Regulation.

Note: In accordance with the Virginia Public Procurement Act, C.H.A. Engineering was awarded a contract with the Town of Front Royal for Environmental Engineering Services by Town Council on June 27, 2022. The Town of Front Royal requires Council's approval to procure engineering services exceeding \$25,000.

Budget/Funding: Funds were previously budgeted for Back Flow Prevention Program and were set aside on Town purchase order number 30052 under the following line item:

9601-R43002 Water Treatment Plant Professional Services \$49,000.00 PO#30052

Meetings: Work Session held September 12, 2022

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 task order for CHA Engineering in the amount of \$49,000 to complete the development and implementation of a water backflow prevention program to meet the Commonwealth of Virginia Department Water Works Regulation.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Town of Front Royal Public Works

MEMORANDUM

TO: Megan Clark, Purchasing Agent

FROM: Robert B Boyer, Public Works Director

DATE: August 30, 2022

SUBJECT: Proposal for Backflow Prevention Program Development

We received a proposal from CHA Engineering to develop a backflow prevention program so the town can meet the Virginia Department of Health requirements and become compliant. This is a requirement in the towns water plant inspection report from the Virginia Department of Health for several years now. We recommend moving forward with the proposal from CHA Engineering in the amount of \$49,000.00. This funding has already been budgeted and is on PO#30052.

If you have any questions or need any further information, please contact me at 540-692-4789.

Thank You.



**Town of Front Royal
Task Order 1-2022**

Backflow Prevention Program Development and Implementation Support Services

This Task Order supplements the August 2, 2022 Master Services Agreement (AGREEMENT) for Professional Environmental Engineering Services by and between Town of Front Royal (Town or OWNER) and CHA Consulting, Inc. (CHA or ENGINEER).

Part 1.0 – Project Description

In response to a 2010 Virginia Department of Health (VDH) notification of noncompliance, the Town submitted a general plan for the development and implementation of a backflow prevention program. The Town's proposed program included a multi-year implementation schedule that included reviewing and revising the ordinance; development of program documentation and forms; distribution of user questionnaires; determination of user's hazard status; identification of backflow prevention devices at high and medium risk and the users' locations; and annual distribution of questionnaires. In 2011, the Town received notice from the VDH that the Town's planned backflow prevention program complied with the Commonwealth of Virginia's *Waterworks Regulations: Cross-Connection and Backflow Prevention Control in Waterworks*. Since the initiation of this program, the Town submitted questionnaires to users as a means to identify qualifying users and determine hazard status. The Town has not yet implemented the majority of the items included in that 2010 plan to VDH and has requested engineering services for the development and implementation of the backflow prevention program.

Part 2.0 – Scope of Work

CHA will provide backflow prevention program development completion services and will assist with the initial implementation of this program. The proposed program will build on the program components previously developed by the Town and will be modified as needed to fully comply with 12VAC5-590-580 *et. seq.* This will include:

- Kick-off Meeting with Pertinent Town staff
- Identification of Qualifying Facilities
 - Review current ordinance and identify any additional elements required for the Town to update the ordinance to meet current regulatory requirements
 - Review of previous (2016) questionnaire results
 - Identify additional facilities to include in questionnaire
 - Develop new questionnaire for Town distribution and use
 - Review new questionnaire results
- Compilation of Data
 - Build database of current qualifying facilities
 - Determine hazard status
 - Develop general schedule for annual facility inspections
- Program Implementation
 - Identify Town staff responsibilities
 - Create forms and other supplemental materials such as brochures and letters
 - Identify a certified backflow prevention inspector(s) to conduct facility inspections or assist Town staff on identifying a program for Town staff to complete this course and become certified

- Assist Town staff on follow-up with qualifying facilities that need to install a backflow prevention device
- Final meeting to discuss program and coordinate Town staff implementation

Part 3.0 - Schedule

CHA and the Town will work together to schedule a kickoff meeting date to include pertinent Town of Front Royal and CHA staff members. The schedule below is a tentative schedule proposed for the action items and can be refined as part of the kickoff meeting; generally, we anticipate approximately one year to develop and complete the initial implementation of the program described above.

- | | |
|--|--------------------------------|
| 1. Kick-off Meeting | September 2022 |
| 2. Identification of Qualifying Facilities | September 2022 – December 2022 |
| 3. Compilation of Data | January 2023 – March 2023 |
| 4. Program Implementation | April 2023 – August 2022 |
| 5. Final Meeting | September 2023 |

Part 4.0 – Payments to the Engineer

The lump sum costs for CHA to provide the scope of services described herein is \$49,000. Additional services not described herein including participation in Town Council meetings or meetings with the Virginia Department of Health or other agency staff may be provided upon request. The estimated costs of any additional services will be provided to the Town for approval prior to the initiation of these services.

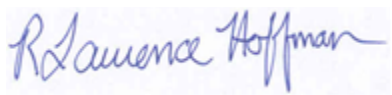
Part 5.0 - Signatory

This TASK ORDER No. 1-2022 is executed this ____ day of September 2022.

Town of Front Royal

CHA Consulting, Inc.

By: _____
(Signature)

By:  _____
(Signature)

Name: Kathleen Leidich
Title: Interim Town Manager

Name: R. Lawrence Hoffman
Title: Associate Vice President

Date: _____

Date: August 29, 2022



Council Consent Agenda Statement

Item # 10G

Meeting Date: September 26, 2022

Agenda Item: Bid Award for De-Icing Road Salt

Summary: Council is requested to approve the bid award for de-icing road salt to Morton Salt, Inc. at \$89.09 per ton.

Budget/Funding: funding available in the Streets Department line item 4500-45478

Meetings: Work Session held September 12, 2022

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 bid award for de-icing road salt to Morton Salt, Inc. at \$89.09 per ton.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Jackson* _____ *Morris* _____ *Thompson* _____



Town of Front Royal Public Works

MEMORANDUM

TO: Megan Clark, Purchasing Agent

FROM: Robert B Boyer, Public Works Director

DATE: August 30, 2022

SUBJECT: Recommendation for De-Icing Road Salt

We have reviewed the three bids received from vendors to provide De-Icing Road salt used for winter road maintenance. I would like to recommend moving forward with the lowest bidder Morton Salt, INC at \$89.09 per ton, Morton Salt has provided de-icing road salt to the town in the past and done a good job with meeting the towns need during the winter months.

There's funding already set aside of this under 4500-5478

If you have any questions or need any further information, please contact me at 540-692-4789.

Thank You.

VENDOR SPREAD SHEET



Town of Front Royal, VA

IFB #27-2022 ROAD SALT

BID/PROPOSAL OPENING DATE: 8/23/2022

BID/PROPOSAL OPENING TIME: 2:00 PM

		MORTON SALT, INC. CHICAGO, IL	EASTERN SALT CO. INC. LOWELL, MA	MID-ATLANTIC SALT, LLC GLADWYNE, PA
QTY	ITEM DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	DELIVERED DE-ICING ROAD SALT	\$89.09/TON	\$98.90/TON	\$99.00/TON
Total Bid		\$89.09	\$98.90	\$99.00

***DENOTES NON-RESPONSIVE BID**

The VENDOR SPREAD SHEET is generated from the initial, raw information collected. No award decision has been made.

Department of Purchasing
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-636-6889



Consent Agenda Statement

Item #10H

Meeting Date: September 26, 2022

Agenda Item: Bid Awards for FY23 Water and Wastewater Chemicals

Summary: Council is requested to approve bids for FY23 water and wastewater treatment chemicals at firm fixed pricing as follows:

- Marubeni America Corp, Harrison NY – sodium permanganate (\$6,348.41),
- Brenntag Mid-South Inc, Bedford, VA – carbon (\$12,760)) and sodium fluoride (\$27,480)
- and glycerin (\$154,700
- Univar Solutions, Inc., Morrisville, PA – polyaluminum hydroxychlorosulfate (\$73,120), and
- sodium hypochlorite (\$126,900) and Potassium Permanganate Technical Grade (\$30,132)
- USALCO, Baltimore, MD – Delpac-XG (\$85,816.80)

Budget/Funding: Funding available in FY23 Water Treatment budget line item 9601-45605 “Chemicals”, and the FY23 Wastewater Treatment budget line item 9801-45406 “Chemicals”.

Meetings: Work Session held September 12, 2022

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 approve bids for FY23 water and wastewater treatment chemicals at firm fixed pricing as follows:

- Marubeni America Corp, Harrison NY – sodium permanganate (\$6,348.41),
- Brenntag Mid-South Inc, Bedford, VA – carbon (\$12,760) and sodium fluoride (\$27,480)
- and glycerin (\$154,700
- Univar Solutions, Inc., Morrisville, PA – polyaluminum hydroxychlorosulfate (\$73,120), and
- sodium hypochlorite (\$126,900) and Potassium Permanganate Technical Grade (\$30,132)
- USALCO, Baltimore, MD – Delpac-XG (\$85,816.80)

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Jackson* _____ *Morris* _____ *Thompson* _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: September 16, 2022
To: Tina Presley, Senior Executive Assistant
From: B.J. Wilson, Director of Finance
RE: Request to add Consent Agenda item to Town Council's Regular Meeting

Purchasing issued a solicitation for water treatment and wastewater treatment chemicals. The procurement method was sealed competitive bidding.

On, Thursday, August 25, 2022, Purchasing held a public bid opening and received nine (9) bids. Staff recommends awarding the following bidders their bid for firm fixed pricing on FY23 chemicals as follows:

- Marubeni America Corp, Harrison NY – sodium permanganate (\$6,348.41),
- Brenntag Mid-South Inc, Bedford, VA – carbon (\$12,760)) and sodium fluoride (\$27,480)
- and glycerin (\$154,700
- Univar Solutions, Inc., Morrisville, PA – polyaluminum hydroxychlorosulfate (\$73,120), and
- sodium hypochlorite (\$126,900) and Potassium Permanganate Technical Grade (\$30,132)
- USALCO, Baltimore, MD – Delpac-XG (\$85,816.80)

The Public Works department has budgeted an expense of \$94,000 for all water treatment chemicals, and \$650,000 for all wastewater treatment chemicals throughout the year. Town Council is requested to review and approve the award. Attached to this memo is recommendation memos from Robbie Boyer, Public Works Director and Mike Kisner, Water Treatment Plant Manager, and the bid tabulation. Please add this consent agenda item to the next available Regular Town Council agenda.

Funding for these chemicals will be available in the FY23 Water Treatment budget line item 9601-45605 "Chemicals", and the FY22 Wastewater Treatment budget line item 9801-45406 "Chemicals".

Purchasing, Department of Finance
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-636-6889



Town of Front Royal Public Works

MEMORANDUM

TO: Megan Clark, Purchasing Agent

FROM: Robert B Boyer, Public Works Director

DATE: September 16 2022

SUBJECT: Recommendation Memo for Treatment Plant Chemicals

We have reviewed the bids we've received for various types of chemicals for both the town's water treatment and wastewater treatment plant. These chemicals are used daily to treat the towns drinking water and the towns wastewater before it's returned to the Shenandoah River. We recommend proceeding with the lowest bidder for each chemical needed to allow each treatment plant to continue operating efficiently and within the permit limits set by the State.

If you have any questions or need any further information, please contact me at 540-692-4789.

Thank You.

VENDOR SPREAD SHEET



Town of Front Royal, VA

IFB #15-2022 CHEMICALS

BID/PROPOSAL OPENING DATE: 8/25/2022

BID/PROPOSAL OPENING TIME: 2:00 PM

	KUEHNE CHEMICAL, CO, INC. KEARNY, NJ	CHEMTRADE CHEMICALS PARISPPANY, NJ	MARUBENI AMERICA CORP. HARRISON, NY	SHANNON CHEMICAL CORP. MALVERN, PA	UNIVAR SOLUTIONS, INC. MORRISVILLE, PA	BRENNTAG MID- SOUTH INC BEDFORD, VA	USALCO BALTIMORE,MD	SUFFOLK SALES & SERVICES CORP. SUFFOLK, VA	ENVIRONMENTAL OPERATING SOLUTIONS INC. POCASSET, MA
	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
WATER TREATMENT PLANT CHEMICAL DESCRIPTION									
ESTIMATED 32,000 GALLONS POLYALUMINUM HYDROXYCHLOROSULFATE EQUIVALENT TO DELPAC 2020		\$4.815			\$2.2850/GALLON				
ESTIMATED 54,000 GALLONS SODIUM HYPOCHLORITE	\$4.95/GALLON				\$2.35/GALLON	Non-Responsive			
ESTIMATED 4 TONS CARBON (AQUA NUCAR) 50# BAGS ONLY						\$3,190 (MIN ORDER 1 PALLET)			
ESTIMATED 6 TONS SODIUM FLUORIDE (CRYSTAL) 50 LBS BAG ONLY					\$5,576/TON	\$4,580/ton (MIN ORDER 1 PALLET)			
ESTIMATED 6 TONS TECHNICAL GRADE ONLY POTASSIUM PERMANGANATE 55# PAILS			Non-Responsive	\$6,340/TON	\$5,022/TON	Non-Responsive			
ESTIMATED 8 DRUMS SODIUM PERMANGANATE			\$793.551/DRUM	\$1,144.17/DRUM	\$915.43/DRUM	Non-Responsive			
WASTEWATER TREATMENT CHEMICAL DESCRIPTION									
ESTIMATED 52,000 GALLONS GLYCERIN						\$2.9750/G (MIN ORDER 4500G)		\$3.04	\$3.05
ESTIMATED 18,000 GALLONS DELPAC-XG		\$7.77					\$4.7676		

***DENOTES NON-RESPONSIVE BID**

The VENDOR SPREAD SHEET is generated from the initial, raw information collected. No award decision has been made.

Prepared by: Megan Clark, VCA



Council Consent Agenda Statement

Item # 10I

Meeting Date: September 26, 2022

Agenda Item: Amendment to Dominion Energy's Water and Sewage Service Agreement

Summary: Council is requested to approve an amendment to Dominion Energy's water and sewage service agreement with the Town. The proposed amendment will accelerate payments from Dominion Energy to the Town totaling \$3.5 million based upon the following schedule:

- Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon the Town meeting all regulatory requirements and obtaining all permits and approvals necessary to complete the Looping Project, and the construction contract has been awarded with a start date within six months of award.
- Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon the commencement of construction defined as: 1) the contractor has provided a schedule for completion, 2) equipment is on-site and excavation work, excluding E&S work, has begun.
- Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon completion of 50% of the construction per contractor's schedule and work is ongoing with no anticipated delays.
- Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon completion of 100% of the construction and Customer has access to a redundant supply of water.

Note: The original agreement allowed for monthly payments totaling \$3.5 million from Dominion Energy to the Town over the course of a repayment period equaling the Town of Front Royal's loan amortization.

Budget/Funding: Budget amendment will be requested upon awarding of construction contract.

Meetings: September 12, 2022

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 an amendment to Dominion Energy's water and sewage service agreement with the Town to accelerate payments from Dominion Energy to the Town totaling \$3.5 million based upon the following schedule: • Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon the Town meeting all regulatory requirements and obtaining all permits and approvals necessary to complete the Looping Project, and the construction contract has been awarded with a start date within six months of award. • Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon the commencement of construction defined as: 1) the contractor has provided a schedule for completion, 2) equipment is on-site and excavation work, excluding E&S work, has begun. • Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon completion of 50% of the construction per contractor's schedule and work is ongoing with no anticipated delays. • Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon completion of 100% of the construction and Customer has access to a redundant supply of water.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

TOWN OF FRONT ROYAL, VIRGINIA

AMENDMENT TO WATER AND SEWERAGE SERVICE AGREEMENT FOR COUNTY INDUSTRIAL CUSTOMERS

THIS AMENDMENT to that Water and Sewerage Service Agreement for County Industrial Customers dated March 9, 2011, is made and entered into on the Effective Date, as defined below, by and between the Town of Front Royal, Virginia a municipal corporation, ("Town") and Virginia Electric and Power Company, a Virginia public service corporation ("Customer").

Recitals

WHEREAS, Town and Customer entered into that certain Water and Sewerage Service Agreement for County Industrial Customers dated March 9, 2011 ("Agreement") for the provision of water and sewer services to the Customer's 1,370-megawatt power station facility ("Facility"); and

WHEREAS, in the section entitled "Off-Site Infrastructure Costs" of the Agreement, Customer acknowledged the value of constructing a redundant large-capacity water line to ensure uninterrupted water service to the Facility in the event of a rupture of the existing water line ("Looping Project"), and agreed to offset the cost of constructing the Looping Project by paying seventy-five percent (75%) of the total cost to construct, up to a maximum amount not to exceed Three Million Five Hundred Dollars (\$3,500,000) over a period of five (5) years from the commencement of construction ("payment structure"); and,

WHEREAS, the Looping Project is now in the final planning stages for construction at a total cost of Million (\$) and Customer wishes to amend the payment structure contained in the Off-Site Infrastructure Costs section of the Agreement in order to simplify and accelerate payments to the Town.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Town and Customer covenant and agree to amend the fourth paragraph of the section entitled "Off-Site Infrastructure Costs" of the Agreement to read in its entirety as follows:

Customer's payments to the Town for the Looping Project shall be made in accordance with this paragraph. During construction of the Looping Project, Customer's payments to the Town shall be made on the following confirmed construction schedule:

- Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon the Town meeting all regulatory requirements and obtaining all permits and approvals necessary to complete the Looping Project, and the construction contract has been awarded with a start date within six months of award.
- Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon the commencement of construction defined as: 1) the contractor has

provided a schedule for completion, 2) equipment is on-site and excavation work, excluding E&S work, has begun.

- Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon completion of 50% of the construction per contractor's schedule and work is ongoing with no anticipated delays.

- Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon completion of 100% of the construction and Customer has access to a redundant supply of water.

Except as specifically set forth herein, this Amendment shall in no way modify, alter or amend the remaining terms of the Agreement, all of which are ratified by the Town and the Customer and shall remain in full force and effect. To the extent there is any conflict between the terms and conditions of the Agreement and this Amendment, the terms and conditions of this Amendment will govern and control.

The persons who have executed this Amendment represent and warrant that they are duly authorized to execute this Amendment in their individual or representative capacity as indicated.

This Amendment shall be executed in two counterparts, each of which shall be deemed an original, but which together shall constitute a single instrument. Signed facsimile and electronic copies of this Amendment shall legally bind the parties to the same extent as original documents.

IN WITNESS WHEREOF, the parties have executed this Amendment on the day and year last written below (the "Effective Date").

VIRGINIA ELECTRIC AND POWER COMPANY

By: _____ DATE: ____/____/2022

TOWN OF FRONT ROYAL, VIRGINIA

By: _____
Town Manager

Approved as to Form:

By: _____
Town Attorney



Council Consent Agenda Statement

Item # 10J

Meeting Date: September 26, 2022

Agenda Item: Bid Award for John Marshall Highway Waterline Upgrades

Summary: Council is requested to approve awarding a bid for John Marshall Highway waterline upgrades to Bowman-Griffin General Contracting n the amount of \$229,550.00.

Budget/Funding: Funding for the project was included in the FY23

9602-47513 Waterline Maintenance Water Line Upgrades \$229,550.00

Meetings: Work Session held September 12, 2022

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 awarding a bid for John Marshall Highway waterline upgrades to Bowman-Griffin General Contracting n the amount of \$229,550.00.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: September 1, 2022
To: Tina Presley, Senior Executive Assistant
From: BJ Wilson, Director of Finance
CC: Megan Clark, Purchasing Agent, Robert Boyer, Director of Public Works
RE: Request to Add Agenda Action Item for Town Council Approval

Purchasing received a request from the Water Maintenance Department of Public Works to send out IFB #24-2022 for waterline upgrades for John Marshall Highway to replace existing waterlines. On August 30, 2022, we held a public bid opening and received five (5) bids in accordance with the Virginia Public Procurement Act.

Town staff has reviewed the submitted quotes and recommends awarding the purchase to Bowman Griffin General Contractor, out of Hillsville, VA for \$229,550.00.

. The lowest responsive and responsible bidder.

Please find attached the bid tabulation and recommendation letter from Robert Boyer, Public Works Director. Please add this consent item to Council's September, 12, 2022 work session.

Funding has been budgeted and is available in the following line item: 9602-47513, Water Line Maintenance Water Line Upgrades.

Department of Purchasing
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-636-6889



Town of Front Royal Public Works

MEMORANDUM

TO: BJ Wilson, Finance Director

FROM: Robert B Boyer, Public Works Director

DATE: September 1, 2022

SUBJECT: Recommendation for John Marshall Highway Waterline Upgrade Project

We received a total of five bids total for this waterline upgrade project on John Marshall Highway between Commonwealth Drive and Colonial Drive. We reviewed the bids and recommended moving forward with the low bidder, Bowman-Griffin General Contractors LLC based out of Hillsville, VA. The funding to cover the \$229,550.00 has already been budgeted and is currently available under budget code 9602-7513 waterline upgrades.

If you have any questions or need any further information, please contact me at 540-692-4789.

Thank You.



Town of Front Royal, VA

IFB #24-2022 WATERLINE UPGRADES-JOHN MARSHALL HWY

BID/PROPOSAL OPENING DATE: 8/30/2022

BID/PROPOSAL OPENING TIME: 2:00 PM

		Laurita Excavating Inc, Morgantown, W V	Crown Contrstuction Services Inc Alexandria, VA	Bowman-Griffin General Contractors, LLC Hillsville, VA	Bushong Contracting Corp. Woodstock, VA	Snyder Environmental Services Inc Kearneysville, WV
QTY	ITEM DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	MOBILIZATION	\$17,000.00	\$25,000.00	\$25,000.00	\$19,500.00	\$25,500.00
	EXTENDED PRICE	\$17,000.00	\$25,000.00	\$25,000.00	\$19,500.00	\$25,500.00
1	MAINTENANCE OF TRAFFIC	\$75,000.00	\$25,000.00	\$17,000.00	\$35,250.00	\$38,250.00
	EXTENDED PRICE	\$75,000.00	\$25,000.00	\$17,000.00	\$35,250.00	\$38,250.00
1	PREVENTION, CONTROL, AND ABATEMENT OF EROSION AND WATER	\$24,000.00	\$4,800.00	\$8,000.00	\$9,500.00	\$6,300.00
	EXTENDED PRICE	\$24,000.00	\$4,800.00	\$8,000.00	\$9,500.00	\$6,300.00
650'	12" CLASS S2 DUCTILE IRON PIPE	\$450.00	\$390.0000	\$161.0000	\$239.00	\$275.00
	EXTENDED PRICE	\$292,500.00	\$253,500.00	\$104,650.00	\$155,350.00	\$178,750.00
1	12" MJ 45 DEGREE BEND	\$1,000.00	\$350.00	\$1,250.00	\$1,850.00	\$620.00
	EXTENDED PRICE	\$1,000.00	\$350.00	\$1,250.00	\$1,850.00	\$620.00
2	12" X 12" MJ TEE	\$1,000.00	\$600.00	\$1,550.00	\$2,000.00	\$965.00
	EXTENDED PRICE	\$2,000.00	\$1,200.00	\$3,100.00	\$4,000.00	\$1,930.00
1	12" X 6" MJ TEE	\$1,200.00	\$420.00	\$1,250.00	\$1,750.00	\$3,100.00
	EXTENDED PRICE	\$1,200.00	\$420.00	\$1,250.00	\$1,750.00	\$3,100.00
11	12" MEGA LUG KITS	\$300.00	\$175.00	\$550.00	\$775.00	\$185.00
	EXTENDED PRICE	\$3,300.00	\$1,925.00	\$6,050.00	\$8,525.00	\$2,035.00
7	12" MJ GATE VALVE	\$5,000.00	\$3,450.00	\$5,000.00	\$3,950.00	\$4,100.00
	EXTENDED PRICE	\$35,000.00	\$24,150.00	\$35,000.00	\$27,650.00	\$28,700.00
3	12" MJ SOLID SLEEVES	\$1,200.00	\$535.00	\$650.00	\$500.00	\$650.00
	EXTENDED PRICE	\$3,600.00	\$1,605.00	\$1,950.00	\$1,500.00	\$1,950.00
8	12" FOSTER ADAPTER KITS	\$1,300.00	\$535.00	\$650.00	\$850.00	\$390.00
	EXTENDED PRICE	\$10,400.00	\$4,280.00	\$5,200.00	\$6,800.00	\$3,120.00
2	12" X 8" MJ REDUCER	\$1,000.00	\$430.00	\$650.00	\$1,500.00	\$520.00
	EXTENDED PRICE	\$2,000.00	\$860.00	\$1,300.00	\$3,000.00	\$1,040.00
2	8" MEGA LUG KITS	\$300.00	\$105.00	\$500.00	\$575.00	\$130.00
	EXTENDED PRICE	\$600.00	\$210.00	\$1,000.00	\$1,150.00	\$260.00
2	FIRE HYDRANT ASSEMBLIES	\$10,500.00	\$12,000.00	\$5,800.00	\$4,100.00	\$8,050.00
	EXTENDED PRICE	\$21,000.00	\$24,000.00	\$11,600.00	\$8,200.00	\$16,100.00
1	8" MJ SOLID SLEEVES	\$850.00	\$420.00	\$700.00	\$800.00	\$645.00
	EXTENDED PRICE	\$850.00	\$420.00	\$700.00	\$800.00	\$645.00
1	6" MJ GATE VALVE	\$1,600.00	\$1,250.00	\$1,250.00	\$1,800.00	\$1,550.00
	EXTENDED PRICE	\$1,600.00	\$1,250.00	\$1,250.00	\$1,800.00	\$1,550.00
1	6" MJ FOSTER ADAPTER KITS	\$1,250.00	\$325.00	\$375.00	\$575.00	\$195.00
	EXTENDED PRICE	\$1,250.00	\$325.00	\$375.00	\$575.00	\$195.00
3	6" MEGA LUG KITS	\$250.00	\$380.00	\$375.00	\$375.00	\$130.00
	EXTENDED PRICE	\$750.00	\$1,140.00	\$1,125.00	\$1,125.00	\$390.00
1	6" SOLID SLEEVE	\$600.00	\$350.00	\$375.00	\$550.00	\$750.00
	EXTENDED PRICE	\$600.00	\$350.00	\$375.00	\$550.00	\$750.00
9	ADJUSTABLE VALVE BOXES WITH LIDS	\$250.00	\$150.00	\$375.00	\$550.00	\$130.00
	EXTENDED PRICE	\$2,250.00	\$1,350.00	\$3,375.00	\$4,950.00	\$1,170.00
Total Bid		\$495,900.00	\$372,135.00	\$229,550.00	\$293,825.00	\$312,355.00

*DENOTES NON-RESPONSIVE BID

The VENDOR SPREAD SHEET is generated from the initial, raw information collected. No award decision has been made.

Prepared by: Megan Clark, VCA



Council Consent Agenda Statement

Item # 10K

Meeting Date: September 26, 2022

Agenda Item: Proclamation for Public Power Week

Summary: Each year, Public Power Utilities across the country, including The Town of Front Royal, recognize and celebrate 'Public Power Week' during the first full week of October to help electric consumers understand how they can better engage with their community-owned utility and benefit from all its offerings. Council is requested to approve a proclamation recognizing October 2 – 8, 2022 as Public Power Week in the Town of Front Royal.

Budget/Funding: None

Meetings: Work Session held September 12, 2022

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 October 2 – 8, 2022 as Public Power Week in the Town of Front Royal.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Jackson* _____ *Morris* _____ *Thompson* _____



PROCLAMATION

RECOGNIZING PUBLIC POWER WEEK, OCTOBER 2-8, 2022

**A WEEK-LONG CELEBRATION OF THE TOWN OF FRONT ROYAL'S DEPARTMENT OF ENERGY SERVICES
YEAR-ROUND SERVICE TO THE COMMUNITY**

WHEREAS, the Town of Front Royal's Department of Energy Services, places high value on the benefits of local control of utility services and therefore operates a community-owned, not-for-profit electric utility.

WHEREAS, because, we are customers and owners of the Town of Front Royal's Department of Energy Services, we have a direct say in utility operations and policies;

WHEREAS, Town of Front Royal's Department of Energy Services provides our homes, businesses, farms, social service and local government agencies with reliable, efficient and cost-effective electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates;

WHEREAS, Town of Front Royal's Department of Energy Services is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development and safety awareness;

WHEREAS, Town of Front Royal's Department of Energy Services is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live and work, and contributes to a sustainable environment;

NOW, THEREFORE BE IT RESOLVED: that Town of Front Royal's Department of Energy Services will continue to work to bring safe, reliable electricity to community homes and businesses just as it has since 1894, the year when the utility was created to serve all the citizens of the Town of Front Royal; and

BE IT FURTHER RESOLVED: that the week of Oct. 2-8 be designated Public Power Week to recognize Town of Front Royal's Department of Energy Services for its contributions to the community and to educate customer-owners, policy makers, and employees on the benefits of public power;

BE IT FURTHER RESOLVED: that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which is best for consumers, business, the community and the nation.

APPROVED:

Lori A. Cockrell, Vice Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This proclamation was adopted by the Town Council of the Town of Front Royal, Virginia on September 26, 2022.



Council Consent Agenda Statement

Item # 10L

Meeting Date: September 26, 2022

Agenda Item: Conversion of One Part-Time Custodian into a Full-Time Position

Summary: Council is requested to approve the conversion of one part-time custodian into a full-time position to meet the Town's increased janitorial responsibilities.

Note: The Division of General Properties in the Town's Public Works Department is made up of three staff positions: One full-time Senior Maintenance Technician and two part-time custodians. This conversion would also assist the Public Works Department with its ongoing employee retention efforts. The part-time custodian position has been incredibly difficult to fill. The Town has been attempting to fill it for the past year, with multiple candidates being hired only to quit soon after starting due to the demands of the position. During this timeframe, the individual in the other part-time custodian position has had to take on the additional responsibilities associated with both positions. The Senior Maintenance Technician has also had to assist with cleaning the Town buildings, which takes away from his building/grounds maintenance responsibilities.

Budget/Funding: Converting a part-time custodian position to full-time would require an additional .5 FTE. The current hourly rate for the part-time position is \$15.66/hour for 28 hours/week. The additional expense of converting the part-time custodian position to a full-time position (including FICA, etc.) would be \$30,995.50.

Meetings: Work Session held September 12, 2022

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 conversion of one part-time custodian into a full-time position to meet the Town's increased janitorial responsibilities.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Council Consent Agenda Statement

Item # 10M

Meeting Date: September 26, 2022

Agenda Item: Resolution to Approve the Form and Authorize the Execution of the 2022 Locust Ridge Energy Schedule with American Municipal Power (AMP) Inc.

Summary: American Municipal Power, Inc. (AMP) has been offered a three-year Power Purchase Agreement by Avangrid for wind power from their Locust Ridge Wind Project in Eastern Pennsylvania with a fixed price of \$47.50 per MWh beginning October 2022 through September 2025. AMP recommends Front Royal commit to a 2 MW purchase to help hedge against the current volatility of the wholesale power market as well as provide replacement power for a scheduled fall outage at the Prairie State Coal Fired Plant. Council is requested to approve a resolution to approve the form and authorize the execution of the 2022 Locust Ridge Energy Schedule with American Municipal Power (AMP) Inc.

Budget/Funding: 9401-43022 Dept of Energy Services – Purchase of Electric

Meetings: Work Session held September 12, 2022

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 resolution to approve the form and authorize the execution of the 2022 Locust Ridge Energy Schedule with American Municipal Power (AMP) Inc.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Jackson* _____ *Morris* _____ *Thompson* _____

TOWN OF FRONT ROYAL, VIRGINIA

RESOLUTION NO. _____

**TO APPROVE THE FORM AND
AUTHORIZE THE EXECUTION OF THE 2022 LOCUST RIDGE ENERGY SCHEDULE
WITH
AMERICAN MUNICIPAL POWER, INC. AND TAKING OF OTHER ACTIONS IN
CONNECTION THEREWITH**

WHEREAS, the Town of Front Royal, Virginia ("Municipality") owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound energy and related services from, or arranged by, American Municipal Power, Inc. ("AMP"), of which Municipality is a member; and

WHEREAS, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being political subdivisions that operate municipal electric utility systems; and

WHEREAS, Municipality, acting individually and through AMP with other political subdivisions of this and other states that own and operate electric utility systems, jointly, endeavors to arrange for reliable, environmentally sound and reasonably priced supplies of electric capacity and energy and related services for ultimate delivery to its customers; and

WHEREAS, it is efficient and economical to act jointly in such regard; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract No. C-12-2007-6255, which contemplates that Municipality shall enter into various schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, certain Members, including the Municipality have determined that they can utilize additional sources of reliable energy on a long-term basis at reasonable

costs, and have requested that AMP arrange for the same by developing, purchasing or otherwise acquiring interests in certain energy facilities; and

WHEREAS, in furtherance of this purpose, AMP and Locust Ridge II, LLC ("Locust Ridge") have entered into an energy purchase power agreement ("Locust Ridge PPA") under the terms of which AMP is to purchase and Locust Ridge is to supply and sell up to approximately 100 MW of energy from the Locust Ridge Project located in Schuylkill Haven, Pennsylvania for a period of thirty six (36) months; and

WHEREAS, it is necessary and desirable for Municipality to enter into the 2022 Locust Ridge Energy Schedule to Municipality's Master Services Agreement with AMP to provide for an additional source of energy; and

WHEREAS, Members now have the right, but not the obligation by the enactment of this Resolution to authorize and request AMP to acquire energy from the Locust Ridge Project by approval and execution of the 2022 Locust Ridge Energy Schedule authorized below; and

WHEREAS, prior to the execution of the 2022 Locust Ridge Energy Schedule authorized through the adoption of this Resolution AMP has (i) informed the Municipality of the terms of the Locust Ridge Energy Schedule; (ii) provided the Municipality the opportunity to review the Locust Ridge PPA terms and conditions (subject to price); and (iii) offered representatives of the Municipality the opportunity to ask such questions, review data and reports, conduct inspections and otherwise perform such investigations with respect to, as applicable, the acquisition of energy and the terms and conditions of the 2022 Locust Ridge Energy Schedule authorized below as Municipality deems necessary or appropriate in connection herewith; and

WHEREAS, after due consideration, the Municipality has determined it is reasonable and in its best interests to proceed as authorized herein below and requests and authorizes AMP to acquire energy from the Locust Ridge Project upon those terms and conditions set forth in the 2022 Locust Ridge Energy Schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA:

SECTION 1. That the 2022 Locust Ridge Energy Schedule between Municipality and AMP, substantially in the form attached hereto or on file with the Clerk, including Exhibits thereto, are approved, and the Town Manager, or Town Managers Designee, of Municipality is hereby authorized to execute and deliver the 2022 Locust Ridge Energy Schedule with such changes as the Town Manager, or Town Managers Designee may approve as neither inconsistent with this [Ordinance/Resolution] nor materially detrimental to the Municipality, his or her execution of the 2022 Locust Ridge Energy Schedule to be conclusive evidence of such approval.

SECTION 2. That the Town Manager, or Town Managers Designee is hereby authorized to (i) acquire under the 2022 Locust Ridge Energy Schedule, authorized above, a Contract Amount as defined in that Schedule of up to 2,000 kW with a price of up to \$47.75/MWh for energy only made available thereunder without bid, and (ii) make

any determinations and approvals required thereunder, if any, as the Town Manager, or Town Managers Designee shall deem necessary and advisable.

SECTION 3. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 4. That this Resolution shall take effect at the earliest date allowed by law.

SECTION 5. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

SECTION 6. That in order to take advantage of the pricing in the 2022 Locust Ridge Energy Schedule, and to therefore protect the public welfare, this Resolution is hereby declared an emergency measure, which shall take effect at the earliest period allowed by law.

APPROVED:

Lori A. Cockrell, Vice Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2022 upon the following recorded vote:

Lori A. Cockrell __Yes __No

Gary L. Gillispie __Yes __No

Letasha T. Thompson __Yes __No

Amber F. Morris __Yes __No

Zachary Jackson __Yes __No

Approved as to Form and Legality:

George Sonnett, Deputy Town Attorney

Dated: _____

**TOWN OF FRONT ROYAL, VIRGINIA
LOCUST RIDGE WIND ENERGY SCHEDULE TO
AMERICAN MUNICIPAL POWER, INC.
AND
TOWN OF FRONT ROYAL, VIRGINIA

MASTER SERVICES AGREEMENT
(AMP CONTRACT NO. C-12-2007-6255)**

WHEREAS, the Town of Front Royal, Virginia ("Municipality") and American Municipal Power, Inc., ("AMP") have entered into a Master Services Agreement ("MSA") under which certain services may be provided, pursuant to schedules entered into between Municipality and AMP; and

WHEREAS, AMP has negotiated and executed an Energy Power Purchase Agreement, (AMP Contract No. 2022-008347-MAS) between AMP and Locust Ridge II, LLC ("Locust Ridge"), for the purchase of up to 100 megawatts of energy and ancillary services, (the "Locust Ridge PPA") from the Locust Ridge II Project ("Locust Ridge Project"), located in Schuylkill County, Pennsylvania, a copy of which has been made available to the Municipality; and

WHEREAS, the Locust Ridge PPA provides, among other things, significant opportunities for the Municipality to receive from AMP reliable, economic, energy through this schedule to the MSA (the "Locust Ridge Energy Schedule").

SECTION 1 - TERM

The term of this Locust Ridge Energy Schedule shall be effective as of the Delivery Date of the Locust Ridge PPA (October 1, 2022) as defined therein and shall thereafter be coterminous with the same, which is a thirty six (36) month term; provided, however, that Municipality's obligation to purchase and AMP's obligation to deliver energy only pursuant to this Locust Ridge Energy Schedule are both contingent on Avangrid's performance pursuant to the Locust Ridge PPA.

SECTION 2 - SERVICES

AMP agrees to procure as Seller, pursuant to (and its obligations hereunder are specifically dependent upon) the Locust Ridge PPA, output up to 100 MW of energy and ancillary services for the benefit of the Municipality (the "Contract Amount"). Municipality agrees to take and pay for such energy on a *pro rata* basis where and as available pursuant to the Locust Ridge PPA. Such *pro rata* amounts to be determined by multiplying the Municipality's percentage Contract Amount, as set forth on Exhibit B hereto, times the actual energy available from time to time under the Locust Ridge PPA.

SECTION 3 - DELIVERY POINTS

The Delivery Point(s) for this Locust Ridge Energy Schedule shall be the "Point of Delivery" as defined in the Locust Ridge PPA – the high-side of the facility's interconnection transformer with PPL Utilities - unless the same is modified in writing by the parties. There may also be a Secondary Delivery Point, or Points of Delivery. Municipality may change the Secondary Delivery Point(s) set forth on Exhibit D with AMP's consent, such consent not to be unreasonably withheld, provided that transmission to any modified Secondary Delivery Point shall be pursuant to appropriate Federal Energy Regulatory Commission ("FERC") tariffs at Municipality's expense, including the costs of any/all required ancillary services.

SECTION 4 - SCHEDULING

A. AMP shall cooperate with the Municipality to schedule the energy to a delivery point as directed by the Municipality.

B. Notwithstanding any other provision of this Locust Ridge Energy Schedule and the MSA, Municipality shall, when available, take and pay for the energy.

SECTION 5 - DEPENDENCE ON LOCUST RIDGE PPA

Municipality recognizes that AMP's ability to supply energy under this Locust Ridge Energy Schedule is dependent upon AMP's ability to arrange for the same pursuant to the Locust Ridge PPA. Additionally, Municipality recognizes that AMP entered into the Locust Ridge PPA primarily for the benefit of Municipality and the other Members of AMP and that AMP, pursuant to the Locust Ridge PPA, has certain rights as well as certain obligations. Accordingly, Municipality warrants to cooperate with AMP in such a manner as to facilitate AMP's performance of its obligations thereunder and releases AMP from any liability due to Locust Ridge's failure to perform.

SECTION 6 - RATES, CHARGES AND BILLING

A. Energy made available pursuant to this Locust Ridge Energy Schedule shall be charged at the base rates specified in the Locust Ridge PPA (such rate to be \$47.75/MWh) for the term of the Locust Ridge PPA as shown on Exhibit A and the costs set forth in Sections 6 (B) and (C) hereof, and the Energy Rate Schedules as the same may be modified by AMP from time to time and pursuant to the billing provisions herein and in the MSA;

B. The net of the following costs shall be included as a component of a uniform rate adjustment to be charged hereunder for energy delivered or made available to Municipality: (i) any ancillary service, congestion and marginal loss charges by PJM or any other applicable Regional Transmission Organization ("RTO") (ii) any costs or credits associated with differences between day ahead schedule and actual output, and (iii) as well as any costs incurred by AMP under the Locust Ridge PPA not

included in the rates set forth on Exhibit A (“Project Energy Rate Adjustment”). This creates a Project Energy Rate for the Locust Ridge Energy Schedule consisting of the charges in Exhibit A as adjusted as set forth in this Section 6 (see Exhibit E – Example Project Energy Rate Calculation). The Municipality shall also be responsible for any additional ancillary service, congestion or marginal loss charges to its Secondary Delivery Point.

C. In addition to the other compensation to be paid to AMP pursuant to this Locust Ridge Energy Schedule, Municipality shall also pay AMP the Service Fee specified in the MSA.

**TOWN OF FRONT ROYAL,
VIRGINIA**

BY: _____

TITLE: _____

DATE: _____

APPROVED AS TO FORM:

Municipality’s Legal Counsel

AMERICAN MUNICIPAL POWER, INC.

BY: _____

**Jolene M. Thompson
President/CEO**

DATE: _____

APPROVED AS TO FORM:

BY: _____
**Lisa G. McAlister
SVP and General Counsel for
Regulatory Affairs**

EXHIBIT A**RATE SCHEDULE FOR LOCUST RIDGE ENERGY SCHEDULE ***

Start Date	End Date	Price (\$/MWh)
October 1, 2022	September 30, 2025	\$47.75

*Reflects only those amounts that AMP will pay to Locust Ridge. Service fees, or other applicable charges will have to be supplied and added.

DRAFT

EXHIBIT B**Capacity Schedule**

	<u>kW</u>	<u>%</u>
Amount of Total Capacity Under Locust Ridge PPA (up to)	Up to 100,000	100%
Contract Amount of Municipality's Capacity (up to)	2,000	2%

DRAFT

EXHIBIT C
SECONDARY DELIVERY POINTS

[TO COME]

DRAFT

EXHIBIT D

EXAMPLE LOCUST RIDGE ENERGY SCHEDULE RATE CALCULATION

2023 Example Rate

Base Energy Rate = \$47.75/MWh

PJM Operating Reserves = \$0.10/MWh

PJM Market difference between Day Ahead schedule and Real Time output =
(\$0.20/MWh)

Final Project Energy Rate (example) = \$48.05 / MWh

DRAFT



Council Consent Agenda Statement

Item 10N

Meeting Date: September 26, 2022

Agenda Item: Deed of Easement for Existing and New Stormwater Infrastructure Between Luray Avenue and Cherry Street – Front Royal Presbyterian Church

Summary: Council is requested to approve a Deed of Easement granting the Town easements for the existing and new stormwater infrastructure to be located on the property located between Luray Avenue and Cherry Street and owned by the Front Royal Presbyterian Church. Attached is the deed of easement and plat showing the proposed easement location.

Budget/Funding: N/A

Meetings: Work Session held September 12, 2022

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 Deed of Easement granting the Town easements for the existing and new stormwater infrastructure to be located on the property located between Luray Avenue and Cherry Street and owned by the Front Royal Presbyterian Church. I further move that Council authorize the Mayor, Clerk of Council, Deputy Town Attorney, and Interim Town Manager to execute all documents as necessary.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

THIS DOCUMENT WAS PREPARED WITHOUT
BENEFIT OF A TITLE EXAM BY:
George M. Sonnett, Jr. (VSB #22418)
Deputy Town Attorney
Town of Front Royal, Virginia 22630

This deed is exempt from taxation under Virginia Code § 58.1-81.1(A)(3).
This deed is exempt from the recordation taxes imposed by §58.1-801 and §58.1-803 of the Code of Virginia,
1950, pursuant to §58.1-81.1.A.3.

Tax Map Number: #20A6 5 9A

THIS **DEED OF EASEMENT** for storm water facilities is made and
entered into this ____ day of _____, 2022, by and between **FRONT ROYAL**
PRESBYTERIAN CHURCH CORPORATION, herein referred to as “**Grantor**”,
and **TOWN OF FRONT ROYAL, VIRGINIA**, a Municipal Corporation, herein
referred to as “**Grantee**”.

WITNESSETH:

THAT for and in consideration of the sum of ONE DOLLAR (\$1.00) cash in
hand paid by the Grantee to the Grantor, and other good and valuable consideration,
receipt whereof is hereby acknowledged, Grantor grants and conveys unto Grantee,
its successors and assigns, the following rights in real property situated in the Town
of Front Royal, Warren County, Virginia, to-wit:

The privilege and easement in perpetuity for rights-of-way to
construct, lay, maintain, repair, inspect, improve, and operate within the easement
strip hereinafter described and referred to, those facilities, works and systems for the
collection, drainage, and transmission of storm water, and/or waste water, over,
upon, across, and under the property of the Grantor known and designated as an
approximate **20' x 597' area containing approximately 11,994 sq. ft. being that
portion of Warren County Tax Map #20A6 5 9A lying entirely within the area
marked “PROPOSED STORM DRAIN EASEMENT.”** on that certain plat
intended to be filed and recorded herewith in the Clerk’s Office of the Circuit Court
of Warren County, Virginia, which plat is titled: **“PLAT SHOWING PROPOSED
STORM DRAIN EASEMENT PREPARED FOR THE TOWN OF FRONT
ROYAL ON LOT 9A OF THE LAND OF THE FRONT ROYAL
PRESBYTERIAN CHURCH”**, dated May 27, 2022, prepared by Darryl G.
Merchant, Land Surveyor, signed May 27, 2022.

The further terms and conditions of this grant are as follows:

- (a) Granting of the easements hereinafter described neither expressly or impliedly constitutes any payment, nor the waiver of any obligation for the payment, by Grantor or their successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to Grantee or to any person, firm or other corporation whatsoever.
- (b) Should excavations be carried on pursuant to this easement and any large sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth grant and easements herein contained as may be requisite, trees, large-sized rocks and boulders shall at the expense of Grantee be removed from Grantor's property.
- (c) Grantor shall have no right, title, interest, estate or claim whatsoever in or to any of the lines, pipes, or other equipment and accessories installed by virtue hereof. All lines, pipes, and other equipment and accessories installed or constructed shall remain the property of Grantee.
- (d) Grantee shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its storm water facilities within the boundaries of said easement as are consistent with the purpose expressed herein.
- (e) Grantee shall exercise reasonable care to protect Grantor's property from damage or injury occasioned in the enjoyment of the easement and rights herein granted, and to promptly repair the said property or reimburse Grantor for any property damaged beyond repair completion of any activity by Grantee upon the easement, Grantee shall restore the Property as nearly as possible to its original condition as is practicable, including backfilling, and compaction of trenches, repaving, reseeding or re-sodding of lands, replacement of equipment and facilities of Grantor, removal of trash and debris, and removal of Grantee's equipment, accessories or appurtenances not inconsistent with the construction, maintenance or operation of said sewerage facilities or the exercise of any rights or privileges expressed herein, and will make a good faith effort to minimize any damage. Grantee shall maintain said easement and storm water facilities in such repair as not to endanger or otherwise limit the enjoyment or use of the Property, including ingress, egress or parking in, on and over driveways, roads, or parking lots.
- (f) Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said rights-of-way or easement that may in any manner, in Grantee's judgment, endanger or interfere with the proper and efficient operation of the storm water facilities therein or thereon and Grantee shall have all such other rights and privileges as

are reasonably necessary or convenient for the full enjoyment and use of the easement herein granted for the aforesaid purpose.

- (g) If Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to this easement and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall be the expense of Grantee be removed from the Property.
- (h) This permanent easement shall run with the land of Grantor, and shall be binding upon the heirs, executors, administrators, successors, and assigns of Grantor and Grantee.

Grantor further covenants that they have the right to convey the easements aforesaid; that Grantee shall have quiet and peaceful enjoyment and possession of said easements, and that Grantor will execute such further assurances of the said of the said grant and easements herein contained as may be requisite.

WITNESS the following signatures and seals:

GRANTOR:

**FRONT ROYAL PRESBYTERIAN CHURCH
CORPORATION**

By: _____
SHERRY DOWNS, President

**COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:**

I, _____, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Sherry Downs, whose name is signed on the foregoing Deed of Easement has this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this ____ day of _____, 2022.
My commission expires on the ____ day of _____, _____.

NOTARY PUBLIC

The foregoing Deed of Easement is hereby approved, and this conveyance of an interest in real property is hereby accepted, by the Town of Front Royal, all as evidenced by the signature of the undersigned who is authorized to do so by Resolution of the Town of Front Royal adopted on _____.

GRANTEE:

TOWN OF FRONT ROYAL

By: _____ (SEAL)
CHRIS W. HOLLOWAY, Mayor

ATTEST:

Tina Presley, Clerk of Council

**COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:**

I, _____, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Chris W. Holloway and Tina Presley, whose names are signed on the foregoing Deed of Easement have each this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this ____ day of _____, 2022.
My commission expires on the ____ day of _____, _____.

NOTARY PUBLIC

APPROVED AS TO FORM:

George M. Sonnett, Jr.
Town Attorney

Date

HOFFMAN HEIGHTS
D.B. 22 PG. 228

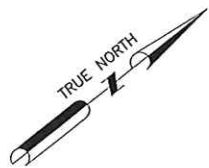
CHERRY STREET 60' WIDE

SHERWOOD ST.

SHERWOOD GROVE SUBDIVISION
P.B. 1 PG. 56 D.B. 327 PG. 389

NOTES:

1. NO TITLE REPORT FURNISHED.
PLAT SUBJECT TO EASEMENTS
AND RESTRICTIONS OF RECORD.
 2. PLAT REF.: SLIDE 241-F
 3. TAX MAP REF.: 20A6 5 9A
 4. DEED REF: INSTR. #090004638
 5. TOTAL AREA OF STORM DRAIN
EASEMENT = 11,994 SQ. FT.
- € = CENTERLINE EASEMENT



MATCH
LINE

MATCH
LINE



BOUNDARY INFORMATION SHOWN
HEREON BASED ON CURRENT
FIELD SURVEY.

540-636-4949
survey@measure-map.com

Darryl G. Merchant

Consulting Land Surveyor
P.O. BOX 1508
FRONT ROYAL, VIRGINIA 22630

LURAY AVENUE
WIDTH VARIES



PLAT SHOWING PROPOSED STORM DRAIN EASEMENT
PREPARED FOR THE TOWN OF FRONT ROYAL

ON LOT 9A OF THE LAND OF THE
FRONT ROYAL PRESBYTERIAN CHURCH
Deed Book 90, Page 427
TOWN OF FRONT ROYAL - WARREN COUNTY, VIRGINIA

DATE: 27 MAY 2022

SCALE 1" = 50'

22-F108

DWG. No. BM-208

March 22, 2022

Mr. Steve Scheulen
Town of Front Royal, VA
800 Crosby Road
Front Royal, VA 22630

RE: Cherry Street Drainage Evaluations

Dear Steve:

RK&K has completed a draft evaluation of the proposed drainage improvements for Cherry Street, Town of Front Royal. The project is located along Cherry Street, between Grand Avenue to the south, and Sherwood Avenue, to the north. The Town plans to install curb and gutter (CG-6) on both sides of Cherry Street, between Grand Avenue and Sherwood Avenue. A sag, low point, occurs on Cherry Street just North of the rear access/entrance to the Front Royal Presbyterian Church property. It was noted by Town staff during discussions with RK&K, that water collects and crosses the low point of Cherry Street.

Survey was completed and supplied to RK&K from Marsh and Legge on February 8, 2022. RK&K developed a conceptual drainage network, using the survey information and supplemented with 10-foot contours from USGS. This conceptual drainage network ties into the existing storm drainage system located in the parking lot of the Front Royal Presbyterian Church property. It includes a proposed endwall on the west side of Cherry Street, adjacent to the sag point of Cherry Street. This endwall will collect approximately 1.09 acres of offsite low density residential drainage area. With the planned installation of curb and gutter (CG-6) on both sides of Cherry Street, drainage inlets will be required at the sag point. The conceptual drainage layout proposes two VDOT DI-3C, throat length of 6' to be installed (3-1A and 3-2). These inlets will connect, via an 18" RCP, to a proposed inlet, inlet 3-3, located along the access road to the Front Royal Presbyterian Church. To avoid disturbance to the existing curb and gutter, along the access road, Inlets 3-3 and 3-4 are proposed VDOT DI-4B series inlets. These inlets, have larger inlet chambers than DI-3 series inlets, which allows the pipe connection from chamber to chamber to be offset a few feet further behind the existing curb section. Inlet 3-4 will be connected to the existing inlet located in the parking area of the Presbyterian Church. This inlet is labeled EX-1 in the attached layout. The survey was unable provide a surveyed invert, therefore an assumed invert elevation of 600' was used in this analysis.

In the attached concept layout, proposed drainage easements are delineated along the proposed and existing storm drainage network through the Presbyterian Church property. Per guidance from the Town, a 10' offset from center to center is desired for the drainage easement. It should be noted that where the proposed drainage easement will encroach onto an adjacent private property, the easement line was truncated at the Presbyterian Church property line. This occurs at the western portion of the proposed drainage system, and the lower existing ditch segment closer to Luray Avenue.

Finally, evaluation of a concept system routed down Sherwood Avenue was performed. This alignment would require a deep drainage system to convey positive drainage from the low point along Cherry Street (elevation 615). This system would be deep because it works against the existing grade along Sherwood Avenue which has an elevation of 620'. Minimum structure heights for VDOT inlets are 4.0'. Thus, the sag inlet invert elevation is 611.3'. To convey positive flow from Cherry Street down Sherwood Avenue the proposed inlets that would be approximately 10' deep. It was observed in the field, that many utilities such as water lines, sewer lines, and electrical power poles would be impacted with a 10' deep storm drainage system.

In conclusion, the conceptual drainage system analyzed to be conveyed through the Presbyterian Church property works hydraulically with no anticipated flooding concerns. Supporting capacity and HGL computations are enclosed.

Sincerely,
Rummel, Klepper & Kahl, LLP

A handwritten signature in blue ink, appearing to read 'B. Finerfrock', written over a horizontal line.

Brian Finerfrock, P.E.
Project Manager

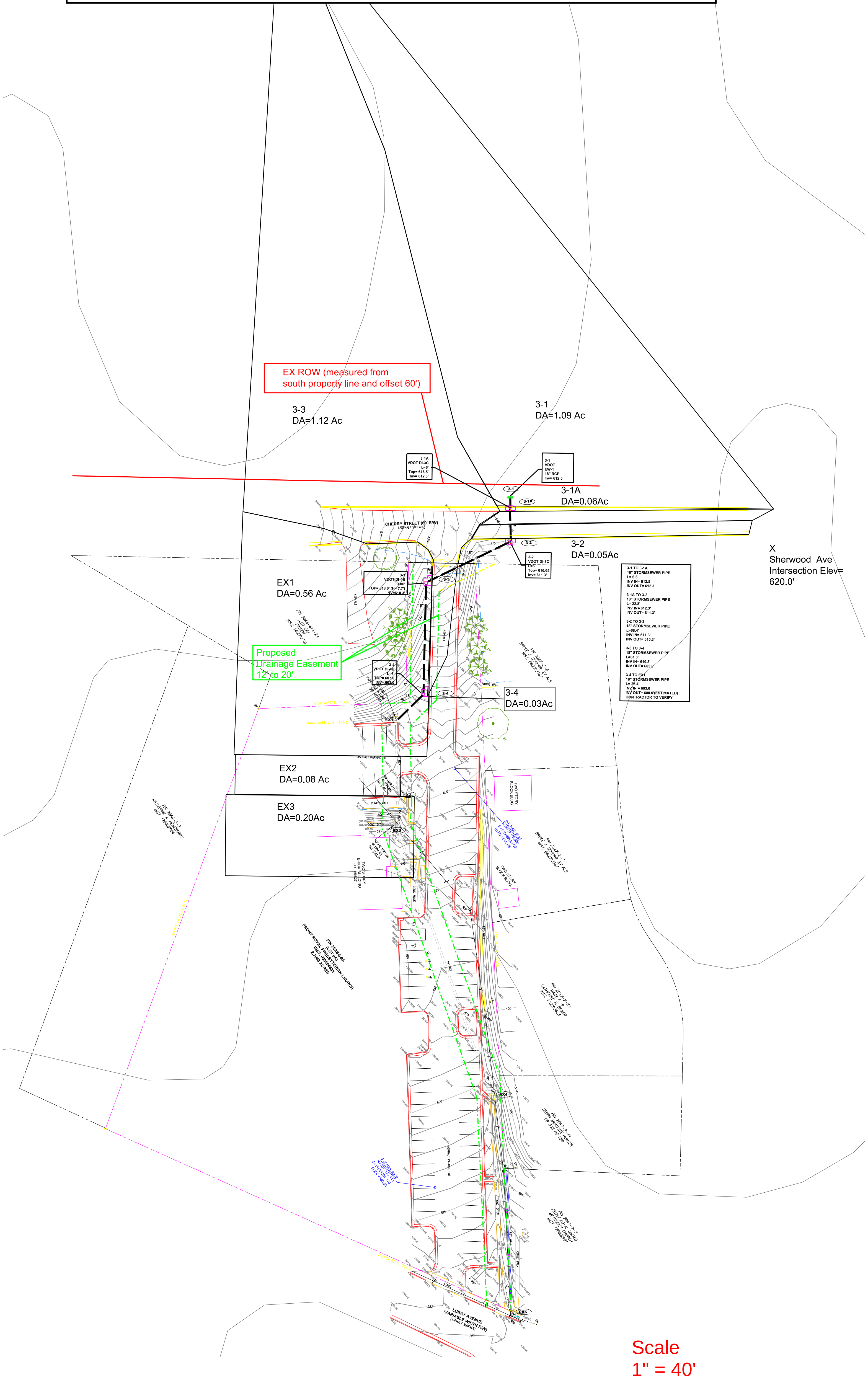
Enclosures

Proposed Drainage Layout

Cherry Street

Town of Front Royal, VA

March 22, 2022





Council Agenda Statement

Item # 12

Meeting Date: September 26, 2022

CLOSED MEETING

Motion to Go into Closed Meeting

I move that Town Council convene and go into Closed Meeting for the

- 1) discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specifically Town Manager, Town Attorney, Clerk of Council and Council Vacancy pursuant to §2.2-3711(A)(1) 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, the Front Royal-Warren County Agreement with *Discover Front Royal*, as required by Virginia Code §24.2-226, pursuant to §2.2-3711(A)(8) of the Code of Virginia. Following the Closed Meeting, Council may take further action in open session.

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 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.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ McFadden _____ Morris _____ Thompson _____