

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 24, 2017, in the Warren County Government Center's Board Meeting Room. Mayor Tharpe led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Hollis L. Tharpe
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Jacob L. Meza
Councilman Christopher S. Morrison
Councilman William A. Sealock
Councilman Eugene R. Tewalt
Town Attorney Douglas W. Napier
Interim Town Manager Joseph E. Waltz
Clerk of Council Jennifer E. Berry, CMC

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

Vice Mayor Tewalt moved, seconded by Councilman Egger moved that Council approve the Regular Council Meeting minutes of April 24, 2017 as presented.

Vote: Yes – Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

Danelle Sperling, LFK Principal, presented information to Council about the Kindness Challenge Program at their school, along with the following students:

Kindergarten: Grayson Hafferman, Cayson Blansett, Kaleigh Hess

2nd Grade: Taylor Tinchler, Avery Rasmussen, Skyla Stewart

3rd Grade: Emily Matthews, Isabella Presley

4th Grade: Jesse Acosta, Kenyon Tran-Munoz

5th Grade: McKenna Adkins, Logan Bradshaw

Mrs. Sperling and the children noted that they use the PRIDE logo, which stands for, Patience Respect Integrity Determination and Excellence. She stated that in January, along with others nationwide, they participated in Great Kindness Challenge, which is held annually, to uplift and improve the school climate because they believe students should have a safe supportive and happy environment. They shared many, ideas, photos, stories and activities.

Mayor Tharpe asked about the types of items that were on kindness checklist. Mrs. Sperling gave examples such as smile at 25 people, eat healthy, entertain with a happy dance, thank someone that helped you, and make a wish for someone in another country.

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts or petitions from the public.

Joe Waltz, Interim Town Manager, noted that the John Marshall Highway work continues and he asked motorists to use caution. He invited all to the Taste of the Town event Friday night, including the car show.

A report was given from Warren County Special Projects Representative, Brandi Rosser, who noted:

Transient Occupancy Tax – HB1415 was signed by the Governor on February 17th. It allows Warren County to increase its transient occupancy tax from \$0.02 to \$0.05 with the additional \$0.03 being dedicated to tourism. The Board held a public hearing on the request at its meeting on April 18th and voted to increase the tax to \$0.05 effective July 1st. This is something we have sought for a number of years and will allow the County to fund improvements such as the wayfinding signage program with the Town to improve the visitor experience as well as promote Warren County to bring additional tourists in to support our local businesses.

FY2017-2018 Budget – At the April 18th meeting, the Board approved the proposed FY 2017-2018 budget and 2017 tax rates. The biggest budget driver is the need to provide an additional \$1.7 million to operate the new middle school, which will open in August for the 2017-2018 school year. As part of the approval, the Board increased the real estate tax \$0.03 from \$0.62 to \$0.65 per \$100 of assessed value.

2017 Board Goals – The 2017 goals list was approved by the Board at the April 18th meeting. A copy of the goals list is posted on the County's website.

Delinquent Taxes – The County has added a "Top Ten List" of largest delinquent personal property taxpayers to our website and Facebook page to go along with the RE listing posted last month. The Pond Law Group will be holding a sale of delinquent real estate tax properties in May.

Reassessment – The County, along with Rappahannock, Shenandoah, Clarke and Page Counties, received three proposals to conduct the County's next reassessment. Warren County is on a 4-Year Reassessment Cycle. Under the current schedule, field work will begin on July 1, 2017 with the reassessment being completed by December 31, 2018. We will be interviewing prospective firms on April 26th for a recommendation to the Board.

Building Inspections Software – The County and the Town are working together to finalize an agreement to eliminate the barrier of accepting credit cards through one vendor. This will allow the discussions to restart about the Citizens Self Service (CSS) program. The final costs of the newer CSS are still being worked out, but it is agreed that this is the most effective way to move forward.

Development Review Committee – The Development Review Committee met on March 22nd. The Committee discussed projects in the County including:

- Proposed breeding kennel permit (Ritenour Hollow Road)
- Interchange property on Toray Drive (Warehouse)
- Public improvement plans to Rt. 340/522 (Royal Farms)
- Dominion Power (auxiliary parking lot)

The Committee also discussed Town projects including:

- A potential restaurant near South Street
- Potential brewpub on Main Street
- Jake's Bike Shop (South Royal Avenue)
- Site plan for the Criminal Justice Academy

The Committee will meet again on April 26th.

Project Updates

2nd Middle School— The project is approximately 90% complete. The building will be complete in June to allow for staff to move into the facility in July ahead of the August opening.

- Brick work is 99% complete
- Roof dried in with coping and ridge venting in progress
- Curb and gutter is 99% complete
- Concrete sidewalks in progress with 20% complete
- Plumbing rough-in complete
- Electricians are running overhead conduit throughout building 95% complete with rough-in
- Duct work is 85% complete throughout building
- Sprinkler installation ongoing throughout Areas A, B, C, D, E and F. 95% rough-in complete
- Site work is 95% complete
- Building has temporary heat on
- Window installation started
- Roof Top Units are installed
- Electrical switch gear has arrived and is being installed
- Landscaping plantings (trees) are being installed
- Segmental retaining walls are complete
- Kitchen cool/freezer and hood system are installed
- Painting has commenced
- Ceiling grid installation/lights has commenced with large portions of area A and B complete

Ressie Jeffries Elementary School—The building addition and roof project is 28% complete through the end of March and the site work project is 70% through the end of March. During spring break, the contractor was able to shut down power and remove the overhead lines feeding the building.

Leach Run Parkway—The project is currently estimated to be completed by June 29, 2017. The final utility relocation work was completed last month along Route 55 (John Marshall Highway), which will allow Branch to complete the widening on Route 55. The contractor is currently finishing up the installation of street lighting and landscaping and has crews starting on installation of the bio-retention ponds. We expect Branch to be in position to start work on final paving and pavement markings by late April.

VDOT/Totten Lane Turn Lane Project—The project will add a left turn lane NB on Totten onto Route 55 West (Strasburg Road) and add a right turn lane off Route 55 West onto Route 626 (Totten Lane). Bids were received on March 22nd. The low bid is within available funds and should be awarded at the next CTB Board meeting. The project should be set to go to construction in the next 30 days.

VDOT/Morgan Ford Bridge—The project is approximately 20% complete and remains on schedule for completion in June 2018. The contractor has completed constructing the piers in the river. They are currently working on the northern and southern abutments. They are also beginning grading operations for the southern approach to the new bridge. Later this summer the contractor will install the temporary work bridge that will provide construction access over the river in order to set the precast box beams and place the concrete deck.

VDOT/South Fork Bridge—The project is approximately 80% complete and still on schedule for completion in December 2017. The Contractor is working on Stage II of the new bridge. This stage will widen the structure and provide 2 additional lanes, a bike lane, and sidewalk to the west. The piers and abutment foundations are complete. The Contractor completed setting steel beams and has begun placing deck forms. We anticipate beginning concrete placement of the Stage II deck in June with completion in early September. The contractor is continuing grading work along Route 55 and within the Stormwater Management Area between Route 55 and the QRI Road. The curb/gutter and stone has

been installed on the Service Road along Route 55. The Service Road will be paved later this season once paving companies become more active.

Route 340/522 Trolley Project – The County has received preliminary word that it will receive funding to start up trolley service in the corridor for FY 2017-2018.

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
FRWC Airport Obstruction Removal	Summer 2016	\$804,000	Spring 2017	Under Construction
South Fork Bridge	9/2013	\$74,700,000	Fall 2017	Under Construction
Morgan Ford Bridge	12/2016	\$9,713,152	Spring 2018	Under Construction
Guardrail Projects	N/A	\$142,140	Winter 2016	Completed
Leach Run Parkway	6/2015	\$10,648,083	Fall 2016	Under Construction
Totten Lane – Turn lane Project	Summer 2016	Unavailable	Spring 2017	Contract Awarded
2 nd Warren County Middle School	Winter 2015	\$44,100,000	Summer 2017	Under Construction
Freezeland Road Kiss-n-Ride	Fall 2014	Unavailable	Spring 2017	Under Construction
Health and Human Services Complex – Gym Bathroom Renovation	Summer 2016	\$125,000	February 2017	Completed
Ressie Jeffries Renovations	Fall 2016	\$4,990,077	Fall 2017	Under Construction

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

CONSENT AGENDA

- A. COUNCIL APPROVAL – Letter of Support – Brooklyn’s Marketplace
- B. COUNCIL APPROVAL – Authorize Execution of Remaining Requirements Energy Supply Schedule with AMP for 2021-2022 (Power Purchase)
- C. COUNCIL APPROVAL – Bid for Mini Excavator/Trailer

Vice Mayor Tewalt moved, seconded by Councilman Egger that Council approve the consent agenda as presented.

ORDINANCE – AMP Power Purchase 2021-2022

**ORDINANCE AUTHORIZING THE EXECUTION
OF REMAINING REQUIREMENTS ENERGY SUPPLY SCHEDULE
WITH AMERICAN MUNICIPAL POWER, INC. (“AMP”)**

WHEREAS, the Town of Front Royal, Virginia (the “Municipality”) is a political

subdivision organized and existing pursuant to the laws of the state of Ohio which owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and customers;

WHEREAS, in order to satisfy the electric energy requirements of its electric utility system, the Municipality has heretofore purchased economical and reliable energy from AMP, an Ohio non-profit corporation, of which the Municipality is a member, or has heretofore purchased energy arranged by AMP;

WHEREAS, the Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly through AMP, endeavors to arrange for reliable, reasonably priced supplies of electric energy for ultimate delivery to its customers;

WHEREAS, Municipality has executed a Master Services Agreement with AMP which sets forth the general terms and conditions for the provision of power supply and other services by AMP to the Municipality;

WHEREAS, AMP will negotiate with one or more reputable and financially sound third party power suppliers to enter into an agreement(s) to purchase electric energy for a term beginning on January 1, 2021 and ending no later than December 31, 2022, which will provide an economical source of electric energy (herein "Long Term Energy Purchase(s)") for Municipality and other AMP Members;

WHEREAS, AMP, on behalf of the Municipality, desires to purchase from third party supplier(s) and then to resell the energy available from these Long Term Energy Purchase(s) on a long term basis to Municipality at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs or AMP service fees) not to exceed \$49.00 per MWh;

WHEREAS, AMP has prepared and delivered to the Municipality the form of a Remaining Requirements Energy Supply Schedule, pursuant to which the Municipality may purchase electric energy;

WHEREAS, AMP has provided and will continue to provide appropriate personnel and information regarding the Long Term Energy Purchase(s) to the Municipality, as such officers and representatives of the Municipality deem necessary or appropriate, to enable the Municipality to evaluate the benefits and risks of the Long Term Energy Purchase(s), to take actions contemplated by the ordinance hereinafter set forth and to determine that the same are in the public interest; and

WHEREAS, in recognition of the unique nature of the Purchases described herein, competitive bidding is not required on the Municipality's purchase of energy, through the Remaining Requirements Energy Supply Schedule, however, any competitive bidding requirement that might otherwise be applicable for the purchase of any energy through the execution of the Remaining Requirements Energy Supply Schedule authorized by this ordinance, should be waived.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA.

SECTION 1. That the form of the Remaining Requirements Energy Supply Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Mayor is hereby authorized to execute the Remaining Requirements Energy Supply Schedule and to acquire the Municipality's energy from Long Term Energy Purchase(s), with a term beginning on January 1, 2021 and ending no later than December 31, 2022, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$49.00 per

MWh, and is further authorized to execute and deliver any and all documents necessary to participate in Long Term Energy Purchase, pursuant to the conditions set forth herein for a term beginning on January 1, 2021 and ending no later than December 31, 2022, as set forth in the Remaining Requirements Energy Supply Schedule.

SECTION 3. That competitive bidding is not required on the Municipality's acquisition of its right to secure energy under the Remaining Requirements Energy Supply Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

SECTION 4. That it found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance 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 6. That this ordinance shall take effect at the earliest date allowed by law.

Vote: Yes – Connolly, Egger, Meza, Morrison, Tewalt and Sealock

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call; on the Consent Agenda)

COUNCIL APPROVAL – Special Exception Application for Regional Criminal Justice Academy *(2nd Reading)* Council is requested to adopt on its second and final reading conditional approval of a Special Exception Application (FRSPU-000066-2016) that includes five (5) special exceptions to the design standards of Chapter 148 of the Town Code, as requested by the Economic Development Authority (EDA), and submitted in association with a Preliminary Plan for the extension of Progress Drive and development of a regional criminal justice academy with the following conditions: Approval and recordation of the “Declaration of Restrictions of Certain Parcels of Land Owned by the Industrial Development Authority of Front Royal” and the Right-of-Way Reservation, as presented, and that Council directs the Mayor, Town Manager, Planning Director and Town Attorney to execute all necessary documents.

Councilman Connolly moved, seconded by Councilman Meza, that Council adopt on its second and final reading conditional approval of a Special Exception Application FRSPU-000066-2016, that includes five (5) special exceptions to the design standards of Chapter 148 of the Town Code, as requested by the Economic Development Authority (EDA), and submitted in association with a Preliminary Plan for the extension of Progress Drive and development of a regional criminal justice academy. The conditions of approval are as follows:

1) Approval and recordation of 3 deed restrictions, titled “Declaration of Restrictions of Certain Parcels of Land Owned by the Industrial Development Authority of Front Royal”, operating as the Economic Development Authority (the “EDA”), as attached to and incorporated into this Motion; and

2) Approval and recordation of a right-of-way reservation, for the benefit of the Town, beginning from the end of Progress Drive and Intersection of the planned Future Road, as illustrated on Exhibit A, and traversing Property C to the planned location of the East/West Connector Road, or other public street that may connect with the East/West Connector Road.

3) He further moved that the Council direct the Mayor, Town Manager, Planning Director, and Town Attorney to execute all necessary documents to carry out the intent of this Motion.

Councilman Egger noted that she supports the Planning Commission recommendations, which is not the motion as presented.

Vote: Yes – Connolly, Meza, Morrison, Sealock and Tewalt

No – Egger

Abstain – N/A

Absent – N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call)

COUNCIL APPROVAL – Budget Amendment Byrne Justice Assistance Grant – Police Department

Council is requested to consider approval of a Budget Amendment in the amount of \$2,747.00 from the Department of Criminal Justice Services Byrne Justice Assistance Grant Program (JAG) with the required local match of \$992.00 for a total award of \$3,739.00 to be used to upgrade cell phone forensics in criminal investigations (XRY Cloud Software and Camera)

Councilman Connolly moved, seconded by Councilman Meza that Council approve a Budget Amendment in the amount of \$2,747.00 from the Department of Criminal Justice Services Byrne Justice Assistance Grant Program (JAG) with the required local match of \$992.00 for a total award of \$3,739 to be used to upgrade cell phone forensics in criminal investigations (XRY Cloud Software and Camera).

Councilman Connolly noted that matching grant funding is a great use of extending tax dollars for the citizenry.

Vote: Yes – Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call)

COUNCIL APPROVAL – Budget Amendment for Sewer User Surcharge

Summary: An industrial user of the Town of Front Royal's waste water has submitted five monthly discharge reports revealing their waste stream exceeded their industrial user permit. In accordance with the Town Code (134-4) the Town will collect a surcharge totaling \$8,300 to offset expenses incurred. Council is requested to approve a budget amendment in the amount of \$8,300 to increase revenue for the surcharge money to be received and increase associated expense.

Budget/Funding:

Revenue \$8,300 - 9801 3410206 – WWTP Reimbursements

Expense \$4,150.00 – 9801 45413 – WWTP Other Operating Supplies

Expense \$4,150.00 – 9802 45413 – Sewer Line Maint Other Operating Supplies

Vice Mayor Tewalt moved, seconded by Councilman Egger that Council approve a Budget Amendment in the amount of \$8,300 to increase revenue for the surcharge money and increase associated expense.

Vote: Yes – Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 7:39 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council