REGULAR TOWN COUNCIL MEETING

TUESDAY, May 28, 2019 @ 7:00pm

Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of May 13, 2019
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
   a. Report of special committees or Town officials and Town Manager
   b. Requests and inquiries of Council members.
   b. Report of the Vice Mayor
   c. Proposals for addition/deletion of items to the Agenda.

7. **CONSENT AGENDA ITEMS** – (**ROLL CALL VOTE REQUIRED)**
   A. COUNCIL APPROVAL - Bid for Tree Trimming Services (Energy Services)
   B. COUNCIL APPROVAL - Bid for Milling and Paving Streets

8. **PUBLIC HEARING** – Ordinance to Amend Town Code Section 158-6 Pertaining to Adoption by Reference of the State Motor Vehicular Laws *(1st Reading)*

9. **COUNCIL APPROVAL** – Annual Appropriation Ordinance for FY 2019-2020 *(2nd Reading)*

10. **COUNCIL APPROVAL** – Final Sale of 179 Square Foot Parcel located to the Rear and Adjacent to 120 and 124 E Main Street

11. **COUNCIL APPOINTMENT** – Interim Mayor

Town of Front Royal, Virginia
Council Agenda Statement

Meeting Date: May 28, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Tree Trimming Services

Summary: Council is requested to approve a bid for tree trimming services near high voltage lines with an hourly rate of $90.00an hr., emergency rate of $135 an hr., stump removal of $90.00 an hr., and flagging operations in traffic to Thompsons Tree Service. The Energy Services department has budgeted an expense of $153,300 for Tree trimming services for the year.

Budget/Funding: 9401-43004 /$153,300.00 Budgeted

Attachments: Memorandums from Purchasing, Energy Services and bid tabulation

Meetings: None

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: **I move that Council approve a bid from Thompson Tree Service for tree trimming services with an hourly rate of $90.00 an hour; overtime(emergency) hourly rate of $135.00 an hour; tree stump removal at $90.00 an hour; and traffic control operations at $50.00 an hour.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: **May 21, 2019**

To: **Diane Jenkins for Tina Presley, Senior Executive Assistant**

From: **Alisa Scott, Manager of Purchasing**

RE: **Request to add action item to Town Council Agenda**

Purchasing received a request from the Energy Services Department to perform tree trimming services throughout Town. On Friday, May 17th, I held a public bid opening and received three (3) bids. David Jenkins, Energy Services Director has reviewed the bids and attached tabulation.

Due to the historical spending for this service throughout the year, Town Council approval is required. Staff recommends awarding IFB #10-2019 Tree Trimming Services to Thompsons Tree Service from Front Royal, VA 22630.

Please add this action item to the Tuesday, May 28th Regular Town Council Meeting Agenda.

Funding for this request is available in the Department of Energy Services' Repairs & Maintenance line 9401-43004.

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

Town of Front Royal
Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027 Fax: (540) 635-5497

Memo

To: Alisa Scott, Director of Purchasing

From: David W. Jenkins, Director of Energy Services

Date: **5/21/2019**

Re: Tree Trimming

On Friday, May 17, 2019, the Purchasing Department held a bid opening for the Department of Energy Services Tree Trimming Services Contract. There were three (3) responses to the request for quotation. The Department of Energy Services has reviewed the submissions and recommends proceeding with the lowest bid from Thompson Tree Services of Front Royal.

Funding for this contract will come from the Department of Energy Service FY19 – FY20 budget line item 9401-43004, which is funding specifically for our yearly Tree Trimming Services.

Thank you

David W. Jenkins

Director of Energy Services
Town of Front Royal
PO Box 1560
Front Royal VA 22630
540-635-3027 (office)
540-635-5497 (fax)

Town of Front Royal, VA

BID: IFB #10-2019 TREE TRIMMING SERVICES
BID/PROPOSAL OPENING DATE: 5/17/2019
BID/PROPOSAL OPENING TIME: 2:00 PM

	Vendor Names		
	THOMPSONS TREE SERVICE FRONT ROYAL, VA	**PITTMAN'S FRONT ROYAL, VA**	**PROFESSIONAL GOLF ARBORISTS LLC DBA PROARBOR BRISTOW, VA**
DESCRIPTION	**QUOTATION**	**QUOTATION**	**QUOTATION**
Hourly rate for providing tree trimming services during normal working hours as per specifications	**$90.00**	**$102.25**	**$280.00**
Hourly rate for providing tree trimming services for emergency work outside of normal working hours as per specifications	**$135.00**	**$153.37**	**$375.00**
Hourly rate for providing stump removal	**$90.00**	**$97.74**	**$160.00**
Hourly rate for a two-man flagging crew with appropriate signs per VDOT Requirements	**$50.00**	**$74.46**	**$155.00**

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

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 7(B)

Meeting Date: May 28, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Milling and Paving Streets

Summary: Council is requested to approve a bid for milling and paving streets in Town with Arthur Construction of Dulles for $389,475.00

Budget/Funding: 4500-47927/ $389,475.00

Attachments: Memorandums from Purchasing, Public Works and bid tabulation

Meetings: None

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: **I move that Council approve a bid from Arthur Construction for $389,475.00 for milling and street paving in Town.**

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: **May 22, 2019**
To: **Tina Presley, Senior Executive Assistant**
Town Manager's Office
From: **Alisa Scott, Purchasing Manager**
RE: **Request to Add Consent Agenda Item**

The Purchasing Division responded to a request from the Public Works Department to purchase services related to milling and paving streets within the Town. On Monday, May 20, 2019, I held a public bid and received three (3) quotes. Steve Scheulen, Public Works Infrastructure Manager has reviewed the tabulation and recommends awarding the IFB #09-2019 Paving to the lowest responsible bidder and responsive bid from Arthur Construction of Dulles, VA for $389,475.00.

Town Council is requested to review and approve the award. Attached to this memo is the bid tabulation and recommendation memo from Public Works. Please add this action item to the Tuesday, May 28th regular Town Council meeting agenda.

Funding for this request is available in the Public Works Department's Street Reconstruction line item 4500-47927.

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

Memo

Town of Front Royal Public Works

TO: Alisa Scott, Manager of Purchasing

FROM: Steve Scheulen, Infrastructure Manager

CC: BJ Wilson, Director of Finanace

DATE: 5/22/19

RE: Paving Bid Award

Public Works has reviewed and approved bid tabulations for the 2019 paving bid. We request staff to move forward with award to Arthur Construction.

Funding for this bid will be covered under 4500-7927 Street Reconstruction, FY19 and FY20.

TOWN OF FRONT ROYAL, VIRGINIA
Bid Tabulation
Item: IFB - #09-2019 PAVING
Bid Date: May 20, 2019

The below table is generated from the initial, raw information collected.
No award decision has been made.

BID ITEM	UOM	Quantity	ARTHUR CONSTRUCTION DULLES, VA		W-L CONSTRUCTION STEPHENSON, VA		KICKIN ASPHALT STRASBURG, VA	
			QUOTE		QUOTE		QUOTE	
SM-9.5A FINISH ASPHALT	TON IN PLACE	3500	$83.75	$293,125.00	$86.70	$303,450.00	$103.00	$360,500.00
BM-25.0 BASE ASPHALT	TON IN PLACE	300	$83.75	$25,125.00	$72.90	$21,870.00	$100.50	$30,150.00
FULL DEPTH MILLING	SQUARE YARD	25000	$1.90	$47,500.00	$2.85	$71,250.00	$1.65	$41,250.00
EDGE MILLING	LINEAR FOOT	1500	$1.50	$2,250.00	$2.85	$4,275.00	$8.75	$13,125.00
MOBILIZATION		LUMP SUM		$10,000.00		$2,700.00		$15,000.00
4" WHITE AND YELLOW STREET LINE PAINTING	LINEAR FOOT	2500	$0.99	$2,475.00	$0.68	$1,700.00	$0.68	$1,700.00
THERMAL APPLICATION TURN ARROWS	EACH	18	$125.00	$2,250.00	$125.00	$2,250.00	$125.00	$2,250.00
THERMAL APPLICATION COMBO ARROWS	EACH	6	$250.00	$1,500.00	$240.00	$1,440.00	$240.00	$1,440.00
THERMAL APPLICATION CROSSWALKS	EACH	5	$1,050.00	$5,250.00	$1,440.00	$7,200.00	$1,440.00	$7,200.00
			$389,475.00		**$416,135.00**		**$472,615.00**	

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

Town of Front Royal, Virginia
Council Agenda Statement

Meeting Date: May 28, 2019

Agenda Item: PUBLIC HEARING – Ordinance to Amend Town Code Section 158-6 Pertaining to Adoption by Reference of State Motor Vehicular Laws *(1st Reading)*

Summary: Council is requested to affirm on its first reading an ordinance to amend Town Code Section 158-6 pertaining to Adoption by Reference of State Motor Vehicular Laws, as presented. The Town must re-adopt Section 158-6 of the Town Code, which legally allows the Town to incorporate all the changes to the State Code traffic laws that have been made during the year.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held May 6, 2019

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: **I move that Council affirm on its first reading an ordinance to amend Town Code Section 158-6 pertaining to Adoption by Reference of State Motor Vehicular Laws, as presented.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

AN ORDINANCE TO AMEND SECTION 158-6 OF THE FRONT ROYAL TOWN CODE PERTAINING TO ADOPTION BY REFERENCE OF THE STATE MOTOR VEHICULAR LAWS

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

Pursuant to the authority of Section 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the State as of **July 1, 2019**, contained in Title 46.2, Code of Virginia, 1950, as amended, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which, by their very nature, can have no application to or within the Town, are adopted and incorporated by reference and made applicable within the Town. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made part of this chapter as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia.

For purposes of § 4-4 (E) of the Town Code, this Ordinance is deemed routine, and is effective on **July 1, 2019.**

APPROVED:

_____
William A. Sealock, Vice Mayor

ATTEST:

_____
Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Chris W. Holloway	Yes/No
Letasha Thompson	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2019, and _____, 2019. The Ordinance was enacted at the Regular Meeting of the Town Council held _____2019, to become effective immediately.

Approved as to form and legality:

_____
Douglas W. Napier, Town Attorney

Date: ____/____/_____

Town of Front Royal, Virginia
Council Agenda Statement

Meeting Date: May 28, 2019

Agenda Item: COUNCIL APPROVAL – Annual Appropriation Ordinance for FY2019-2020 Budget *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading the Town's Annual Appropriation Ordinance for the FY2019-2020 Budget effective July 1, 2019 through June 30, 2020, as proposed.

Budget/Funding: None

Attachments: Ordinance

Meetings: Various work sessions. Public Hearing held May 13, 2019

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: **I move that Council adopt on its second and final reading the Town's Annual Appropriation Ordinance for the FY2019-2020 Budget effective July 1, 2019 through June 30, 2020, as proposed.**

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

Appropriation Ordinance

Town of Front Royal, Virginia

ANNUAL APPROPRIATION ORDINANCE

AN ORDINANCE ESTABLISHING THE BUDGET FOR THE TOWN OF FRONT ROYAL, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020 APPROPRIATING FUNDS FOR PUBLIC PURPOSES FOR SUCH FISCAL YEAR; CONFIRMING AND CONTINUING ALL ORDINANCES OF THE TOWN OF FRONT ROYAL, VIRGINIA RELATING TO TAXES, LICENSES, FEES, SERVICE CHARGES, COSTS AND OTHER CHARGES AND ALL ORDINANCES RELATING TO THE TIME OF PAYMENT THEREOF AND COLLECTION THEREOF, EXCEPT AS HEREIN SPECIFICALLY MODIFIED

BE IT ORDAINED by the Council of the Town of Front Royal, Virginia as follows:

BUDGET EXPENDITURES

The following budget incorporated by reference, totaling **$47,538,060** for the Town of Front Royal, Virginia for the fiscal year beginning July 1, 2019 and ending June 30, 2020 is hereby proposed, proposed, and adopted:

(See Attached BUDGET SUMMARY and Town Manager's FY2019-2020 Budget for details, incorporated by reference)

BUDGET REVENUES

Public revenues of the Town of Front Royal, Virginia are hereby appropriated for public purposes for the fiscal year beginning July 1, 2019 and ending June 30, 2020, as set forth in the appropriate Section of such budget.

TAX RATES

The tax rate for all real estate and for all real property and improvements located within the Town of Front Royal subject to tax established by Town Council in Town Code Chapter 75-44.

PERSONAL PROPERTY TAX RELIEF & PRORATION

When any motor vehicle, trailer, or boat is sold and removed from the Town limits after January 1, the tax shall be relieved through proration on a monthly basis, and the appropriate amount of tax refunded if such tax has already been paid, upon application by the owner to the Commission of the Revenue and notice has been provided to the Commonwealth of Virginia Department of Motor Vehicles; however, no refund shall be made if the motor vehicle, trailer, or boat is moved within the Commonwealth to a non-prorating locality. Requests for relief refunds must be made no later than three (3) years from the last day of the tax year during which the motor vehicle, trailer, or boat was sold, had its title transferred, or was removed from the Town limits. No refund of less than five dollars ($5.00) shall be issued. If a motor vehicle, trailer, or boat is acquired or moved into the Town limits after January 1, the tax shall be assessed for the remainder of the tax year. Such tax

shall be prorated on a monthly basis. For purposes or proration, a period of more than one-half of a month shall be counted as a full month and a period of less than one-half of a month shall not be counted. All requests for relief or proration shall be filed in compliance with the Warren County Code.

RATES & FEES

The licenses, fees, services charges, costs, and other charges established by Town Council in the Town Code and as identified in the budget to generate the revenues for the Town are hereby confirmed and appropriated for public purposes.

AUTHORIZATION

The Town Manager is hereby authorized to pursue revenue collection and expenditure of public funds in pursuit of fulfilling the budget as conforming to the adopted Town Council Fiscal Policies and Procurement Manual. The Town Manager is further authorized to withhold or postpone the expenditure of any funds appropriated by and in this Ordinance when it appears to the Town Manager that it would be in the best interest of the Town for such expenditure to be withheld; but, this provision shall not in any way limit or restrict the right of the Council of the Town of Front Royal, Virginia, in its sole discretion to the fullest extent permitted by law, to direct immediate disbursement of any appropriated funds when the Council of the Town of Front Royal, Virginia, is of the opinion that the funds should be expended regardless of the position or action of the Town Manager. The Town Manager is authorized to transfer monies between line items and categories within the budgeted appropriations.

CONFLICT

Any Ordinance in conflict with this Ordinance is hereby repealed to the extent and only to the extent that such conflict exists. However, all Ordinances not in conflict with this Ordinance shall continue in effect, including specifically all Ordinances of the Town of Front Royal, Virginia relating to taxes, licenses, fees, service charges, costs and payment, and collection thereof continuing in effect except as herein specifically modified.

CONTINUITY

If any part of this Ordinance is found to be invalid by competent authority, the remaining portions of this Ordinance shall continue in effect to the fullest extent permitted by law.

EFFECTIVE DATE

This Ordinance shall become effective July 1, 2019.

Adopted this _____ this day of June, 2019

APPROVED:

_____
William A. Sealock, Vice Mayor

ATTEST:

_____
Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Chris W. Holloway	Yes/No
Letasha Thompson	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2019, and _____, 2019. The Ordinance was enacted at the Regular Meeting of the Town Council held _____2019, to become effective immediately.

Approved as to form and legality:

_____
Douglas W. Napier, Town Attorney

Date: ____/____/_____

APPROPRIATION ORDINANCE

ANNUAL APPROPRIATION ORDINANCE
OF THE
TOWN OF FRONT ROYAL, VIRGINIA

FOR THE FISCAL YEAR ENDING JUNE 30, 2020
AN ORDINANCE MAKING APPROPRIATIONS OF SUMS OF MONEY FOR ALL NECESSARY EXPENDITURES OF THE TOWN OF FRONT ROYAL, VIRGINIA FOR THE FISCAL YEAR ENDING JUNE 30, 2020 TO PRESCRIBE THE PROVISOS, TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE TERMS OF APPROPRIATION AND THEIR PAYMENTS, AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ALL ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA:

SECTION I

That the following sums of money are hereby appropriated for the general government purposes herein specified for the fiscal year ending June 30, 2020

GENERAL FUND EXPENDITURES

General Government	1,030,065
Financial Administration	910,780
Legal	369,205
Law Enforcement Services	5,264,960
General Property Maintenance	1,224,650
Planning & Zoning Administration	522,035
Risk Management/Insurance	874,630
Economic Development	9,265
Information Technology	670,260
Transfers/Contingency Reserve	397,570
TOTAL GENERAL FUND EXPENDITURES	**11,273,420**

STREET FUND EXPENDITURES

Public Works	419,740
State Highway Maintenance System	1,892,980
TOTAL STREET FUND EXPENDITURES	**2,312,720**

ECONOMIC DEVELOPMENT FUNDS

Principal on Debt	141,400
TOTAL DEBT SERVICE FUND EXPENDITURES	**141,400**

SPECIAL REVENUE FUND

Community Development Projects	663,050
Asset Forfeiture	12,000
TOTAL SPECIAL REVENUE FUND EXPENDITURES	**675,050**

and the following sums of money are hereby appropriated for the enterprise operations specified for the year ending for the year ending June 30, 2020.

ELECTRIC FUND EXPENDITURES

Operations	2,935,855
Purchase of Bulk Electricity	15,160,675
Transfer to General Fund	1,955,000
TOTAL ELECTRIC FUND EXPENDITURES	**20,051,530**

WATER FUND EXPENDITURES

Administrative Office	137,975
Water Plant Operations	1,772,010
Maintenance of Lines	1,284,655
Meter Reading	553,580
Debt Service	1,062,260
Contingency & Transfers to Other Funds	490,000
TOTAL WATER FUND EXPENDITURES	**5,300,480**

SEWER FUND EXPENDITURES

Administrative Office	134,025
Wastewater Treatment Plant Operations	2,797,625
Maintenance of Lines	929,230
Debt Service	2,243,080
Contingency and Transfers to Other Funds	590,000
TOTAL SEWER FUND EXPENDITURES	**6,693,960**

REFUSE FUND EXPENDITURES

Operations	994,500
Contingency and Transfer to General Fund	95,000
TOTAL REFUSE FUND EXPENDITURES	**1,089,500**

TOTAL ALL FUNDS EXPENDITURES	**47,538,060**

REVENUES

TO BE PROVIDED AS FOLLOWS

GENERAL FUND

Real Estate Property Tax	998,775
Public Service Property Tax & Tax Penalties	60,500
Personal Property Tax	585,000
Other Local Taxes	5,420,120
Permits and Fees	34,000
Fines and Forfeitures	267,000
Revenue from Use of Money and Property	57,045
Public Rights-of-Way Use Fee	1,100
Intergovernmental	635,830
Interfund Transfers:	
Electric Fund	1,955,000
Water Fund	490,000
Sewer Fund	590,000
Refuse Fund	95,000
Miscellaneous Receipts	84,050
TOTAL GENERAL FUND REVENUE	**11,273,420**

STREET FUND

State Highway Maintenance Funds	2,020,650
Revenue from Use of Money and Property	21,500
Street , Curb, & Gutter Assessments	23,000
Transfers from General Fund	247,570
TOTAL STREET FUND REVENUE	**2,312,720**

ECONOMIC DEVELOPMENT FUND

Real Estate Property Tax	141,400
TOTAL DEBT SERVICE FUND REVENUE	**141,400**

SPECIAL REVENUE FUND

Asset Forfeiture Grant Funding	12,000
Community Development	663,050
TOTAL SPECIAL REVENUE FUND	**675,050**

ELECTRIC FUND

Revenue from Use of Money & Property	114,000
Connection Fees	75,000
Internal Loan	150,000
Sale of Service	19,677,530
Miscellaneous Receipts	35,000
TOTAL ELECTRIC FUND REVENUE	**20,051,530**

WATER FUND

Revenue from Use of Money and Property	46,000
Antenna Rentals	100,480
Sale of Service and Commodities	4,851,215
Connection Fees	267,900
Internal Loan	34,885
Miscellaneous Receipts	-
TOTAL WATER FUND REVENUE	**5,300,480**

SEWER FUND	
Revenue from Use of Money and Property	55,000
Sale of Service and Commodities	5,884,960
Connection Fees	625,000
Miscellaneous Receipts	129,000
TOTAL SEWER FUND REVENUE	**6,693,960**
REFUSE FUND	
Revenue from Use of Money and Property	32,000
Sale of Services/Bags/Other	1,055,500
Sale of Recyclable Materials	2,000
TOTAL REFUSE FUNDS REVENUES	**1,089,500**
TOTAL ALL FUNDS REVENUES	**47,538,060**

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 10

Meeting Date: May 28, 2019

Agenda Item: COUNCIL APPROVAL – Final Sale of 179 Square Foot Parcel located to the Rear and Adjacent to 120 and 124 E Main Street

Summary: At the April 22, 2019 Regular Meeting, Council held a public hearing to receive comments and concerns from the public pertaining to the possible sale of the Town's real estate of approximately 179 square feet with improvements (being a loading dock, including steps and a roof), on and over the Town's Peyton Street Parking Lot located to the rear and adjacent to 120 and 124 E Main Street. After the public hearing had concluded Council approved a Resolution authorizing the sale of specified Town real estate per the Town Charter and the Town Code by bidding with the final sale of the property occurring at tonight's Council meeting. The Invitation to Bid was advertised twice in the local newspaper with a May 16, 2019 deadline. Council held a work session on May 20, 2019 to discuss the bids received.

Note: Council approved a Resolution for an Encroachment License for Vibe Properties, LLC for 120 and 124 E. Main Street on June 12, 2017. This resolution will be rescinded if the property is sold.

Budget/Funding: None

Attachments: Ordinance, Resolution to Authorize Sale, Invitation to Bid, Public Hearing Ad, Code/Charter Sections, 2017 Resolution/Encroachment License

Meetings: Public Hearing held April 22, 2019. Work Session May 20, 2019.

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: **I move that Council approve an ordinance accepting the bid of _____ from _____, as presented.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

ORDINANCE

WHEREAS, the Town Council of the Town of Front Royal has received a bid from _____ in the amount of _____ Dollars ($_____.00) seeking a conveyance in fee simple of the Town's improved real estate, with all rights appertaining thereto, being a portion of the Town's Peyton Street Parking Lot property located to the rear and adjacent to the rear of 120 and 124 East Main Street, Town of Front Royal, Warren County, Virginia, ***TAX MAP NUMBER*** _____ (the "Property").

WHEREAS, Town Council has previously, on April 22, 2019, adopted a Resolution to set the terms of the sale of the Property, according to the requirements contained in Town Code Section 1-22 A. 2., and has this date, May 28, 2019, conducted a fully advertised Public Hearing as to whether or not the conveyance of the Property is in the best interests of the Town.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Front Royal, Virginia, in accordance with Va. Code § 15.2-2100, *et seq.*, and in accordance with Town Code Section 1-22 A. that the conveyance of the Property to _____ with Special Warranty of Title, is hereby authorized as the best bid according to the terms and conditions set forth in the Resolution of Town Council previously described;

AND BE IT FURTHER ORDAINED that the Vice Mayor is hereby designated and authorized to execute a Deed with Special Warranty of Title for the Property to _____ on behalf of Town Council.

****

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on May 28, 2019, upon the following recorded vote to become effective immediately.

APPROVED:

_____
William A. Sealock, Vice Mayor

Town Council Members:

William A. Sealock	Yes/No	Gary L. Gillispie	Yes/No
Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
Chris Holloway	Yes/No	Letasha T. Thompson	Yes/No

ATTEST:

_____
Jennifer E. Berry, MMC, Clerk of Council

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2019, and _____, 2019.

Approved as to form and legality:

_____
Douglas W. Napier, Town Attorney

Date: ____/____/_____

TOWN OF FRONT ROYAL

INVITATION FOR BID

SALE OF TOWN PROPERTY

Pursuant to the Town of Front Royal Town Code Section 1-22.A, notice is hereby given that during their regular meeting held April 22, 2019, the Town Council approved the possible sale of approximately 179 sq. ft. land parcel with improvements (being a loading dock, including steps and a roof), on and over the Town's Peyton Street Parking Lot. This real estate is located to the rear and adjacent to 120 and 124 E Main Street, Town of Front Royal, Warren County, Virginia, and is more particularly shown on a survey dated January 29, 2019 and prepared by Brogan Land Surveying, PLC. The sale of this property will be on an "As Is/Where is" basis, and in its present condition. The Town makes no warranties or representations as to the condition of the property except as to title. Town Council determined that said property is surplus, the Town no longer desires to maintain it, and its vacation and sale to a private owner would not inconvenience the public. Copies of the Town's policy as to sale of its real estate is governed by the Town Code, available for inspection on its website www.frontroyalva.com, and at the office of the Town Manager located on the second floor of the Town Hall, 102 East Main Street, Front Royal, Virginia 22630. Sealed bids will be received in the Purchasing Department until 2:00 P.M., local prevailing time, Thursday, May 16, 2019. Fax or email bids will not be accepted. The Town of Front Royal is not responsible for delays in the delivery of the mail by the U.S. Postal Service, private couriers, or the inter-office mail system. It is the sole responsibility of the bidder to ensure that its quotation reaches the Town of Front Royal Purchasing Department by the designated date and hour. Bids are to be mailed to Town of Front Royal. ATTN: Alisa Scott, Purchasing Manager, P.O. Box 1560, Front Royal, VA 22630. Bids may also be hand delivered until the scheduled date and time shown above to the Purchasing Department, 102 E. Main Street, Front Royal. The outermost envelope for which a bid is contained therein must be clearly marked "SEALED BID – SALE OF TOWN PROPERTY". All bids shall be received no later than the date and time specified above, at which time they will be publicly opened and read aloud in the Purchasing Department, Town of Front Royal, 102 E. Main Street, Front Royal, Virginia 22630. The Town reserves the right to accept or reject any or all bids. At its first available regular Town Council meeting, Council will select the best bid, as deemed in its judgement, to be in the best interest of the Town of Front Royal by vote on Tuesday, May 28th, 2019. All bidders agree that if successful in purchasing the property, cash money is to be paid at closing.

RESOLUTION TO SELL 179 SQUARE FEET OF THE PEYTON STREET PARKING LOT PROPERTY LOCATED TO THE REAR AND ADJACENT TO 120 AND 124 EAST MAIN STREET

WHEREAS, on June 12, 2017, the Town Council of the Town of Front Royal, Virginia ("Town Council") approved an encroachment license for Vibe Properties, LLC, a Virginia Limited Liability Company ("Vibe Properties"); and,

WHEREAS, the encroachment license to Vibe Properties was issued for 120 and 124 E. Main Street, Town of Front Royal, County of Warren, Virginia, for a loading lock, including steps and a roof, that were proposed to partly project onto the Town's Peyton Street Parking Lot Property; and,

WHEREAS, during discussions with Vibe Properties in association with the encroachment license, it was discussed that the Town would be willing to consider the sale of the property at such time that a survey was prepared; and,

WHEREAS, Vibe Properties has submitted to the Town a survey, dated January 29, 2019, prepared by Joseph G. Brogan, Jr., depicting the transfer of 179 square feet from the Town's Peyton Street Parking Lot Property to the real property owned by Vibe Properties at 120 and 124 E. Main Street; and,

WHEREAS, Chapter 1, Section 1, of the Town Charter, authorizes the Town of Front Royal to "sell, lease, hold, manage and control such property as its interests may require."; and,

WHEREAS, Chapter 1, Section 1, Subsection A, of the Town Code, specifies that "No real estate owned by the Town shall be sold unless the following requirements have been complied with:

1. The Town Council shall hold a public hearing upon the question of the sale after two (2) publications in a newspaper published or having general circulation in the Town.
2. The Town Council shall authorize by resolution the terms of the sale.
3. Bids shall be accepted by the Purchasing Agent on the date such property is advertised for sale.
4. The Town Council shall authorize the acceptance, or rejection, of the best bid at the first available regular Town Council meeting.

WHEREAS, a public hearing was held on April 22, 2019 in accordance with Chapter 1, Section 1, Subsection A.1. of the Town Code.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council that the property be advertised in the time and manner for receipt of bids as required by Town Code Section 1-22 for the sale of the property; and,

BE IT FURTHER RESOLVED that the Mayor and Town Council hereby confirm that acceptance or rejection of the best bid received for final sale of the property will occur at the May 28, 2019 Meeting.

Approved:

W. A. Sealock

~~Hollis L. Tharpe, Mayor~~

W. Sealock Vice Mayor

Attest:

Jennifer E. Berry

Jennifer E. Berry, MMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on 4-22-, 2019 upon the following recorded vote:

William A. Sealock	(Yes)/No	Gary L. Gillispie	(Yes)/No
Eugene R. Tewalt	(Yes)/No	Jacob L. Meza	~~Yes/No~~ Absent
Chris Holloway	(Yes)/No	Letasha T. Thompson	~~Yes/No~~ Absent

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Approved as to Form and Legality:

Douglas W. Napier

Douglas W. Napier, Town Attorney Dated: 4-22-19

TOWN OF FRONT ROYAL

SALE OF TOWN PROPERTY

The Front Royal Town Council will hold a public hearing on Monday, April 22, 2019 in the Warren County Government Center at 7:00 PM, to receive comments and concerns from the public that they may have as to the possible sale of the Town's real estate of approximately 179 sq. ft. land parcel with improvements (being a loading dock, including steps and a roof), on and over the Town's Peyton Street Parking Lot. This real estate is located to the rear and adjacent to 120 and 124 E Main Street, Town of Front Royal, Warren County, Virginia, and is more particularly shown on a survey dated January 29, 2019 and prepared by Brogan Land Surveying, PLC Following the public hearing, Town Council may determine that the Property is surplus, the Town does not desire to maintain it, and its sale to a private owner would not inconvenience the public. If the Property is sold, its sale will be on an "As Is/Where is" basis, and in its present condition. If the Town Council decides to sell the Property as a result of the public hearing, Town Council may decide it will be advertised for sale by bidding, decide when the bidding and sale will take place, and further bidding instructions for the public will be published and forthcoming thereafter. A copy of the Town's policy as to sale of its real estate is governed by Town Code Section 1-22.

All interested citizens are invited to attend this public hearing to express their views.

MAYOR AND TOWN COUNCIL

TOWN OF FRONT ROYAL, VIRGINIA

Publish: Northern Virginia Daily – April 6 and 13, 2019

Warren Sentinel - April 18, 2019

TOWN CODE ----- 1-22 SALE OF TOWN PROPERTY

A. No real estate owned by the Town shall be sold unless the following requirements have been complied with:

1. The Town Council shall hold a public hearing upon the question of the sale after two (2) publications in a newspaper published or having general circulation in the Town.

2. The Town Council shall authorize by resolution the terms of the sale.

3. Bids shall be accepted by the Purchasing Agent on the date such property is advertised for sale.

4. The Town Council shall authorize the acceptance, or rejection, of the best bid at the first available regular Town Council meeting.

B. No personal property owned by the Town shall be sold unless the following requirements have been complied with:

1. The Town Manager, or his designated agent, shall cause to be published in a newspaper having general circulation in the Town, an advertisement arranging the sale including the date, time and place of the sale.

2. The sale shall be held by public auction and/or online public auction to the highest bidder, and such shall be conducted at the place, date and time such property is advertised for sale.

C. Any deviation from the foregoing procedures shall be authorized by resolution adopted by the Town Council, with the reasons therefore stated therein.

CHARTER --- CHAPTER I.

§ 1. The inhabitants of the Town of Front Royal, Warren County, Virginia, as its limits now are, or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic by name the Town of Front Royal, and under that name shall have perpetual succession; may use a corporate seal of such kind as it may adopt; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation, **and may sell, lease, hold, manage and control such property as its interests may require;** and, except as prohibited by the Constitution of Virginia or restricted by this charter, the Town of Front Royal shall have and may exercise all municipal powers, functions, rights, privileges and immunities which are now, or may be hereafter, conferred upon or delegated to incorporated towns under the Constitution and laws of Virginia, as fully and completely as if herein enumerated in detail, and no enumeration of particular powers in this charter shall be held exclusive. (1937, c. 44)

2017 Encroachment License

RESOLUTION

WHEREAS, Vibe Properties, LLC, a Virginia Limited Liability Company ("Vibe Properties"), the owner of improved real property located at 120 and 124 E. Main Street, Town of Front Royal, County of Warren, Virginia, has requested that the Town Council of the Town of Front Royal, Virginia, authorize of a proposed encroachment of a portion of said improvements located on Vibe Properties' real property, specifically, a loading dock, including steps and a roof, onto, on and over the Town's Peyton Street Parking Lot; and,

WHEREAS, pursuant to the authority granted the Town by Sections 15.2-2009 through 15.2-2011 of the Code of Virginia, 1950, as amended, Town Council is of the opinion that it is in the public interest to authorize said proposed encroachment of a portion of said improvements located on Vibe Properties' real property, specifically, a loading dock, including steps and a roof, onto, on and over the Town's Peyton Street Parking Lot, for a period not to exceed five (5) years, which said authorization period may be extended by additional five (5) year periods by further Encroachment License executed by the Town Manager in the name of the Town Council, all according to the terms and conditions stated in an Encroachment License to be executed by the parties, with plat of survey attached, to the extent as more particularly described therein, it being intended that said encroachment would be substantially the same as described as shown on that certain drawing plat titled "120-124 E. MAIN ST. ZONING DIMENSIONAL DRAWING TOWN OF FRONT ROYAL, VIRGINIA TM# 20A8-4 PARCEL 29", dated 4-27-17, by John C. Lewis, Professional Engineer, Painter-Lewis, P.L.C..

NOW, THEREFORE, BE IT, HEREBY, RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the Town Council hereby authorizes the proposed encroachment of a portion of said improvements located on Vibe Properties' real property, specifically, a loading dock, including steps and a roof, onto, on and over the Town's Peyton Street Parking Lot, for a period not to exceed five (5) years, which said authorization period may be extended by additional five (5) year periods by further Encroachment License executed by the Town Manager in the name of the Town Council, all according to the terms and conditions stated in an Encroachment License to be executed by the parties, with plat of survey attached, to the extent as more particularly described therein, it being intended that said encroachment would be substantially the same as described as shown on that certain drawing plat titled "120-124 E. MAIN ST. ZONING DIMENSIONAL DRAWING TOWN OF FRONT ROYAL, VIRGINIA TM# 20A8-4 PARCEL 29", dated 4-27-17, by John C. Lewis, Professional Engineer, Painter-Lewis, P.L.C..

This encroachment authorization is conditioned upon the execution and recording of an Encroachment License by Vibe Properties, with plat of survey attached, authorizing said proposed encroachment according to the terms and conditions stated therein and to the extent as more particularly described therein. The Mayor is hereby authorized to execute an Encroachment License acceptable to Town on behalf of the Town.

[[SIGNATURES NEXT PAGE FOLLOWING]

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on 6-12, 2017, upon the following recorded vote:

APPROVED:

Hollis L. Tharpe, Mayor

Town Council Members:

John P. Connolly	Yes	Bébhinn C. Egger	Yes
Jacob Meza	Yes	William A. Sealock	Yes
Eugene R. Tewalt	Yes	Christopher Morrison	Yes

Attest:

Jennifer E. Berry, CMC, Clerk of Council

Approved as to form:

6-12-17

Douglas W. Napier, Date
Town Attorney

Town of Front Royal, Virginia
Council Agenda Statement

Item No. 11

Meeting Date: May 28, 2019

Agenda Item: COUNCIL APPROVAL – Interim Mayor

Summary: Council is requested to appoint an Interim Mayor for the Town of Front Royal to fill a term that will expire December 31, 2019.

Budget/Funding: None

Attachments: None

Meetings: Work Session held May 20, 2019

Staff Recommendation: Approval ✓ Denial_____

Proposed Motion: **I move that Council appoint _____ as Interim Mayor for the Town of Front Royal, said term to expire December 31, 2019.**

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW