



REGULAR TOWN COUNCIL MEETING

Monday, December 9, 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 November 25, 2019
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town Officials and Interim Town Manager
 *** Stars of the Month for November**
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED)
 - A. COUNCIL APPROVAL – Write Off for Bad Debt for 4th Quarter of 2019
 - B. COUNCIL APPROVAL – Bid – Portable Changeable Message Sign
 - C. COUNCIL APPROVAL – Bid – Pickup, Hauling, Disposal of Biosolids
 - D. COUNCIL APPROVAL – Bid – Bucket Truck for Energy Services
 - E. COUNCIL APPROVAL – Bid – Concrete for Calendar Year 2020
 - F. COUNCIL APPROVAL – Bid – Installation of Curb and Gutter
 - G. COUNCIL APPOINTMENT – Board of Architectural Review – Runyan
8. **PUBLIC HEARING** – Amendment to FY19-20 Budget for Outstanding Purchase Orders (*1st R*)
9. **PUBLIC HEARING** – Ordinance Amendment to Town Code Section 134-71(A)(1)(e) Pertaining to Personal Guaranty for Business Entities (*1st reading*)
10. **COUNCIL APPROVAL** – Ordinance to Vacate an Alley Between 303 and 311 Brown Avenue – Donnie Atkins (*2nd Reading*)
11. **COUNCIL APPROVAL** – Liaison Committee Meeting Items
12. **COUNCIL APPROVAL** – Comprehensive Water and Sewer Utility Rate Study
13. **COUNCIL APPROVAL** – Resolution to Request General Assembly to Allow Town to Establish its own EDA Separate from Existing EDA

7A



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

Item # 07(A)

Meeting Date: December 9, 2019

Agenda Item: Write Off for Bad Debt for 4th Quarter of 2019

Summary: Council is requested to approve the removal of five (5) years or older of outstanding accounts receivable (bad debt) on the Town's ledger for the fourth quarter of 2019 totaling \$11,141.16 which is comprised of 34 utility accounts. All possible recourse of attempting to collect these amounts have been completed and the accounts have had no activity for at least five years. The amount of \$11,141.16 represents approximately 0.04% of the budgeted sales.

Budget/Funding: No funding required. Journal entry will be done effecting balance sheet only.

Attachments: List of write offs

Meetings: Work Session held December 2, 2019

Staff

Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council approve the removal of five (5) years or older of outstanding accounts receivable (bad debt) on the Town's ledger for the fourth quarter of 2019 totaling \$11,141.16, 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:  _____

2019 - 4th Quarter Utility Bad Debt

Balance	Service Address	Status	Final Bill Due Date
\$ 90.60	1354 FOREST HILL DR	F	11/14/2014
\$ 618.48	31 W 17TH ST	F	10/10/2014
\$ 197.67	141 W 14TH ST	F	10/24/2014
\$ 46.84	1208 N SHENANDOAH AVE #1	F	10/24/2014
\$ 129.20	1095 N ROYAL AVE #16	F	10/31/2014
\$ 40.19	850 W 11TH ST	F	10/10/2014
\$ 62.15	343 KENDRICK LN #16	F	9/30/2014
\$ 192.83	353 KENDRICK LN #22	F	11/30/2014
\$ 148.59	363 KENDRICK LN #46	F	10/31/2014
\$ 2,563.97	623 W 11TH ST	F	10/8/2014
\$ 1,616.58	915 N ROYAL AVE	F	12/5/2014
\$ 593.89	16 W 5TH ST	F	11/7/2014
\$ 61.94	520 VIRGINIA AVE #8	F	10/31/2014
\$ 106.24	210 VIRGINIA AVE #2	F	11/21/2014
\$ 43.52	144 CHESTER ST #1	F	10/31/2014
\$ 56.95	144 CHESTER ST #2	F	10/24/2014
\$ 308.34	115 E 2ND ST	F	9/30/2014
\$ 176.82	112 E MAIN ST #5	F	10/31/2014
\$ 76.71	409 E MAIN ST	F	9/30/2014
\$ 41.66	505 S ROYAL AVE	F	11/21/2014
\$ 206.54	424-B SOUTH ST	F	12/19/2014
\$ 39.28	413-C SOUTH ST	F	12/30/2014
\$ 1,028.82	205 SALEM AVE	F	12/12/2014
\$ 144.53	400 CHERRYDALE AVE	F	10/24/2014
\$ 59.70	5 SHENANDOAH COMMONS WAY #302	F	12/12/2014
\$ 204.30	723 STAYMAN ST	F	10/10/2014
\$ 418.62	26 BEE ST	F	11/14/2014
\$ 176.45	602 E 6TH ST UPSTAIRS	F	10/31/2014
\$ 250.36	337 PINE ST	F	10/24/2014
\$ 164.12	219 CLOUD ST #1	F	10/24/2014
\$ 257.34	220 CLOUD ST	F	12/5/2014
\$ 172.89	349 RITENOUR ST	F	12/26/2014
\$ 94.63	47 ROYAL LN #3	F	10/10/2014
\$ 750.71	28 ASHLAWN CT	F	12/5/2014
\$ 11,141.46			

7B



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

Item # 07(B)

Meeting Date: December 9, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Portable Changeable Message Sign

Summary: Council is requested to approve a bid to Traffic Safety Supplies, Inc. in the amount of \$15,488.00 for a new trailer-mounted portable changeable message sign.

Budget/Funding: Water and Sewer Maintenance line items 9602-47001 and 9802-47001 Machinery and Equipment.

Attachments: Memorandums from Purchasing Manager and the Director of Fleet Management and Vendor Spread Sheet

Meetings: None

Staff Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council approve a bid to Traffic Safety Supplies, Inc in the amount of \$15,488.00 for a new trailer-mounted portable changeable message sign.

*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: _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: November 26, 2019
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add action item to Town Council Agenda

Purchasing received a request from the Fleet Management Director to competitively bid out a new trailer-mounted portable changeable message sign. On Wednesday, November 20th, 2019 I held a public bid opening and received 3 bids. The low bid from K&K Systems, Inc. did not meet specifications and the bid was denoted non-responsive.

Staff recommends Council award the lowest responsive and responsible bid to Traffic Safety Supplies, Inc. out of Gainesville, VA for \$15,488.00.

Attached to this memo are the recommendation memo from the Fleet Director and bid tabulation. Please add this action item to award the bid to Council's December 9th, 2019 Regular Town Council Meeting.

Funding has been budgeted for and is available in the Water and Sewer Maintenance line items 9602-47001 and 9802-47001 Machinery & Equipment.

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

MEMORANDUM

TO: Alisa Scott, Purchasing Agent

FROM: Donald B McPaters, Director of Fleet Management. *DBM*

SUBJECT: Purchase for a Trailer Mounted Message Board for Water Sewer Maintenance.

DATE: November 22, 2019

We received two bids for the Trailer Mounted Message Board. The lowest bid was from K&K Systems Inc Tupelo, Missouri at a price of \$12,855.08 for a Trailer Mounted Message Board Model MB9757 and they do not meet our specification on the 7" LCD colored- pressure sensitive display screen and the one-click icon-based menu item and the plastic battery box.

The next bid was from Traffic Safety Supplies Inc from Bealton Virginia at a price of \$15,488.00 for a Trailer Mounted Message Board model Ver Mac PCMS-320. They meet our specification.

The Fleet Maintenance is recommending the bid from Traffic Safety Supplies at a price of \$15,488.00 for a Trailer Mounted Message Board model Ver Mac PCMS-320.

This Trailer Mounted Message Board has no replacement it will be a new addition to the fleet and Water Sewer Maintenance will have to come up with \$488.00. They only have \$15,000.00 in the budget 2019.

VENDOR SPREAD SHEET



Town of Front Royal, VA

BID: 31-2019 TRAILER-MOUNTED PORTABLE CHANGEABLE MESSAGE SIGN

BID/PROPOSAL OPENING DATE: 11/20/2019

BID/PROPOSAL OPENING TIME: 2:00 PM

QUANTITY DESCRIPTION	Vendor Names		
	TRAFFIC SAFETY SUPPLIES, INC. GAINESVILLE, VA	K & K SYSTEMS, INC. TUPELO, MS	NATIONAL CAPITAL INDUSTRIES, INC. BALTIMORE, MD
QUANTITY DESCRIPTION	QUOTATION	QUOTATION	QUOTATION
1 TRAILER-MOUNTED PORTABLE CHANGEABLE MESSAGE SIGN PER SPECIFICATIONS	\$15,488.00	**\$12,855.08	\$17,420.00

** Denotes non-responsive bid

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

Prepared by: Alisa Scott, PMP, MBA, VCA, VCO

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

7C



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

Item # 07(C)

Meeting Date: December 9, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Pickup, Hauling and Disposal of Biosolids

Summary: Council is requested to approve the bid from Republic Services for the pickup, hauling and disposal of biosolids at the following rates:
Rental per container: \$130.00
Transportation per 20-yard container: \$399.00
Landfill disposal per ton: \$60.00.

Budget/Funding: Wastewater line item 9801-43005

Attachments: Memorandums from Purchasing Manager and Wastewater Manager

Meetings: None

Staff

Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council approve the bid from Republic Services for the pickup, hauling and disposal of biosolids at the following rates: Rental per container: \$130.00; Transportation per 20-yard container: \$399.00; and Landfill disposal per ton: \$60.00.

*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: 



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: November 26, 2019
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add action item to Town Council Agenda

Purchasing received a request from the Wastewater Manager to competitively bid the pickup, hauling and disposal of biosolids. There are only two vendors in this area that can provide the Town for this specific service.

On October 10th, 2019 I held a public proposal opening and received 2 proposals for this service. Staff met with Republic Services on November 21st and determined that their offer would best suit the Town's needs.

Staff recommends Council award the proposal from Republic Services at the following rates:

- Rental per container: \$130.00
- Transportation per 20 yd container: \$399
- Landfill disposal per ton: \$60.00

Attached to this memo is a recommendation memo and cost comparison from Tim Fristoe, Wastewater Manager. For example, with the rates above and October 2019 metrics, the Town would pay Republic Services \$14,282.00 for services rendered during October 2019. Please add this action item to award the proposal to Council's December 9th, 2019 Regular Town Council Meeting.

Funding has been budgeted for and is available in the Wastewater line 9801-43005.

Purchasing, Department of Finance
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, Purchasing Agent
FROM: Tim Fristoe, Wastewater Manager
CC: Robbie Boyer, Director of Public Works
DATE: November 21, 2019
RE: Republic Services & Waste Management Proposals for Biosolids Disposal

Today November 21, 2019 we met with company representatives John Neyman and Jerry Wilson from Republic Services to discuss our questions requesting the Biosolids Landfill Disposal Bid submitted from their company. After meeting with these individuals, I feel Republic Services could meet the Town's Wastewater Plant Biosolids Disposal requirements, but a substantial savings could also benefit the Town. Below I did a mock summary of what the Biosolids Disposal would have cost for the month of October 2019 using the current proposal information submitted by Waste Management and Republic Services.

October 2019 60.8 Dry Tons of Biosolids Were Landfilled **26-20 yd containers**

Waste Management (October 2019 Proposal)

Rental per container, \$160

Transportation per 20 yd container, \$603.00

Landfill disposal per ton, \$61.65

Container rental, (4 containers) \$640.00

Transportation, (26 containers) \$15,678.00

Landfill disposal (60.8 Dry Tons) \$3,748.32

Total \$20, 066.32

Republic Services (October 2019 Proposal)

Rental per container, \$130.00

Transportation per 20 yd container, \$399.00

Landfill disposal per ton, \$60.00

Container rental, (2 containers) \$260.00

Transportation, (26 containers) \$10,374.00

Landfill disposal (60.8 Dry Tons) \$3,648.00

Total ***\$14,282.00***

The monthly cost difference between Waste Management and Republic Services would be \$5,784.32. If these disposal numbers would remain the same annually the Town could save \$69,411.84. The 2 major differences of each of these proposals submitted to the Town is the Transportation Cost. Waste Management would continue subcontracting out a trucking firm to transport 2 containers per scheduled day to the Amelia County Landfill. Republic Services would haul a single container to the Page County Landfill when needed. By disposing of the sludge at a closer landfill and the covered storage building which was added during the Plant Upgrade Project will only require us to rent 2 containers a month instead of 4.

I feel at the present time the Town should consider and accept the Bid Proposal submitted by Republic Services for the Biosolids Disposal. Hopefully when submitted to the DEQ the recent 90 Day Biosolids Class A Demonstration Test if approved would dramatically lessen the need to landfill biosolids. Regardless until this is approved and if we cannot give away enough sludge to the public in the future the Town still needs to have a backup plan for disposal to meet the Plant's Discharge Permit.

7D



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

Item # 07(D)

Meeting Date: December 9, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Bucket Truck for Energy Services

Summary: Council is requested to approve the bid from Terex Utilities in the amount of \$269,177.00 for a new bucket truck for Energy Services. This will replace vehicle #344 Chevy C70 with a Holan 805B Aerial Device.

Budget/Funding: Energy Services line item 9401-47005 Motor Vehicles

Attachments: Memorandums from Purchasing Manager and Director of Fleet Management and Vendor Spread Sheet

Meetings: None

Staff

Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council approve the bid from Terex Utilities in the amount of \$269,177.00 for a new bucket truck for Energy Services replacing vehicle #344 Chevy C70 with a Holan 805B Aerial Device.

*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: _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: November 26, 2019
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add action item to Town Council Agenda

Purchasing received a request from the Fleet Management Director to competitively bid out a new bucket truck for Energy Services. This will replace vehicle #344 Chevy C70 with a Holan 805B Aerial Device.

On Thursday, November 21st, 2019 I held a public bid opening and received 3 bids. The low bid from Versalift East out of Bethlehem, Pennsylvania did not meet specifications on the aerial device or chassis and the bid was denoted non-responsive.

Staff recommends Council award the lowest responsive and responsible bid to Terex Utilities out of Watertown South Dakota for \$269,177.00.

Attached to this memo are the recommendation memo from the Fleet Director and bid tabulation. Please add this action item to award the bid to Council's December 9th, 2019 Regular Town Council Meeting.

Funding has been budgeted for and is available in the Energy Services line item 9401-47005 Motor Vehicles.

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

MEMORANDUM

TO: Alisa Scott, Purchasing Manager

FROM: Donald B McPaters, Director of Fleet Management.

SUBJECT: Purchase for a Bucket Truck for the Electric Department.

DATE: November 26, 2019

We received three bids on the bucket truck for the Electric Department. Lowest bid was from Versalift East out of Bethlehem Pennsylvania with a price of \$268,148.00 and they did not meet the specifications on the aerial device or chassis.

The next bid was from Terex Utilities out of Watertown South Dakota with a price of \$269,177.00 and met all specification on aerial device and chassis.

The last bid was from Altec Industrial Inc out of Daleville Virginia had a price of \$279,336.00 and met specification on the aerial device but did not meet some specifications on the chassis.

Fleet Maintenance is recommending second lowest bid. Terex Utilities at a price of \$269,177.00. This truck will be replacing #344 Chevy C70 with a Holan 805B Aerial Device.

VENDOR SPREAD SHEET



Town of Front Royal, VA

BID: 37-2019 ENERGY SERVICES BUCKET TRUCK

BID/PROPOSAL OPENING DATE: 11/21/2019

BID/PROPOSAL OPENING TIME: 2:00 PM

QUANTITY DESCRIPTION	Vendor Names		
	VERSALIFT BETHLEHEM, PA	TEREX UTILITIES, WATERTOWN, SD	ALTEC DALEVILLE, VA
QUOTATION	QUOTATION	QUOTATION	QUOTATION
(1) BUCKET TRUCK PER SPECIFICATIONS	**\$268,148.00	\$269,177.00	\$279,336.00

** Denotes non-responsive bid

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

Prepared by: Alisa Scott, PMP, MBA, VCA, VCO

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

7E



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

Item # 07(E)

Meeting Date: December 9, 2019

Agenda Item: COUNCIL APPROVAL – Bid on Concrete for Calendar Year 2020

Summary: Council is requested to approve the bid from Titan America for various types of requested concrete for calendar year 2020 as presented and quoted.

Budget/Funding: Funding available in the following line items: 4102-45407; 4102-47907; 4102-47909; 4500-45407; 4500-45477

Attachments: Memorandums from Purchasing Manager and Infrastructure Manager and Bid Tabulation Sheet

Meetings: None

Staff

Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council approve the bid from Titan America for various types of requested concrete for calendar year 2020 as presented and quoted.

*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: _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: December 2, 2019
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add action item to Town Council Agenda

Purchasing received a request from the Department of Public Works to competitively bid out firm fixed pricing on concrete for calendar year 2020. On November 21st, 2019 I held a public bid opening and received two bids with Titan America, Sterling, VA being the lowest responsive and responsible bidder on most of the various types of requested concrete.

Historical spending for this commodity reaches the requirement for Council review and award. Staff recommends awarding Titan America for various mixes of concrete at quoted prices.

Attached to this memo is a recommendation memo from Steve Scheulen, Public Works Manager and the bid tabulation. Please add this action item to award the bid to Council's December 9th, 2019 Regular Town Council Meeting.

Funding has been budgeted for and is available in the following line items: 4102-45407; 4102-47907; 4102-47909; 4500-45407; 4500-45477.

Purchasing, Department of Finance
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:
DATE: 12/2/19
RE: Firm fixed pricing Concrete

Public Works approves for Titan America to be selected for award of bid to supply concrete needed for all maintenance repairs and projects performed by the Department.



TOWN OF FRONT ROYAL, VIRGINIA
Bid Tabulation
BID: 41-2019 CONCRETE FIRM FIXED PRICING
BID DATE: NOVEMBER 21, 2019
BID OPENING TIME: 2:00 PM

TITAN AMERICA
STERLING, VA

ROCKINGHAM REDI-MIX
HARRISONBURG, VA

BID ITEM	UOM	QUOTE	QUOTE
DELIVERED B MIX CONCRETE	CUBIC YARD	\$114.00	\$127.00
DELIVERED A MIX CONCRETE	CUBIC YARD	\$117.00	\$128.50
DELIVERED A-3 MIX CONCRETE, REGULAR SAND	CUBIC YARD	N/A	\$130.00
DELIVERED A-3 MIX CONCRETE, NATURAL SAND	CUBIC YARD	\$117.00	\$132.00
DELIVERED A-4 MIX CONCRETE, NATURAL SAND	CUBIC YARD	\$120.00	\$140.75
DELIVERED EXPOSED AGGREGATE MIX CONCRETE	CUBIC YARD	\$130.00	\$160.00

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

** Denotes non-responsive bid


Prepared by: Alisa Scott, PMP, MBA, VCA, VCO

7F



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

Item # 07(F)

Meeting Date: December 9, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Installation of Curb and Gutter

Summary: Council is requested to approve the bid from GB Foltz Contracting in the amount of \$148,954.50 for the installation of approximately 2,370 linear feet of curb and gutter on Steele Street, Scott Street and Highview Street.

Budget/Funding: Funding in the Concrete Reconstruction line item 4500-47941

Attachments: Memorandums from Purchasing Manager and Infrastructure Manager and Vendor Spread Sheet

Meetings: None

Staff

Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council approve the bid from GB Foltz Contracting in the amount of \$148,954.50 for the installation of approximately 2,370 linear feet of curb and gutter on Steele Street, Scott Street and Highview Street.

*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: _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: December 2, 2019
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add action item to Town Council Agenda

Purchasing received a request from the Department of Public Works to competitively bid out installing approximately 2,370 linear feet of curb and gutter on Steele Street, Scott Street, and Highview Street. On November 21, 2019, I held a public bid opening and received six bids with GB Foltz Contracting, Mt. Jackson, VA being the lowest responsive and responsible bidder.

Staff recommends awarding GB Foltz their bid of \$62.85 per linear foot, which for this project will amount to \$148,954.50. Attached to this memo is a recommendation memo from Steve Scheulen, Public Works Manager and the bid tabulation. Please add this action item to award the bid to Council's December 9th, 2019 Regular Town Council Meeting.

Funding has been budgeted for and is available in the Concrete Reconstruction line item 4500-47941.

Purchasing, Department of Finance
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:
DATE: 11/22/19
RE: Curb & Gutter Installation Bid 40-2019

Public Works approves GB Foltz Contracting, Inc to receive award of the Curb & Gutter Installation Bid. We have successfully worked with GB Foltz on past projects.

Funding for the project will come from 4500- 7941 Concrete Reconstruction and R47941 PO 029720. In addition, a budget transfer within the 4500 account will be completed in the amount of \$50,000.00.

VENDOR SPREAD SHEET



Town of Front Royal, VA

BID: 40-2019 CURB & GUTTER INSTALLATION
 BID/PROPOSAL OPENING DATE: 11/21/2019
 BID/PROPOSAL OPENING TIME: 2:00 PM

QUANTITY DESCRIPTION	Vendor Names					
	GB FOLTZ CONTRACTING, INC. MT. JACKSON, VA	WILLY GENERAL CONTRACTORS, LLC. CHESTERFIELD, VA	A&M CONCRETE STERLING, VA	M&F CONCRETE, INC. MANASSAS, VA	FINLEY ASPHALT & CONCRETE MANASSAS, VA	PINE KNOLL CONSTRUCTION, INC. CLEAR BROOK, VA
PER LINEAR FOOT INSTALLATION OF CG-6 CURB & GUTTER PER TECHNICAL SPECIFICATIONS (APPROXIMATELY 2,370 LINEAR FEET)	QUOTATION \$62.85	QUOTATION \$63.77	QUOTATION \$67.00	QUOTATION \$73.83	QUOTATION \$75.00	QUOTATION \$80.60

** Denotes non-responsive bid

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


 Prepared by: Alisa Scott, PMP, MBA, VCA, VCO

7G



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

Item # 07(G)

Meeting Date: December 9, 2019

Agenda Item: COUNCIL APPOINTMENT - Board of Architectural Review - Runyan

Summary: Due to the resignation of Michael Whitlow on the Board of Architectural Review (BAR) on November 7, 2019, Council is requested to make an appointment to the BAR for an unexpired term to end November 13, 2020.

Budget/Funding: None

Attachments: None

Meetings: Interview held December 2, 2019

Staff

Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council appoint Lauren Runyan to the Board of Architectural Review (BAR) to an unexpired term ending November 13, 2020.

*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: _____

8



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

Page 1
Item No. 8

Meeting Date: December 9, 2019

Agenda Item: PUBLIC HEARING – Amendment to Budget for Outstanding Purchase Orders (*1st* R)

Summary: Council is requested to affirm on its first reading an amendment to the FY2019-2020 Budget in the amount of \$11,182,627.66 for a list of outstanding purchase orders that need to be carried forward to the FY2019-2020 budget cycle to complete unfinished projects.

Budget/Funding: Funding will be offset from the appropriate fund balance reserves for each fund indicated, the revenue for these projects have been connected in the previous budget cycle.

General Fund	\$ 796,160.21
Special Projects	1,499,319.22
Electric Fund	540,077.52
Sewer Fund	4,302,633.43
Water Fund	2,917,420.97
Solid Waste Fund	247,739.29
Street Fund	<u>879,277.02</u>
TOTAL	\$11,182,627.66

Attachments: None

Meetings: Work Session held November 18, 2019

Staff Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council affirm on its first reading an amendment to the FY2019-2020 Budget in the amount of \$11,182,627.66 for outstanding purchase orders to be carried forward to the FY2019-2020 budget cycle to complete unfinished projects, 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: _____

Carry Over Purchase Orders

PO#	Account#	DATE FIRST ENCUMBERED	DESCRIPTION	Amount Requested to Carry Over	LAST CHECK CUT	FY20 FUNDS USED	REMAINING BALANCE AS OF 11/8/19	ESTIMATED COMPLETION DATE
28237	1101 R43002	4/21/2015	COMMUNITY DEVELOPMENT FUNDS Carry over funds from prior year per Town Council request. Original balance as of 6/30/19 was \$72,346.96; Town Council approved a budget amendment in July 2019 to allocate \$26,450 to the Community Development Department, leaving \$45,896.96.	\$ 19,446.96	Budget		\$ 19,446.96	TBD
29055	1203 R47009	6/12/2017	ARCHITECTURAL SERVICES FOR VEHICLE/EQUIPMENT MAINTENANCE BUIL Approved by Town Council 9/24/18, building study for new fleet maintenance building. Study has been recently completed and estimated cost for Fleet Maintenance Building is \$1,189,000. Final payment will be processed in near future.	\$ 93,618.90	12/7/2018	\$ 30,550.00	\$ 63,068.90	9/25/18 Completed
29020	1204 R47007	6/6/2017	INTERNAL FIBER UPGRADE PROJECT This project is anextensive to allow a looped fiber system for Town facilities. The project has already started and continues to progress. Currently we are working with the Energy Service Department and Syntax Communications to finalize plans for a redundant loop. Additional funds will probably be needed to complete the project.	\$ 6,582.31	9/13/2019	\$ 3,000.00	\$ 3,582.31	6/30/20
29053	1204 R45504	6/12/2017	IT STAFF - SECURITY TRAINING This project started 7/25/19. No training funds were budgeted for the I/T Department for FY20. We a researching the most cost effective place for training. And the type of training needed. This item is directly related to our cyber security initiative that involves internal and external penetration testing, cyber response teams, wireless assessments, and web application assessments. Estimated completion date is 7/2020.	\$ 3,000.00	N/A		\$ 3,000.00	7/25/19 6/30/20
29397	1204 R43005	6/6/2018	POWER DMS SERVICE RENEWAL The PowerDMS Service renewal is required to maintain our Document management system which is how all of our forms and files are managed, stored and accessed electronically as we work towards a more effective and efficient document management program. While there is a cost to maintaining this program, there is fiscal recovery in the reduction of paper, ink, toner, filing supplies, and labor for managing the physical files. PowerDMS is also the system required for use by CALEA for our agencies accreditation.	\$ 5,532.00	7/27/2018		\$ 5,532.00	6/30/20
29679	1204 R47051	5/1/2019	IMPLEMENT E-SUMMONS PROGRAM The e-summons funds are compiled through court costs and is supported at this time completely by violators and not tax dollars. The dollars are being accrued in order to fund hardware and software to eventually move to an electronic traffic summons system. This will route all of the "tickets" through the court system electronically and eliminate the need for purchasing VA uniform summons. It will also decrease the officers time in writing the summons because the information will be scanned in from the drivers license. This also positively impacts officer safety in the field as the officer wont have to spend time on the traffic stop with their attention focused on manually filling out a form and can better maintain situational awareness of the violator and other traffic. These funds are mandated to be used to implement & maintain an E-Summon program by the Commonwealth of Virginia. Staff is currently working to obtain quotes to see when enough funds will be accrued to move forward with implementation.	\$ 9,875.75	N/A		\$ 9,875.75	TBD
29374	1204 R43005	05/24/18	CREATIVE CLOUD & PHOTOSHOP Project is complete	\$ 5,279.04	8/29/2019	\$ 5,279.04	\$ -	Completed
29739	1204 R43002	06/10/19	SYNTAX COMMUNICATIONS TECHNICAL SERVICES This project was initiated in August 2019 and is 75% completed. Completion is anticipated by 9/30/19.	\$ 4,100.00	N/A	\$ 4,100.00	\$ -	Completed
29741	1204 R43053	06/10/19	HR MODULES FOR EMPLOYEE EVALUATIONS & ON-BOARDING Staff expects to deploy the new job application website in the next few weeks. (NeoGov) These two item are sister modules to modernize and improve the new employee onboarding process and employee evaluation processes. Funds are expected to be used by 6/30/20	\$ 22,000.00	N/A	\$ 9,366.00	\$ 12,634.00	6/30/20
29740	1204 R45203	06/10/19	MOBILE PHONE UPGRADES This project is in process. We are moving to new mobile phone services to be in compliance with the Town's new wireless services provider. (FirstNet) Expect completion date 6/30/20	\$ 4,187.63	7/5/2019	\$ 1,599.96	\$ 2,587.67	6/30/20
29738	1204 R47007	06/10/19	VMWARE FILE SERVER UPGRADE This project is in process. We are evaluating new hardware and proper placement of server hardware. This server stores files and profiles for all Town Departments. Expected completion date 6/30/20	\$ 10,000.00	N/A		\$ 10,000.00	6/30/20
29747	1204 R45421	06/14/19	NEXTIVITY CEL-FI GO RED & WIDEBAND DIRECTIONAL ANTENNA Purchase has been completed in FY20.	\$ 1,117.20	8/2/2019	\$ 1,117.20	\$ -	Completed
29736	1204 R43053	06/24/19	ELECTRONIC TIME KEEPING SOFTWARE This project is in process. We are finishing our evaluation of available vendors. Deployment is expected in the next 3 months. Expected completion date of 6/30/20.	\$ 25,000.00	N/A		\$ 25,000.00	6/30/20
29453	1204 R43005	07/31/18	SPILLMAN ANNUAL MAINTENANCE Purchase has been completed in FY20.	\$ 40,528.75	7/19/2019	\$ 40,528.75	\$ -	Completed
29743	1204 R47007	06/10/19	GIS SERVER UPGRADE PROJECT I/T Department is working with Motorola, Spillman and Planning & Zoning to complete items that need to be covered before the upgrade can be implemented. Once a start date is received, the project will take approx. 4 weeks to complete. This GIS Server has not been updated since 2012 and is used by Police Officers when responding to locations.	\$ 4,000.00	N/A		\$ 4,000.00	6/30/20
29748	2201 R43002	06/17/19	LEGAL FEES FOR ON-GOING EDA COURT CASE Funding to potentially assist in legal fees associated with EDA; additional funds may need to be allocated	\$ 90,000.00	N/A	\$ 200.00	\$ 89,800.00	TBD

Carry Over Purchase Orders

29503	3102	R47003	9/12/2018	POLICE RADIOS SYSTEM	\$	228,884.62	9/12/2019	\$	153,957.47	\$	74,927.15	11/30/19
Approved by Council 9/10/18												
29475	3102	R47005	03/25/19	PURCHASE 3 NEW POLICE VEHICLES	\$	127,924.09	7/25/2019	\$	772.47	\$	127,151.62	1/31/20
Approved by Council 8/13/18; Awaiting arrival of vehicles; delay due to problems with state contract, vehicles have been ordered and are scheduled to be delivered in January 2020												
29719	3102	R43023	06/03/19	HEARTSTART ONSITE DEFIBRILLATOR	\$	3,050.30	N/A	\$	3,050.30	\$	-	Completed
Items received, invoice will be paid by 9/30/19												
29743	3102	R45409	06/10/19	GIS SERVER UPGRADE PROJECT	\$	1,520.00	N/A			\$	1,520.00	6/30/20
I/T is working with Motorola, Spillman and Planning & Zoning to complete items that need to be covered before the upgrade can be implemented. Once a start date is received, the project will take approx. 4 weeks to complete.												
28570	4302	R47009	2/25/2016	ROOF REPLACEMENT	\$	16,222.66	N/A	\$	16,222.66	\$	-	Completed
New roof has been constructed on sign shop during FY20; project has been completed.												
29707	4305	R43002	06/21/19	LANDSCAPING SERVICES FOR LEACH RUN PARKWAY	\$	34,290.00	N/A	\$	10,044.00	\$	24,246.00	6/30/2020
Funds will be used to pay for mowing of Leach Run Parkway which is done from approximately March through October. Original low bid was unable to perform work; so bid was awarded to second lowest vendor. These funds will be used in conjunction with FY19 funding in order to afford the contractor. Contractor mows every 10 days-minimum. Funds may also be used to relocate trees to adhere to V-DOT specifications.												
29620	8101	R43002	03/25/19	PROPERTY MAINTENANCE PROGRAM	\$	40,000.00	N/A			\$	40,000.00	TBD
These funds were established to help startup the property maintenance program.												

TOTAL GENERAL FUND

\$ 796,160.21

\$ 274,087.89 \$ 516,372.36

Carry Over Purchase Orders

PO#	Account#	DATE FIRST ENCUMBERED	DESCRIPTION	Amount Requested to	LAST CHECK CUT	FY20 FUNDS USED	REMAINING BALANCE AS		ESTIMATED COMPLETION DATE
				Carry Over			OF 11/8/19	START DATE	
27543	9417	R47001	7/1/2013	UTILITY BILLING SOFTWARE UPDATE FOR ELECTRIC AMI - PROGRAM	\$ 83,462.94	5/18/2018	\$ 83,462.94	4/24/18	6/30/20
Approved by Town Council 4/23/18; staff has weekly conference calls with Central Square to help the project move forward. This software upgrade is required in order for the Town to move forward with automated metering infrastructure project.									
28541	9401	R43004	1/26/2016	DC FAST CHARGER REPAIRS	\$ 3,800.00	N/A	\$ 3,800.00	1/26/16	6/30/20
The Energy Services Department maintains the car charger located at the Vistors Center. These funds were carried forward from original installation from funds allocated by vendor. Software currently installed on equipment will become obsolete in near future. Town is reviewing options to use funds for updating software or possibly obtaining new equipment.									
29242	9401	R47938	1/2/2018	KENDRICK LANE TRANSFORMERS (YEAR 1 OF 6)	\$ 126,534.96	N/A	\$ 126,534.96	1/2/18	6/30/23
The two (2) existing transformers at our Kendrick Lane Substation are reaching the end of their life expectancy of 30 years. The Energy Services Department has been making provisions to replace both transformers at a cost of \$405,000.00 each, for a total of \$810,000.00. The first transformer is expected to be purchased once three years of funding have been set aside and then the second transformer will be purchased three years later.									
29304	9401	R47005	03/21/18	REPLACE #344 - 1999 CHEVROLET C8500 BUCKET TRUCK	\$ 40,000.00	N/A	\$ 40,000.00	3/21/18	6/30/20
These carried forward funds in addition to budgeted funds in FY20 will allow Energy Services to purchase a replacement bucket truck in FY20. Fleet Services Department is currently working on writing up specifications. Once specifications are obtained an intiviation for bid will be issued. Staff anticipates that the replacement bucket truck will be purchased during before June 30, 2020.									
29428	9499	R40001	06/30/18	AUTOMATED METERING INFRACTURE ESTIMATED DEBT SERVICE	\$ 207,000.00	N/A	\$ 207,000.00	6/30/18	6/30/24
The Town has completed an assessment and business case analysis for the advanced metering system. Results of the business case identify postive return to support investment in an AMI solution in 5 years. We will need to carry over these funds forward to allow implementation of Automated Metering Infrastructure. The project was previously placed on hold to allow the Electric Fund Balance Reserves to be recovered.									
29532	9401	R43004	10/22/2018	TREE TRIMMING, RIGH-OF-WAY CLEARING, & DANGER TREE REMOVAL SERVICE	\$ 39,800.00	9/5/2019	\$ 39,800.00	\$ -	10/22/18 Completed
Contracted awarded by Town Council May 28, 2019; which is an increased cost of service from previous contract. Energy Services currently uses contractors for tree trimming services. Prior funding has been used, but project remains ongoing with current year funding.									
29648	9401	R47502	03/20/19	45 KVA THREE PHASE TRANSFORMER	\$ 10,032.00	8/2/2019	\$ 10,032.00	\$ -	Completed
Purchase completed in FY20									
29690	9401	R47502	05/22/19	ALUMA-FORM 100A -NON LOAD, AEL DUSK TO DAWN, HENDRIX PLYMER PIN INSUL/	\$ 14,569.44	N/A	\$ 14,569.44	\$ -	5/22/19 Completed
Material has been ordered and should be arriving; once received invoice will be paid.									
29695	9401	R47957	06/17/19	LEACH RUN PARKWAY CONTINUATION OF ELECTRIC LINES	\$ 4,339.03	N/A	\$ 4,339.03	\$ -	7/1/18 Completed
When the Leach Run parkway was built it did not include the electrical infrastructure with the new hospital and other potential customers. This will also give us the ability to provide an electrial connection between Happy Creek and Sprint substations to shift load during emergency and outage situations. It is vital to continue to fund this project. These funds have been used, but project remains ongoing with current year funds.									
29715	9401	R47502	05/31/19	HUBBELL STATION ARRESTERS	\$ 3,461.22	7/26/2019	\$ 3,461.22	\$ -	Completed
Payment was made in FY20; purchase has been completed.									
29717	9401	R47910	06/17/19	TRAFFIC SIGNALIZATON IMPROVEMENTS & UPGRADES	\$ 7,077.93	N/A	\$ 7,077.93	6/17/19	11/30/19
Energy Services currently maintains 15 intersections and crosswalks. With the ever changing technology and the rise in cost for material we will need to carry over this purchase order.									

TOTAL ELECTRIC FUND

\$ 540,077.52

\$ 72,201.69

\$ 467,875.83

Carryover Purchase Orders

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29306	9130 R47961	3/27/2018	CDBG TOWN FUNDS ALLOCATED Town's funds set aside to use for the CDBG	\$ 111,609.07	4/21/2018		\$ 111,609.07	9/25/18	9/25/20
29470	9130 R47019	3/25/2019	FUNDS FROM CDBG GRANT FOR SIGNAGE Reimbursable CDBG costs for signage	\$ 120,702.50	7/26/2019		\$ 120,702.50	9/25/18	9/25/20
29474	9130 R47983	3/25/2019	FUNDS FROM CDBG GRANT FOR FAÇADE IMPROVEMENT Reimbursable CDBG costs for façade improvement	\$ 345,104.00	8/22/2019	\$ 13,300.34	\$ 331,803.66	9/25/18	9/25/20
29661	9130 R43026	3/29/2019	FUND FROM CDBG GRANT FOR ADMIN EXPENSE Reimbursable CDBG costs for administrative expense	\$ 60,690.00	8/22/2019	\$ 5,690.00	\$ 55,000.00	9/25/18	9/25/20
29500	9130 R47984	03/25/19	FUND FROM CDBG GRANT FOR PUBLIC IMPROVEMENTS Reimbursable CDBG costs for public improvements	\$ 130,000.00	N/A	\$ 2,052.00	\$ 127,948.00	9/25/18	9/25/20
29659	9130 R43080	03/29/19	FUND FROM CDBG GRANT FOR REBRANDING Reimbursable CDBG costs for rebranding	\$ 15,000.00	N/A		\$ 15,000.00	9/25/18	9/25/20
28341	9130 R47013	6/22/2015	CONSTRUCTION/DEBT SERVICE FOR NEW POLICE DEPARTMENT Funds to be used for debt service on Police Department and/or pay toward principal balance	\$ 495,227.86	7/22/2019	\$ 1,500.00	\$ 493,727.86		TBD
29379	9130 R47982	10/11/18	W MAIN EXTENSION Approved by Council 5/29/18 Punch list items were completed and a letter was sent to the contractor allowing for a bond reduction. The remaining bond will cover just the installation of the bioretention unit. Approximately 98% complete overall. The bioretention unit is the only item left to complete. There is no targeted completion date, due to the impasse with IT Federal over the completion of the main storm drain line across their property.	\$ 220,985.79	5/17/2019	\$ 72,081.44	\$ 148,904.35	5/30/18	TBD
TOTAL SPECIAL PROJECTS FUND				\$ 1,499,319.22		\$ 94,623.78	\$ 1,404,695.44		

Carryover Purchase Orders

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27494	9601	R47903 6/19/2013	SECURITY IMPROVEMENTS TO THE GUARD HILL WATER TANK & PUMPING STATION	\$ 3,745.00	5/31/2019	\$ 3,745.00	\$ -		Completed
Repairs of security fence around WTP, 4H water tank. Requesting to keep \$10,000 for security improvements due to damage caused from trees falling from severe weather. Contractor scheduled to be onsite Aug 19, 2019 to complete repair work needed to security fence									
27546	9601	R47009 7/1/2013	RESERVOIR REPAIRS & PIER REPLACEMENT	\$ 25,000.00	N/A		\$ 25,000.00		6/30/2020
Obtaining inspection and survey of reservoir to determine future requirements.									
28119	9601	R47009 11/4/2014	FAIRGROUND ROAD WATER TANK	\$ 449,600.00	9/13/2019	\$ 4,800.00	\$ 444,800.00		6/30/2020
Re-bidding project; bid closes Sept 23, 2019; for repair and painting of Fairground water tank. Completed an RFQ, inspection, developed a report and sent out bid specs for rehab work.									
28327	9601	R47009 6/12/2015	JAMESTOWN PUMP STATION UPGRADE	\$ 20,000.00	N/A		\$ 20,000.00		6/30/2020
Jamestown pump station upgrade project. The current pumps, pump control valves and pump power and controls are 35+ years old and need an upgrade to ensure continued reliability and increase efficiency. These funds will be used for a design of the upgrade and determine requirements for the future.									
28559	9601	R47009 02/25/16	REPLACEMENT CONTROL FOR THE GUARD HILL PUMP STATION	\$ 11,240.00	5/18/2018		\$ 11,240.00		11/30/2019
Security improvements. The VFD has already been installed and can operate in manual operation. Have received a price quote from Southern Flow for Guard Hill Pump Station VFD pump control modification. While the SCDA contractor is onsite additional VDH monthly operating reporting modifications are scheduled to be completed to save cost of additional trips when all work can be completed at same time. Currently waiting for VDH to confirm that no additional MOR changes are needed for regulatory compliance. Hope to be completed in Fall of 2019									
28871	9601	R47009 12/5/2016	FILTER MEDIA	\$ 300,000.00	N/A		\$ 300,000.00	5/1/20	6/30/2021
Filter Media Replacement/Upgrade. Filtration is one of the last steps in the treatment process before water is sent to the distribution system. Filter has an expected life of around 20 years and was last replaced 1997. By replacing the filter media will help ensure that turbidity and other potential viruses does not pass to the public water supply. Waiting on approval from Health Department, anticipating that bid will be issued Novemer 2019 and work is scheduled to start Spring 2020.									
29346	9601	R43002 05/02/18	WATER SEWER RATE ANALYSIS	\$ 25,000.00	N/A		\$ 25,000.00		1/31/2020
RFP for rate analysis is in process of being issued									
29654	9601	R43002 03/25/19	PROFESSIONAL SERVICES FOR VA WITHDRAW PERMIT & ASSESSMENT WATER INTAKE	\$ 114,190.08	N/A		\$ 114,190.08		12/31/2020
Virginia Withdraw Permit (VWP) reissuance and intake assessment. Due to delays in DEQ processing the current permit was administratively continued and remained in effect until the new permit could be issued. These funds are needed for any DEQ requirement related to Raw Water Intake Permitting. These options include the performance of an intake evaluation to support the continued use of the current large screens. This project is ongoing due to delays in DEQ processing. Hopefullyt this project will be completed in the year 2020. Response from DEQ is anticipated by 12/31/19 and will provide more information on how to proceed.									
29708	9601	R43002 05/30/19	PRELIMINARY ENGINEERING ON WATER LOOP	\$ 23,600.00	9/13/2019	\$ 23,600.00	\$ -		Completed
The PER development draft has been sent to VDH for review and planning to be brought to Council meeting Aug 26, 2019 for discussion-29534 should be added to this for total of \$23,600- CHA billing invoice was paid out of this and continue to encumber for Preliminary Engineering Report development. This PER is required by VDH in order to move forward to construct redundant water line to Rte. 522 Corridor. CHA presented PER to Town Council on Aug 26, 2019.t									
29722	9601	R45407 06/04/19	ELECTRIC GATE REPLACEMENT	\$ 3,500.00	8/22/2019	\$ 1,215.52	\$ 2,284.48		11/30/2019
All price quotes have been received and replacement parts ordered. This PO to be closed out after receive all needed replacement parts. Repairs to be completed inhouse.									
29313	9602	R47513 3/28/2018	WATERLINE UPGRADES	\$ 1,127,751.65	6/21/2019	\$ 917,554.00	\$ 210,197.65	5/15/19	11/30/2019
Project began May 15, 2019-N Shenandoah Ave tie ins are complete, W 14th St is about 85% complete and are expected to finish this work Aug 30, 2019. Then will start on Belair Avenue and that will be last street for this project. Should be complete end of October or beginning November 2019.									
29413	9602	R43002 6/22/2018	LEAK DETECTION SERVICE	\$ 40,000.00	6/14/2019		\$ 40,000.00	11/1/19	6/30/2020
Will begin early November and will be a townwide study. Once this project starts it will take three to four weeks to complete. Normally with this study there is an average of 20+ leaks found that aren't surfacing. This project normally pays for itself in about 15 days due to the amount of treated water being lost in revenue. Released portion of purchase order in amount of \$25,355.10									
29730	9602	R47530 06/07/19	PRESSURE REDUCER VALVES& PRVS TO REDUCE WATER PRESSURE IN METER	\$ 8,500.00	N/A		\$ 8,500.00		6/30/2020
Funding is to purchase cla-val parts to rebuild the PRV's at Robin Hood Lane, Jamestown Rd and Westminster Dr. The PRV's reduce the water pressure on the water main so it doesn't cause damage to anything in the residents house on high pressure areas.									
29731	9602	R45407 06/07/19	14" & 16" CHOP SAW BLADES FOR CUTTING PIPE, CONCRETE, & ASPHALT	\$ 4,000.00	N/A		\$ 4,000.00		11/30/2019
Diamond tip chop saw blades and diamond tip chain saw chains for the department. These saws are used to cut pipe for maintenance and repairs performed. Materials have been ordered, awaiting receipt of invoice									
29749	9602	R47530 06/20/19	WOOD MATHEWS 3FT DOB 5-1/4 SCREW BOTTOM NST 3 WAY HYDRANT	\$ 2,754.24	9/12/2019	\$ 2,754.24	\$ -		Completed
Special order fire hydrant for E Stonewall Dr and Charles St. This hydrant should be delivered end of August and be installed first week of September 2019. Awaiting receipt of invoice.									
28992	9617	R47001 03/13/19	RADIO WATER METERS	\$ 620,940.00	8/19/2019	\$ 94,040.00	\$ 526,900.00		6/30/2021
Purchase the Neptune R900I radio read meters for the Town's radio read. We order these as we have the space to store them, then they are installed as work orders are completed or changed out by section as time allows. This has been an ongoing project and should be completed by end FY21.									
29343	9672	R40005 5/2/2018	WATER LOOP PROJECT	\$ 137,600.00	N/A		\$ 137,600.00		TBD
PER was presented to Town Council August 26, 2019. This funding will be used toward payment of debt service.									

TOTAL WATER FUND \$ 2,917,420.97 \$ 1,047,708.76 \$ 1,869,712.21

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27930	9801 R45407	6/12/2014	FAN PRESS Repairs to the #1 Rotary Fan Press. Currently underway the worn components of this dewatering equipment has been removed and is ready to ship to Prime Solution, the manufacturer of this equipment.	\$ 16,882.00	9/2/2016		\$ 16,882.00		11/30/2019
28885	9801 R47009	11/30/2016	RIVERTON & CROOKED RUN PUMP STATION UPGRADES Funding will be used to make needed updates at the Riverton & Crooked Run Waste Water Pump Stations. Pump stations have not been updated in over 30 years. Funding is for engineering evaluation of equipment, design, and construction. Design/engineering bid is anticipated to be issued in the near future and construction could start as early as May 2020	\$ 570,000.00	N/A		\$ 570,000.00	5/31/20	
29277	9801 R43002	02/15/18	ROYAL PHOENIX, LOT 6 PUMP ENGINEERING 17 of 21 bid items completed, approximately 80% complete overall. Remaining items include running electric lines from Main Street to the pump station, installing electrical controls, and getting the pump station certified for operation. The permitting issues have been resolved and now it is a matter of the electrical subcontractor rescheduling the work. No date is set for resumption of work but I anticipate the electrical work being completed by the end of September and the project closed out by mid-October.	\$ 3,826.75	2/23/2018		\$ 3,826.75		10/15/2019
29339	9801 R47009	4/25/2018	ROYAL PHOENIX NORTHERN SEWER PUMPING STATION 17 of 21 bid items completed, approximately 80% complete overall. Remaining items include running electric lines from Main Street to the pump station, installing electrical controls, and getting the pump station certified for operation. The permitting issues have been resolved and now it is a matter of the electrical subcontractor rescheduling the work. No date is set for resumption of work but I anticipate the electrical work being completed by the end of September and the project closed out by mid-October.	\$ 186,551.69	3/15/2019		\$ 186,551.69		10/15/2019
29346	9801 R43002	05/02/18	WATER SEWER RATE ANALYSIS RFP for rate analysis is in process of being issued	\$ 25,000.00	N/A		\$ 25,000.00		1/31/2020
29412	9801 R45412	06/22/18	OFFICE FURNITURE Materials on order	\$ 8,300.00	N/A		\$ 8,300.00		9/30/2019
29425	9801 R43005	6/23/2018	BIOSOLIDS DISPOSAL Open for Biosolids Landfill Disposal-removal of sludge. Prior year funds have been used.	\$ 22,000.00	N/A	\$ 22,000.00	\$ -		Completed
29673	9801 R45413	06/17/19	SOLENIS PRAESTOL 855 BS close PO-purchased FY19-20	\$ 5,620.00	8/22/2019	\$ 5,620.00	\$ -		Completed
29684	9801 R45413	06/14/19	BRENNTAG WINFLOC 7BC1 POL Purchase completed FY20	\$ 7,480.00	8/22/2019	\$ 7,480.00	\$ -		Completed
29692	9801 R45413	06/17/19	SOLENIS PRAESTOL 855 BS Purchase completed FY20	\$ 5,620.00	8/22/2019	\$ 5,620.00	\$ -		Completed
29701	9801 R45413	06/14/19	BRENNTAG WINFLOC 7BC1 POL Purchase completed FY20	\$ 7,480.00	8/22/2019	\$ 7,480.00	\$ -		Completed
29727	9801 R45413	06/14/19	BRENNTAG WINFLOC 7BC1 POL close PO-purchased FY19-20	\$ 7,480.00	8/22/2019	\$ 7,480.00	\$ -		Completed
29744	9801 R45413	06/17/19	SOLENIS PRAESTOL 855 BS Purchase completed FY20	\$ 5,620.00	8/22/2019	\$ 5,620.00	\$ -		Completed
28309	9802 R47998	6/8/2015	I & I ABATEMENT Funding will be used to complete I&I work on the Town's sewer system. This work is being done in conjunction with the consent order that DEQ had placed the Town under in 2009. . These funds will be used by June 30, 2020; this project is expected to be a multi-year ongoing project. Estimated expenditures from September 2019-June 2020 include: Cured In Place Lining - \$1,074,946 Manhole lining & frame/cover replacement - \$200,000 Pipe Burst or Open Cut Replacement - \$1,200,000 10% Contingency - \$247,495 Engineering & Construction Contract Admin - \$113,000 Inspections - \$104,000	\$ 2,819,272.99	9/13/2019	\$ 96,508.82	\$ 2,722,764.17		TBD
28666	9802 R47998	01/23/19	I&I ENGINEERING SERVICE Funds will be used for engineering services provided for the I&I project. This engineering is being done along with the I&I abatement work as part of the DEQ Consent order.	\$ 600,000.00	2/28/2018		\$ 600,000.00		2/28/2020
29729	9802 R47530	06/07/19	MANHOLE RISERS FOR PAVING ON W 14TH ST, BELAIR, STEELE, PARKVIEW, SCOTT & Manhole rise for the upcoming paving on W 14th St, Belair Ave, Steele Ave, Parkview Dr, Scott St and Highview St. Materials have been delivered & paid.	\$ 7,500.00	N/A	\$ 7,500.00	\$ -		Completed
29731	9802 R45407	06/07/19	14" & 16" CHOP SAW BLADES FOR CUTTING PIPE, CONCRETE, & ASPHALT Diamond tip chop saw blades and diamond tip chain saw chains for the department. These saws are used to cut pipe for maintenance and repairs performed. Material has been ordered.	\$ 4,000.00	N/A		\$ 4,000.00		11/30/2019
TOTAL SEWER FUND				\$ 4,302,633.43		\$ 165,308.82	\$ 4,137,324.61		

Carryover Purchase Orders

PO#	Account#	DATE FIRST ENCUMBERED	DESCRIPTION	Amount Requested to Carry Over	LAST CHECK CUT	FY20 FUNDS USED	REMAINING BALANCE AS OF 11/8/19	START DATE	ESTIMATED COMPLETION DATE
29143	4203	R45407	9/5/2017	BEAR PROOF REFUSE CONTAIN	\$ 834.01	9/18/2019	\$ 226.84	\$ 607.17	11/30/2019
Grant money received from Virginia Inland Game & Fisheries- have cans on order and will be using this money for bearproofing new containers									
29167	4203	R47001	10/12/17	96 GALLON ROLL OUT CARTS	\$ 1,626.67	7/5/2019	\$ 1,626.67	\$ -	Completed
Toter cans and lids on order hope to receive by end Aug 2019;awaiting receipt of invoice									
29172	4203	R47001	10/5/2017	96 GAL REFUSE CONT	\$ 5,005.60	4/17/2019	\$ 5,005.60	\$ -	Completed
Toter cans and lids on order hope to receive by end Aug 2019;awaiting receipt of invoice									
29554	4203	R47001	11/28/18	FREIGHTLINER M2-113 CHASSIS W/ LOADMASTER BODY (REFUSE TRUCK)	\$ 176,928.00	N/A	\$ 176,928.00		12/31/2019
Purchase approved by Town Council 11/26/18; awaiting arrival of truck.									
29655	4203	R47005	03/25/19	FUNDING TOWARD PURCHASE OF REPLACEMENT REFUSE TRUCK	\$ 60,305.52	5/15/2019	\$ 60,305.52		TBD
FY19 adopted budget included funding for first payment on two refuse trucks, although only one refuse truck was purchased. This funding has been set and may be used by direction of Town Council.									
29706	4203	R47001	05/28/19	TRASH CAN LIDS	\$ 3,039.49	N/A	\$ 3,039.49	\$ -	Completed
Toter cans and lids on order hope to receive by end Aug 2019;awaiting receipt of invoice									
TOTAL REFUSE FUND				\$ 247,739.29		\$ 9,898.60	\$ 237,840.69		

Carryove Purchase Orders

PO#	Account#	DATE FIRST ENCUMBERED	DESCRIPTION	Amount Requested to Carry Over	LAST CHECK CUT	FY20 FUNDS USED	REMAINING BALANCE AS OF 9/18/19	START DATE	ESTIMATED COMPLETION DATE
29711	4102 R47518	06/17/19	HAPPY CREEK PHASE 2 PRELIMINARY ENGINEERING REPORT	\$ 50,090.00	N/A		\$ 50,090.00		6/30/2020
	4500 R47518	6/17/2019		\$ 31,810.00			\$ 31,810.00		6/30/2020
			RFP in process of being issued, hope to have awarded in October 2019 or beginning Nov 2019						
29162	4500 R47957	9/26/2017	LEACH RUN PARKWAY	\$ 114,274.18	7/26/2019	\$ 2,430.00	\$ 111,844.18		TBD
			Working with contractor to finalize project						
29171	4500 R47927	10/05/17	PAVING	\$ 268,965.83	8/10/2018		\$ 268,965.83	9/19/19	6/30/2020
			Primary and secondary paving plan. Scott, Steele and Highview Streets pending completion of waterline upgrades.						
29421	4500 R45474	6/23/2018	TERMOPLASTIC PAVEMENT MAR	\$ 4,368.04	8/9/2019	\$ 4,368.04	\$ -		Completed
			Project completed						
29680	4500 R47005	05/01/19	YEAR 1 OF 2 FOR PURCHASE OF SINGLE AXLE DUMP TRUCK	\$ 71,000.00	N/A		\$ 71,000.00	7/1/19	7/1/2021
			Replacement of 27 year old truck #646.						
29709	4500 R45473	5/29/2019	THERMOPLASTICS ERADICATION & APPLICATION	\$ 28,845.00	8/9/2019	\$ 28,845.00	\$ -		Completed
	4500 R45473	5/29/2019		\$ 25,000.00	8/9/2019	\$ 25,000.00			Completed
	4102 R45474	5/29/2019		\$ 10,000.00	8/9/2019	\$ 10,000.00	\$ -		Completed
			Project completed						
29710	4500 R47927	06/04/19	STREET RECONSTRUCTION PAVING PROJECTS	\$ 153,900.00	N/A		\$ 153,900.00	9/19/19	10/31/2019
			Paving W.14th St pending waterline upgrade completion and timing of paving season.						
29712	4500 R45473	05/29/19	PAVEMENT MARKINGS	\$ 1,155.00	8/9/2019	\$ 1,155.00	\$ -		Completed
	4500 R45474			\$ 10,000.00	8/9/2019	\$ 10,000.00	\$ -		Completed
			Project completed						
29713	4500 R47001	05/30/19	REPLACE ASPHALT ROLLER (YEAR 1 OF 5)	\$ 30,000.00	N/A		\$ 30,000.00	7/1/18	6/30/2023
			Year 2 of 5, setting aside funds for future purchase. Current roller over 30 years old. Parts availability problematic.						
29720	4500 R47941	06/03/19	CONCRETE RECONSTRUCTION FOR CURB & GUTTER/SIDEWALK INSTALLATION PROJ	\$ 75,568.97	6/28/2019		\$ 75,568.97		6/30/2020
			Scott St, Steele St and Highview St improvements. To be completed after waterline upgrades and prior to paving.						
29746	4500 R45407	06/13/19	MSG2 TERMINAL END GUARDRAIL REPAIRS ON JOHN MARSHALL	\$ 4,300.00	7/19/2019	\$ 4,300.00	\$ -		Completed
			Project completed						

TOTAL STREET FUND \$ 879,277.02 \$ 86,098.04 \$ 793,178.98

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

Page 1
Item No. 9

Meeting Date: December 9, 2019

Agenda Item: PUBLIC HERING – Ordinance Amendment to Town Code Section 134-71(A)(1)(e) pertaining to Personal Guaranty for Business Entities (*1st Reading*)

Summary: On September 9, 2019 Council adopted an amendment to Town Code Chapter 134-71 pertaining to utility account payments and termination of service in an effort to decrease the Town's bad debt on utility accounts. During this time, it has come to the attention of staff that some commercial users have no ability to provide a personal guarantee without a legal liability challenge. It was also identified that commercial users were not included in the Town's acceptable credit history waiver of a utility deposit. Therefore, Council is requested to affirm on its first reading an ordinance to remove Town Code Section 134-71(A)(1)(e) pertaining to personal guaranty for business entities in its entirety and to remove the word "residential" in Service Location Deposit Waiver to allow commercial service locations to be included in the waiver of deposits, as presented.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held November 18, 2019

Staff Recommendation: Approval Denial

Proposed Motion: I move that Council affirm on its first reading an ordinance to remove Town Code Section 134-71(A)(1)(e) pertaining to personal guaranty for business entities in its entirety and to remove the word "residential" in Service Location Deposit Waiver to allow commercial service locations to be included in the waiver of deposits, 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:

**AN ORDINANCE TO RESCIND FRONT ROYAL TOWN CODE SECTION 134-71
PERTAINING TO UTILITY ACCOUNT DEPOSITS FOR BUSINESS ENTITIES**

WHEREAS, on September 9, 2019 Town Council amended Town Code Section 134-71 as an option for collection of bad debt on utility accounts due to the large amount of unpaid debt left when customers' accounts are closed;

WHEREAS, since September issues arose with large publicly owned companies having no ability to provide a personal guaranty without a legal and liability challenge;

WHEREAS, during this time Council realized that the Town Code allowed for no waivers of a deposit for commercial entities with an acceptable credit history with the Town; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 134-71(A) of the Front Royal Town Code is hereby rescinded as follows:

134-71 UTILITY ACCOUNTS DEPOSITS, PAYMENTS, TERMINATION OF SERVICE

A. DEPOSIT:

1. a. Residential Service Location Amount: For an existing residential service location, the deposit required for Town utility services after September 9, 2019 shall be an amount equal to the highest monthly bill for that location during the preceding twelve months or two hundred and fifty dollars (\$250.00), whichever is greater.
- b. Commercial Service Location: For an existing commercial service location, the deposit required for Town utility services shall be an amount equal to twice the average monthly bill for that location during the preceding twelve months or five hundred dollars (\$500.00), whichever is greater.
- c. Newly Established Location: To calculate the amount of the deposit for newly established residential or commercial service locations, the Front Royal Department of Finance shall establish the deposit at an amount equal to the customer's anticipated monthly usage of water and electric service, as may be the case.
- d. Reinstatement of Deposit: If, at any time, the customer's deposit is waived or returned, as set forth below, but the customer's service subsequently is terminated for nonpayment or the customer has made four late payments during any twelve month period, a deposit, in an amount as set forth above, shall be required.

~~e. Business Entities: The Town shall require any entity not a natural person requesting a utility account after September 9, 2019 to either: (1) provide the written personal guaranty of payment from a natural person holding an ownership interest in the entity or, (2) pay a deposit amount equal to the greater of: (a) twice the average monthly utility bill during the preceding twelve (12) month period for utilities provided at the service location or, (b) \$500.00. Any deposit paid pursuant to (2), above, shall be refunded upon~~

~~termination of the service account in an amount equal to the deposit and accrued interest minus any amount deducted to satisfy customer arrearages or other debts owing to the Town.~~

2. ~~Residential~~ Service Location Deposit Waiver: Notwithstanding the foregoing, no ~~residential~~ service location deposit shall be required when an acceptable credit history is furnished by the customer from a previous utility provider. Acceptable credit history is defined as a customer who can demonstrate that during the previous twelve months his bills were paid with no more than four (4) late payments on a monthly billing system or no more than two (2) late payments on a bimonthly system.

3. Payment of Deposit: Payment of the deposit is due upon execution of the service work order. In lieu of the foregoing, when the required deposit for a residential service location exceeds five hundred dollars (\$500) or a commercial service location exceeds one thousand dollars (\$1,000), the deposit may be paid in two equal installments with one half due when the work order is signed and pay the remaining half along with the payment for the first month's service.

(Amended 9-9-19-Effective Upon Passage)

4. Interest and Refunds: Deposits shall be held in an interest-bearing account.

a. Residential service location deposits plus interest shall be refunded either: (1) upon termination of the service account in an amount equal to the deposit and accrued interest minus any amount deducted to satisfy customer arrearages or other debts owing to the Town; or (2) upon the customer's request after a period of twelve months of service during which there were no more than four delinquent payments. Upon request of a refund, the Director of Finance shall first ensure that customer does not have any debts owing to the Town. If the customer is indebted to the Town, the Director of Finance will apply any refund toward satisfaction of these debts prior to the refund of any money to the customer.

b. Commercial service location deposits plus interest shall be refunded upon termination of the service account in an amount equal to the deposit and accrued interest minus any amount deducted to satisfy customer arrearages or other debts owing to the Town.

This ordinance shall become effective upon passage.

APPROVED:

Eugene R. Tewalt Mayor

ATTEST:

Jennifer E. Berry, MMC, 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:

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: ____/____/____

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

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Item No. 10

Meeting Date: December 9, 2019

Agenda Item: COUNCIL APPROVAL – An Ordinance to Vacate an Alley Between 303 and 311 Brown Avenue – Donnie Atkins (*2nd Reading*)

Summary: Council is requested to adopt an ordinance for the vacation of a 12.5' x 107' unimproved alley located between 303 and 311 Brown Avenue as requested from Donnie Atkins, 303 Brown Avenue. The approval is contingent upon utility easements and a Hold Harmless Agreement if a proposed fence is installed.

Budget/Funding: None

Attachments: Ordinance. Application, Plat

Meetings: Work Session held October 28, 2019. Public Hearing held November 25, 2019.

Staff Recommendation: Approval Denial

Proposed Motion: I move that Council adopt an ordinance to vacate an unimproved alley that is 12.5' x 107' located between 303 and 311 Brown Avenue, contingent upon required utility easements and a signed Hold Harmless Agreement if a fence is installed.

*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:

**AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF THE
TOWN OF FRONT ROYAL'S RIGHT-OF-WAY BEING AN
APPROXIMATELY 12.5' x 107' ALLEY LOCATED BETWEEN 303 (LOT 9)
BROWN AVENUE AND 311 BROWN AVENUE (LOT 8) IN THE TOWN OF
FRONT ROYAL, VIRGINIA.**

WHEREAS, the Town Council of the Town of Front Royal, Virginia (the Town), has received a request from Donnie R. Atkins (Atkins), whose mailing address is 303 Brown Avenue, Front Royal, VA 22630, to conditionally vacate a portion of the Town's approximately 12.7 foot by 107 foot alley and public right of way located between 303 Brown Avenue (Lot 9) and 311 Brown Avenue (Lot 8), W.E. Burke Subdivision (the "Alley"), for his, and his successors, heirs and assigns private use, as shown on that certain survey plat titled "SURVEY OF LOT 9 W.E. BURKE RE-SUBDIVISION PLAT BOOK 2 PAGE 143 REVISION DEED BOOK 129 PAGE 78 TOWN OF FRONT ROYAL, VA.", prepared by Joseph G. Brogan, Sr. C.L.S., dated Mar. 25, 1987, Rev. prop. DNell, 6/14/90, Re-Survey Nov.7, 1990, Update 1/16/92 (the "Plat"), incorporated by reference herewith, said Alley to become incorporated into and become an integral part of Lot 9 (the "Property"), and not a separate building lot.

WHEREAS, Atkins has further requested that the Town to convey the Alley to him.

WHEREAS, the Town's Viewing Committee and Town Council and its Staff have all investigated said requests and have found that the Alley requested for vacation and conveyance is not used by the Town or its citizens for public rights-of-way other than the Alley contains a Town sewer main; a Town underground drain that touches the Alley as it intersects with a 14 foot wide alley that connects with Pence Street that will continue to need to be maintained by the Town; and an underground Town electric service crossing the Alley near Brown Avenue (collectively, the "Utilities"), all of which Utilities require a reservation by the Town by means of deed of permanent public Town utility easements with permanent access easement in favor to the Town in form acceptable to the Town Engineer and the Town Attorney from Atkins to the Town across, through and under the Alley as shown on the Plat which will sufficiently protect the rights of the Town and of the public; and

WHEREAS, the Viewing Committee further recommends to Town Council that should Atkins install a fence in or on the Alley, Atkins should sign a Hold Harmless Agreement where he, his successors, heirs and assigns will not hold the Town, its official, employees or agents liable or responsible for damages that may be caused during necessary or appropriate maintenance or repair of the Town's Utilities located in or under the Alley.

WHEREAS, pursuant to the Town's ordinance and standard procedures for said requests, and as required by Sections 15.2-2006, *et seq.*, and 15.2-2100, *et seq.*,

of the Code of Virginia, 1950, a required \$100.00 application fee has been collected and paid into the Town's General Fund; letters of this proposed vacation have heretofore been sent to property owners who are effected by the proposed vacation and conveyance, if any; the Town Manager or Town Council and the aforesaid applicant have reached a price for the Alley to be conveyed; and the Town has appointed a Viewer's Committee who have personally reviewed the area to be vacated and conveyed and who have filed a written Report with the Town recommending the vacation and conveyance; and, after conducting a duly advertised Public Hearing on the said vacation and conveyance, Town Council now finds it appropriate and in the best interests of the Town to adopt this Ordinance and to hereby vacate and convey the Alley to the said Atkins, upon the terms and conditions hereinafter specified.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Front Royal, Virginia, that the aforesaid Alley as shown on the Plat aforesaid, is hereby conditionally vacated, on conditions and terms hereinafter described, and when said terms and conditions are satisfied, said Alley will be unconditionally conveyed to the said Atkins.

AND BE IT FURTHER, ORDAINED AND ENACTED that this vacation is conditioned upon the Town Attorney preparing a good and sufficient Special Warranty Deed for the Alley (the "Deed of Special Warranty"), to be signed on behalf of the Town Council by the Mayor, with the Town's Official Seal to be thereunto affixed and attested to by the Clerk of Town Council, and an attested copy of this Ordinance to be made a part of said Deed of Special Warranty, and that the said Town Attorney shall further, upon receipt of payment in the amount of _____ Dollars (\$ _____), plus the costs to advertise the Public Hearing, deliver the deed for the Alley;

Upon vacation and conveyance of the Alley, the Alley so vacated and conveyed hereby will become an integral part of Lot 9, 303 Brown Avenue 9 (the "Property") as shown on the Plat for all purposes and shall not be conveyed separately from the Property and shall not be a separate building lot.

AND BE IT FURTHER ORDAINED AND ENACTED that this vacation is further conditioned upon the condition that should Atkins install a fence in or on the Alley, that Atkins sign a Hold Harmless Agreement where he, his successors, heirs and assigns will not hold the Town, its officials, employees or agents liable or responsible for damages that may be caused during necessary or appropriate maintenance or repair of the Town's Utilities located in or under the Alley.

AND BE IT FURTHER ORDAINED AND ENACTED that this vacation is conditioned upon the Town retaining, and the Town shall retain, the following permanent utility and access easements in and under the Alley consisting of Town sewer main; a Town underground drain that touches the Alley as it intersects with a 14 foot wide alley that connects with Pence Street that will continue to need to be

maintained by the Town; and an underground Town electric service crossing the Alley near Brown Avenue (the "Utilities"), said Atkins signing a good and sufficient deed of permanent utility and access easements to said Utilities ("Deed of Easements") thereto in favor of the Town in form and substance approved by the Town Engineer and Town Attorney, said Deed of Easements and said Deed of Special Warranty to be recorded as aforesaid at the expense of Atkins and proof thereof furnished by Atkins to the Town Attorney before said vacation become effective, and if same shall not be done within one (1) year from the date of the adoption of this Conditional Ordinance by the said Atkins, the Town Attorney shall report same to this Council, and this Conditional Ordinance shall be void.

AND BE IT FURTHER ORDAINED AND ENACTED that, if the aforesaid proof of recordation and said sums are not delivered to the Town Attorney within one (1) year from the date of the adoption of this Conditional Ordinance by the said Atkins, the Town Attorney shall report same to this Council, and this Conditional Ordinance shall be void.

Upon payment of said sum and recordation of said Deeds according to this Conditional Ordinance, the conditions to this Ordinance shall expire, and this Ordinance and conveyance shall thereupon become Unconditional.

This Ordinance shall be effective upon passage.

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on _____, 20____, upon the following recorded vote:

APPROVED:

Eugene R. Tewalt, Mayor

Town Council Members:

Attest:

Gary L. Gillespie _____
Chris W. Holloway _____
Jacob L. Meza _____

William A. Sealock _____
Letasha T. Thompson _____

Attest:

Jennifer E. Berry, MMC, Clerk of Council
Approved as to form:

Douglas W. Napier,
Town Attorney

Date

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____ and _____, 2019. The Ordinance was enacted at the regular meeting of the Town Council held _____, 2019.

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Town of Front Royal, Virginia Council Agenda Statement

Item # 11

Meeting Date: December 9, 2019

Agenda Item: COUNCL APPROVAL – Liaison Committee Meeting Items

Summary: Council is requested to approve the following items to be added to the Liaison Committee Meeting Agenda scheduled for January 16, 2020.

1. Review Liaison Committee Mission Statement and Policies
2. Boundary Adjustment Request from Chris Ramsey
3. Blighted and Derelict Structures Program
4. Data Center
5. Working Together Regarding the EDA Civil Suit
6. Resolution to General Assembly to Allow Town to Establish its own EDA Separate from Existing EDA
7. Update on Happy Creek Road Project

Budget/Funding: None

Attachments: None

Meetings: Work Session held December 2, 2019

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council approve the following items to be added to the Liaison Committee Meeting Agenda for January 16, 2020 1. Review Liaison Committee Mission Statement and Policies; 2. Boundary Adjustment Request from Chris Ramsey; 3. Blighted and Derelict Structures Program; 4. Data Center; 5. Working Together Regarding the EDA Civil Suit; 6. Resolution to General Assembly to Allow Town to Establish its own EDA Separate from Existing EDA; 7. Update on Happy Creek Road Project

*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: _____

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

Item # 12

Meeting Date: December 9, 2019

Agenda Item: Comprehensive Water and Sewer Utility Rate Study

Summary: Council is requested to approve Stantec Consulting Services, Inc. to conduct a Comprehensive Water and Sewer Utility Rate Study in the amount of \$45,000.

Budget/Funding: 9601-43002

Attachments: Letter from Stantec and Scope of Services

Meetings: Work Session held December 2, 2019

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council approve Stantec Consulting Services, Inc. to conduct a Comprehensive Water and Sewer Utility Cost of Service Fee and Rate Study in the amount of \$45,000.

*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: _____



November 22, 2019

B.J. Wilson
Director of Finance
Town of Front Royal, Virginia
102 E Main St.
Front Royal, VA 22630

Re: Proposal for Comprehensive Water & Sewer Utility Rate Study

Dear Mr. Wilson:

As requested, Stantec Consulting Services Inc. (Stantec) is pleased to present this proposal to conduct a Water & Sewer Utility Rate Study for the Town of Front Royal. Based on our discussions, the scope of work for the study will include the development a financial plan inclusive of water and sewer rate adjustments for the water and sewer systems, examination of appropriate reserve balances, evaluation of cost of service differential between inside and outside Town customers and a comprehensive analysis of the Town's connection fees.

I have enclosed a Project Work Plan and Cost Estimate Schedule (Schedule) which presents our proposed detailed work plan to conduct the analysis and associated cost. This Schedule shows that the analysis will require 219 man-hours for an estimated \$42,050 plus estimated out-of pocket expenses of \$2,950 for a total fixed fee of \$45,000, inclusive of expenses. Therefore, we propose to complete the analysis for a fixed fee of \$45,000 that will be invoiced monthly based upon the percentage of each task completed. We can begin work on this assignment immediately upon receipt of a notice to proceed and estimate that it can be completed within approximately 90 days of receipt of all required data. We recognize the Town's desire to complete the study as soon as possible and will make every effort to accommodate the Town's schedule.

We appreciate the opportunity to present this proposal and look forward to working with you on this assignment. If you have any questions, please do not hesitate to call me at (202) 585-6391.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Hyder".

David Hyder
Principal, Financial Services



ATTACHMENT A

SCOPE OF SERVICES



Town of Front Royal
Water & Wastewater Utility Revenue Sufficiency Analysis & Cost Differential Study
Project Work Plan and Cost Estimate Schedule

Project Tasks		Estimated Labor-Hours					Total Project
		Director	Principal	Managing Consultant	Analyst	Admin	
		Burnham	Hyder	Barnes	Cook	Lambert	
Resources →							
Hourly Rates →		\$330	\$280	\$225	\$120	\$85	
Task 1 Project Initiation							
1.1	Prepare preliminary work plan, timeline for tasks, and initial data request list prior to kick-off meeting.	0	1	2	1	2	6
1.2	Conduct kick-off meeting via conference call to review project objectives, schedule, key issues, approach, available data, and key assumptions.	1	1	1	1	0	4
1.3	Review initial data/documentation provided by staff and submit supplemental requests and/or clarifications.	0	0	2	2	0	4
Task 2 Development of Financial Management Plan & Demand Analysis							
2.1	Prepare water and wastewater customer and demand analysis to determine projected growth, trends in usage patterns, identify peak demands and the demands placed on the system, and total projected water and wastewater system customers, ERCs and usage.	0	1	2	4	0	7
2.2	Input financial and billing data into our FAMS-XL® financial planning module, run the module, and produce preliminary output, including a five-year financial management program that will include the following:	0	0	6	18	0	24
	o Examination of historical and projected expenses (operating, capital improvement and capital equipment) and revenue requirements						
	o Capital Improvements Program and Capital Financing Plan						
	- Project listing by year, including integration of specific scenarios as required						
	- Alternative funding sources for capital projects						
	- Development of a capital financing plan, including identification of timing and amount of borrowing requirements						
	o Borrowing Program						
	- Borrowing required (by source) to fund CIP projects not funded by other sources to include but not necessarily be limited to revenue bonds,						
	- Timing of bond issue(s)/loan(s) to provide required borrowed funds						
	- Annual debt service of bond issue(s)/loan(s)						
	o Revenue Sufficiency Analysis, including Cash Flows						
	- Annual revenue projections, include a breakdown of revenues from sale of services, connection fees, and other revenues						
	- Annual operations and maintenance expense projections						
	- All other annual revenue requirements such as R&R, minor capital, transfers to other funds, current debt service/loan payments, replenishment						
	o Sources and Uses of Funds Analysis						
	o Financial Policy Review						
	- Reserve Levels (Minimum Fund Balance Policies) for each fund						
	- Beginning and ending funds balances by fund by year						
2.3	Review the existing fund balances and policy for the Utility, and prepare a recommendations	0	1	2	1	0	4
2.4	Make adjustments to the model as required in order to simulate the utility's current and/or specific financial dynamics.	0	0	1	2	0	3
2.5	Evaluate the use of volumetric sales, and prepare a report addressing the financial impact of utilizing volumetric sales in establishment of rates.	0	1	2	4	0	7
2.6	Review results with consulting team, make required adjustments, and prepare alternative scenarios.	1	1	2	2	0	6
2.7	Meet with Town staff in an interactive work session to review preliminary results.	0	4	4	0	0	8
2.8	Make adjustments per input from Town staff in the prior sub-task and distribute workbook of assumptions, inputs, and preliminary results for staff review.	0	1	2	10	0	13
2.9	Meet with Town staff in second interactive work session to review adjusted results.						
2.10	Perform adjustments per input from Town staff and determine plan of rate annual revenue adjustments and revenue requirements for the test year for cost differential.	0	1	1	5	0	7





Town of Front Royal
Water & Wastewater Utility Revenue Sufficiency Analysis & Cost Differential Study
Project Work Plan and Cost Estimate Schedule

Project Tasks	Estimated Labor-Hours					Total Project
	Director	Principal	Managing Consultant	Analyst	Admin	
	Burnham	Hyder	Barnes	Cook	Lambert	
Resources → Hourly Rates →	\$330	\$280	\$225	\$120	\$85	
Task 3 Service Area Cost Differential Analysis						
3.1 Identify and input all direct costs associated with the provision of water and wastewater service identified in Task 2, additional indirect costs not captured in utility rates, and allocation criteria into cost allocation and differential model.	0	1	4	6	0	11
3.2 Perform cost allocation and differential analyses to distribute/isolate all costs between service areas (i.e. in-Town vs. out-of-Town) based upon appropriate allocation criteria to determine service area rate differential.	0	0	4	10	0	14
3.3 Review initial cost allocation and differential analysis with Town staff.	1	1	2	2	0	6
3.4 Prepare adjustments based upon input from Town staff and distribute workbook of results for review by Town staff.	0	1	2	2	0	5
3.5 Meet with Town staff to review adjusted model and finalize analysis.	2	4	2	0	0	8
Task 4 Review & Development of Connection Fees						
4.1 Obtain and review all ordinances, master plan, capital improvement information, capacity reports, and system GIS data.	0	1	1	2	0	4
4.2 Obtain and review fixed asset records for all major system components.	0	0	1	1	0	2
4.3 Prepare reproduction cost schedule of fixed assets by major system component.	0	0	1	2	0	3
4.4 Review CIP with Town staff to determine portion of projects for expanded capacity and portions associated with renewal and rehabilitation.	0	1	1	0	0	2
4.5 Allocate fixed assets and CIP between major facility components of supply, treatment, transmission/collection, disposal, reuse, etc.	0	1	1	2	0	4
4.6 Load appropriate data into our connection fee module, adjust and calibrate, and produce preliminary results.	0	0	1	2	0	3
4.7 Link connection fee module with the financial forecast module of Task 2 to evaluate the effects of changes in the connection fees in the capital projects funding plan and the effects upon user fee rate revenue requirements and the overall financial plan.	0	0	0	1	0	1
4.8 Review list of identified current and potential new misc. service fees with Town staff and adjust as required.	1	1	1	4	0	7
4.12 Meet with Town staff in a web-based work session to review results of connection fees.	2	2	2	0	0	6
4.13 Perform adjustments based upon input from Town staff to finalize fee analysis.	0	1	1	2	0	4
Task 5 Reports & Presentations						
5.1 Prepare a Draft Report and summary presentation of the initial results and recommendations of the Study for staff review/comment.	1	2	8	12	0	23
5.2 Prepare Final Draft Report based upon edits from Town staff, and provide to staff for further review, as needed.	0	1	2	2	0	5
5.3 Present the results of the study to Town Council.	4	4	0	0	0	8
5.4 Integrate final staff comments and Town Council direction and prepare Final Report.	0	1	1	2	0	4
5.5 Attend one (1) Rate Hearing for Adoption.	4	2	0	0	0	6
Total Estimated Labor Hours	17	36	62	102	2	219
Total Estimated Fee	\$5,610	\$10,080	\$13,950	\$12,240	\$170	\$42,050
Total Estimated Expenses						\$2,950
Total Estimated Project Cost						\$45,000



13



Town of Front Royal, Virginia Council Agenda Statement

Item # 13

Meeting Date: December 9, 2019

Agenda Item: Resolution to Request General Assembly to Allow the Town to Establish its own EDA Separate from Existing EDA

Summary: Council is requested to approve a resolution requesting the General Assembly to allow the Town of Front Royal to establish its own Economic Development Authority (EDA) separate and independent from the existing EDA. Upon approval Council requests that the Town Attorney send the Resolution to the appropriate individuals.

Budget/Funding: None

Attachments: Resolution

Meetings: Work Session held December 2, 2019

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council approve a resolution requesting the General Assembly to allow the Town of Front Royal to establish its own Economic Development Authority (EDA) separate and independent from the existing EDA and to have the Town Attorney send it to the appropriate individuals upon approval.

*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: _____



**RESOLUTION OF THE TOWN COUNCIL OF TOWN OF FRONT ROYAL, VIRGINIA,
REQUESTING THE GENERAL ASSEMBLY TO ALLOW TOWN COUNCIL OF FRONT
ROYAL TO ESTABLISH ITS OWN ECONOMIC DEVELOPMENT AUTHORITY
(INDUSTRIAL DEVELOPMENT AUTHORITY) (EDA) SEPARATE AND INDEPENDENT
FROM EXISTING INDUSTRIAL DEVELOPMENT AUTHORITY (EDA)**

WHEREAS, the Town of Front Royal, Virginia, a municipal corporation chartered under the laws of the Commonwealth of Virginia (the “Town”), and the County of Warren, a political subdivision of the Commonwealth of Virginia (the “County”), have created, by mirror ordinances, an existing industrial development authority named the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia, also known as the Economic Development Authority (the “Existing EDA”), as is permitted by Va. Code § 15.2- 4903.C.

WHEREAS, in 2012, due among other reasons, lack of tangible benefit to Town citizens from any activity, on the part of the Existing EDA, Town Council of the Town voted to no longer contribute any funding to the Existing EDA, which the Town had previously co-contributed along with the County Board of Supervisors; and further, Town Council of the Town voted to no longer appoint any members of the Board of Directors to the Existing EDA, which Town Council had previously appointed along with the County Board of Supervisors.

WHEREAS, Va. Code § 15.2-4905 states: *“If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution.”*

WHEREAS, the Town has been using the Existing EDA as the Town's agent to assist the Town in funding, for millions of dollars of Town taxpayers' moneys, a number of large Town government projects, such as funding the construction of a new Town Police Department headquarters; funding the construction of a Town parkway, Leach Run Parkway, along which are located a new public middle school and a new hospital, the new Warren Memorial Hospital affiliated with Valley Health System, now is now under construction, which new Parkway connects two major existing Town roads; and funding the construction of the extension of West Main Street, which connects a new Existing EDA commercial development located on the Existing EDA's own property.

WHEREAS, during the process of the Town using the Existing EDA to assist the Town in funding the construction of the Town's projects, and while the Town still owes the Existing EDA moneys for the funding of the construction of the Town's projects, the former Executive Director of the Existing EDA has been creditably accused and has been indicted in excess of 30 felony charges in connection with criminal charges related to alleged misappropriation of Existing EDA and Town funds, and the said former Executive Director in addition has been civilly sued in the Circuit Court of Warren County, Virginia, by the Existing EDA for over \$21 million in damages in relation to said alleged misappropriation of said funds. The Town, Town Council, Town officials and Town employees had no role whatsoever in the former Executive Director's alleged misfeasance, nor in the Existing EDA's officials' apparent lack of oversight over the former Executive Director's actions. In fact, it was Town employees who discovered the former Executive Director's alleged misfeasance and who, at the direction of Town Council, notified law enforcement of the situation.

WHEREAS, in connection with the alleged misappropriation of the Town's funds as aforesaid by the former Executive Director of the Existing EDA, the Town has civilly sued the Existing EDA and the former Executive Director of the Existing EDA in the Circuit Court of Warren County, Virginia for \$15 million in damages, which figure in damages will be requested of the Circuit Court by the Town to be increased in response to new ongoing audit figures currently being conducted in connection with the lawsuit by the Town.

WHEREAS, the legal and financial troubles of the former Executive Director of the Existing EDA and the Existing EDA itself have been the subject of much negative media attention, including such national media outlets such as the *Washington Post* newspaper and NBC News television.

WHEREAS, based upon information and belief, the Existing EDA relies in part on the County to fund the Existing EDA's operations, and notwithstanding this, apparently the Existing EDA likely will become insolvent sometime in the year 2020, more likely than not early in 2020.

WHEREAS, based upon information and belief, including information furnished the Town from Existing EDA officials and from County officials, that the Existing EDA owes the County significant sums of money for much the same or similar reasons as the Existing EDA owes the Town moneys.

WHEREAS, the Existing EDA has issued a number of bonds and other indebtedness, as permitted by Va. Code § 15.2-4905 and § 15.2-4908, for private and public facilities, including hospitals and schools, which bond and indebtedness are still outstanding and unpaid.

WHEREAS, Va. Code § 15.2-4914 provides: *"Whenever the board of directors of the authority by resolution determines that the purposes for which the authority was formed have been substantially complied with and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, the then members of the board of directors of the authority shall thereupon execute and file for record with the governing body of the locality which created the authority, a resolution declaring such facts. If the governing body of the locality which created the authority is of the opinion that the facts stated in the authority's resolution are true and that the authority should be dissolved, it shall so resolve and the authority shall stand dissolved. Upon such dissolution, the title to all funds and properties owned by the authority at the time of such dissolution shall vest in the locality creating the authority and possession of such funds and properties shall forthwith be delivered to such locality."* Therefore, as long as there are outstanding and unpaid bonds and indebtedness of the Existing EDA, the Existing EDA cannot be dissolved.

WHEREAS, Va. Code § 15.2-4913 provides :*"... if the board of directors of the authority determines that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority then any net earnings of the authority thereafter accruing shall be paid to the locality with respect to which the authority was created"*, which is in full agreement with a 1991 Agreement between the Town and the County that the two localities split the profits from the EDA's sale of its properties. The provisions of the 1991 agreement has not been honored by the Existing EDA, in that the net earnings of the Existing EDA have not been paid to the Town and

County since 1991, but rather have been retained by the Existing EDA and are still outstanding and owed to the Town and County.

WHEREAS, Va. Code § 15.2-4905 provides, in part: ...*"If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution."*

WHEREAS, Va. Code § 15.2-1800. C. provides: *"A city or town may also acquire real property for a public use outside its boundaries."* In addition, Va. Code § 15.2-1802 provides: *"A town may acquire pursuant to § 15.2-1800, but not by condemnation, land within its boundaries or within three miles outside its boundaries, for the development thereon of business and industry."*

WHEREAS, it appears to the Town that as long as there are outstanding and unpaid Existing EDA bonds and indebtedness, the Town cannot even rescind its ordinance co-creating the Existing EDA at all, in which case the Town would not even be able to create a separate Town EDA which could fund Town EDA facilities either inside the Town's corporate boundaries. In addition, the Town no longer appoints any of the members of the Board of Directors of the Existing EDA, nor does it fund the existing EDA. However, under current Va. Code § 15.2-4905, even if the Town rescinds its EDA creation ordinance, because the Existing EDA was jointly created by the Town with the County, the Town will be unable to create a separate Town EDA which can finance facilities outside the Town, unless the County concurs with this financing by a County Board of Supervisors' resolution, which is not to be taken as a given. There may well be times when it would be advantageous for the Town to consider facilities outside its boundaries, such as if its water supply facilities, waste disposal facilities, or the Town's electric utility facilities, all of which the Town operates both inside and outside the Town's corporate limits, need to be expanded, or if the Town wanted to consider the addition of facilities of higher education, the expansion of additional medical facilities, or simply wanted to expand its tax base.

WHEREAS, Va. Code § 15.2-4914 provides: *"Upon such dissolution [of the EDA], the title to all funds and properties owned by the authority at the time of such dissolution shall vest in the locality*

[the Town and the County] *creating the authority and possession of such funds and properties shall forthwith be delivered to such locality* [the Town and the County].”

WHEREAS, if the Town did rescind its ordinance which co-creates the Existing EDA, then the Town would waive its rights to share in one-half (1/2) of the funds and properties, if any, of the Existing EDA at the time of dissolution of the Existing EDA, which might well be construed as wastage of Town assets by Town Council, and thereby construed as legal misfeasance on the part of Town officials, which would be unacceptable to the Town.

WHEREAS, based upon information and belief, the “brand” of the Existing EDA has been so badly damaged as to make it very difficult, if not impossible, for the Existing EDA to attract new commerce and industry into the Town. In addition, the existing lawsuit of the Town against the Existing EDA has made it very difficult, if not impossible, for the Existing EDA to work on behalf of the Town in attracting new commerce and industry into the Town. Further, there is an inherent conflict of interest, at least an appearance of a conflict of interest, and perhaps factually subconsciously, on the part of its the Existing EDA officials and employees to favor attracting new commerce and industry which will benefit the County as opposed to the Town, for all the reasons set forth.

WHEREAS, for all the reasons aforesaid, upon deliberate and studied consideration, Town Council of the Town of Front Royal finds that it is to the benefit and betterment of all the inhabitants of the Commonwealth of Virginia, and in particular to the inhabitants of the Town of Front Royal, that the Town Council of the Town be able to form its own independent Town EDA, separate and apart from the Existing EDA, so that the Town can forge its own path forward in the future, unencumbered by the tremendous financial, legal, and reputational burdens currently encumbering the Existing EDA, and which will most likely encumber the Existing EDA for years to come, all due to no fault of the citizens, residents and taxpayers of the Town, and all due to no fault of Town Council or any Town officials or Town employees.

NOW THEREFORE BE IT RESOLVED, that the Town Council respectfully requests the General Assembly amend the Code of Virginia in the following regards, with the *italicized and underlined* wording being the portion of the Code of Virginia Town Council respectfully requests to be amended:

[PROPOSED]: Va. Code § 15.2-4905. Powers of authority. — The authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:...

If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution. Notwithstanding the foregoing, nothing contained herein shall be deemed to invalidate or otherwise impair any existing financing by an authority or the financing of any facilities for which application has been made to an authority prior to July 1, 1981. And further, notwithstanding the foregoing, nothing contained herein shall be deemed to impair the authority of the Town Council of the Town of Front Royal from creating its own independent industrial development authority, separate and apart for all purposes from any currently existing or future industrial development authority, which Town of Front Royal solely-created independent industrial development authority shall have all powers granted industrial development authorities generally as set forth in Chapter 49, Industrial Development and Revenue Bond Act, §§ 15.2-4900 — 15.2-4920 of the Code of Virginia, 1950, as amended. [PROPOSED WORDING ITALICIZED AND UNDERLINED.]

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Attorney of the Town file with the General Assembly and the Town's appropriate Delegates and Senators a true copy of this adopted Resolution and take such further and lawful action and execute such further and lawful documents in furtherance of the intent of this Resolution as may be necessary and or appropriate to effectuate this Resolution.

[SIGNATURES FOR RESOLUTION NEXT PAGE FOLLOWING]

[REST OF PAGE INTENTIONALLY BLANK]

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia,
Town Council conducted on _____, 2019, upon the following recorded vote:

APPROVED:

Eugene R Tewalt, Mayor

Town Council Members:

Attest:

Gary L. Gillespie _____

William A. Sealock _____

Chris W. Holloway _____

Jacob L. Meza _____

Letasha T. Thompson _____

Jennifer E. Berry, MMC, Clerk of Council

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: _____