

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 25, 2016, in the Warren County Government Center’s Board Meeting Room. Mayor Darr led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

**PRESENT:** Mayor Timothy W. Darr  
Councilman John P. Connolly  
Councilman Bébhinn C. Egger  
Councilman Bret W. Hrbek  
Councilman Eugene R. Tewalt  
Vice Mayor Hollis L. Tharpe  
Town Attorney Douglas W. Napier  
Town Manager Steven M. Burke, P.E.  
Clerk of Council Jennifer E. Berry, CMC

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

*Councilman Tewalt moved, seconded by Councilman Egger that Council approve the Regular Council Meeting minutes of January 11, 2016 as presented.*

Vote: Yes – Connolly, Egger, Hrbek, Tewalt and Tharpe  
No – N/A  
Abstain – N/A  
Absent – N/A  
(Mayor Darr did not vote as there was no tie to require his vote)

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**RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC**

Mike McCool, of 125 W. 8<sup>th</sup> Street, asked about the consent agenda iPad item. He noted that while he appreciated former Councilman Funk’s service, Council is about to appoint another member of Council and the Town will then have to purchase another iPad. Mr. McCool noted that it would not make sense to buy another iPad; he added that the sale of the item was short sighted and it sets a bad example. He added that the iPads are not at the end of their life, they are viable and Council should reconsider their choice on the iPad matter.

Vincent Carter, of 66 Westminster Drive, noted that he had no complaints to Council for the most part, though he feels he would like to understand some of the of the procedures within the Town. Mr. Carter noted that the sign on Westminster regarding the church concerns him and he would like to understand the process and the intent. He added that the church sign brought to his attention that he needed to understand the process of how things work within the Town.

Mayor Darr welcomed Mr. Carter and his family, and encouraged him to contact Town Staff or him personally with any questions which may arise.

Councilman Burke noted that the sign at the church would be on the worksession, per the request of Councilman Hrbek.

**REPORT OF THE MAYOR, COUNCIL & STAFF**

Town Manager Steve Burke:

- Thanked the Town employees who have been working around the clock to address the snow from this weekend's blizzard. Our Department of Environmental Services has utilized all Divisions to plow and remove snow from our streets. In addition, our Water & Sewer crews responded to three water breaks during the storm. Our Department of Energy Services crews assisted with snow removal. They also responded to a small, weather related outage Sunday night. Our Police Department responded to 100 calls over the weekend. Most were weather related about traffic accidents or vehicles stuck on the roads. Our crews continue to work to widen our streets; our arterial roads are in good shape. Town crews worked with Warren County Fire and Rescue and our Police Department to provide access for emergency response. Our crews will continue working this week to push snow and wide lanes throughout the Town.
- The Town's Yard Waste & White Goods Disposal area at the end of Manassas Street will be closed for the remainder of the week and is anticipated to reopen on Monday, February 1st.
- Trash collection for Monday, January 25th was postponed under this Wednesday, January 27th. Collection for all other days will be as normal. We ask that customers place their garbage cans in their driveway to not impede traffic.
- As the Town is focusing on clearing streets, we have opened the Happy Creek Trail from Main Street to Criser Road. We will not be able to remove snow from sidewalks and other trails until after the snow has melted due to snow being piled from plowing streets. During this time, we ask motorists to be aware of pedestrians who might be walking in the streets.
- We are coordinating with the Warren County Schools to ensure that streets leading to schools have been widened when schools reopen. Branch Highways, the contractor for the Leach Run Parkway project has cleared the entire length of the project, has coordinated with the Middle School contractor for utility work to the school, and has started the installation of the new box culvert at Leach Run. Our Department of Energy Services has installed the pole relocations along Happy Creek Road necessary for the Parkway, and is working with the utilities attached to the existing poles to coordinate transition.
- The Town, County, and EDA continue to work with the consultant to get plans to submit to VDOT for the Industrial Access Grant for the construction of Main Street extended through the Avtex site.
- The Town and County continue to work with the consultant to develop the online permitting software that will allow residents to submit building and development permits online simultaneously to both the Town and County. Currently, we hope that the online permitting will be available in April of this year.

Councilman Hrbek thanked the road crews the Police Department and every Town Staff member that worked through the weekend snow event. He noted that per Mr. Carter's suggestion, that perhaps Staff could set up quarterly workshops to advise residents of how matters become a law, how Planning & Zoning operates, etc.

Councilman Hrbek stated that a town in North Carolina has parking spots available at the Police Department to allow safe internet purchase. He noted that this would allow members of the community to safely meet in a public location.

Mayor Darr commended Town Staff for the great efforts during the snow event, noting that the law enforcement efforts, the Town Electric Staff, the Town Street Crew, the full Department of Environmental Services Division, and others worked tirelessly to keep the Town moving, and he thanked them. Mayor Darr stated that the initial goal at this time is to move the snow in order to widen the streets. He noted that there were eight foot snows everywhere and it would be a timely process. Mayor Darr noted that his driveway had been closed many times by the plow and added that cars needed to be in driveways, rather than on the street as much as possible. He stated that everyone is amazed at the amount of snow the Town received and he thanked the residents for their patience and the crews for their work.

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

**CONSENT AGENDA**

- A. COUNCIL APPROVAL – MOA for Video Equipment in Board Room
- B. COUNCIL APPROVAL – Request to Purchase Town-Issued iPad (with amended motion)
- C. COUNCIL APPROVAL – Bid – Technical Services for IT Networking and Infrastructure
- D. COUNCIL APPROVAL – Purchase of Pickup Truck for Water/Sewer Maintenance Dept
- E. COUNCIL APPROVAL – Resolution - Future Power Block Purchases - 2021-2024 with AMP

*Councilman Tewalt moved, seconded by Councilman Egger that Council adopt the Consent Agenda as presented.*

Councilman Connolly asked to remove Item B – iPad for discussion.

Vote: Yes – Connolly, Egger, Hrbek, Tewalt and Tharpe  
 No – N/A  
 Abstain – N/A  
 Absent – N/A  
 (Mayor Darr did not vote as there was no tie to require his vote)  
 (By Roll Call; sans Item B - iPad)

**MOA FOR BOARD ROOM EQUIPMENT**

**MEMORANDUM OF AGREEMENT**

**COMCAST FRANCHISE AGREEMENT FUNDS**

**THIS MEMORANDUM OF AGREEMENT FOR COMCAST FRANCHISE AGREEMENT FUNDS** for the replacement and upgrade of video equipment at the Warren County Government Center Board Room dated this day of, 2016, by and between the **COUNTY OF WARREN, VIRGINIA**, a political subdivision of the Commonwealth of Virginia(hereinafter “the County”) and **THE TOWN OF FRONT ROYAL, VIRGINIA**, a Virginia Municipal Corporation (hereinafter “the Town”), hereby agree to following:

**RECITALS:**

A. The Town and the County have initiated negotiations with Comcast Cable to renew the Franchise

Agreement for the provision of cable television service in the respective localities.

B. Both the Town Council and the County Board of Supervisors use the County Government Center Board Room (“the Board Room”) to conduct their official meetings.

C. The video recording equipment in the Board Room is over fifteen years old and advancements in technology have achieved improved recording capabilities.

D. The Town and the County intend to share the cost for improving the video recording and transmission equipment.

**TO THAT END**, and for and in consideration of the mutual covenants contained herein, the Town and the County agree as follows:

1. The Town and the County agree to jointly pursue negotiations with Comcast Cable to secure \$25,000.00 each for dedicated funding to improve and replace the video recording and transmission equipment at the Board Room.

2. The Town and the County agree to jointly budget and expend said funding if received from Comcast Cable to improve and replace the video recording and transmission equipment at the Board Room.

3. The Town and the County agree that the Town’s Department of Information Technology shall assume the responsibility of developing the specifications for the equipment acquisition and administer the procurement and installation of said equipment.

4. The Town and the County will cooperate to do all other things necessary or appropriate for the ends and purposes of this Memorandum of Agreement to be accomplished.

**RESOLUTION FOR FUTURE POWER BLOCK PURCHASES**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE 2021-2024 FIXED VOLUME ENERGY SUPPLY SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. (“AMP”)**

WHEREAS, the Town of Front Royal, Virginia (the “Municipality”) is a political subdivision organized and existing pursuant to the laws of the state of Virginia which owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers;

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

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

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

WHEREAS, AMP will negotiate with one or more reputable and financially sound third party power suppliers to enter into an agreement(s) to purchase electric energy in various megawatt ("MW") or megawatt hour ("MWh") blocks for a term beginning on January 1, 2021 and ending no later than December 31, 2024, all of which will provide an economical source of electric energy (herein "Long Term Energy Purchase(s)") for Municipality;

WHEREAS, AMP, on behalf of the Municipality, desires to purchase from third party supplier(s) and then to resell the energy available from these Long Term Energy Purchase(s) on a long term basis to Municipality at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$50.00 per MWh for 7x24 purchases;

WHEREAS, AMP, has prepared and delivered to the Municipality the form of a 2021-2024 Fixed Volume Energy Supply Schedule, pursuant to which the Municipality may purchase energy; and

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

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

SECTION 1. That the form of the 2021-2024 Fixed Volume Energy Supply Schedule between this Municipality and AMP, substantially in the form attached hereto as Exhibit 1, is approved, subject to and with any and all changes provided for herein and therein.

SECTION 2. That the Town Manager be authorized to execute the 2021-2024 Fixed Volume Energy Supply Schedule and to acquire the Municipality's energy from one or more Long Term Energy Purchase(s), each with a term beginning on January 1, 2021 and ending no later than December 31, 2024, and with a third party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$50.00 per MWh for 7x24 purchases, from AMP, and is further authorized to execute and deliver any and all documents necessary to participate in one or more Long Term Energy Purchase(s), pursuant to the conditions set forth herein for a term beginning on January 1, 2021 and ending no later than December 31, 2024, as set forth in the

2021-2024 Fixed Volume Energy Supply Schedule; provided, however, that (i) the total MW for all such 7x24 purchases under the 2021-2024 Fixed Volume Energy Supply Schedule shall not exceed 3 MW.

SECTION 3. That competitive bidding is not required on the Municipality’s acquisition of its right to secure energy under the 2021-2024 Fixed Volume Energy Supply Schedule, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirement that might otherwise be applicable, are hereby waived.

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

SECTION 5. If any section, subsection, paragraph, clause or provision or any part thereof of this shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this resolution shall be unaffected by such adjudication and all the remaining provisions of this resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 6. That this resolution shall take effect at the earliest date allowed by law.

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**COUNCIL APPROVAL: Request to Purchase Town-Issued iPad**

**SUMMARY: Former Councilman Daryl Funk has requested to purchase the iPad that was provided to him during his term on Town Council. Council is requested to approve the purchase to Mr. Funk in the amount of \$320.**

*Councilman Connolly moved, seconded By Councilman Egger, that the request of former Town Council Member Daryl L. Funk to purchase the Town-owned used iPad tablet which he had used while he was a Member of Town Council, which he has requested to purchase from the Town at its fair market value, be sold to him to him at its fair market value, which its fair market value has been expertly determined, and that the general procedures for the sale of Town-owned personal property set forth in Town Code Section 1-22 be deviated from, as set forth in Town Code Section 1-22.C., because the fair market value of the used iPad is so minimal as to not justify the expense and time to the Town’s taxpayers of public advertisement of bids of a sale therefor in newspaper and conducting bids therefore and preparation of disclaimers of warranties for any possible defects in the iPad to a purchaser at a bid sale. I further move the iPad be disposed of to the said Daryl L. Funk through the Town’s Purchasing Agent as provided for in the Town’s Procedures for Purchasing and Procurement Manual.*

Councilman Connolly noted that he would support the motion as the iPads depreciate quickly and they are going into their third year of use.

Vote: Yes – Connolly, Egger, Hrbek and Tewalt

No – Tharpe  
Abstain – N/A  
Absent – N/A  
(Mayor Darr did not vote as there was no tie to require his vote)  
(By Roll Call)

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**COUNCIL APPROVAL – Budget Amendment and Acceptance of Rebate from Moretz Consulting for Maintenance on Electric Vehicle DC Fast Charger**

**Summary:** Last year the Town worked with Virginia Clean Cities (VCC) for a donation of a fast DC Electric Vehicle charger for the Town of Front Royal. During evaluation of the project, Town staff had concerns over the one-year warranty period. In cooperation with the partners of VCC, Nissan and Moretz Consulting, they offered the Town an allocation of \$4,000 for equipment repairs past the one (1) year standard warranty. Council is requested to approve a budget amendment in the amount of \$4,000 and subsequently accept this amount from Moretz Consulting for equipment repairs past the one (1) year standard warranty of the Electric Vehicle DC Fast Charger.

*Councilman Connolly moved, seconded by Councilman Egger that Council approve a budget amendment in the amount of \$4,000 and subsequently accept this amount from Moretz Consulting for equipment repairs past the one (1) year standard warranty of the Electric Vehicle DC Fast Charger.*

In response to Councilman Hrbek’s questions Mr. Burke noted that it was actual cash coming back to the Town.

Vote: Yes – Connolly, Egger, Hrbek, Tewalt and Tharpe  
No – N/A  
Abstain – N/A  
Absent – N/A  
(Mayor Darr did not vote as there was no tie to require his vote)

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**COUNCIL APPROVAL – Budget Amendment and Acceptance of Donation for New Year’s Eve Front Royal Event**

**Summary:** Council is requested to approve a budget amendment in the amount of \$100.00 and subsequently accept that amount from Ramsey Hardware as a donation for the *2015 New Year’s Eve Front Royal* event.

**Budget/Funding:** 1000-3189913 [Donations] \$100.00  
1205-5428 [Community Relations] \$100.00

*Councilman Egger moved, seconded by Councilman Connolly, that Council approve a budget amendment in the amount of \$100.00, and subsequently accept, that amount from Ramsey Hardware as a donation for the 2015 New Year’s Eve Front Royal event.*

Vote: Yes – Connolly, Egger, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

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

(By Roll Call)

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**COUNCIL APPOINTMENTS – Town Scholarship Committee**

**Summary:** Council approved the implementation of the “Town of Front Royal Scholarship Program” in 2015. Applications were accepted from graduating high school seniors living in the Town limits for two (2) \$500.00 scholarships to pursue continued undergraduate or trade education at an accredited university, community college or trade school. Several applications have been received. Council is requested to appoint two members of Town Council to the Town Scholarship Committee to review the applications and select two scholarship recipients.

*Councilman Hrbek moved, seconded by Councilman Egger, move that Council appoint Councilmen Bébhinn Egger and John Connolly to the Town Scholarship Committee.*

Vote: Yes – Connolly, Egger, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

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

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**COUNCIL APPOINTMENT – Town Councilmember**

**Summary:** Council is requested to appoint a Town Councilmember to fill the unexpired term of former Councilman Daryl L. Funk, who was elected at Clerk of the Court beginning January 1, 2016. Said term for the appointed councilmember is December 31, 2016.

*Councilman Egger moved, seconded by Councilman Connolly, to appoint Jacob L. Meza as a Member of Town Council to fill the unexpired term caused by the vacancy of former Member Daryl L. Funk, who resigned effective December 31, 2015, said term to expire December 31, 2016.*

Councilman Tewalt noted that he would not support this appointment as the Council had better candidates apply that had lived in the area a long time. He added that the rumors were that some individuals said that they had new ideas for the community.

Councilman Egger thanked those twelve that applied, noting that the twelve applicants had brought many different ideas to the table. She added that it was very encouraging to see so many interested in the position, and it was her hope that so many would be running for election in the future. Councilman Egger noted that it seemed that there would be bright future for Front Royal.

Vote: Yes – Connolly, Egger and Hrbek  
No – Tewalt and Tharpe  
Abstain – N/A  
Absent – N/A  
(Mayor Darr did not vote as there was no tie to require his vote)  
(By Roll Call)

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There being no further business, the Mayor declared the meeting adjourned at 7:24 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council