



REGULAR TOWN COUNCIL MEETING

Monday, April 26, 2021 @ 7:00pm in Warren County Government Center

Due to Executive Order #72 (Amended 3/23/21) from Governor Northam there is limited seating and masks are recommended.

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES –Regular Meeting of March 22nd and Work Session April 7th, 2021
5. ADDITION/DELETION OF ITEMS
6. RECOGNITIONS/AWARDS – Proclamations for Arbor Day & National Public Works Recognition Week - *Mayor*
7. PUBLIC COMMENTS (**COMMENTS NOT RELATED TO PUBLIC HEARINGS**)
8. PUBLIC HEARINGS
 - A. To receive Comments and Concerns from the Public and Approve an Ordinance Pertaining to the Vacation of a 50-foot Strip of Land Approximately 6,268.3 Sq.Ft. (0.1439 acres) on Commonwealth Drive – Robert Williams and James Williams – Town Attorney
 - B. Rezoning Application Requesting to Reclassify Parcels Approximately 0.45 acres from R-3 District to C-1 District Located on the West Side of Pine Street Near the Intersection of South Street, to Allow for Additional Employee and Customer Parking, Accessory Storage and Office Use for Spelunkers Restaurant – *Chris Brock*
 - C. An Ordinance to Amend Town Code Chapter 16 “Industrial Development Authority” to Include Residents of Warren County Who Owns a Business in Town, as Directors of the Front Royal Economic Development Authority (FREDA) - *Mayor*
 - D. An Ordinance to Amend and Re-Enact Town Code Chapters 134-22.1, 134-22.4, 134-30, 134-31.1 and 134-31.2 To Increase Water and Sewer Rates – *BJ Wilson*
 - E. Annual Appropriation Ordinance for FY2021-2022. Budget effective July 1, 2021 through June 30, 2022, as proposed – *BJ Wilson*
9. REPORTS
 - a. Report of Town Manager
 - b. Report of Councilmembers
 - c. Report of the Mayor
10. CONSENT AGENDA ITEMS
 - A. New Agreement for the Use of Federal Care Coronavirus Relief Funds – *BJ Wilson*
 - B. Resolution Initiating Proposed Ordinance Amendments to the Regulations of Chapter 148 and Chapter 175 Pertaining to Permitting and Approval Authorities of the Planning Commission – *Chris Brock*
 - C. Sole Source Purchase of a Water Treatment Plant Valve – *Alisa Scott*
 - D. Bid Award for Milling and Paving Services – *Alisa Scott*
11. BUSINESS ITEMS -
 - A. Resolution to Delay Charges for Real Estate and Personal Property Taxes Penalty and Interest – *BJ Wilson*
12. CLOSED MEETING – Consultation with Legal Counsel



TOWN COUNCIL REGULAR MEETING MINUTES

March 22, 2021 @ 7:00PM in Warren County Government Center

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

Moment of Silence

Pledge of Allegiance was led by Vice Mayor Cockrell

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman E. Scott Lloyd (Remote by phone)
Councilman Joseph E. McFadden
Councilman Jacob L. Meza
Councilman Letasha T. Thompson

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Town Attorney Douglas W. Napier
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Gillispie moved seconded by Councilman Meza that Council approve the minutes of Work Sessions of February 16th and March 8th, Regular Meeting of February 22nd, and Special Meeting of March 1st, 2021 as presented.

Vote: Yes – Unanimous

ADDITIONS/DELETION OF ITEMS FROM THE AGENDA – None

RECONITIONS/AWARDS – Pinning Ceremony of Police Officer Zach Wallace by Police Chief Magalis

PRESENTATIONS - None

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)
(comments may be heard in their entirety on the Town's website by accessing video of the same date)

Timothy Ratigan, 6079 Stonewall Jackson Hwy, representing "Back the Blue" encouraged Council to draft a Resolution regarding House Bill 1280 (George Floyd Justice in Policing Act of 2021) and send to local legislation to vote no on this bill. His fear was the community will lose good quality officers if passed.

PUBLIC HEARING

A. Rezone approximately 2.1 acres from R-1 Residential District to R-3 Residential District at Jefferson Avenue and undeveloped portion of Hillcrest Drive – Rockledge Development Co, LLC

Mayor Holloway opened the public hearing. There were three speakers:

Debbie Earl – voiced her opposition to the rezoning and brought in a Letter of Opposition/Petition [below] that was given to every councilmember. *[The petition attached to the letter may be seen in the Clerk of Council's Office.]* She noted that she lived in a quiet community and voiced concerns that it would decrease property values and remove the animals.

LETTER OF OPPOSITION

to Proposed Rezoning and Classification of Tax Map #20A13 3A

I am Debbie Earl, a Tharpe's subdivision resident currently living at 731 West 16th Street. We moved to the community at 750 Hillcrest Drive when I was 4 years old. I haven't had the heart to leave it, so the future of this neighborhood is very important to me, and my family.

I am here to express my strong opposition to the proposed rezoning at Hillcrest Drive and Jefferson Ave. from R-1 to R-3. While those of us here in the local community may be unable to prevent some development, that is already going to destroy the vast wildlife habitat, all residents here in the surrounding neighborhood are completely opposed to the addition of any high-density building.

Although, not everyone was able to attend tonight, this is reinforced by the petition I was able to bring with me. While acquiring these signatures, I spoke to many of my neighbors, and their opposition is evident.

In addition to driving all of the animals out of the area, this type of rezoning and building will:

- Cause safety problems to our quiet community
- Create traffic problems with additional safety hazards
- Potentially decrease the property values of our existing homes
- Completely change our "single family living" charm, that continues to attract new home buyers to our neighborhood

Please do not re-zone our neighborhood. Single family construction fits in here, and anything other than that will destroy the community's character.

Peggy Thompson, 804 W. 16th Street – noted that she had lived in her neighborhood since 1963 and advised of a cemetery in the area. She feared of additional traffic. She encouraged Council not to rezone.

Donna Teabo – 735 W. 16th Street – She reminded Council that the neighborhood is currently a working-class neighborhood, Hillcrest Street was a dead-end street, 16th Street was a small street and is all single family houses.

Councilman Gillispie confirmed that the developer was not present to speak.

The Mayor closed the public hearing.

Councilman Meza moved, seconded by Councilman McFadden that Council approve Rezoning Application #2372-2020 from Rockledge Development Company, LLC that requests the zoning map reclassification of Tax Map Parcel 20A1-3-3A from Residential District R-1 to Residential District R-3 at Jefferson Avenue and the undeveloped portion of Hillcrest Drive contingent upon the acceptance of the written proffer dated January 23, 2021, limiting potential residential uses of the property to detached single-family dwelling and two-family/duplex structures and associated accessory uses only.

Councilman Meza reminded Council that the rezoning went through the Planning Commission first and their concerns regarding the high density were raised and it was ultimately agreed to reduce the amount of housing in the R-3 District.

Councilman Cockrell asked that we check on the cemetery. She confirmed that the only R-3 is the Health and Human Services Building. Councilman Thompson advised that the cemetery could not convey. It would have to stay. The Mayor reiterated that the developer should be in attendance to answer questions.

Town Manager Hicks advised that Council could defer but reminded them that as an R-1 it is by-right and the developer could add six dwellings, but as a R-3 there is less density and less impact.

Vote: Yes – Councilmen Lloyd (Remote by phone), McFadden, Meza and Thompson

No – Vice Mayor Cockrell, Councilman Gillispie

Absent – N/A

Abstain – N/A

ROLL CALL

Public Hearing

B. Setting of 2021 real estate property tax rate at \$0.13 per \$100.00 and personal property tax rate at \$0.64 per \$100.00 of assessed value which represents no increase.

Mayor opened and closed the public hearing as no one spoke.

Vice Mayor Cockrell moved, seconded by Councilman Gillispie that Council adopt a real property tax rate at \$0.13 per \$100 assessed value which represents no increase from the current year's tax rate and the personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; and the personal property tax relief rate of 53% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524.

Councilman Meza thanked Mr. Hicks and the Town Staff for maintaining the tax rate. He noted how important it was to Town Council to find a Town Manager who supported Council's mission and vision to maintain fiscal diligence.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd (Remote by phone), McFadden, Meza and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

REPORTS

a. Report of Town Manager Steven Hicks noted that April 9th was the Pavilion Ribbon Cutting at 9:00 am. He advised that he has received a lot of positive comments verbally about Happy Creek and reminded Council that the work was done in-house and demonstrates the skills of Town employees. He advised Council that the Town received recognition for the Arbor Day Foundation and read the letter. He noted that there would be an Arbor Day Celebration on Friday, April 30 at 12:00pm where a tree would be planted near the pavilion.

On behalf of the Arbor Day Foundation, I write to congratulate Front Royal on earning recognition as a 2020 Tree City USA. Residents of Front Royal should be proud to live in a community that makes the planting and care of trees a priority.

Front Royal is one of more than 3,600 Tree City USA communities, with a combined population of 155 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the

U.S. Forest Service and the National Association of State Foresters.

If ever there was a time for trees, now is that time. Communities worldwide are facing issues with air quality, water resources, personal health and well-being, and energy use. Front Royal is stepping up to do its part. As a result of your commitment to effective urban forest management, you are helping to provide a solution to these challenges.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public.

State foresters coordinate the presentation of the Tree City USA recognition materials. We will forward information about your awards to your state forester's office to facilitate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Front Royal and thank you for helping to create a healthier planet for all of us.

Best Regards,

Dan Lambe
President

b. Report of Councilmembers

Councilman Cockrell advised that she attended the ribbon cutting of the new Blue Ridge Hospice Thrift Store on March 6th where all items are donated and the proceeds go back to Hospice. She advised that all systems are a go for the Prom and that you may sponsor a senior for \$10.00 and if interested please let her know.

Councilman Meza advised that the Happy Creek Project looks great. He showed his appreciation for Main Street describing how he and his wife had to wait to get into a restaurant, but during the wait time they strolled down Main Street and was very pleased with the activity that was going on. He gave his appreciation to the artists of the murals painted on buildings. He encouraged the public to visit Main Street and enjoy what our community has to offer.

Councilman Thompson advised that she recently attended a brunch at Vinova Restaurant for her daughter's 21st birthday and agreed with Councilman Meza that it was nice on Main Street. She asked that the next work session have the following two items added: Valley Health PILOT and Neighborhood Watch.

c. Report of the Mayor

Noted that he and Mr. Hicks attended a ribbon cutting at the new business on Main Street called "ReWed" that carries tuxes and prom dresses.

PROPOSALS FOR ADDITION/DELETION OF ITEMS – None

CONSENT AGENDA ITEMS

A. Purchase of Radio Water Meters in the Amount of \$272,500.00

Council approved the purchase of 1,000 Neptune radio water meters from Core & Main in the amount of \$272,500.00 to complete the water meter change out program to automated meter reading for the Town's entire water system.

B. Resolution Requesting Department of Corrections to Schedule a Public Hearing for Proposed Lease of Office Space for Its Probation and Parole District #11 Sub Office at 842 N. Shenandoah Avenue

Council approved a Resolution requesting the Department of Corrections to hold a public hearing regarding the proposed lease of office space for its Probation and Parole District #11 sub-office at 842 N. Shenandoah Avenue. I further move that Council authorize the Mayor and Clerk of Council to sign the Resolution and send to the address listed in the letter by April 26, 2021.

C. Proclamation for Sexual Assault Awareness Month

Council approved a proclamation proclaiming April 2021 as The Laurel Center Sexual Assault Awareness Month in the Town of Front Royal.

D. Installation of Curb and Gutter on Leach Street, Wines Street and Evelyn Court

Council approved a bid from Arthur Construction in the amount of \$129,500.00 for the installation of approximately 3,700 linear feet of curb and gutter on Leach Street, Wines Street and Evelyn Court.

E. Bid for Professional Annual Auditing Services

Council approved professional auditing services of Mitchell & Co., P.C. through the sole source procurement method by establishing a new contract for services.

F. Budget Amendment for Contract Modification to Hydro-structures for Closed-Circuit Television (CCTV) Inspection of Sanitary Laterals

Council approved a budget amendment in the amount of \$168,325.00 to approve a contract modification to Hydro-Structures LLC for closed-circuit television (CCTV) inspection of sanitary laterals that add specific streets to the inspection work in the amount of \$168,325.00.

G. Laboratory Services for Water Treatment and Wastewater Treatment Plants

Council approved the bid for laboratory services for the Water and Wastewater Treatment plants in the following amounts based on lots: Pace Analytical, LLC for the total of lots 2,3,5,6, and 7 - \$10,700.00; Inboden Environmental Services for the total of lot 8 - \$45,790.40; Greenway Environmental Laboratory for the total of lot 9 - \$2,530.00

H. FY21 Budget Amendment/Intra-fund Transfer for CDBG Wayfinding Signs Project

Council approved a FY21 Budget Amendment and Intra-Fund Transfer in the amount of \$45,000.00 for wayfinding signs.

Councilman Gillispie moved, seconded by Councilman Meza that Council approve the Consent Agenda as presented.

VOTE: Yes – Unanimous

BUSINESS ITEMS

A. Order of Business for Regular Council Meeting in 2021

Councilman Meza moved seconded by Councilman Gillispie that Council approve the Order of Business as presented for the remainder of calendar year 2021.

Councilman Meza advised that the Order of Business is just setting the structure or format of the regular meeting agendas for the year 2021.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd (Remote by phone), McFadden, Meza and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

This portion of the meeting ended at 7:45pm

CLOSED MEETING

Councilman Meza moved, seconded by Vice Mayor Cockrell that Town Council go into Closed Meeting under Section 2.2-3711 of the Freedom of Information Act of the Code of Virginia, as referenced in the published Council Agenda Statement 3.22.21 with five items [below]

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd (Remote by phone), McFadden, Meza and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

- (1) Regarding issues, including condemnation, concerning the possible acquisition of real estate for the redundant waterline in connection with the Route 522 North Corridor area:
 - A) Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, under subsection A. 3.
 - B) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, under subsection. A. 6.
 - C) Consultation with legal counsel employed or retained by Town Council and briefings by staff members or consultants regarding specific legal matters, including probable litigation, requiring the provision of legal advice under subsections A. 7 and 8.
- (2) Regarding the proper legal exercise of law enforcement jurisdiction and operations within the corporate limits of the Town, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, under subsection A. 8.
- (3) Regarding claimed or potential financial obligations, whether legal or moral, by the Warren County EDA of the Town, consultation with legal counsel employed or retained by Town Council and briefings by staff members or consultants regarding specific legal matters, including actual and probable litigation, requiring the provision of legal advice, under subsections A. 7 and 8.
- (4) Regarding the discussion or consideration of the disposition of publicly held real property, specifically the vacation of a portion of a public right of way near Commonwealth Avenue, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (5) The purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, more specifically Town-owned property located on Hill Street, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion

Vice Mayor Cockrell moved seconded by Councilman Gillispie that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard,

discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes - Unanimous

After Action Item

Clerk of Council Read the Resolution below

RESOLUTION

Of the Town Council of the Town of Front Royal, Virginia Regarding Disposition
of Hill Street Property by Deed of Exchange

WHEREAS, David and Jamie Foushee acquired real property located at the intersection of Hill Street and Midway Avenue via deed of bargain and sale dated June 23, 2016 and recorded in the Clerk's Office on August 20, as Instrument No. 160004142 (such real property hereafter the "Dorothy Wigenton Parcel"), and

WHEREAS, in 1977, the Town of Front Royal sought to widen the public street known commonly as "Hill Street" and sought to enlarge and improve the intersection of Hill Street and Midway Avenue, and

WHEREAS, in order to accommodate such proposed improvement, the Town acquired real property located on Hill Street via condemnation proceeding brought against Anna Jackson, Lizzie Self, Leroy Self, Jr. and certain persons unknown, all as evidenced by Petition filed and an Order recorded in the Clerk's Office of the Circuit Court of Warren County ("Clerk's Office") on August 16, 1977 at Deed Book 252, Page 600 (the "Town Order") (the real property thereby acquired hereafter referred to as the "Anna Jackson Parcel"), and

WHEREAS, to further accommodate such proposed improvement, a house was physically removed from its foundation on the Dorothy Wigenton Parcel and was relocated to the Anna Jackson Parcel, while the public streets of Hill Street and Midway Avenue were expanded and an asphalt street constructed upon a portion of the Dorothy Wigenton Parcel, including portions which previously contained the foundation of the house, and

WHEREAS, as otherwise evidenced by a plat of subdivision recorded in the Clerk's Office on March 1, 1982 at Deed Book 290, Page 791 (the "1982 Plat"), the Town: (i) dedicated a portion of the Anna Jackson Parcel for use as a public right of way and street; and (ii) subdivided the remaining Anna Jackson Parcel into two (2) separate lots, described on the 1982 Plat as "Lot 1" and "Lot 2" respectively, and

WHEREAS, there has been no publicly recorded instrument or plat confirming acquisition of any portion of the Dorothy Wigenton Parcel by the Town (whether by condemnation or voluntary grant), or indicating formal dedication of any portion of the Dorothy Wigenton Parcel for public use as a street or right of way, and

WHEREAS, on March 1, 2021 following a duly advertised public hearing, Town Council resolved by motion to dispose of the Town-owned real property, finding the property not to be a "public place", by private sale and/or exchange, "Lot 1, Jackson Subd", with the Town Manager authorized to receive offers for same, and

WHEREAS, the Town Manager has received one (1) offer to purchase the property, that being an offer from David and Jamie Foushee in the form of a Deed of Exchange, to exchange without additional consideration, "Lot 1, Jackson Subd" for a portion of the Dorothy Wigenton Parcel.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Front Royal, Virginia, that the Town does hereby accept the offer of David and Jamie Foushee in the form of a Deed of Exchange, to exchange without additional consideration, "Lot 1, Jackson Subd" for a portion of the Dorothy Wigenton Parcel which Town Council finds to be in the best interest of the Town in that it would dispose of excess Town-owned real property in exchange for land over which Hill Street and Midway Avenue were expanded and on which an asphalt street has been constructed.

BE IT FURTHER RESOLVED that the Town's Mayor is authorized and directed to take all lawful, necessary, and appropriate actions to effectuate the Deed of Exchange.

ADOPTED this 22nd day of March, 2021.

Vice Mayor Cockrell moved, seconded by Councilman Thompson that Town Council adopt the Resolution accepting the offer of David and Jamie Foushee, in the Deed of Exchange, exchanging the Town-owned Hill Street property for a portion of the Dorothy Wigenton Parcel, without additional consideration, according to its terms.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, McFadden, Meza and Thompson

No – N/A

Absent – Councilman Lloyd

Abstain – N/A

ROLL CALL

Mayor adjourned the meeting.

Approved by Town Council

Date: _____



TOWN COUNCIL WORK SESSION MINUTES

Monday, April 7, 2021 at 11:30 AM

Town Hall Conference Room

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

1. Comprehensive Land Use Plan Update and Tentative Milestones
2. Staff Recommendation to Council for Approval Development Process
3. Staff Recommendation to Amend Chapter 148 Subdivision Ordinance

Today's work session was called to update Town Council on various items in the Planning Department since Planning Director Tim Wilson's last day was today. Mayor Holloway introduced Town Manager Hicks to begin today's presentation [available in the Town Manager's Office]. He went over the portion regarding the Comprehensive Plan that will take about 18 months to amend. He encouraged Council to think about who they wanted on their Technical Advisory Committee. He advised that investors were looking at Front Royal and they want to know what they can and can't do. In conclusion he encouraged Council to keep to the schedule.

Planning Director Tim Wilson went over his portion of the presentation. He recommended all site plans be approved by the Town Manager or his designee but reminded Council that the recommendation would require a Town Code amendment. Mr. Hicks advised that the administrative approval process was unique to Front Royal. He advised that there would be another work session with all councilmembers present to let people know that Front Royal is open for business.

Mr. Wilson also recommended that requirements in Town Code Chapter 148 be placed into Chapter 175, noting that this reorganization of the Code will keep Chapter 148 a true Subdivision Ordinance.

Mr. Hicks advised that the Comprehensive Plan did not need to clarify the Zoning Ordinance. Vice Mayor Cockrell confirmed that the Comprehensive Plan was 10 chapters.

It was agreed to move forward.

Mayor adjourned at 12:09pm

PRESENT: Mayor Holloway, Vice Mayor Cockrell, and Councilmen Lloyd and Thompson (remote by phone), Town Manager Steven Hicks, Town Attorney Doug Napier, Clerk of Council Tina Presley, Planning Director Tim Wilson, and other members of staff, public and press.

Approved by Town Council

Date: -----



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, _____ Mayor of the Town of _____
_____ do hereby proclaim
_____ as



In the Town of _____, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____
Mayor _____

Attest Clerk of Council _____



Stronger Together

National Public Works Week Proclamation (SAMPLE)

May 16 – 23, 2021

“Stronger Together”

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the Town of Front Royal and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in the Town of Front Royal to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2021 marks the 61st annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, Mayor Chris W. Holloway do hereby designate the week May 16 – 22, 2021 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

We take this opportunity to celebrate all the hard work of the approximately the Town of Front Royal 75 Public Works Employees who work hard every day during their shift and while on call 24/7 for emergency situations and being taken away from family.

- Maintains 138.2 moving lane miles (Primary & Secondary Roads).
- Maintains 92 miles storm sewer.
- Mow, weed eat and tractor mow Town properties, Right of ways and medians.
- Plans, designs, installs, and maintains floral landscapes and tree plantings.
- Collects trash, recycling, yard waste from 5,557 customers.
- Cleans/Disinfects Town Buildings and performs skilled maintenance and repairs to Town Buildings.
- Fabricates, installs, and replaces Town street signs & Maintains crosswalks.
- Performs paving, pothole and street repairs, bridge maintenance and street sweeping.
- Assists Town with community events and road closures.
- Snow Removal, Repair water breaks, Sewer back-ups
- Treats sewage from 5,980 residents and Warren County Customers
- Treats 4.5 Million Gallons per day (MGD) of sewage.
- Provides water to 6,293 residents.
- Maintains 119 miles of waterline, 124 miles of sanitary sewer and 724 fire hydrants.
- Reviews and inspects all public improvements within Town limits and in the County where Water & Sewer are provided, for compliance with Town Standards & Specifications.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Front Royal be affixed
DONE at the Town of Front Royal, Virginia this 26 day of April 2021.

Mayor Chris W. Holloway

Attest Clerk of Council

Tina L. Presley



Council Agenda Statement

Item # 8A

Meeting Date: April 26, 2021

PUBLIC HEARING – To Receive Comments and Concerns from the Public and Approve an Ordinance to Vacate a 50-ft Strip of Land Approximately 6,268.3 Sq Ft (0.1439 Acres) on Commonwealth Drive - Robert Williams and James Williams

Summary: Council is requested to received comments and concerns from the public and approve an ordinance pertaining to a request from Robert Williams and James Williams to vacate a 50-ft Strip of Land Approximately 6,268.3 Sq Ft (0.1439 Acres) located between 1663 Commonwealth Drive and 1669 Commonwealth Drive. If approved, it will allow Robert Williams and James Williams maintain the property properly.

Budget/Funding: None

Meetings: Regular Closed Meeting held March 22, 2021

Proposed Motion: I move that Council approve an ordinance pertaining to a request from Robert Williams and James Williams to vacate a 50-ft Strip of Land Approximately 6,268.3 Sq Ft (0.1439 Acres) located between 1663 Commonwealth Drive and 1669 Commonwealth Drive allowing Robert Williams and James Williams to maintain the property properly. I futher move to direct the Town Manager and Town Attorney to execute all documents to finalize the vacation.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Meza* _____ *Thompson* _____



VACATION OF STREETS AND ALLEYS and OTHER TOWN RIGHTS-OF-WAY APPLICATION

APPLICANT INFORMATION

(please print)

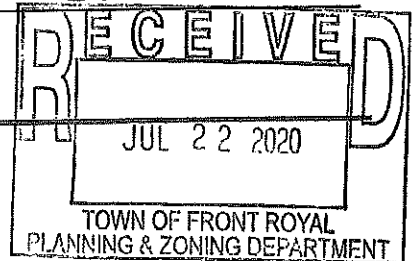
Name Robert Williams / Jim Williams 540 622-3361

Mailing Address 1669 Commonwealth Drive
Front Royal, VA 22630

Phone # 571-422-2514 E-mail robwilliams0209@yahoo.com

☒ \$100.00 Application Fee Paid (cash, check)

pd. Check # 3367 100 - 7-22-2020



VACATION INFORMATION

Description (please select all that apply)

☒ Street/Portion of Street

☐ Alley/Portion of Alley

☒ Other (please specify) The property is an undeveloped road/right-of-way that was never installed, and lies between the addresses of 1663 and 1669 Commonwealth Drive

Location

Property is located between 1663 (lot 11) and 1669 (lot 12) Commonwealth Dr.

Reason for request

The property has been neglected and unmaintained for over 30 years and has become a habitat for snakes, rodents. The as-is condition of this property poses a health and property

risk to adjacent properties and the neighborhood as a whole, allowing purchase of this property would allow us to maintain the property at no cost to town and would eliminate risk to town associated with deadfall and trees.

☒ Current Plat Attached Showing Property to be Vacated

Applicant's Signature RP Williams Date 07/21/2020

Completed application shall be returned by mail or delivery to:

Town Manager's Office, Town Hall, 102 E. Main Street, P.O. Box 1560, Front Royal, VA 22630

Additional Information: Town Manager's Office (540)635-8007, Monday-Friday, 8:00am - 5:00pm

Revised 11/2/17



VIRGINIA GRID NORTH
SCALE 1"=100'

BOOK 262
PAGE 110

SHEET 2

55 HIGHWAY
ROUTE MARSHALL
R = 5689.58

VIRGINIA STATE COORDINATE
BASED ON U.S.C. & G. STATION
"HAPPY"
WARREN CO. VA.

MAP OF
THE HERITAGE
situated in
TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

DERIVATION OF TITLE IN D.B. 207 P. 240

prepared by
JOSEPH G. BROGAN, SR.
PROFESSIONAL LAND SURVEYOR
P.O. BOX 1578, FRONT ROYAL, VA. BROGAN, SR.

APRIL 10, 1978

Joseph G. Brogan, Sr.
N.Y. LIC. 62107 VA. LIC. 1011

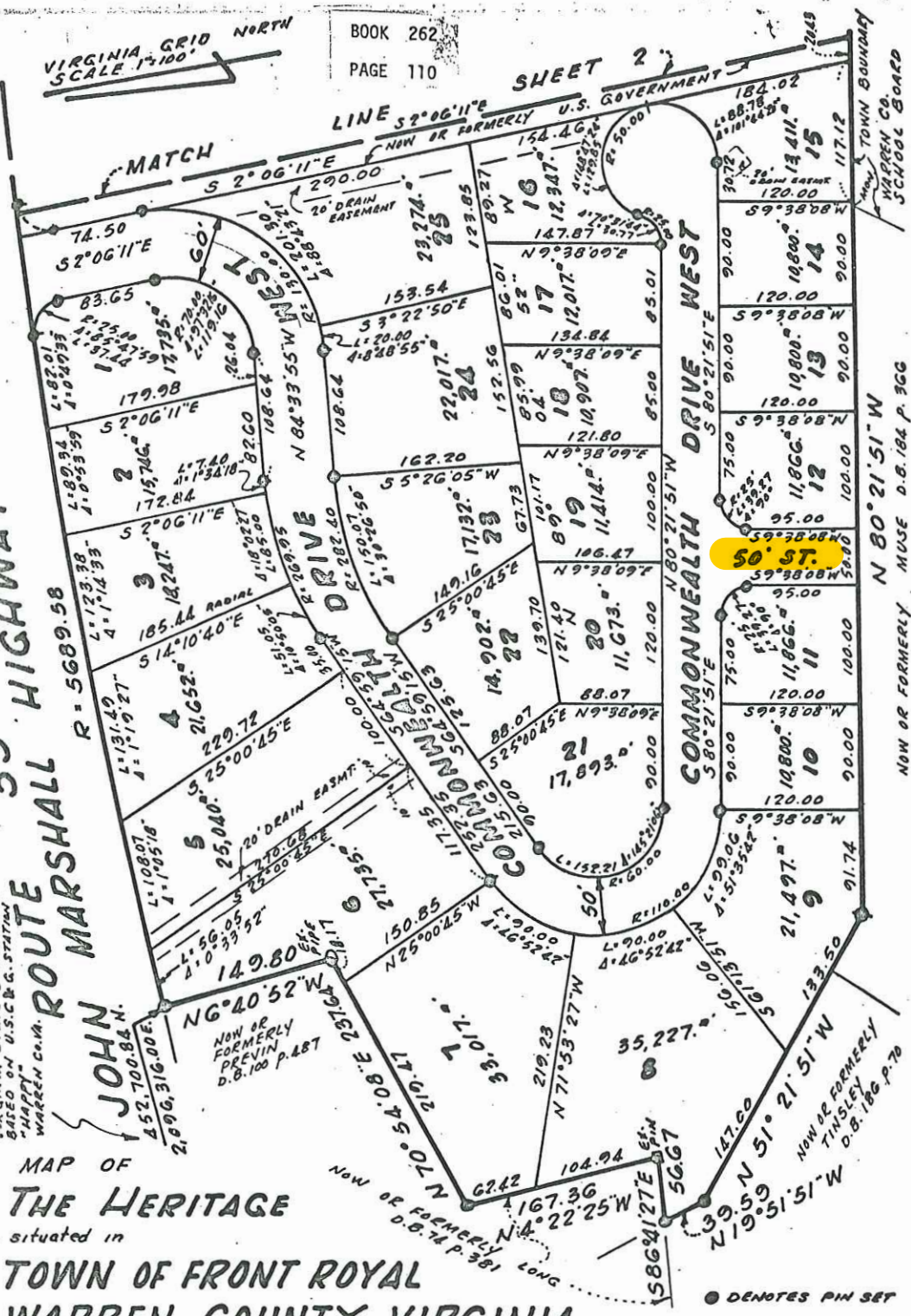


APPROVED BY FRONT ROYAL TOWN
PLANNING COMMISSION

Eugene R. Tinsley C.M.
APRIL 12 1978 DATE

COUNCIL
William H. Shulland MAYOR
Vernon T. Masturk CLERK

Nov-13-1978 SHEET 1 of 3



To: Front Royal Town Council
From: Viewing Committee
RE: Vacation of an Undeveloped Road/Right-of-Way
Date: September 15, 2020


The Town of Front Royal has received an "Application for Vacation of Streets and Alleys and Other Town Rights-of-Ways", dated 7/21/20 from Robert Williams, 1669 Commonwealth Drive and Jim Williams, 1663 Commonwealth Drive, Front Royal, Virginia 22630 seeking the vacation of an undeveloped road/right-of-way that is located between both properties to allow both properties to maintain it properly.

The road/right-of-way contains no Town infrastructure.

In our opinion, vacation of this undeveloped road/right-of-way would pose no harm to the adjacent property owners. Accordingly, we recommend approval of this request.


Mr. Ronald W. Crawford


Mr. Staige Miller


Mr. Robert R. North

**AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF THE
TOWN OF FRONT ROYAL'S RIGHT-OF-WAY BEING A 50 FOOT
PUBLIC RIGHT OF WAY LOCATED BETWEEN 1663
COMMONWEALTH DRIVE (LOT 11) AND 1669 COMMONWEALTH
DRIVE (LOT 12) IN THE TOWN OF FRONT ROYAL, VIRGINIA.**

WHEREAS, the Town Council of the Town of Front Royal, Virginia (the Town), has received a joint Application from Robert Williams ("R. Williams"), current owner of Lot 12 Commonwealth Drive, whose mailing address is 1669 Commonwealth Avenue, Front Royal, Virginia 22630; and James Williams ("J. Williams", who is not related to R. Williams), current owner of Lot 11 Commonwealth Drive, whose mailing address is 1663 Commonwealth Drive, Front Royal, VA 22630, to conditionally vacate a portion of the Town's unimproved fifty foot (50') public right of way (the "Right of Way"), containing approximately 0.144 acres, which Right of Way runs in an approximately north-south direction, located between said 1669 Commonwealth Drive (Lot 12) and 1663 Commonwealth Drive (Lot 11). Upon vacation of said Right of Way and upon conveyance of said Right of Way, one half (1/2) of said Right of Way will be conveyed in fee simple from the Town to the said R. Williams and to the said J. Williams, separately, and their respective successors, heirs, and assigns, as shown on that certain survey plat titled "BOUNDARY LINE ADJUSTMENT BETWEEN LOTS 11, 12 AND A 50' WIDE UNIMPROVED STREET MAP OF THE HERITAGE SOUTH RIVER MAGISTERIAL DISTRICT TOWN OF FRONT ROYAL WARREN COUNTY, VA.", prepared by Brogan Land Surveying, PLC, Joseph G. Brogan, Jr. Land Surveyor, dated November 23, 2020, (the "Plat"), incorporated by reference herewith, such that one-half of said Right of Way will become incorporated into and

become an integral part of current Lot 12 so as to become the “NEW T.M. 20A-20-3 LOT 12A 15,000 SQ. FT.” currently owned by R. Williams, and not a separate building lot; and such that one-half of said Right of Way will become incorporated into and become an integral part of current Lot 11 to become the “NEW T.M. 20A-20-3 LOT 11A 15,000 SQ. FT.” currently owned by J. Williams, and not a separate building lot; and

WHEREAS, both R. Williams and J. Williams have requested that the Town convey the Right of Way to them in such manner as heretofore set forth.

WHEREAS, the Town’s Viewing Committee and Town Council and its Staff have all investigated said requests and have found that the Right of Way requested for vacation and conveyance as heretofore set forth is not used by the Town or its citizens for public rights-of-way other than the Right of Way containing Town underground utilities that will continue to need to be maintained (the “Utilities”), which Utilities require a reservation by the Town by means of Town deed of permanent public utility easements with permanent access easements in favor to the Town in form acceptable to the Town Attorney from R. Williams and J. Williams to the Town across, through and under the Right of Way as shown on the Plat which will sufficiently protect the rights of the Town and of the public; and

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 Right of Way 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 Right of Way as aforesaid to the said R. Williams and J. Williams, 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 Right of Way 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 Right of Way will be unconditionally conveyed to the said R. Williams and J. Williams as heretofore set forth.

AND BE IT FURTHER, ORDAINED AND ENACTED that this vacation and conveyance is conditioned upon the Town Attorney preparing a good and sufficient Special Warranty Deed for the Right of Way (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 total amount of Five Thousand Dollars (\$ 5,000.00), plus the costs to

advertise the Public Hearing, plus the costs to record the Deed of Special Warranty among the land records of Warren County, Virginia, deliver the deed for the Right of Way;

AND BE IT FURTHER, ORDAINED AND ENACTED that upon vacation and conveyance of the Right of Way, the Right of Way so vacated and conveyed hereby will become an integral part of becoming incorporated into and become an integral part of current Lot 12 so as to become the “NEW T.M. 20A-20-3 LOT 12A 15,000 SQ. FT.” currently owned by R. Williams (the “Property”), and not a separate building lot; and such that one-half of said Right of Way will be incorporated into and become an integral part of current Lot 11 to become the “NEW T.M. 20A-20-3 LOT 11A 15,000 SQ. FT”. currently owned by J. Williams, and not a separate building lot.

AND BE IT FURTHER ORDAINED AND ENACTED that this vacation is conditioned upon the Town retaining, the following permanent utility and access easements in and under the Right of Way consisting of the Town underground utilities as shown on the Plat; with said R. Williams and J. Williams each signing good and sufficient deeds 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 Attorney, said Deed of Easements and said Deeds of Special Warranty to be recorded as aforesaid at the expense of R. Williams and J. Williams 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, 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 Deeds of Easement 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 R. Williams and J. Williams, 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:

Chris W. Holloway, Mayor

Attest:

Tina L. Presley, Clerk of Town Council

Joseph McFadden	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Scott Lloyd	<u>Yes/No</u>	Jacob L. Meza	<u>Yes/No</u>
Chris Holloway	<u>Yes/No</u>	Letasha T. Thompson	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

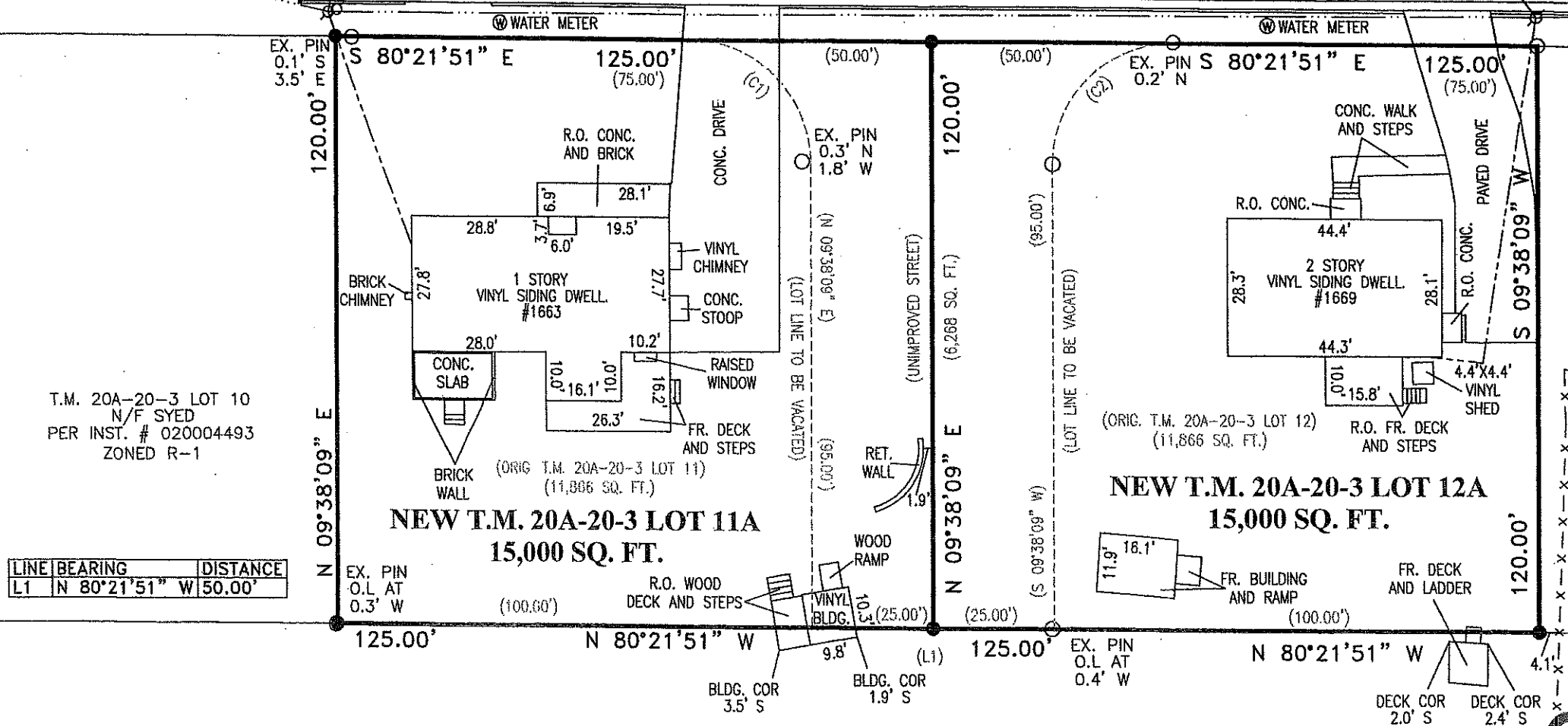
A public hearing on the above was held on April 26, 2021, having been advertised in the Northern Virginia Daily on _____ and _____, 2021. The Ordinance was enacted at the regular meeting of the Town Council held _____, 2021.

W. COMMONWEALTH DR.

TO JOHN MARSHALL HWY. RT. 55

60' WIDE R/W

EDGE OF PAVEMENT



PER FILED MAP
SCALE 1" = 30'

T.M. 20A-20-3 LOT 13
N/F BURHANS II
PER INST. # 150001725
ZONED R-1

LINE	BEARING	DISTANCE
L1	N 80°21'51" W	50.00'

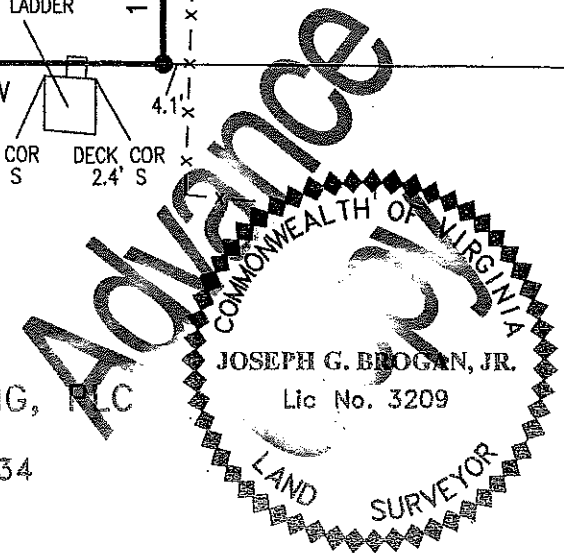
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	39.27'	25.00'	90°00'00"	N 35°21'51" W	35.36'
C2	39.27'	25.00'	90°00'00"	S 54°38'10" W	35.36'

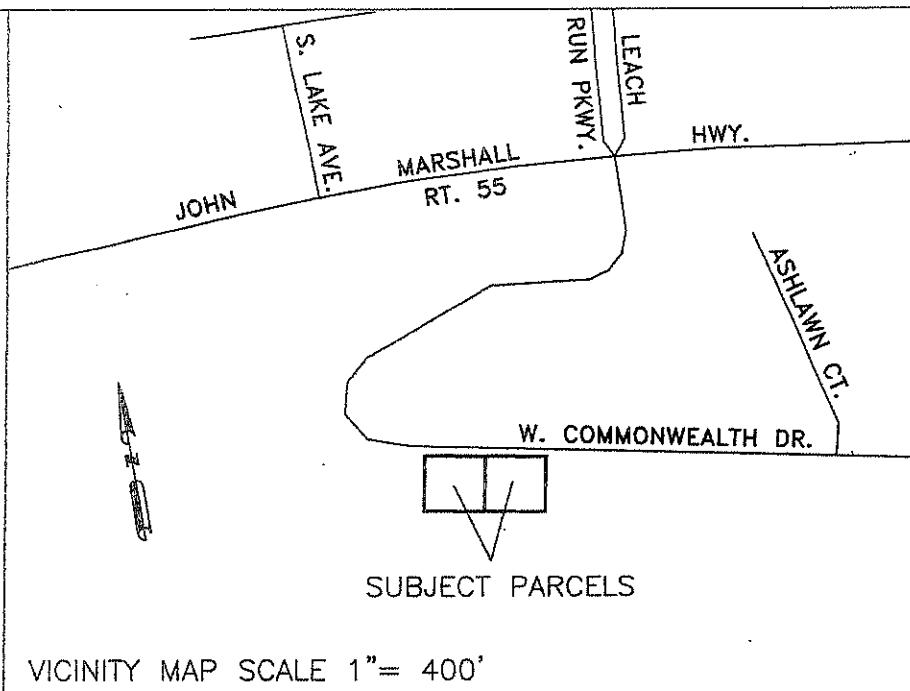
BOUNDARY LINE ADJUSTMENT BETWEEN
LOTS 11, 12 AND A 50' WIDE
UNIMPROVED STREET MAP OF THE HERITAGE
SOUTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

- x - x - DENOTES WOOD AND WIRE FENCE LINE.
- — — — — DENOTES OVERHEAD WIRES.
- - - - - DENOTES APPROX. LOC U.G. UTILITIES.
- DENOTES IRON PIN SET.
- DENOTES EXISTING IRON PIN.
- DENOTES UTILITY POLE.

SHEET TWO OF TWO

PREPARED BY:
BROGAN LAND SURVEYING, LLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
NOVEMBER 23, 2020





THIS PLAT WAS MADE WITH THE FREE CONSENT AND
DESIRE OF THE UNDERSIGNED OWNER.

JAMES C. WILLIAMS

DENISE DIANE WILLIAMS

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2020.

MY COMMISSION EXPIRES _____

NOTARY

APPROVED BY THE TOWN OF FRONT ROYAL
ALL TOWN TAXES HAVE BEEN PAID AND RELEASED.

FINANCE DIRECTOR

DATE

PLANNING DIRECTOR

DATE

TOWN MANAGER

DATE

THIS PLAT WAS MADE WITH THE FREE CONSENT AND
DESIRE OF THE UNDERSIGNED OWNER.

ROBERT P. WILLIAMS

DISNEY WILLIAMS

ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2020.

MY COMMISSION EXPIRES _____

NOTARY

AREA TABULATION

ORIG. LOT 11	11,866 SQ. FT.
1/2 OF STREET	+3,134 SQ. FT.
NEW LOT 11A	15,000 SQ. FT.

AREA TABULATION

ORIG. LOT 12	11,866 SQ. FT.
1/2 OF STREET	+3,134 SQ. FT.
NEW LOT 12A	15,000 SQ. FT.

NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

DERIVATION OF TITLE LOT 11 TO: JAMES C. AND
DENISE DIANE WILLIAMS PER INSTRUMENT # 040012383.

DERIVATION OF TITLE LOT 12 TO: ROBERT P. AND
DISNEY WILLIAMS PER INSTRUMENT # 140003283.

SUBJECT PARCELS SITUATED OUTSIDE THE LIMITS OF THE FEMA FLOOD ZONE.

PLAT REFERENCE: D.B. 262/110-113.

BOUNDARY LINE ADJUSTMENT BETWEEN
LOTS 11, 12 AND A 50' WIDE
UNIMPROVED STREET MAP OF THE HERITAGE

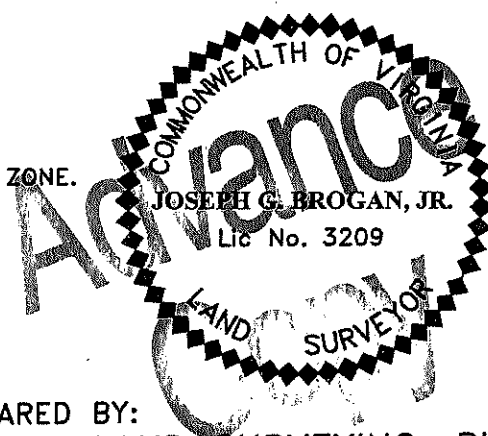
SOUTH RIVER MAGISTERIAL DISTRICT

TOWN OF FRONT ROYAL

WARREN COUNTY, VA.

SHEET ONE OF TWO

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
NOVEMBER 23, 2020





Council Agenda Statement

Item # 8B

Meeting Date: April 26, 2021

PUBLIC HEARING – Rezoning Application Requesting to Reclassify Parcels Approximately 0.45 Acres from R-3 District to C-1 District Located on the West Side of Pine Street Near the Intersection of South Street, to Allow for Additional Employee and Customer Parking, Accessory Storage and Office Use for Spelunkers Restaurant

Summary: Council is requested to consider a rezoning application that requests the reclassification of Tax Map #20A7-6-22 & 23 from Residential District R-3 to Community District C-1. The two parcels total 0.45 acres located on the west side of Pine Street immediately north of South Street. The purpose of the rezoning is to allow for the amendment of a zoning site plan for Spelunkers Restaurant to add these two parcels and approve their use for additional employee/customer parking, accessory storage and office use for Spelunkers Restaurant.

Note: Have been advised that Steve Antonelli and Joe Knechtel of Podesta Association will be in attendance.

Budget/Funding: None

Meetings: Work Session Closed Meeting held April 12, 2021

Proposed Motion: I move that Council approve the rezoning application requesting to reclassify two parcels (approximately 0.45 acres) from R-3 District to C-1 District located on the West Side of Pine Street near the intersection of South Street, to allow for additional employee and customer parking, accessory storage and office use for Spelunkers Restaurant.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Meza* _____ *Thompson* _____

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT - REZONING APPLICATION #FRREZON -2488-2021

APPLICATION #:

FRREZON-2488-2021

APPLICANT:

William M. Antonelli doing business as
116 South Street LLC.

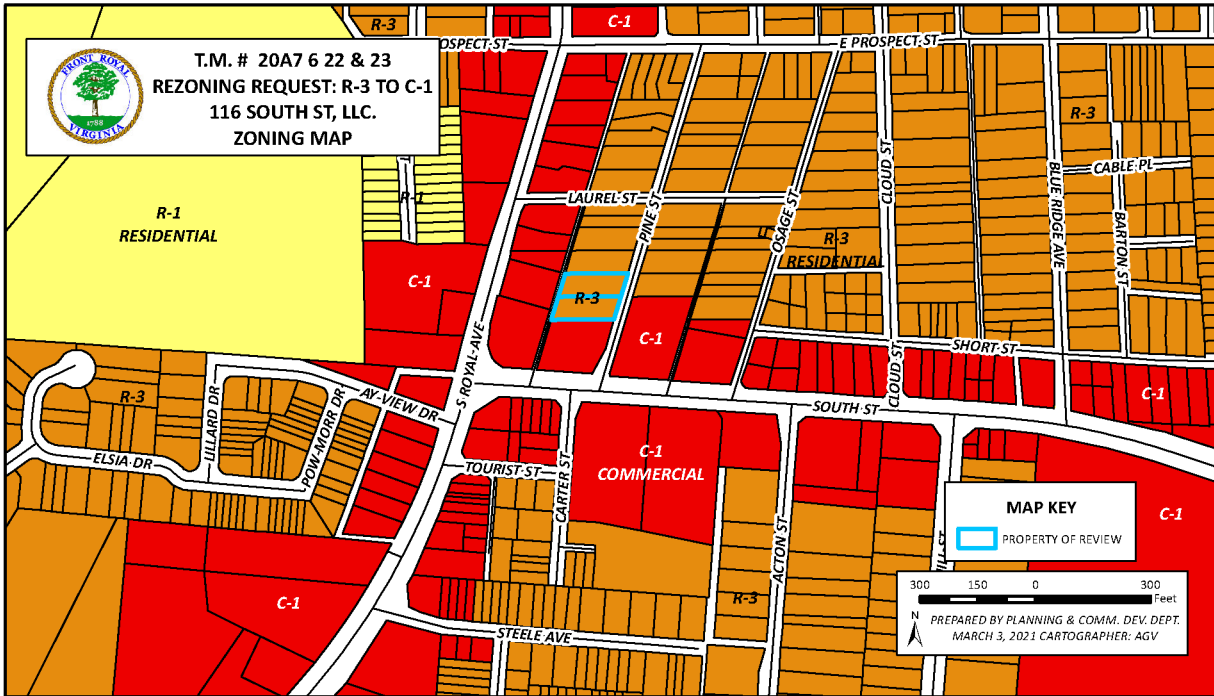
SUMMARY OF REQUEST:

The application for review proposes to rezone approximately 0.450 acres from R-3 Residential District to C-1 Community Business District in the South Planning Area. The stated purpose of the rezoning request is to allow for the parking and storage capacity expansion of the restaurant use across Pine St. No proffers were made by the applicant.

GENERAL INFORMATION:

<i>Site Addresses</i>	351 Pine St.
<i>Property Owner(s)</i>	116 South Street LLC. (William M. Antonelli)
<i>Existing Zoning</i>	R-3 Residential District
<i>Proposed Zoning</i>	C-1 Community Business District
<i>Tax Identification</i>	20A7 6 22 & 23
<i>Location</i>	The property is located on the west side of Pine Street between Laurel Street to the north and South Street (Route 55) to the south. Formerly Lester's Pharmacy abuts the property to the south and Spelunker's restaurant is across Pine St. to the southeast.





INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the parts of attachments:

A – Application

B – Plat

C – Concept Plan

D – Letter of Statement of Justification, and

E – Letter of Waiver Request, are provided below:

ATTACHMENT A: APPLICATION

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town. No proffers were made by the applicant.

ATTACHMENT B: PLAT

- **Plat.** A survey plat of the property showing property limits and existing improvements thereon.

ATTACHMENT C: CONCEPT PLAN

- **Plan.** A concept plan for the two parcels subject to the rezoning request and the existing Spelunker' site detailing the proposed changes and expansions.

ATTACHMENT D: LETTER OF STATEMENT OF JUSTIFICATION

- **Statement of Justification.** The letter states:
“The proposed rezoning will allow Spelunker’s to use the PARCELS for development of another off-street parking lot, not only to replace customer parking spaces, but to increase customer parking spaces as well as spaces employees can use instead of at the Spelunker’s parcel. Also, the existing house, with proposed addition, is proposed as commercial use for employee space and restaurant usage.”

ATTACHMENT E: APPROVAL LETTER OF WAIVER REQUEST

- **Waiver Request Approval.** The letter approving a waiver request of additional information.

Zoning Ordinance

This rezoning application proposes to reclassify two adjoining parcels totaling approximately 0.450-acre from Residential District R-3 to the Community Business District C-1. The statements of intent of the two identified Districts as set forth in the Front Royal Zoning Ordinance are as follows:

R-3 District, Zoning Ordinance Sec. 175-28.

“The R-3 Residential District is composed of medium-to-high density concentrations of residential uses. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for families desiring the amenities of apartment living and the convenience of being closest to shopping, employment centers and other community facilities. Development is, therefore, limited to medium- to high-density concentration, and permitted uses are limited to single-family, two-family, and multifamily dwellings, plus selected additional uses, such as schools, parks, churches, and certain public facilities. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.”

C-1 District, Zoning Ordinance Sec. 175-38.

“The Community Business C-I District is intended to accommodate general business areas, highway-oriented commercial uses, and selected retailing operations. The Community Business C- I District recognizes the demand for a variety of land uses near or adjacent to the major traffic arteries in Town.”

Differences between C-1 and R-3 Zoning Districts

C-1 Zoning District:

- Various commercial and business uses are the primary land intended uses of properties.
- Residential uses of any type are permitted but are restricted from being located on the ground floor of structures, unless approved by special permit.
- Located along or near major traffic arteries in the Town.

R-3 District:

- Residential uses are the primary intended use of properties.
- Residential uses of any type are permitted.
- Limited selection of commercial and organizational uses.
- Residential district closest to shopping and business centers.

The parcels of review are bounded by properties classified as either Residential R-3 or Community Business District C-1, with adjoining C-1 District zoning being the more predominant of the two.

The properties adjoining the site to the north and northeast across Pine St. (30' ROW, one-way street) are in the R-3 District. These adjoining R-

*Town Comp.
Plan*

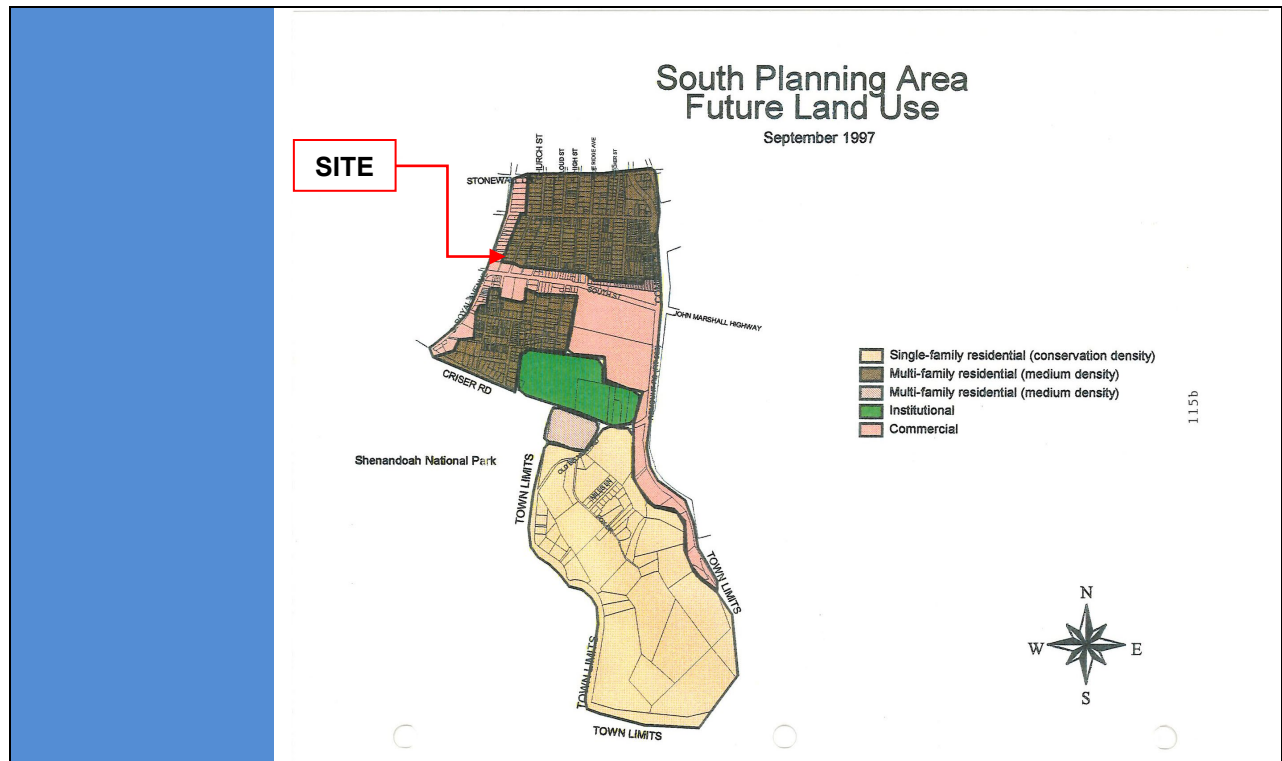
3 properties are all developed and consist of a mix of single-family and multi-family dwellings, typical of dwellings along Pine St.

The properties adjoining the site to the west (across the 12'-alley), south, and southeast (across Pine St.) are in the C-1 district. The adjoining C-1 properties are all developed and consist of a mix of commercial/business uses: vacant commercial buildings (Lester's Pharmacy and Sunshine Inn), restaurants (Spelunker's and Gyro Express), and automobile service stations (BP gas stations).

The property is in the South planning area. The South planning area consists of three zoning districts: C-1, R-1, and R-3. The zoning pattern for this planning area is C-1 zoning near or along the major traffic arteries and residential (R-1 and R-3) infill in neighborhoods. A common buffer pattern in this planning area between the two types of zoning districts – commercial and residential, are physical buffers either as an alley way or street. There are several areas that have no physical buffer between the two zoning districts – along S. Royal Ave. and South St., such as the parcels of review, respectively.

Future Land Use Map

The Town of Front Royal Comprehensive Plan future land use chapter shows the parcels of review being located within the South Planning Area and shows the proposed future land use as Multi-family residential (medium density). The typical zoning pattern shows C-1 zoned parcels are near or adjacent to major traffic arteries in Town such as Royal Ave (Rt. 340), South St (Rt. 55), and Commerce Ave (Rt. 522) and the R-3 zoned parcels as infill in longstanding neighborhoods.



Findings and Analysis

The proposed rezoning is to reclassify an undeveloped 0.450-acre site consisting of two adjoining parcels from Residential District R-3 to Community Business C-1 District. The R-3 District by design is a medium-high density residential district. The C-1 district is designed to accommodate various land use near or along major traffic arteries. The site is near a major traffic artery – South St. (Rt. 55). The proposed rezoning is not found to be inconsistent with the zoning pattern found in the surrounding area. The property requested for rezoning is small in lot area but consistent with the adjoining parcels and would become part of an already established C-1 Zoning District.

The subject property is part of the “South Planning Area” of the Town’s Comprehensive Plan Future Land Use Map and is designated as “Multi-family residential (medium density)”. The existing R-3 Zoning District classification is in line with the Future Land Use Map designation. However, rezoning the property to C-1 would conflict with the future land use plan for the site.

There is existing public road access and utilities available to the site. Current access to the site is either by the 12-foot alley to the rear of the property from South St. or Laurel St.; or by Pine St. (one-way) from Laurel St. The existing public infrastructure, and any required additions or improvements thereto, are closely the same for the development of the 0.450-acre site under either the R-3 District or the proposed C-1 District zoning classification.

A major consideration in this application request to rezone to C-1 District is that there is an existing C-1 District adjoining this parcel and this property would merge into and become part of that existing C-1 District.

This rezoning request would assist in the continuance and anticipated growth of a successful Town business thereby providing positive private and public economic benefits through jobs and the protection and enhancement of the local tax base. Another important public benefit of this rezoning is that of traffic safety. As identified by the applicant, a major goal of this rezoning is to provide additional parking and enhanced drive-thru traffic flow on-site thereby eliminating or significantly reducing the occurrence of stacking of vehicles attempting to enter the site from South Street.

Staff Recommendation

Based upon the above findings, staff recommends the adoption of the zoning map reclassification of Tax Map Parcels 20A7-6-22 & 23 from Residential District R-3 to Community Business District C-1 as requested in the application.

Planning Commission Recommendation

The Planning Commission by unanimous vote recommends the adoption of the proposed zoning map amendment to reclassify Tax Map Parcels 20A7-6-22 & 23 from Residential District R-3 to Community Business District C-1.



TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ 540-635-4236
Department of Planning & Zoning

FRREZON 2488-2021

REZONING APPLICATION

APPLICANT

Name 116 South Street, LLC Phone 703-606-4786

Address 13026 Yates Ford Rd Clifton, VA 20124

E-mail wantonelli@cox.net

PROPERTY OWNER OF RECORD

Name 116 South Street, LLC Phone 703-606-4786

Address 13026 Yates Ford Rd Clifton, VA 20124

PROPERTY DESCRIPTION

Location/Street Address 351 Pine St Front Royal, VA 22630

Number of lots: 2 Total Acreage 0.450

Tax Map Identification for each parcel (Map, Section, Block, & Lot):

20A7-6-22

20A7-6-23

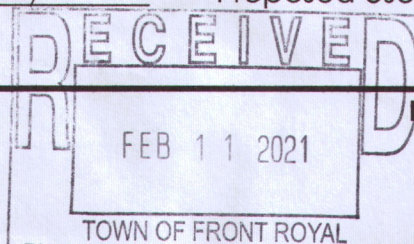
Subdivision Name (if applicable) _____

REQUEST

Existing Zoning R3 Proposed Zoning C1

Existing Use Single-Family Proposed Use Commercial/Industrial

January 2019



PLEASE COMPLETE REVERSE SIDE

ATTACHMENTS

The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

1. Application Fee (Checks should be made out to the Town of Front Royal. Fees are as follows: 1 acre or less = \$500, over 1 acre = \$500 + \$100 per acre after 1st acre, Downzoning = \$400)
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries (8 copies and a digital copy).
3. Environmental Site Assessment Phase I and Phase II (unless waived by Director).
4. Traffic Impact Analysis (if required)
5. Written proffers. Proffers are voluntary but should be submitted in a written format approved by the Director.
6. Statement of Justification. As a separate document, provide a statement or statements that explain why you believe the property should be rezoned.

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.

116 South Street, LLC

Signature of Property Owner

Manager *William M. Antonelli*

Signature of Applicant (if different)

City/County of Warren, Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 29th day of January, 2021

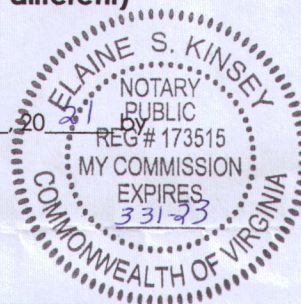
William M. Antonelli, Manager
(Name of person seeking acknowledgement)

Elaine S. Kinsey

Notary Public

Notary registration number: 173515

My commission expires: 3-31-23



NOTICES

- Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
- Town Staff will place an advertisement in the local newspaper as required under Virginia Code §15.2-2204.
- Town Staff will place a public hearing sign(s) at the location of the proposed rezoning.
- Submission of this application does not establish a vested right as outlined under Virginia Code §15.2-2307.
- By submitting this application, the applicant grants permission to the Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.
- When the applicant is different than the fee simple property owner, the signature by the fee simple property owner on this application shall be considered as authorization for the applicant to act as an agent for matters concerning this application.

OFFICE USE ONLY

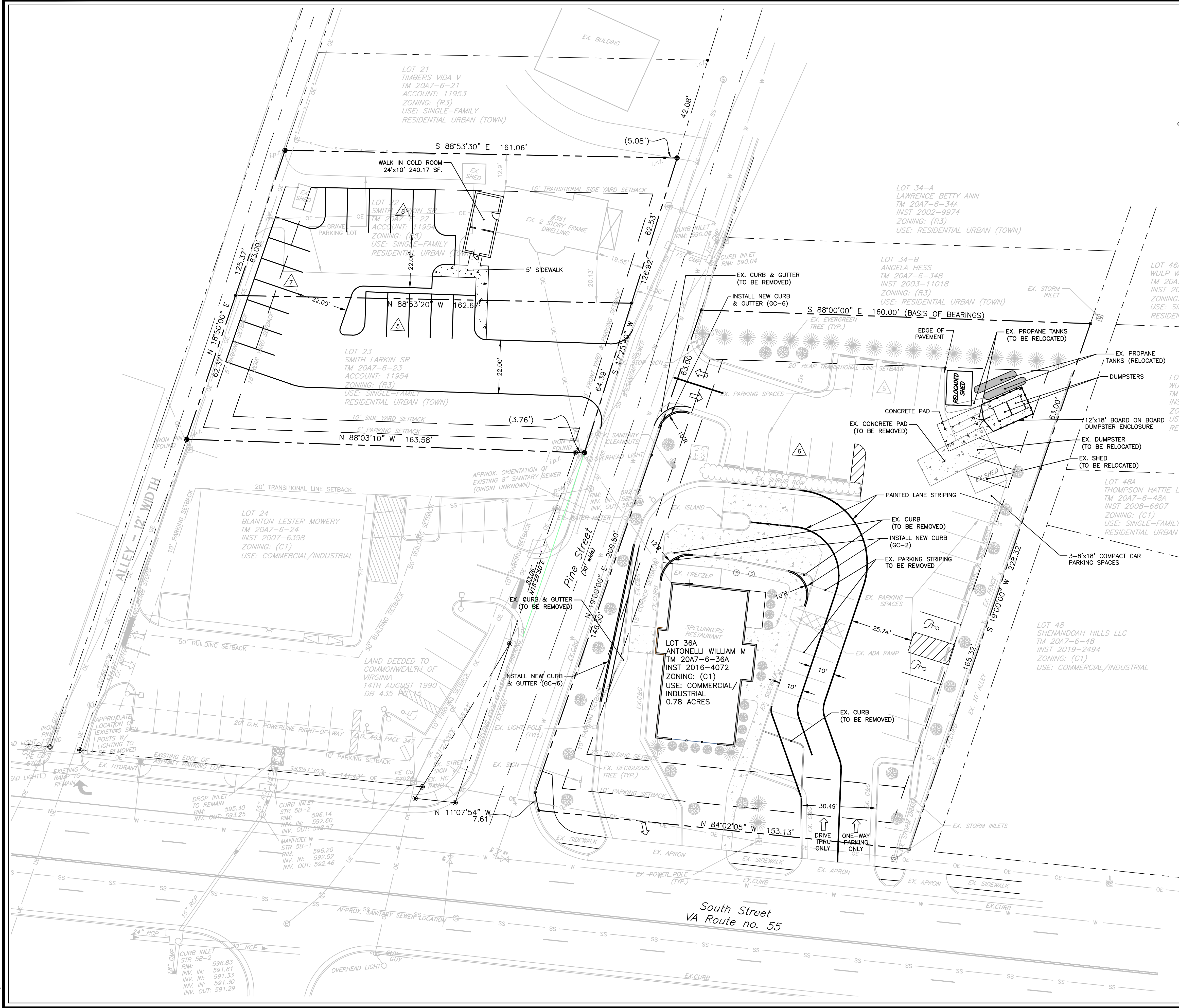
Receipt # TRC 11735-11-02-2021 Date Paid 2-11-2021 pay \$500 Check # 4577

Planning Commission Hearing Date: _____ Recommendation: _____

Town Council Hearing Date: _____ Date Sent to Clerk: _____

January 2019

File: T:\2019\19-0232 - SPELUNKER'S - MINOR SITE DEVELOPMENT\19-0232_CONCEPT\19-0232_CONCEPT.dwg
Plotted By: cmh001
Date: 3/26/2021 11:53am



No.	Date	Revision

LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY LINE
- - -	ADJACENT PROPERTY LINE
X	EXISTING FENCE LINE
—	EXISTING ELECTRIC/POWER POLE
—	EXISTING LIGHT POLE
—	EXISTING OVERHEAD ELECTRIC LINE
—	EXISTING STORM CULVERT
—	EXISTING STORM DROP INLET
—	EXISTING SANITARY SEWER CLEANOUT
—	EXISTING SANITARY SEWER MANHOLE
—	EXISTING DECIDUOUS TREE
—	EXISTING EVERGREEN TREE
—	EXISTING WHEELSTOP
—	EXISTING CONCRETE PAD
—	EXISTING CURB & GUTTER (CG-6)
—	EXISTING CURB (CG-2)

GRAPHIC SCALE

20 10 0 20 40

MAPPING REFERENCE:
BOUNDARY LOCATION SURVEY INSTRUMENT #160004072, TAX MAP 20A7-6-36A AS
PROVIDED TO POTESTA & ASSOCIATES, INC. BY DUNN LAND SURVEYS, INC. BERRYVILLE,
VIRGINIA DATED MARCH 26, 2019. SURVEY NO. 2593.

CONCEPT
CAD File No.
CJM
Drawn
KJK
Checked
KJK
Approved
NOTED
Scale:
JULY 2020
Date:
19-0232
Project No.

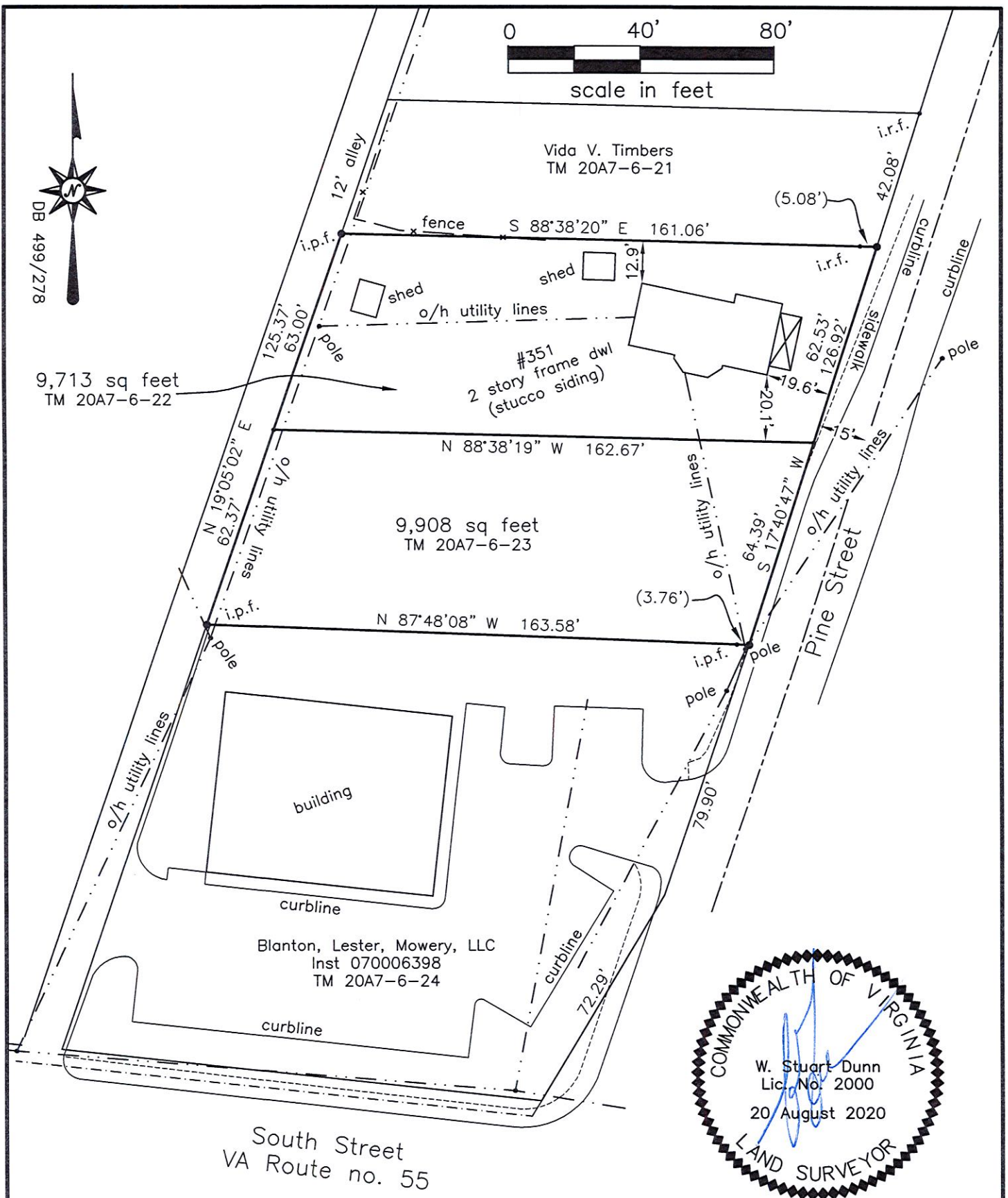
POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS
15 South Broadwood Street, Winchester, Va. 22801
TEL: (540) 450-0180 FAX: (540) 450-0182
E-Mail Address: potesta@potesta.com

Client
SPELUNKER'S, LLC.
13026 YATES FORD ROAD
CLIFTON, VIRGINIA 20124

Title
CONCEPT PLAN
PARKING LOT EXPANSION
SPELUNKER'S RESTAURANT
116 SOUTH STREET
FORK MAGISTERIAL DISTRICT
FRONT ROYAL, VIRGINIA

1 of 1
Drawing No.

ISSUE DATE 1/19/2021



Survey of the Lands of
the *Estate of Larkin Smith, Jr*
Tax Map 20A7-6-22 Tax Map 20A7-6-23
Lots 22 and 23, Stinson Lots
Deed Book), Page 379
Town of Front Royal, Warren County, Virginia

Notes:

- (1) No Title Report furnished. Easements of record not shown may exist.
- (2) These lands are in Flood Zone X, established from FIRM Community Panel no. 51187C0112C, effective June 3, 2008.
- (3) i.p.f. = iron pipe found; i.r.f. = iron rod found; dwl = dwelling; o/h = overhead; TM = tax map parcel identification

Survey no. 1939A

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
August 20, 2020

FRREZON 2488-2021
~~FRRENO~~

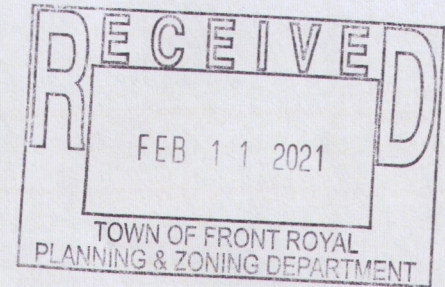


Engineers and Environmental Consultants

15 South Braddock Street, Winchester, VA 22601 • (540) 450-0180 • www.potesta.com

December 7, 2020

Town of Front Royal - Town Council
905 Virginia Avenue
Front Royal, Virginia 22630



RE: Statement of Justification - Rezoning from Residential (R-3) to Commercial (C-1)
TM 20A7-6-22 & 23
Town of Front Royal, Virginia
Project No. 0103-19-0232-001

Dear Board of Supervisors:

On behalf of Mr. William Antonelli, owner of Spelunker's, LLC (Spelunker's), Potesta & Associates, Inc. (POTESTA) respectfully requests the rezoning of R-3 Residential parcels TM 20A7-6-22 and TM 20A7-6-23 (PARCELS) in the Town of Front Royal, Virginia, to C-1 Commercial zoning. The PARCELS, less than a half-acre lot of land combined, are located off Pine Street, just north where Pine Street meets South Street (Route 55). TM 20A7-6-22 has a residential, 2-story, 1,952 square-foot home, and TM 20A7-6-23 is a vacant lot. Lester's and Mowery's Pharmacy commercial property borders south of TM 20A7-6-23. Spelunker's restaurant, on parcel TM 20A7-6-36A, is located across Pine Street from these PARCELS and has commercial entrances off Pine and South Streets. Mr. Antonelli wishes to rezone both PARCELS to use as an expansion of his current business.

The proposed use of the PARCELS will be to create more parking for customer, employees, and office staff as well as restaurant usage, storage, administration, and employee space with the existing building located on Parcel 23. A 10-foot by 20-foot walk-in/cold storage room is proposed to be added onto the rear of this existing building. Currently, all customer and employee parking spaces are located on the Spelunker's Restaurant parcel.

Due to the Covid-19 restrictions, the current Spelunker's one-lane drive-thru facility has seen a dramatic increase in importance as well as customer volume. This increase in volume has caused extended drive-thru traffic back-up (stacking) that has interfered with internal traffic flow, as indoor seating customers are using the existing parking spaces. Also, stopped drive-thru vehicles are blocking the main entrance onto South Street causing traffic congestion off-site onto South Street. To alleviate this issue, Mr. Antonelli wants to increase his one-lane drive-thru to a two-lane drive-thru with two approach lanes to improve the internal and off-site traffic flow. The proposed traffic pattern will have the main South Street entrance go from two-way to one-way, where one lane will be drive-thru only and the other lane for indoor seating customers parking only. The exit for the drive-thru will be at the current one-way drive-thru exit; the Pine Street exit will remain two-way so

POTESTA & ASSOCIATES, INC.

Charleston, West Virginia • Morgantown, West Virginia • Winchester, Virginia

Town of Front Royal
December 7, 2020
Page 2

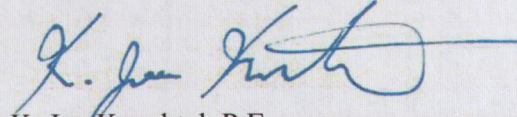
indoor customers will exit Pine Street only. This one-way South Street entrance will improve the potential stacking issues onto South Street. The proposed layout is shown on the enclosed concept plan. This proposed expansion of the drive-thru will result in loss of existing parking spaces currently used by customers and employees.

The proposed rezoning will allow Spelunker's to use the PARCELS for development of another off-street parking lot, not only to replace customer parking spaces, but to increase customer parking spaces as well as spaces employees can use instead of at the Spelunkers parcel. Also, the existing house, with proposed addition, is proposed as commercial use for employee space and restaurant usage.

POTESTA respectfully requests that the two parcels be rezoned from R-3 to C-1 for their use by the Spelunkers Restaurant. Thank you for your consideration.

Sincerely,

POTESTA & ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "K. Joe Knechtel", with a long horizontal flourish extending to the right.

K. Joe Knechtel, P.E.
Branch Manager

KJK/mh

Enclosure



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

T: (540) 635-4236
F: (540) 631-2727

Town Hall 102 E. Main Street
P.O. Box 1560, Front Royal, VA 22630-1560

March 3, 2021

Mr. K. Joe Knechtel, P.E.
Branch Manager
POTESTA & ASSOCIATES, INC.
15 South Braddock Street
Winchester, VA 22601

RE: Rezoning Application, Spelunker's LLC – Waiver of Application Information.

Dear Mr. Knechtel:

Pursuant to our earlier discussion and your letter of March 1, 2021 regarding the content of information required for Rezoning Application #FRREZON 2488-2021 for Spelunker's Restaurant, I hereby officially waive the requirement for the submission of an Environmental Assessment and Traffic Impact Analysis as a requirement of this application submittal. Thank you and should you have any questions concerning this or any other matters related to the rezoning application please let me know.

Sincerely,

Tim Wilson
Zoning Administrator



Council Agenda Statement

Item # 8C

Meeting Date: April 26, 2021

PUBLIC HEARING – An Ordinance to Amend Town Code Chapter 16 “Industrial Development Authority” to Include Residents of Warren County Who Own a Business in Town, as Directors of the Front Royal Economic Development Authority (FREDA)

Summary: Council is requested to consider an ordinance amendment to Town Code Chapter 16-4 (E) “Board of Directors: Terms and Qualifications of Office” to include residents of Warren County who own a business in Town, as Directors of the Front Royal Economic Development Authority (FREDA)

Budget/Funding: None

Meetings: Work Session Closed Meeting March 8, 2021

Proposed Motion: I move that Council approve an ordinance amendment to Town Code Chapter 16-4 (E) “Board of Directors: Terms and Qualifications of Office” to include residents of Warren County who own a business in Town, as Directors of the Front Royal Economic Development Authority (FREDA)

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Meza* _____ *Thompson* _____

Chapter 16**INDUSTRIAL DEVELOPMENT AUTHORITY****Sections:**

- 16-1 (RESERVED)**
- 16-2 (RESERVED)**
- 16-3 ESTABLISHMENT**
- 16-4 BOARD OF DIRECTORS; TERMS AND QUALIFICATIONS OF OFFICE**
- 16-5 OFFICERS**
- 16-6 POWERS, DUTIES, AND LIMITATIONS; DEVELOPMENT AREAS**

Revised/Re-codified 3-11-85. (*Chapter 2-43 of the 1965 Code; adopted 12-11-67*). Other amendments noted where applicable. The Entire Chapter was repealed and re-enacted on July 13, 2020.

16-1 (RESERVED)**16-2 (RESERVED)****16-3 ESTABLISHMENT**

There is hereby created, pursuant to Title 15.2, Chapter 49, the Industrial Development and Revenue Bond Act, of the Code of Virginia, by the Town Council of the Town of Front Royal, Virginia, a political subdivision of the Commonwealth of Virginia ("Town Council") to be known as the Economic Development Authority of the Town of Front Royal, Virginia, also to be known as the "Front Royal EDA".

16-4 BOARD OF DIRECTORS: TERMS AND QUALIFICATIONS OF OFFICE

- A. The Front Royal EDA created in this Chapter shall be governed by a Board of Directors composed of seven (7) Directors to be appointed by Town Council. Appointments shall be for terms of four (4) years, except appointments to fill vacancies which shall be for the unexpired portion of such term. If, at the end of any term of office of any Director, a successor shall not have been appointed or qualified, the Director whose term of office shall have expired shall continue to hold office until his successor shall be appointed and qualified.
- B. The seven (7) Directors of the Front Royal EDA shall be appointed initially for terms of one (1) , two (2), three (3) and four (4) years, two (2) being appointed for one-year terms; two (2) being appointed for two-year terms; two (2) being appointed for three-year terms and one (1) being appointed for a four (4)-year term. Subsequent appointments shall be for terms of four (4) years, except appointments to fill vacancies, which shall be for the unexpired terms.

- C. Each Director shall, before entering upon his duties, take and subscribe the oath prescribed by Va. Code § 49-1, or its successor provision.
- D. No Director shall be an officer or employee of the Town of Front Royal or the County of Warren.
- E. Each Director shall be a resident of the Town of Front Royal or Warren County when appointed as a Director the Front Royal EDA. Residents of Warren County must own a business within the corporate limits of the Town of Front Royal. When a Director ceases to be a resident of the Town of Front Royal, or if a resident of Warren County ceases to be owner of a business within the corporate limits of the Town of Front Royal or ceases to be a resident of Warren County, that Director's office shall become immediately vacant and a new Director may be appointed for the remainder of the term.
- F. The Directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by Town Council, not to exceed \$200.00 per meeting or official representation, or such other amount as may from time to time be set by the Code of Virginia, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.
- G. Four (4) members of the Board of Directors of the Front Royal EDA shall constitute a quorum of the Board of Directors for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the Front Royal EDA shall be leased or disposed of in any manner without a majority vote of all members of the Board of Directors. No vacancy in the membership of the Board of Directors shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.
- H. The Board of Directors of the Front Royal EDA shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by Va. Code § 30-140 or its successors provision, it shall arrange to have the same audited annually. Copies of such audit shall be furnished to Town Council annually and shall be open to public inspection.
- I. As a condition to service of office, each Director of the Front Royal EDA shall timely complete and file, in accordance with all requirements of the Code of Virginia, the Statement of Economic Disclosure and comply with all requirements of the State and Local Government Conflicts of Interests Act as provided in Title 2.2, Chapter 31, of the Code of Virginia, or its successor provisions.
- J. The Board of Directors of the Town EDA shall, upon its formation, promptly promulgate and execute Bylaws, which shall not become effective until ratified by Town Council; and upon ratification by Town Council, shall be binding upon the Town EDA and its Board of Directors and each of its Directors in each Director's official position as such.

16-5 OFFICERS

The Board of Directors of the Front Royal EDA shall elect from its membership a Chairman, a Vice-Chairman, and from its membership or not, as they desire, a Secretary and a Treasurer, or a Secretary-Treasurer, who shall continue to hold such office until their respective successors are elected.

16-5 POWERS, DUTIES, AND LIMITATIONS: DEVELOPMENT AREAS

- A. In general and except as expressly set forth in this Chapter, the Front Royal EDA, its Board of Directors, and its individual Directors shall have and exercise all powers and duties and be subject to all duties and responsibilities and shall enjoy all exemptions from liability, as shall be set forth in the Industrial Development and Revenue Bond Act, Code of Virginia, 1950, §§ 15.2-4900 *et seq.*, as amended, or its successor provisions.
- B. Town Council hereby exercises its power and discretion, under the Industrial Development and Revenue Bond Act of the Code of Virginia and under this Chapter, to limit the type and number of facilities that the Front Royal EDA may finance or assist with financing or facilitate for development under this Chapter. Within any development or redevelopment area or facility the Front Royal EDA or Town Council or a developer proposes for promotion, development, redevelopment, financing, or assist with financing using the Front Royal EDA as a development or redevelopment promoter or facilitator, it may do so only (i) under the authority of this Chapter and under the authority of the Industrial Development and Revenue Bond Act; and further, (ii) the Front Royal EDA may only cause, promote, finance, assist with financing, or facilitate such development or redevelopment such facilities as may be provided for in an economic development, redevelopment, financing, financing assistance, and/or or performance agreement or other similar agreement or agreements as may from time to time be jointly agreed in writing upon between the Front Royal EDA's Board of Directors and Town Council prior to the Front Royal EDA entering into any agreement or memorandum of understanding or similar type agreement or arrangement with any third party. Any Town EDA development, redevelopment, promotional, or financing or similar type agreement or arrangement not in conformity with this provision shall be null and void.
- C. All agreements, arrangements, and instruments which purports to be legally binding and to which the Town EDA is a party shall be reviewed by a qualified and licensed attorney-at-law selected by Town Council and shall have affixed there to the signature and date of such signing by such attorney with the notation "Approved as to Legal Form" prior to execution thereof by the Town EDA. Any Town EDA agreement, arrangement, or instrument development, redevelopment or financing agreement or arrangement not in conformity with this provision shall be null and void.
- D. The Front Royal EDA and its Board of Directors shall have all powers, duties, liabilities, immunities from liabilities, and shall have such limitations upon its authority as set forth in the Industrial Development and Revenue Bond Act of the Code of Virginia and as set forth in in this Chapter, particularly 16-6 (A) and (B) herein.

This ordinance shall become effective upon passage

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted April 26, 2021, upon the following recorded vote:

Lori A. Cockrell	<input type="checkbox"/> Yes <input type="checkbox"/> No	Jacob L. Meza	<input type="checkbox"/> Yes <input type="checkbox"/> No
Gary L. Gillispie	<input type="checkbox"/> Yes <input type="checkbox"/> No	Letasha T. Thompson	<input type="checkbox"/> Yes <input type="checkbox"/> No
E. Scott Lloyd	<input type="checkbox"/> Yes <input type="checkbox"/> No	Joseph E. McFadden	<input type="checkbox"/> Yes <input type="checkbox"/> No

A public hearing on the above was held on April 26, 2021, having been advertised in the Northern Virginia Daily on April 10 and April 17, 2021

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Council Agenda Statement

Item # 8D

Meeting Date: April 26, 2021

PUBLIC HEARING - An Ordinance to Amend and Re-Enact Town Code Chapter 134-22.1, 134-22.4, 134-30, 134-31.1 and 134-31.2 to Increase Water and Sewer Rates

Summary: Council is requested to approve an ordinance amendment to Town Code Chapter 134 pertaining to the increase of water and sewer rates effective July 1, 2021, as presented. If approved the amendments would be in Chapter 134-22.1, 134-22.4, 134-30, 134-31.1 and 134-31.2 and be effective beginning July 1, 2021.

Budget/Funding: Has been placed in the FY21-22 Proposed Budget

Meetings: February 1, 2021 – Work Session Budget Discussion
February 15, 2021 – Work Session Additional Budget Discussion
March 8, 2021 – Work Session Additional Budget Discussion

Proposed Motion: I move that Council approve an Ordinance to Amend and Re-Enact Town Code Chapter 134-22.1, 134-22.4, 134-30, 134-31.1 and 134-31.2 to Increase Water and Sewer Rates, as presented and effective July 1, 2021.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Meza _____ Thompson _____

134-22.1 SANITARY SEWER SERVICE RATES

The monthly base rates for sanitary sewer service usage shall be as follows:

A. Base rate, up to three thousand (3,000) gallons per month: ~~sixteen dollars and seventy-four cents (\$16.74)~~ **seventeen dollars and thirty-three cents (\$17.33)**

B. All sanitary sewer service usage exceeding three thousand (3,000) gallons per month: ~~fourteen dollars and forty cents (\$14.40)~~ **fourteen dollars and ninety cents (\$14.90)** per month, for each one thousand (1,000) gallons thereafter.

134-22.4 SEWER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES

A. In-Town Laundries: The monthly rates for sewer service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

1. All sanitary sewer service usage for the first one hundred thousand (100,000) gallons: ~~fifteen dollars and forty four cents (\$15.44)~~ **fifteen dollars and ninety-eight cents (\$15.98)** per one thousand (1,000) gallons.

2. All sanitary sewer usage from one hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: ~~fourteen dollars and three cents (\$14.03)~~ **fourteen dollars and fifty-two cents (\$14.52)** per one thousand (1,000) gallons.

3. All sanitary sewer service usage above five hundred thousand (500,000) gallons: ~~thirteen dollars and thirty three cents (\$13.33)~~ **thirteen dollars and eighty cents (\$13.80)** per thousand (1,000) gallons.

134-30 SYSTEM DEVELOPMENT CHARGE ESTABLISHED

B. The system development charge for water service exclusively used for fire-suppression systems will be based on the line size, according to the following fee schedule:

1. Three-inch line or smaller: one thousand tree hundred three dollars (\$1,303.00) plus ~~thirty-nine dollars and sixty seven cents (\$39.67)~~ **forty dollars and forty-six cents (\$40.46)** per month.

2. Four-inch line: two thousand six hundred seven dollars (\$2,607.00) plus ~~seventy-nine dollars and thirty two cents (\$79.32)~~ **eighty dollars and ninety-one cents (\$80.91)** per month.

3. Six-inch line: five thousand two hundred twelve dollars (\$5,212.00) plus ~~one hundred sixty-one dollars and forty nine cents (\$161.49)~~ **one hundred sixty four dollars and seventy-two cents (\$164.72)** per month.

4. Eight-inch line: seven thousand eight hundred nineteen dollars (\$7,819.00) plus ~~two hundred forty dollars and eighty cents (\$240.80)~~ two hundred forty-five dollars and sixty-two cents (\$245.62) per month.

5. Ten-inch line: ten thousand four hundred twenty-six dollars (\$10,426.00) plus ~~three hundred twenty dollars and fourteen cents (\$320.14)~~ three hundred twenty-six dollars and fifty-four cents (326.54) per month.

6. Twelve-inch line: thirteen thousand thirty-three dollars (\$13,033.00) plus ~~three hundred ninety-nine dollars and forty-eight cents (\$399.48)~~ four hundred seven dollars and forty-seven cents (\$407.47) per month.

H. There will be an additional monthly charge for each water meter exceeding one (1) inch in size according to the following fee schedule:

1. One-and-one-fourth inch meter: ~~seventeen dollars and thirty-five cents (\$17.35)~~ seventeen dollars and seventy cents (\$17.70) per month.

2. One-and-one-half inch meter: ~~twenty-three dollars and twenty-eight cents (\$23.28)~~ twenty-three dollars and seventy-five cents (\$23.75) per month.

3. Two-inch meter: ~~fifty-five dollars and thirty-one cents (\$55.31)~~ fifty-six dollars and forty-two cents (\$56.42) per month.

4. Three-inch meter: ~~two hundred ninety dollars and seventeen cents (\$290.17)~~ two hundred ninety five dollars and ninety-seven cents (\$295.97) per month.

5. Four-inch meter: ~~three hundred seventy-seven dollars and twenty-two cents (\$377.22)~~ three hundred eighty four dollars and seventy-six cents (\$384.76) per month.

6. Six-inch meter: ~~five hundred eighty dollars and thirty-three cents (\$580.33)~~ five hundred ninety one dollars and ninety-four cents (\$591.94) per month.

134-31.1 WATER SERVICE RATES

The monthly rates for water service usage shall be as follows:

A. Base rate, up to three thousand (3,000) gallons per month: ~~nine dollars and ninety-two cents (\$9.92)~~ ten dollars and twelve cents (\$10.12) per month.

B. All water service usage exceeding three thousand (3,000) gallons per month: ~~eight dollars and fifty-one cents (\$8.51)~~ eight dollars and sixty-eight cents (\$8.68) per month, for each one thousand (1,000) gallons thereafter.

134-31.2 WATER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES

A. In-Town Laundries: The monthly rates for water service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

1. The first one hundred thousand (100,000) gallons: ~~nine dollars and fourteen cents (\$9.14)~~ **nine dollars and thirty-two cents (\$9.32)** per one thousand (1,000) gallons.
2. One hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: ~~eight dollars and thirty cents (\$8.30)~~ **eight dollars and forty-seven cents (\$8.47)** per one thousand (1,000) gallons.
3. Above five hundred thousand one (500,001) gallons: ~~seven dollars and eighty-nine cents (\$7.89)~~ **eight dollars and five cents (\$8.05)** per one thousand (1,000) gallons.

This ordinance shall become effective July 1, 2021.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted April 26, 2021, upon the following recorded vote:

Lori A. Cockrell	<input type="checkbox"/> Yes <input type="checkbox"/> No	Jacob L. Meza	<input type="checkbox"/> Yes <input type="checkbox"/> No
Gary L. Gillispie	<input type="checkbox"/> Yes <input type="checkbox"/> No	Letasha T. Thompson	<input type="checkbox"/> Yes <input type="checkbox"/> No
E. Scott Lloyd	<input type="checkbox"/> Yes <input type="checkbox"/> No	Joseph E. McFadden	<input type="checkbox"/> Yes <input type="checkbox"/> No

A public hearing on the above was held on April 26, 2021, having been advertised in the Northern Virginia Daily on April 10 and 17, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Council Agenda Statement

Item # 8E

Meeting Date: April 26, 2021

PUBLIC HEARING – Annual Appropriation Ordinance for FY2021-2022. Budget effective July 1, 2021 through June 30, 2022, as proposed.

Summary: Council is requested to approve the Town's Annual Appropriation Ordinance for the FY2021-2022 Budget effective July 1, 2021 through June 30, 2022 as proposed.

Budget/Funding: None

Meetings: February 1, 2021 – Work Session Budget Discussion
February 15, 2021 – Work Session Additional Budget Discussion
March 8, 2021 – Work Session Additional Budget Discussion

Proposed Motion: I move that Council approve the Town's Annual Appropriation Ordinance for the FY2021-2022 Budget effective July 1, 2021 through June 30, 2022, as proposed.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Meza _____ Thompson _____

APPROPRIATION ORDINANCE

ANNUAL APPROPRIATION ORDINANCE
OF THE
TOWN OF FRONT ROYAL, VIRGINIA

FOR THE FISCAL YEAR ENDING JUNE 30, 2022
AN ORDINANCE MAKING APPROPRIATIONS OF SUMS OF MONEY FOR ALL
NECESSARY EXPENDITURES OF THE TOWN OF FRONT ROYAL, VIRGINIA FOR THE
FISCAL YEAR ENDING JUNE 30, 2022 TO PRESCRIBE THE PROVISOS, TERMS,
CONDITIONS, AND PROVISIONS WITH RESPECT TO THE TERMS OF
APPROPRIATION AND THEIR PAYMENTS, AND TO REPEAL ALL ORDINANCES
WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ALL
ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH
INCONSISTENCY.

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

SECTION I

That the following sums of money are hereby appropriated for the general government purposes herein specified for the fiscal year ending June 30, 2022

GENERAL FUND EXPENDITURES

General Government	908,235
Financial Administration	907,075
Legal	403,005
Law Enforcement Services	5,227,200
General Property Maintenance	1,122,690
Planning & Zoning Administration	425,420
Risk Management/Insurance	906,660
Economic Development	109,365
Information Technology	692,285
Transfers/Contingency Reserve	832,570
TOTAL GENERAL FUND EXPENDITURES	11,534,505

STREET FUND EXPENDITURES

Public Works	321,195
State Highway Maintenance System	2,367,385
TOTAL STREET FUND EXPENDITURES	2,688,580

ECONOMIC DEVELOPMENT FUNDS

Principal on Debt	369,675
TOTAL DEBT SERVICE FUND EXPENDITURES	369,675

SPECIAL REVENUE FUND

Community Development Projects	153,365
Asset Forfeiture	12,000
TOTAL SPECIAL REVENUE FUND EXPENDITURES	165,365

and the following sums of money are hereby appropriated for the enterprise operations specified for the year ending June 30, 2022.

ELECTRIC FUND EXPENDITURES

Operations	3,363,315
Purchase of Bulk Electricity	14,212,435
Transfer to General Fund	1,901,900
TOTAL ELECTRIC FUND EXPENDITURES	19,477,650

WATER FUND EXPENDITURES

Administrative Office	116,040
Water Plant Operations	1,678,615
Maintenance of Lines	1,205,780
Meter Reading	87,125
Debt Service	1,427,865
Contingency & Transfers to Other Funds	742,095
TOTAL WATER FUND EXPENDITURES	5,257,520

SEWER FUND EXPENDITURES

Administrative Office	112,460
Wastewater Treatment Plant Operations	2,844,570
Maintenance of Lines	533,480
Debt Service	2,437,705
Contingency and Transfers to Other Funds	579,500
TOTAL SEWER FUND EXPENDITURES	6,507,715

REFUSE FUND EXPENDITURES

Operations	976,960
Contingency and Transfer to General Fund	95,000
TOTAL REFUSE FUND EXPENDITURES	1,071,960

TOTAL ALL FUNDS EXPENDITURES	47,072,970
-------------------------------------	-------------------

REVENUES

TO BE PROVIDED AS FOLLOWS

GENERAL FUND

Real Estate Property Tax	1,179,390
Public Service Property Tax & Tax Penalties	60,040
Personal Property Tax	583,250
Other Local Taxes	5,684,575
Permits and Fees	34,000
Fines and Forfeitures	113,500
Revenue from Use of Money and Property	60,850
Public Rights-of-Way Use Fee	1,100
Intergovernmental	605,665
Interfund Transfers:	
Electric Fund	1,901,900
Water Fund	484,500
Sewer Fund	579,500
Refuse Fund	95,000
Miscellaneous Receipts	151,235
TOTAL GENERAL FUND REVENUE	11,534,505

STREET FUND

State Highway Maintenance Funds	1,971,380
Revenue from Use of Money and Property	31,630
Street , Curb, & Gutter Assessments	3,000
Transfers from General Fund	682,570
TOTAL STREET FUND REVENUE	2,688,580

ECONOMIC DEVELOPMENT FUND

Real Estate Property Tax	369,675
TOTAL DEBT SERVICE FUND REVENUE	369,675

SPECIAL REVENUE FUND

Asset Forfeiture Grant Funding	12,000
Community Development	153,365
TOTAL SPECIAL REVENUE FUND	165,365

ELECTRIC FUND

Revenue from Use of Money & Property	148,000
Connection Fees	205,000
Internal Loan	150,000
Sale of Service	18,945,650
Miscellaneous Receipts	29,000
TOTAL ELECTRIC FUND REVENUE	19,477,650

WATER FUND

Revenue from Use of Money and Property	70,000
Antenna Rentals	110,000
Sale of Service and Commodities	4,997,630
Connection Fees	79,890
Internal Loan	-
Miscellaneous Receipts	-
TOTAL WATER FUND REVENUE	5,257,520

SEWER FUND

Revenue from Use of Money and Property	70,000
Sale of Service and Commodities	6,090,815
Connection Fees	219,900
Miscellaneous Receipts	127,000
TOTAL SEWER FUND REVENUE	6,507,715

REFUSE FUND

Revenue from Use of Money and Property	31,130
Sale of Services/Bags/Other	1,040,830
Sale of Recyclable Materials	-
TOTAL REFUSE FUNDS REVENUES	1,071,960

TOTAL ALL FUNDS REVENUES **47,072,970**

This ordinance is proposed to become effective on July 1, 2021. The water & sewer fund figures are based upon approval of rate adjustments to be done at a later date. A true copy of the complete text of the ordinance is available by request at the Town Manager's Office, 102 E Main Street, Front Royal, Virginia during normal business hours.

A Public Hearing on this ordinance will be held at the Town Council Meeting of April 26th, 2021, beginning at 7:00pm in the Warren County Government Center, located at 220 N Commerce Avenue in Front Royal, Virginia. All citizens of the Town of Front Royal who have a desire to be heard on this subject will be given a reasonable opportunity to be heard. The Presiding Officer, in his sole discretion, may impose a time limit on each speaker at the beginning of the Public Hearing.

This ordinance shall become effective July 1, 2021

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted April 26, 2021, upon the following recorded vote:

Lori A. Cockrell	<input type="checkbox"/> Yes <input type="checkbox"/> No	Jacob L. Meza	<input type="checkbox"/> Yes <input type="checkbox"/> No
Gary L. Gillispie	<input type="checkbox"/> Yes <input type="checkbox"/> No	Letasha T. Thompson	<input type="checkbox"/> Yes <input type="checkbox"/> No
E. Scott Lloyd	<input type="checkbox"/> Yes <input type="checkbox"/> No	Joseph E. McFadden	<input type="checkbox"/> Yes <input type="checkbox"/> No

A public hearing on the above was held on April 26, 202, having been advertised in the Northern Virginia Daily on April 17, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Council Agenda Statement

Item # 10A

Meeting Date: April 26, 2021

Agenda Item: New Agreement for the Use of Federal Care Coronavirus Relief Funds

Summary: Council approved an Agreement for the COVID-19 Municipal Utility Relief Program with Warren County in December 2020 and February 2021 to receive \$88,109.00 in funds. Both times the County of Warren refused to sign claiming it was not correct. The attached agreement was asked to be confirmed by Caitlin Jordan, Senior Assistant County Attorney as the agreement that should be signed by Council. At the distribution of the agenda no confirmation has been received.

Council is requested to approve a new Agreement with the County of Warren pertaining to COVID-19 Relief Funds and the agreements for December and February will be rescinded.

Budget/Funding: 1000-3310010 – General Fund Revenue Grant Proceeds	\$88, 109.00
9790-45417 – General Fund Contingencies COVID Expenses	\$88,109.00

Meetings: Work Session held November 23, 2020

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 new Agreement with the County of Warren pertaining to the amount of \$88,109.00 COVID-19 Relief Funds as presented; and the agreements signed by Council for December 2020 and February 2021 be rescinded.

Moved _____ **Seconded** _____

Cockrell _____ **Gillispie** _____ **Lloyd** _____ **McFadden** _____ **Meza** _____ **Thompson** _____

**AMENDED AGREEMENT FOR THE USE OF
FEDERAL CARES CORONAVIRUS RELIEF FUNDS**

THIS AMENDED AGREEMENT for the Use of Federal Cares Coronavirus Relief Funds (the “Agreement”), made this ____ day of _____, 2021 by and between the County of Warren, a political subdivision of the Commonwealth of Virginia, (herein after referred to as the “County”) party of the first part, and the Town of Front Royal, a political subdivision of the Commonwealth of Virginia, (hereinafter referred to as the “Town”) party of the second part;

WITNESSETH:

WHEREAS, the United States Congress passed, and the President signed the *Coronavirus Aid, Relief and Economic Security (“CARES”) Act of 2020* (the “Act”); and,

WHEREAS, the Act provided funding for a number of different programs to address the COVID-19 pandemic; and,

WHEREAS, a primary component of the Act is the provision of \$150 billion in assistance to state, local, territorial and tribal governments for the direct impact of the COVID-19 pandemic through the establishment of the Coronavirus Relief Fund (“CRF”); and,

WHEREAS, the Town has been notified that it has been awarded federal Coronavirus Aid, relief, and Economic Security Act (CARES Act) funds pursuant to the Appropriation Act mandated State Corporation Commission application process in the amount of \$88,109.00 to assist with municipal utility customer relief for all eligible customers of Town of Front Royal, and

WHEREAS, expenditure of the funds is subject to be used only for qualifying expenses as defined by the COVID-19 Municipal Utility Relief Program, the expenditure of the funds will be audited and any funds expended for purposes other than as provided by the Act will have to be repaid and returned to the Commonwealth of Virginia; and,

WHEREAS, the parties hereto wish to confirm that the expenditure of the funds from CRF is limited to the uses established in the COVID-19 Municipal Utility Relief Program and that the funds distributed to the Town will be subject to refund and return by the Town and not by the County;

NOW THEREFORE THE PARTIES HERETO DO HEREBY AGREE AS FOLLOWS:

- 1) That the County will distribute to the Town the sum of \$88,109.00 from the CRF funds distributed to the County, contingent upon the Town using such funds for expenses that are reimbursable under the COVID-19 Municipal Utility Relief Program, upon the Town providing the Certification for Receipt of Coronavirus Relief Fund Payments document to the County, and that the Town comply with all other applicable laws and County requirements concerning the expenditure of the fund.
- 2) That the funds distributed to the Town by the County may only be used for the direct costs associated with the COVID-19 Municipal Utility Relief Program, as those expenses qualify and as defined and limited by the Program. These are specifically limited to costs that:
 - a) assist municipal utility customers experiencing economic hardship due to the COVID-19 pandemic;
 - b) utility customers that attest of the COVID-19 economic hardship;
 - c) Arrearages owed by eligible customers owed from March 1, 2020 through December 31, 2021;
 - d) funds may only be used to provide direct assistance to customer accounts over 30 days in arrears during the March 1, 2020 through December 31, 2021;
 - e) Up to 5% of the allocation may be used for direct administrative costs to support management of relief program.

The Town shall refrain from providing dual benefit to customers who have already received some level of assistance through other existing programs funded by the CARES Act for the same months of arrearages.

- 3) That the Town shall keep, maintain and provide to the County all necessary documentation to ensure compliance with the federal, state and County requirements.

- 4) Except as otherwise provided herein, distribution by the Town is at its sole risk. Except as otherwise provided herein, should the appropriate federal or state authorities determine that the Town improperly expended such funds for purposes that do not qualify under the Act the Town must promptly return and repay the amount of the funds subject to the improper expenditure to the County. The County shall not be required to appeal or contest any determination by the federal or state authorities that such funds were improperly expended, unless the Town requests the County to appeal or contest such determination by the federal or state authorities that such funds were improperly expended, in which case the Town will assume all costs, expenses, and risks of such appeal, and will hold the County harmless from same.
- 5) The Town shall return all unspent CFR funds to the County no later than the close of business on November 30, 2021. Upon receipt of the unspent funds, the County shall return such funds to The Department of Accounts by the close of business on December 31, 2021. The Town shall fully comply with all requirements of the Act and fully cooperate with the County, the Commonwealth of Virginia, and the United States of America in the use of the Town Distribution, including any and all audits
- 6) Except as otherwise provided herein, the parties agree that the Town shall reimburse the County within ten (10) days of request from the County for any expenditure of funds by the County necessitated by the failure of the Town to fully comply with this Agreement, with the Act, or incurred as a result of an allegation or inquiry by the state or federal government that the Town failed to comply with the Act, including any costs, such as audit fees, attorney's fees, or other expenses and any amounts that the County may be required to refund because of the violation by the Town of the Act or the improper expenditure of the Town Distribution. If such reimbursement is not provided within ten (10) days of such request, interest at the judgment rate shall be paid by the Town to the County.
- 7) In order to secure repayment of any amounts due hereunder to be reimbursed to the County by the Town, the Town agrees that any amount due hereunder, if not paid within ten (10) days of notification and request to pay, may be withheld by the

County from any funds due the Town which passes through the County or the office of the County Treasurer. This may include sales taxes, real estate taxes, personal property taxes, court fines and fees, septage fees, state or federal revenues, or any other funds of any kind or character which the County Treasurer collects on behalf of the Town and remits to the Town, or which the County possesses for any period of time. Furthermore, the Town agrees that any amount due hereunder, if not paid within ten (10) days of notification and request to pay, may be withheld by the County from any funds due the Town from the County under any agreement between the County and the Town now in existence or to be agreed to in the future, including but not limited to all amounts owed under the Amendment to Voluntary Settlement Agreement Between the County of Warren, Virginia, and the Town of Front Royal, Virginia, Regarding the Compromise for Pilot Meals and Lodging Taxes dated April 11, 2018.

- 8) In the event that any State or Federal authority finally determines that the County owes money as a result of actions of the Town in violation of this Agreement, the Town waives its right to and agrees not to assert any defense of statute of limitations, laches or any other time related defense. The parties agree that the remedies provided in this Agreement are not exclusive, and that the County preserves all causes of action against the Town related to the Town Distribution.
- 9) Any dispute concerning the performance or interpretation of this Agreement must be adjudicated in the General District or Circuit Courts of Warren County, Virginia, unless this matter has been removed by the United States of America or the Commonwealth of Virginia to the Federal Courts, in which case the matter may be adjudicated there.
- 10) This Agreement constitutes the entire understanding and agreement among the parties with respect to the matters set forth herein and/or therein and supersedes all prior or contemporaneous understandings or agreements among the parties with respect to the subject matter hereof, whether oral or written.
- 11) If any provision of this Agreement is invalid, illegal or unenforceable, the balance of this Agreement remains in full force and effect. If, however, the provision of the Agreement held invalid, illegal or unenforceable is material to the whole

Agreement then the entire Agreement is of no force or effect, unless the parties otherwise unanimously agree in writing.

- 12) This Agreement constitutes a fully negotiated agreement among sophisticated parties, with the assistance of legal counsel, and must not be construed and interpreted for or against any party thereto.

This Agreement has been duly authorized and approved by the Town Council of the Town of Front Royal and the Board of Supervisors of Warren County and the Chairman of the Board and the Mayor of the Town are authorized to execute the same.

WITNESS the following signatures:

Mayor
Town of Front Royal, Virginia

Chairman
Board of Supervisors of
Warren County, Virginia

Attest:

Attest:

Tina Presley, Clerk of Town Council

Edwin Daley, Clerk of Board of Supervisors

Approved as to Form:

Approved as to Form:

Douglas W. Napier, Town Attorney

Caitlin Jordan, Sr. Assistant County Attorney



Council Agenda Statement

Item # 10B

Meeting Date: April 26, 2021

Agenda Item: Resolution Initiating Proposed Text Amendments to the Regulations of Chapter 148 and Chapter 175 Pertaining to Permitting and Approval Authorities of the Planning Commission

Summary: Council is requested to approve a resolution that would initiate proposed text amendments to the regulations of the Town's Subdivision and Land Development Ordinance (Chapter 148) and the Town's Zoning Ordinance (Chapter 175) Pertaining to the Permitting and Approval Authorities of the Planning Commission. Once approved, the resolution shall be sent to the Planning Commission for recommendation of Chapter 148 and Chapter 175 ordinance amendments and then sent back to Council for final approval.

Budget/Funding: None

Meetings: Work Sessions held April 7 and April 12, 2021

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

Proposed Motion: I move that Council approve a resolution that would initiate proposed text amendments to the regulations of the Town's Subdivision and Land Development Ordinance (Chapter 148) and the Town's Zoning Ordinance (Chapter 175) Pertaining to the Permitting and Approval Authorities of the Planning Commission. Once approved, the resolution shall be sent to the Planning Commission for recommendation of Chapter 148 and Chapter 175 ordinance amendments and then sent back to Council for final approval.

Moved _____ **Seconded** _____

Cockrell _____ **Gillispie** _____ **Lloyd** _____ **McFadden** _____ **Meza** _____ **Thompson** _____

MEMORANDUM

TO: Front Royal Town Council

FROM: Chris Brock, Interim Planning and Development Director

DATE: April 12, 2021

RE: Approving Authority for Major Site Development Plans under the Front Royal Zoning Ordinance.

In approving new uses and development under the Front Royal Zoning Ordinance, Chapter 175 of the Town Code, there are generally two methods of zoning approval and two approving authorities. These two methods and approving authorities are (1) the review and approval of Zoning Permits by the Zoning Administrator for uses listed “by right”, and (2) the review and approval of Special Use Permits for uses listed by “special use” that the Town Council has decided to retain unto itself the right to hear and decide.

Zoning applications that include new physical development and redevelopment of property require the preparation and submission of an accompanying site sketch or a site development plan that illustrates the proposed physical development of the property so that the reviewing authority, be it the Zoning Administrator or the Town Council, can properly determine if the proposed development complies with all applicable development regulations of the Zoning Ordinance. Whether the application be relatively simply and require only a site sketch, or be more complex and require a detailed site development plan, the sketch or plan are both considered a part of the complete Zoning Permit or Special Use Permit application that are subject to the decision authority afforded to the Zoning Administrator or the Town Council, respectively.

These development plans as noted above are referenced as being required in Chapter 175, Zoning, but the specifics as to the informational content of the plans, their submission, review process, and approval are detailed in Town Code Chapter 148, Subdivision and Land Development. There are three types of plans that are generally required, the type of plan being determined by the type of use and the size and intensity of the proposed use and development. The three types of plans are (1) a sketch plan which is the least intensive type of plan, (2) a minor site development plan which requires more information and greater detail and must be professionally prepared, and (3) a major site development plan which as the name implies calls for the most categories and detail of information, calculations, and studies that must be professionally prepared and are used for the review of large and intense development projects.

Pursuant to the administration requirements of Chapter 148, the “Director of Planning” by Ordinance definition serves as the Director or administrative approving official of Chapter 148 where so designated. This is much like Chapter 175, Zoning, where the Director of Planning is also designated as the Zoning Administrator. Under Chapter 148 the Director has the authority

to review and approve site sketches and minor site development plans. The Director also can waive required information on sketch plans, minor site plans, and major sites plans upon the request of the applicant where the Director finds that such information is not required to determine compliance with the ordinance. But when it comes to major site development plans, Chapter 148 identifies the Planning Commission as the reviewing and approving agent of such plans.

Planning Commissions by design are meant to serve primarily in an advisory capacity to the governing body. Having a Commission serve in a permitting role for Major Site Development Plans is considered problematic for several reasons. Many uses that are allowed by right require a corresponding Major Site Plan to accompany the Zoning Permit Application. Major Site Plans must also accompany Special Use Permit Applications.

It should be noted, a Zoning Permit cannot have two approving authorities, with the Zoning Administrator approving the use and the Planning Commission approving the development regulations as portrayed on the required site plan as in now the current situation and should be discontinued. The approving authority for practical reasons and legal reasons should be the Zoning Administrator only. The Zoning Ordinance provides no remedy in cases where the Zoning Administrator and the Commission may disagree in matters of zoning compliance for uses by right which require a Zoning Permit and a Major Site Plan approval. Such remedy does not exist because such conflict should not exist.

The staff is recommending the Town Manager, (or designee Deputy) be the Zoning Administrator with authority to review and approve both Zoning Permits and Major Site Development Plans. Furthermore, the Ordinance does not provide a process for an applicant to appeal the action of the Planning Commission in approving or denying a Major Site Development Plan. The Board of Zoning Appeals only hears appeals of administrative decisions, not decisions made by the Planning Commission.

And lastly, having the Planning Commission as the approving authority for Major Site Plans does add both time and costs to the review and approval process as opposed to an administrative process. Relatedly, the designation of the Town Manager as the Zoning Administrator and designating to a Deputy Zoning Administrator being recommended in this memorandum could also provide an additional avenue of conflict resolution in zoning related matters. For all the reasons set forth herein, Town Council by adopting the attached resolution would initiate the described changes to Town Code Chapters 148 and 175 to remove the Planning Commission as the approving authority for Major Site Development Plans and other related plan and plat approval decisions, transfer all zoning related regulations to the Zoning Ordinance, and make the Town Manager or his designee as the Deputy Zoning Administrator the approving authority.

Attachment: Initiating Resolution – Proposed text amendments to Chapters 148 and 175 of Front Royal Town Code.

RESOLUTION

A RESOLUTION INITIATING PROPOSED TEXT AMENDMENTS TO THE REGULATIONS OF THE FRONT ROYAL SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AND THE FRONT ROYAL ZONING ORDINANCE PERTAINING TO THE PERMITTING AND APPROVAL AUTHORITIES OF THE FRONT ROYAL PLANNING COMMISSION

WHEREAS, the Town of Front Royal has a duly appointed and active Planning Commission with duties and powers as set forth under Title 15.2, Chapter 22 of the Code of Virginia, and Chapter 28 of the Town of Front Royal Municipal Code; and,

WHEREAS, the Planning Commission is generally meant to serve and function as an advisory body making recommendations for the consideration of Town Council in matters of planning, ordinance regulations, special use permits, and other matters as prescribed by law; and,

WHEREAS, Chapter 148, Section 515 of the Town Code regulates the submission and review of Major Site Development Plans as identifies the Planning Commission as the approving authority for such plans that are required as part of the zoning approvals for select uses allowed by right and allowed by special use permit by the Zoning Administrator and Town Council, respectively, pursuant to the provisions of Chapter 175, Zoning; and,

WHEREAS, to make Town Code better organized and efficient to use, all zoning application requirements, processes, use and development regulations, and the like, such as zoning based site sketches and plans, parking and loading requirements, and other zoning related requirements as may found in Town Code Chapter 148 should be moved to Chapter 175 Zoning; and,

WHEREAS, it is found that designating the Planning Commission with the authority to approve Major Site Plans may interfere or conflict with the powers of the Zoning Administrator and even that of the Town Council in the review and approval of their respective zoning applications as well as adding time and cost to the zoning review and decision making process of both forms of permit approval; and,

WHEREAS, the Town Council desires to designate the Town Manager, or his designee Deputy Zoning Administrator (Director of Planning), as the Zoning Administrator and remove the Director of Planning from this official authority.

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Front Royal, Virginia, in the furtherance of promoting the public necessity, convenience, general welfare, and for good zoning practice does hereby initiate amendments to Chapter 148, Subdivision and Land Development, to change the review and approving authority, and all other matters related to the processing of Major Site Development Plan Applications in their entirety from the Planning Commission to the “Town Manager” charged with the Administration of Chapter 148. Moreover, all references to this change as contained in Chapter 175, Zoning, as well as all other approval authorities related to required development plans and plats as required by the Zoning Ordinance are to be amended accordingly by either deletion or changing such authority from the Planning

Commission to the Town Manager, or his designee as the Zoning Administrator as deemed most clear and appropriate.

BE IT FURTHER RESOLVED, that staff prepare an Ordinance in full accordance with this Resolution and that such Ordinance be forwarded to the Planning Commission as soon as practical for a recommendation for consideration by Town Council.

Adopted this ____ day of _____ 2021.

APPROVED:

Chris W. Holloway, Mayor

Attest:

Tina L. Presley, Clerk of Council

Lori A. Cockrell	Yes/No	Gary L. Gillispie	Yes/No
Letasha T. Thompson	Yes/No	Jacob L. Meza	Yes/No
E. Scott Lloyd	Yes/No	Joseph E. McFadden	Yes/No

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____



Council Agenda Statement

Item # 10C

Meeting Date: April 26, 2021

Agenda Item: Sole Source Purchase of a Water Treatment Plant Valve

Summary: Council is requested to approve the sole source purchase of a Dezurick PEC plug valve to duplicate an existing valve at the Water Treatment Plant from Commonwealth Engineering & Sales of Ashland, Virginia in the amount of \$29,609.00.

Budget/Funding: FY21 Budget under 9601-47001

Meetings: None

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 sole source purchase of a Dezurick PEC plug valve to duplicate an existing valve at the Water Treatment Plant from Commonwealth Engineering & Sales of Ashland, Virginia in the amount of \$29,609.00.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Meza* _____ *Thompson* _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: April 13, 2021
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Manager of Purchasing
RE: Request: Town Council Agenda Consent Item

Purchasing received a request from the Water Treatment Plant for a sole source Dezurick PEC plug valve to duplicate an existing valve. This is the third of three valves requiring replacement. In addition, the raw water pumps will be purchased in FY22's budget. Enclosed is a memo from the Water Treatment Plant Manager, Mike Kisner, requesting the sole source purchase, a sole source form, sole source letter, and a quote from Commonwealth Engineering & Sales authorized sales representative for DeZURIK/APCO/Hilton products for \$29,609.00.

This purchase qualifies as a sole source procurement in accordance with the Virginia Public Procurement Act because Commonwealth Engineering & Sales of Ashland, VA is the only source practicably available. There are other authorized re-sellers of DeZURIK/APCO/Hilton pump control valves within Virginia that are authorized to sell to Arlington, Fairfax, and Loudoun counties, but this is the only authorized re-seller to sell to this municipality, specifically located in Warren County, VA.

The DeZURIK/APCO/Hilton pump control valves are already in use by the Town. It would be unreasonably expensive to purchase any other type of pump control valve from another manufacturer.

Staff recommends Council approve the award to Commonwealth Engineering & Sales of Ashland, VA for \$29,609.00. Please add this to Council's Regular Meeting on April 26th, 2021.

Funding for this purchase was anticipated and included in the FY21 budget under 9601-47001

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



Commonwealth Engineering and Sales, Inc.
303 Ashcake Road, Suite G
Ashland, Virginia 23005
Phone: 804-752-2959
Fax: 804-752-2116

March 15, 2020

Town of Front Royal
P.O. Box 1560
Front Royal, VA 22630

Attention: Mitch Sine

Subject: DeZurik Plug Valve

Mitch,

Per your request, the following is my proposal for a DeZurik PEC plug valve to duplicate your existing valve.

Qty. of one (1) 14" DeZurik Series PEC flanged end standard port plug valve complete with double acting hydraulic cylinder actuator, open/close limit switches, momentary limit switch (set to break at 95% closed), flat faced flanges, epoxy coated valve interior/exterior (12 mils DFT) and carbon steel valve body. (Valve model code is PEC,14,CS,NBR,CR,S42SD2*GS-12-PC10,SEH90*DFP003)

Unit Price: \$29,609.00 each

Freight to Front Royal is included.

Leadtime would be 20-22 weeks after receipt of order.

If a purchase order is placed, please address it to Commonwealth Engineering & Sales at the listed address, Net 30.

If you have any questions or need additional information, please contact me.

Thank you,
Josh Hicks
Commonwealth Engineering & Sales
Office: (804)752-2959

March 17, 2021

Subject: Authorized Representation of Dezurik Products

To Whom it May Concern:

Please be advised that since the year 2000, **Commonwealth Engineering & Sales** of Ashland, VA has been the sole authorized sales representative of all **DeZURIK Products** for the Water and Wastewater Industry for the Commonwealth of Virginia, the exception to this would be the counties of Arlington, Fairfax, Loudon and Prince William.

Purchase orders shall be written to: DeZURIK Inc. c/o Commonwealth Engineering & Sales, or for locally stocked items, written directly to Commonwealth Engineering & Sales.

Sincerely,

David Scott

David Scott
Regional Sales Manager,
DEZURIK CORPORATION

SOLE SOURCE JUSTIFICATION FORM

Requesting Department:

Water Treatment Plant / Public Works

Description of Commodities or Services:

Purchase of New DEZURIK Plug Valve

On the lines below initial all entries that apply to this procurement.

MK Original manufacturer's equipment or parts subject to specific patent or copyright
(Please attach supporting documentation)

MK Equipment or parts not interchangeable with similar parts or equipment of
another manufacturer (Please attach supporting documentation)

_____ Original manufacturer's parts required to maintain equipment warranty
(Please attach copy of manufacturer's warranty)

_____ This is the only known equipment or part that meets the specialized needs of
this department or perform the intended function (Please attach explanation)

MK This is the only known vendor that can perform the repair, maintenance, or render
the service. (Please attach supporting documentation)

_____ Commodities or services are only available from this vendor because of legal
requirements. (Please attach explanation)

_____ None of the above apply (Please attach explanation)

Based on the above, I request that competitive purchasing procedures be waived and that
the commodities or services be procured as a sole source procurement. I have obtained a
price quote from this sole source vendor and the price has been determined to be fair and
reasonable based on:

Circle one: History Cost of similar commodities or services

Published prices

Negotiated cost

The Town of Front Royal Procedures for Purchasing and Procurement Manual provides
that written notification of a sole source purchase must be posted in a designated public
area, published in a newspaper of general circulation, or posted on the Town of Front Royal
web site.

Initiator:

Michael C. Z...
Signature

Date:

3-31-21

Verification by Department Head:

Robert D. ...
Signature



Council Agenda Statement

Item # 10D

Meeting Date: April 26, 2021

Agenda Item: Bid Award for Milling and Paving Services

Summary: Council is requested to approve a multi-year contract for milling and paving services with the first term of this five-year contract to include the scope of services for Commerce Avenue from Happy Creek Bridge to 2nd Street, N. Royal Avenue from Commerce Avenue to 14th Street, all of Wine Street, Evelyn Court, Leach Street, Northview Street and Parkview Drive in the amount of \$449,316.00

Budget/Funding: Budget line item 4500-47927

Meetings: None

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 multi-year contract for milling and paving services with the first term of this five-year contract to include the scope of services for Commerce Avenue from Happy Creek Bridge to 2nd Street, N. Royal Avenue from Commerce Avenue to 14th Street, all of Wine Street, Evelyn Court, Leach Street, Northview Street and Parkview Drive in the amount of \$449,316.00.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Meza _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: April 15, 2021
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' Streets Division to competitively bid out firm fixed pricing for a multi-year contract for milling and paving services. On April 9th, 2021, I held a public bid opening and received four (4) bids in accordance with the Virginia Public Procurement Act.

Town staff has reviewed the submitted bids and recommends awarding the multi-year contract to Kickin Asphalt Paving & Excavating out of Strasburg, VA, the lowest responsive and responsible bidder.

The first term of this five (5) year contract will include the scope of services for Commerce Ave from Happy Creek Bridge to 2nd St., N. Royal Ave from Commerce Ave to W. 14th St, all of Wine St, Evelyn Ct, Leach St, Northview St, and Parkview Dr. The total amount of award for this scope of work is \$449,316.00. If the Town requires additional services in the first year, and all subsequent terms, the Town will use the bid form and the general and special terms and conditions to define and estimate a scope of work.

Please find attached the bid tabulation, recommendation letter, and contract for services. Please add this consent item to Council's April 26th, 2021 Regular Town Council Meeting.

Funding has been budgeted for and is available in the following line items: 4500-47927.

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: Robert Boyer, Public Works Director
CC: Steve Scheulen, Manager of Infrastructure
DATE: April 15, 2021
RE: Recommendation memo for milling and paving contractor

Public Works has reviewed the bid submitted by the low bidder, Kickin Asphalt from Strasburg, VA. for milling and paving services. Kickin Asphalt has performed work for the Town in the past as a subcontractor to GEI Construction Inc. on W. 14th St and Route 522N and their work met all Town standards, and the quality of their work was good. Kickin Asphalt has the needed equipment and trucks to handle the upcoming milling and paving work the Town has planned without any issues.

The funding is already budgeted in the current budget under street reconstruction 4500-7927, so there's adequate funding available to allow the upcoming paving on Wines St, Leach St, N. Royal Ave, Wines St and Evelyn Ct.

VENDOR SPREAD SHEET




Town of Front Royal, VA

IFB #4800-2 2021 Milling & Paving Services
 Bid Opening Date: 4/9/2021
 Opening Time: 2:00 PM

		Arthur Construction Dulles, VA	W-L Construction & Paving Stephenson, VA	Finley Asphalt & Sealing Manassas, VA	Kickin Asphalt Paving & Excavating Strasburg, VA
Description	UOM	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
SM-9.5A Finish Asphalt	Ton In Place	\$80.00	\$81.45	\$86.05	\$77.50
BM-25.0 Base Asphalt	Ton In Place	\$79.00	\$71.25	\$86.05	\$71.25
Full Depth Milling	Square Yard	\$1.80	\$2.04	\$2.70	\$1.25
Edge Milling	Linear Foot	\$1.50	\$2.04	\$3.00	\$2.50
Mobilization	Each	\$4,500.00	\$2,070.00	\$2,500.00	\$850.00
4" White & Yellow Street Line Painting	Linear Foot	\$0.98	\$0.23	\$0.26	\$0.23
12" Thermal Application	Linear Foot	\$5.00	\$4.80	\$5.52	\$4.80
24" Thermal Application	Linear Foot	\$8.75	\$7.20	\$8.28	\$7.20
Thermal Applications Turn Arrows	Each	\$125.00	\$116.00	\$133.40	\$116.00
Thermal Appliation Combo Arrows	Each	\$250.00	\$222.00	\$255.30	\$222.00
	Grand Total	\$5,052.03	\$2,577.01	\$3,080.56	\$1,352.73

*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, CPPB, VC

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



CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered into this ____ day of _____, 20____, by and between **THE TOWN OF FRONT ROYAL, VIRGINIA**, a Municipal Corporation, whose address is 102 East Main Street, Front Royal, Virginia 22630 (hereinafter referred to as the "Town"), and **KICKIN ASPHALT PAVING & EXCAVATING**, a **COMMONWEALTH OF VIRGINIA** Corporation, whose street address is **749 BORDEN MOWERY DRIVE STRASBURG, VA 22657**, and whose mailing address is **SAME** (hereinafter called the "Independent Contractor").

WITNESSETH:

That for and in consideration of the mutual promises contained herein, the Town agrees to purchase, and the Independent Contractor agrees to provide the services according to the general and special terms and conditions, specifications contained within the INVITATION FOR BID 4800-2 MILLING & PAVING SERVICES

1. Place of Delivery: TOWN OF FRONT ROYAL, VA

2. Time of Service Delivery: Work shall not begin before 8:30 A.M., or as directed by the Department of Public Works, and shall cease before 7:00 P.M. No asphalt shall be spread which cannot be finished and compacted before 7:00 P.M. Delivery of material shall not occur before 6:30 A.M. No work shall be done on Sundays. Work hour exceptions shall occur only with the advanced approval of the Director Public Works unless otherwise approved by the Town of Front Royal. Work will not be permitted on any Town of Front Royal holidays, which include New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, and Christmas Day.

3. Term of Contract: This Contract shall be in effect beginning with the date of the final signature on the contract and for one year with four (4) twelve (12) month renewal options (if not otherwise terminated pursuant to the terms of this agreement) in accordance with the enclosed terms.

4. Payment:

The Town shall promptly pay FOUR HUNDRED FORTY-NINE THOUSAND THREE HUNDRED SIXTEEN DOLLARS (\$449,316.00) for the successful delivery of services. If the Town fails to make payment by the required payment date, the Town shall pay any finance charges assess by the supplier that shall not exceed one percent (1%) per month. Where payment is made by mail, the date of the postmark shall be deemed to be the date the payment is made.

- a. Invoices for items ordered, delivered, and accepted shall be submitted by the Independent Contractor directly to Alisa Scott at ascott@frontroyalva.com. **All invoices shall show the applicable Purchase Order number.**

b. **Unreasonable Charges.** Under certain emergency procurements and for most time and material purchases, final job costs cannot be accurately determined at the time orders are placed. In such cases, Independent Contractors should put on notice that final payment in full is contingent on a determination of reasonableness with respect to all invoiced charges. Charges which appear to be unreasonable will be researched and challenged, and that portion of the invoice held in abeyance until a settlement can be reached. Upon determining that invoiced charges are not reasonable, The Town shall promptly notify the Independent Contractor, in writing, as to those charges which it considers unreasonable and the basis for the determination. An Independent Contractor may not institute legal action unless a settlement cannot be reached within thirty (30) days of notification. The provisions of this section do not relieve an agency of its prompt payment obligations with respect to those charges which are not in dispute. (*Code of Virginia § 2.2-4363*).

To Subcontractors:

- a. An Independent Contractor awarded a contract under this solicitation is hereby obligated:
 - (1) To pay the subcontractor(s) within seven (7) days of the Independent Contractor's receipt of payment from the Town for the proportionate share of the payment received for work performed by the subcontractor(s) under the contract; or

- (2) To notify the Town and the subcontractor(s), in writing, of the Independent Contractor's intention to withhold payment and the reason.

b. The Independent Contractor is obligated to pay the subcontractor(s) interest at the rate of one percent (1%) per month (unless otherwise provided under the terms of the contract) on all amounts owed by the Independent Contractor that remain unpaid seven (7) days following receipt of payment from the Town, except for amounts withheld as stated in (2) above. The date of mailing of any payment by U.S. Mail is deemed to be payment to the addressee. These provisions apply to

each sub-tier contractor performing under the primary contract. An Independent Contractor's obligation to pay an interest charge to a subcontractor cannot be construed to be an obligation of the Town of Front Royal.

5. Reports: The Independent Contractor shall complete, maintain, and submit to the Town all records and reports and lists of services rendered when such services are rendered.

6. Services Rendered: The Independent Contractor shall perform all services to be rendered pursuant to this Contract at the location specified above. The Independent Contractor agrees to maintain all facilities and equipment used by the Independent Contractor under this Contract in clean, sanitary, and safe condition and free from defects of every kind.

7. Licenses and Permits: The Independent Contractor agrees that it has procured all licenses, permits, or other like permission required by law to conduct or engage in the activity provided for in this Contract; that it will procure all additional licenses, permits, or like permission required by law during the term of this Contract; and that it will keep such licenses, permits, and permissions in full force and effect during the term of this Contract.

8. Independent Contractor: The Independent Contractor understands and agrees that the relationship of the Independent Contractor to the Town arising out of this Contract shall be that of Independent Contractor. It is understood that the Independent Contractor, or its staff and employees, are not employees of the Town and are, therefore, not entitled to any benefits provided employees of the Town. The Independent Contractor shall be responsible for reporting and accounting for all State, Federal, Social Security, and local taxes where applicable.

9. Non-Discrimination: During the performance of this agreement the Independent Contractor agrees as follows:

a. The Independent Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, natural origin, age, disability, status as a service-disabled veteran or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary for the normal operation of the Independent Contractor. The Independent Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

b. The Independent Contractor, in all solicitations or advertisements for employees placed by or on behalf of the Independent Contractor, will state that the Independent Contractor is an equal opportunity employer.

The Town of Front Royal does not discriminate against faith-based organizations.

c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

d. The Independent Contractor will include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000.00 so that the provisions will be binding upon each sub-contractor or vendor.

10. Compliance with Federal Immigration Law: The Independent Contractor does not and shall not during the performance of the Contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

11. Compliance with State Law: The Independent Contractor shall comply with section 2.2-4311.2 of the Code of Virginia pertaining to foreign and domestic businesses authorized to transact business in the Commonwealth.

12. Drug-Free Workplace: For the purpose of this section, “drug-free workplace” means a site for the performance of work done in connection with this contract awarded to the Independent Contractor in accordance with this procurement transaction. During the performance of this contract, the Independent Contractor agrees to:

a. Provide a drug-free workplace for the Independent Contractor’s employees

b. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Independent Contractor’s workplace and specifying the actions that will be taken against employees for violations of such prohibition.

c. State in all solicitations or advertisements for employees placed by or on behalf of the Independent Contractor that the Independent Contractor maintains a drug-free workplace.

d. Include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor,

13. Termination for Cause: This Contract may be terminated by the Town upon fifteen (15) days written notice to the Independent Contractor to the address first named above in the event of substantial failure or default of the Independent Contractor to perform in accordance with the terms hereof through no fault of the Town's.

14. Termination for Convenience: The obligation to provide further services under this Contract may be terminated by the Town for its convenience and not for cause upon fifteen (15) days written notice. The Independent Contractor shall be compensated for work performed through the date of termination and for termination expenses, including any expenses directly attributable to termination and for which the Independent Contractor is not otherwise compensated. Termination expenses shall not, however, include loss profits on services not performed as a result of such termination for convenience.

15. Notice: Any notice which is required to be given, or which may be given under this Contract, shall be sent to those mailing addresses noted in the first paragraph of this Contract.

16. Non-Assignability: Independent Contractor understands that this Contract is a contract with the professional services of the Independent Contractor and that it is made by the Town in reliance on the Independent Contractor's personal skills and knowledge in the activity to be conducted and as represented by the Independent Contractor. Accordingly, this Contract is non-assignable by the Independent Contractor without the express written advance permission of the Town.

17. Indemnification: The Independent Contractor shall indemnify, keep and hold harmless the Town of Front Royal and its members of Council, officers, directors, employees and volunteers against any and all third party claims of injuries, death, damage to property, theft, patent claims, suits, liabilities, judgements, costs and expenses (including reasonable attorney fees) which may otherwise accrue against the Town in consequence of the granting of a Contract which may otherwise result therefrom, to the extent it shall be determined that the claim was caused through negligence or error, or omission of the Independent Contractor or his or her employees, or that of the Subcontractor or his or her employees, if any; and the Independent Contractor shall, to the extent of its obligation above, pay all reasonable charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgement shall be rendered against the Town in any such action, the Service Provide shall, to the same extent, at its own expense, satisfy and discharge the same. The Independent Contractor expressly understands and agrees that any

performance bond or insurance protection required by this Contract, or otherwise provided by the Independent Contractor shall in no way limit the responsibility to indemnify, keep and save harmless and defend the Town as herein provided. The provisions of this section shall survive the completions, terminations, or expiration of the Contract.

18. Entire Contract: This Contract constitutes the entire agreement between the parties pertaining to the subject matter of this Contract and supersedes all prior or contemporaneous agreements and understandings of the parties in connection with the subject matter. No modification of this Contract shall be effective unless made in writing and signed by both parties.

19. Force Majeure: The Independent Contractor shall not be held responsible for failure to perform the duties and responsibilities imposed by this Contract if such failure is due to fires, riots, rebellions, natural disasters, wars, or an act of God beyond control of the Independent Contractor, and outside and beyond the scope of the Independent Contractor's then current, by industry standards, disaster plan that make performance impossible or illegal, unless otherwise specified in the Contract.

20. Antitrust: By entering into this Contract, the Independent Contractor conveys, sells, assigns, and transfers to the Town of Front Royal all rights, title, and interest in and to all causes of action the Independent Contractor may now have or hereafter acquire under the antitrust laws of the United States or the Commonwealth of Virginia, relating to the goods or services purchased or acquired by the Town of Front Royal under this Contract.

21. Standard of Care: The Independent Contractor shall perform the services herein described expeditiously and diligently and in accordance with the standard of care and skill ordinarily exercised under similar conditions by reputable members of its profession or trade practicing in the same or similar locality within the Commonwealth of Virginia existing as of the date such services are provided and in accordance with all applicable laws, codes, and regulations in effect as of the date such services are provided.

22. Enforcement: This Contract shall in all aspects be governed by the laws of the Commonwealth of Virginia. Any action maintained by either party for the enforcement or interpretation of the terms of this Contract shall be filed in the courts of Warren County, Virginia. The Independent Contractor shall comply with all applicable federal, state, and local laws, rules, and regulations.

IN WITNESS WHEREOF, the undersigned parties hereto have made and executed this Contract as the day and year first above written.

(TOWN SEAL)

TOWN OF FRONT ROYAL, VIRGINIA

Attest: _____

BY: _____

Print Name: _____

Type Name: STEVEN W. HICKS

Title: _____

Title: TOWN MANAGER

Date: _____

Date: _____

(INDEPENDENT CONTRACTOR SEAL)

INDEPENDENT CONTRACTOR:

Attest: _____

BY: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

DOUGLAS W. NAPIER, TOWN ATTORNEY

DATE: _____



Council Agenda Statement

Item # 11A

Meeting Date: April 26, 2021

Agenda Item: COUNCIL APPROVAL – Resolution to Delay Charges for Real Estate & Personal Property Tax Penalties and Interest

Summary: Council is requested to approve a Resolution to delay charges for penalties and interest related to 2021 Real Estate and Personal Property Taxes by a period of 16 days due to a delay of receiving the assessment files from the County of Warren. If approved, the penalties and interest will be added after June 21, 2021.

Budget/Funding: N/A

Meetings: N/A

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

Proposed Motion: I move that Council approve a Resolution to delay charges for penalties and interest related to 2021 Real Estate and Personal Property Taxes by a period of 16 days due to a delay of receiving the assessment files from the County of Warren.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Meza _____ Thompson _____

RESOLUTION

Regarding the extension of due date for real estate & personal property taxes

WHEREAS, the Town of Front Royal Municipal Code Section 75-44 (B) declares a penalty of 10% of the tax past due or ten dollars (\$10.00), whichever is greater, shall be added to any tax not paid by the aforesaid due date, provided that in no case may the penalty exceed the amount of the tax assessed. In addition, interest shall be added to any delinquent taxes and penalties at the rate of 10% per year, with interest commencing on the first day of the month following the date on which any such taxes became due and payable.

WHEREAS, the Town intends to extend the date in which penalties and interest shall commence for the 2021 Real Estate Taxes and Personal Property Taxes for a period of 16 days from the date on which any such taxes become due and payable, in order for the due date of the first half of the 2021 Town's taxes to coincide with the due date of the first half of the 2021 local taxes of the County of Warren.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Front Royal, Virginia, that Town Council approves this resolution regarding the extension of penalty & interest for 2021 Real Estate Taxes and Personal Property Taxes, as presented.

APPROVED:

Chris W. Holloway, Mayor

Attest:

Tina L. Presley, Clerk of Town Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on _____, 2021 upon the following recorded vote:

Joseph McFadden	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Scott Lloyd	<u>Yes/No</u>	Jacob L. Meza	<u>Yes/No</u>
Chris Holloway	<u>Yes/No</u>	Letasha T. Thompson	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____



Council Agenda Statement

Item # 12

Meeting Date: April 26, 2021

CLOSED MEETING

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of consultation with legal counsel employed or retained by Town Council to discuss specific legal matters requiring the provision of legal advice by such counsel, pursuant to a Memorandum of Agreement between the County and the Town, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Meza _____ Thompson _____