



REGULAR TOWN COUNCIL MEETING

Monday, October 26, 2020 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of Minutes
 - Special Council Meeting of October 5, 2020
 - Work Session Minutes of October 5, October 8, and October 12, 2020
 - Regular Council Meeting of October 19, 2020
5. Receipt of Petitions and/or Correspondence from the Public

Public speakers and Council Members must use the same civility, decorum, orderly behavior, relevancy of comments to the subject at hand, and appropriate language in addressing Town Council as they would use in addressing a Judge in a Court of Law. No profanity, vulgar, or sexist language, or irrelevant commentary, is allowed. (*Robert's Rules*, §43, pp. 379-382; *Steinburg v. Chesterfield Cty. Planning Com'n*, 527, F. 3d (4th Cir.) 2008; *Eichenlaub v. Township of Indiana*, 385 F. 3d 274 (3d Cir. 2004).
--Further Details found on page 2 of this agenda--
6. Reports:
 - a. Report of special committees or Town Officials and Interim Town Manager
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. COUNCIL APPROVAL OF CONSENT AGENDA ITEMS (Roll Call Vote Required)
 - A. Bid for Snow Removal Services for FY21 Winter Season
 - B. Sole Source Purchase of a Dezurick Pump Control Valve for Water Treatment Plant
8. PUBLIC HEARING – Amendment to Chapter 4-1 and 4-1.1 of Town Code Pertaining to Location of Meetings and Remote Participation of Meetings for All Public Bodies. (*1st Reading*)
9. COUNCIL APPROVAL – Purchase of Records Management Module, MOU for Reimbursement and FY21 Budget Amendment

TOWN COUNCIL WORK SESSION TO FOLLOW REGULAR MEETING

1. FY21 Budget Amendment - Outstanding Purchase Orders (*Director of Finance*)
 2. Zoning Ordinance – Apartment Use and Development Regulations. (*Director of Planning/ Comm Development*)
 3. Planning Commission Membership – Proposed Change Reducing Number of Members (*Dir of P/CD*)
 4. Disconnects for Non-Payment (*Director of Energy Services/ Director of Finance*)
 5. TLC Termination Letter (*Interim Town Manager*)
 6. CLOSED MEETING – Personnel and EDA Lawsuit
-

TOWN COUNCIL AND PUBLIC PRESENTATION DECORUM REQUIREMENTS

During all portions of a Regular Town Council Meeting, including its Public Presentations portion, the following requirements of decorum by both public speakers and Town Council Members must be followed. These are the requirements: Town Code, *Robert's Rules of Order* (incorporated into Town Code), and Federal Court Decisions interpreting First Amendment Constitutional Law on Free Speech.

1. The Mayor, as the presiding officer of Town Council, shall enforce the rules of procedure, preserve order and decorum, and appoint all Committees. (*Town Code 4-8*)
2. Every member of the Council shall address the presiding officer before speaking, confine himself to the question before the body and avoid all personal or indecorous language. (*Town Code 4-12*)
3. Public speakers and Council Members must use the same civility, decorum, orderly behavior, relevancy of comments to the subject at hand, and appropriate language in addressing Town Council as they would use in addressing a Judge in a Court of Law. No profanity, vulgar, or sexist language, or irrelevant commentary, is allowed. (*Robert's Rules, §43, pp. 379-382; Steinburg v. Chesterfield Cty. Planning Com'n. 527, F. 3d (4th Cir.) 2008; Eichenlaub v. Township of Indiana, 385 F. 3d 274 (3d Cir. 2004.)*)
4. There can be no personal attacks. A speaker can condemn the nature or likely consequences of a proposed measure in strong terms, but under no circumstances can he attack or question the personalities or the motives of another member. The measure, but not the man, is the subject of debate. (*Same Authority as above*)
5. A speaker may not speak to any matter that is the subject of a public hearing during that same Regular Meeting. (*Robert's Rules, § 43, pp. 379-382*)
6. A speaker who violates 2., 3., 4., or 5. above should be promptly asked to stop speaking in that fashion by the Mayor. If such speaker does not promptly so stop, the Mayor should ask the Sergeant at Arms (Police Officer) to remove such speaker, forcibly if necessary, and even charged with a misdemeanor crime. Federal court decisions have established that public policy in maintaining civility and decorum during the public comment sessions of its public meetings, both to ensure the efficient conduct of the people's business and to maximize citizen participation in the discussion, override the speaker's First Amendment rights of free speech. Governmental bodies may enforce policies against personal attacks in furtherance of a legitimate governmental purpose to preserve order and decorum in meetings, so long as they do not use the personal attack policy as a pretext to squelch a particular substantive viewpoint. (*Robert's Rules, § 43, pp. 379-382; Steinburg v. Chesterfield Cty. Planning Com'n. 527, F. 3d (4th Cir.) 2008; Eichenlaub v. Township of Indiana, 385 F. 3d 274 (3d Cir. 2004.)*)

Town Attorney July 2020

4



TOWN COUNCIL SPECIAL MEETING MINUTES

Tuesday, October 5, 2020 at 7:00 P.M.

Town Hall Conference Room

1. Closed Meeting – Bank Loan to Finance the Police Department Headquarters

Councilman Gillispie moved, seconded by Councilman Sealock, that Town Council convene and go into Closed Meeting regarding a bank loan to finance the Police Department headquarters, for discussion of the award of a public contract involving the expenditure of public funds, and the discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of Town Council, pursuant to Section 2.2 – 3711. A. 29. of the Code of Virginia; and, Consultation with legal counsel employed or retained by Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2 – 3711. A. 8. of the Code of Virginia

There was unanimous consensus of Council to go into closed meeting.

Councilman Cockrell moved, seconded by Councilman Gillispie, that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes – Mayor Tewalt, Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza, and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

OPEN SESSION

Councilman Holloway moved, seconded by Councilman Gillispe that Council authorize the Interim Town Manager to ratify the Commitment Letter from United Bank dated September 29, 2020 reflecting a loan for the Front Royal Police Department in the amount of \$8,483,001.15.

Discussion – Councilmen Holloway, Gillispie and Cockrell all thanked Interim Town Manager Tederick and Town Staff for their work on obtaining financing for the New Town of Front Royal Police Department. Councilman Holloway suggested that, considering the newly secured funding, Council meet with Legal Counsel and the Front Royal/Warren County EDA Board to “see if they could work it out.” Councilman

Mayor Initial _____

Sealock apologized that the funding was not secured sooner and noted how pleased he was that the loan did not include any secondary liens, penalties or prepayment fees. Town Manager Tederick added that the interest rate would be 1.87% and would save town citizens a million dollars. Mayor Tewalt and Councilman Thompson also expressed thanks to the Interim Town Manager and town staff.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza, and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Mayor adjourned the Special Meeting at 7:17 P.M. and Council began their Work Session.

PRESENT: Mayor Tewalt, Vice Mayor Sealock, Councilman Cockrell, Councilman Gillispie, Councilman Holloway, Councilman Meza, Councilman Thompson, Interim Town Manager Tederick, Assistant Town Attorney Sonnett, Deputy Clerk of Council Lynn, Director of Finance Wilson, and members of the public and press.

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Minutes Written by Mary Ellen Lynn Deputy Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Special Council Meeting minutes of October 5, 2020 on October 26, 2020.

Mayor Initial _____



TOWN COUNCIL WORK SESSION MINUTES

Tuesday, October 5, 2020 at 7:00 P.M.

Town Hall Conference Room

1. **Ordinance Amendments to Town Code 4-1 and 4-1.1 Regarding Location and Attendance at Meetings Remotely** – Interim Town Manager Tederick explained that the suggested amendments were to ‘clean up’ the Town Code to accommodate COVID-19. Councilman Meza expressed his appreciation for the clarification of language in the Town Code. Mayor Tewalt noted that the amendments would require a public hearing.
2. **Liaison Committee Meeting Items for October 22nd** – Mr. Tederick pointed out two items that would need to be discussed that the Liaison Committee Meeting – Septic Haul and Opioid Substance Abuse. He asked Council if there was anything else they would like to add to the Liaison Agenda – there was not.
3. **BAR Terms Expire November** – Council all agreed to reappoint Lauren Runyan to the Board of Architectural Review. Since Town Staff had not been able to confirm if Nancy LeHew would like to be considered for reappointment, Council requested the opening be advertised.
4. **Resolution re: Valley Health and Anthem** – Councilman Meza recused himself from any discussion regarding his employer, Valley Health. Interim Town Manager Tederick explained that the resolution presented to Council requested that Anthem and Valley Health find a way to work together. Mayor Tewalt suggested Council take some time to review the resolution and send any suggested changes or amendments to the Town Managers Office. He added that he would like to present the resolution to the Warren County Board of Supervisors for consideration. Interim Town Manager Tederick noted his plans to send the resolution to all surrounding school systems and towns suggesting they adopt it as well.
5. **CARES Act Round 1 and Round 2 Discussion** – Mr. Tederick provided Council with a recommendation on how to disperse the remaining CARES Act Round 1 funds. \$309,058 would be issued to those local businesses that had already applied and received funding as well as an administration fee to be given to the Chamber of Commerce.
6. **Review of FY21 Revenues & Contingencies** – Finance Director Wilson explained that revenues were in good standing. He noted that Sales Tax was up 14%. Interim Town Manager Tederick added his belief that the Town’s encouragement for citizens to shop local was partially responsible for the increase in Sales Tax revenue. Mr. Wilson pointed out that the delinquent utility dollar figure was directly in line with “pre-COVID” numbers. He stated that the recommendation from Town Staff would be to release some funds from contingency, apart from merit increases and the compensation study, which they would recommend releasing in January.

Mayor Initial _____

Councilman Meza asked if something other than merit increases and the compensation study could stay in contingency and requested town staff provide them with some more options. Councilman Sealock agreed. Councilman Thompson noted that town employees worked through the pandemic and that she would also like to see them receive merit increases sooner than later.

Councilman Gillispie questioned if the town was able to start looking at financing options for streets and sidewalks. Mr. Tederick confirmed that they were.

- 7. Rezoning Application from Front Royal/Warren County EDA – Planning/Community Development**
 Director Wilson presented Council with a request from the Economic Development Authority to rezone 62.7 acres of property from an R-1 Residential District to an I-2 Industrial Employment District in order to improve the site from Tier 1 to a Tier 2 of the Virginia Business Ready Sites Program. He noted that the property is located adjacent to the Happy Creek Technology Park. Council requested staff move forward with advertisement and adding it to a regular meeting agenda.

Mayor adjourned this portion of the work session at 8:04 P.M. and Council went into closed session.

8. Closed Meeting - Personnel

Councilman Cockrell moved, seconded by Councilman Holloway, that Council convene and go into Closed Meeting with respect to the Town Manager's position, for the discussion, consideration, or interviews of prospective candidates for employment; assignments, appointment, promotion, performance, salaries, or resignation of specific public officers, appointees, or employees of the public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia

There was unanimous consensus of Council to go into closed meeting.

Councilman Gillispie moved, seconded by Councilman Meza, that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes – Mayor Tewalt, Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza, and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

PRESENT: Mayor Tewalt, Vice Mayor Sealock, Councilman Cockrell, Councilman Gillispie, Councilman Holloway, Councilman Meza, Councilman Thompson, Interim Town Manager Tederick, Assistant Town Attorney Sonnett, Deputy Clerk of Council Lynn, Director of Finance Wilson, and members of the public and press.

.....

Signatures on next page

Mayor Initial _____

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council
Minutes Written by Mary Ellen Lynn Deputy Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Work Session minutes of October 5, 2020 on October 26, 2020.

Mayor Initial _____



TOWN COUNCIL WORK SESSION MINUTES

Thursday, October 8, 2020 at 7:00 P.M. in Town Hall Conference Room

1. CLOSED MEETING – Personnel

Motion to Go Into Closed Meeting

Councilman Gillispie moved seconded by Councilman Meza that Council convene and go into Closed Meeting with respect to interviews for the Town Manager's position, for the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, salaries, or resignation of specific public officers, appointees, or employees of the public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway (*remote*), Meza, and Thompson

No – N/A

Abstain – N/A

Absent – N/A

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:]*

Councilman Gillispie moved seconded by Councilman Meza that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

ROLL CALL VOTE: Yes – Mayor Tewalt, Councilmen Sealock, Cockrell, Gillispie, Holloway (*remote*), Meza, and Thompson

No – N/A

Abstain – N/A

Absent – N/A

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Work Session minutes of October 8, 2020 on October 26, 2020.

Mayor Initial _____



TOWN COUNCIL WORK SESSION MINUTES

Monday, October 12, 2020 @ 7:00pm in Town Hall Conference Room

1. CLOSED MEETING – Personnel

Motion to Go Into Closed Meeting

Councilman Gillispie moved seconded by Councilman Cockrell that Council convene and go into Closed Meeting with respect to interviews for the Town Manager's position, for the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, salaries, or resignation of specific public officers, appointees, or employees of the public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway (*remote*), Meza (*remote*), and Thompson

No – N/A

Abstain – N/A

Absent – N/A

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:]*

Councilman Gillispie moved seconded by Councilman Cockrell that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

ROLL CALL VOTE: Yes – Mayor Tewalt, Councilmen Sealock, Cockrell, Gillispie, Holloway (*remote*), Meza (*remote*), and Thompson

No – N/A

Abstain – N/A

Absent – N/A

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Work Session minutes of October 12, 2020 on October 26, 2020.

Mayor Initial _____

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 19, 2020, in the Warren County Government Center. The Pledge of Allegiance and Moment of Silence was led by Mayor Tewalt. This meeting can be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

PRESENT:

Mayor Eugene R. Tewalt
Vice Mayor William A. Sealock
Councilman Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Chris W. Holloway
Councilman Letasha T. Thompson
Town Attorney Douglas W. Napier
Interim Town Manager Matthew A. Tederick
Clerk of Council Tina L. Presley

ABSENT:

Councilman Jacob L. Meza

APPROVAL OF MINUTES

Councilman Gillispie moved, seconded by Councilman Holloway to approve the Regular Council Meeting Minutes of September 28, 2020, as presented

VOTE: Yes – Unanimous

RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC

Holly Leach, 480 Stoney Bottom Road expressed her gratitude to the Town for the Influencer Weekend since it brought a large awareness to her business, Shenandoah Axe Throwing Company.

Bruce Rappaport, 300 W. Main Street, applauded Council for consideration of a resolution requesting Valley Health and Anthem to negotiate a new healthcare Insurance contract.

REPORTS**a. Report of special committees or Town Officials and Interim Town Manager**

Introduced Chief of Police Magalis who hosted a promotion/pinning ceremony for Officer Zachary King. He thanked Ms. Leach for her kind words and gave Council and update on the Influencer weekend that was held October 9 – 11. He also mentioned the leaf traffic currently going on in Town especially on the weekends due to the “leaf lookers”.

b. Requests and inquiries of Council members

Councilman Gillispie and Thompson thanked Ms. Leach for her kind words
Councilman Thompson urged citizens to send letters to Anthem about the negotiations with Valley Health and also noted that the Influencer Weekend was one of the best weekends thus far, similar to “Black Friday” for small towns.

Mayor Initial ____

c. Report of the Mayor – Mayor Tewalt noted that he attended the Influencer event and expressed the amount of families he met that were here from other states; and thanked everyone responsible for a great weekend.

d. Proposals for addition/deletion of items to the Agenda – Vice Mayor Sealock moved seconded by Councilman Holloway to remove #10 FY21 Budget Transfer Release Portion of Contingency Funds from tonight's agenda.

Mr. Sealock advised there was a lot of uncertainty due to legislative issues.

VOTE: Yes – Unanimous

COUNCIL APPROVAL OF CONSENT AGENDA ITEMS –

FY21 Budget Amendment for Purchase of Transformers for New Hospital

Council approved a FY21 Budget Amendment in the amount of \$70,488.70 for the purchase of transformers for the new hospital to be reimbursed by Valley Health.

Liaison Committee Items to Add to October 22 Agenda

Council approved the following items to be added to the October 22, 2020 Liaison Committee Agenda: 1) Joint Substance Abuse Committee 2) Closed Meeting on a contract

Reappointment for Board of Architectural Review (BAR) - Runyan

Council reappointed Lauren Runyan to a 4-year term expiring November 13, 2024.

Councilman Holloway moved, seconded by Councilman Cockrell that Council approve the Consent Agendas as presented.

VOTE: Yes – Unanimous

PUBLIC HEARING – FY21 Budget Amendment, Interfund Transfer and Financing the Construction of the Police Department

Mayor Tewalt opened the public hearing. Paul Gabbert, 1221 Valley View Drive, opined that the loan should had been taken care of a long time ago.

Councilman Thompson moved seconded by Councilman Holloway that Council approve a FY21 Budget Amendment, an Interfund Budget Transfer and award financing construction of the Police Department in the amount of \$8,483,001.15.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Meza

Mayor Initial ____

COUNCIL APROVAL – Distribution of Remaining CARES Funds Phase I

Councilman Thompson moved seconded by Councilman Gillispie that Council approve Option 1 to distribute the remaining \$309,058.00 for the Town of Front Royal's first allocation of CARES funds from Warren County. Councilman Thompson further moved seconded by Councilman Gillispie to approve Amendment 1 to the Agreement of the Chamber of Commerce.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, and Thompson
No – N/A
Abstain – N/A
Absent – Councilman Meza

COUNCIL APROVAL – Resolution Requesting Valley Health and Anthem Negotiate a New Healthcare Insurance Contract

Councilman Cockrell moved seconded by Councilman Thompson that Council approve a Resolution requesting Valley Health and Anthem negotiate a new healthcare insurance contract, as presented.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, and Thompson
No – N/A
Abstain – N/A
Absent – Councilman Meza

CLOSED MEETING – Public Alley

Councilman Cockrell moved seconded by Councilmen Thompson that Council go into Closed Meeting regarding 1) A Town public alley, the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of Town Council, pursuant to Section 2.2-3711.A.3.; 2) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; "probable litigation" meaning litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party; pursuant to Section 2.2-3711. A. 7. of the Code of Virginia and 3) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

Councilman Cockrell moved second by Councilman Holloway that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that

Mayor Initial ____

the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

ROLL CALL VOTE: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Meza

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Regular Council Meeting minutes of October 19, 2020 on October 26, 2020.

Mayor Initial ____

7A



Council Agenda Statement

Item # 7A

Meeting Date: October 26, 2020

Agenda Item: Bid for Snow Removal Services for FY21 Winter Season

Summary: Council is requested to approve a bid from Andrews Grading & Excavating, LLC for snow removal services for the FY21 winter season

Budget/Funding: 4500-45478 [snow removal budget]

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 bid from Andrews Grading & Excavating, LLC for snow removal services for the FY21 winter season.

Approved By: _____

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: October 20, 2020
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add Consent Agenda item to Town Council's Regular Meeting

Purchasing responded to a request from the Public Works Department to procure snow removal services for the FY21 winter season. The purchasing method used was competitive sealed bidding. On Tuesday, October 13th, 2020, I held a public bid opening and received one (1) bid. The low number of responses was due to this solicitation being requested and issued very close to the beginning of the winter season. Prior to issuance, staff reached out to a number of current contractors, but these contractors already had snow removal contracts in place for this winter season and were not able to bid on this contract.

Andrews Grading & Excavating, LLC is the lowest responsive and responsible bidder. Staff recommends awarding the contract for snow removal services to Andrews Grading & Excavating, LLC based on the unit pricing provided in the attached bid tabulation: \$104 for each 7.5-snow plow, \$144 for each 10-foot plow, and \$114 for each skid steer loader.

Town Council is requested to review and approve the contract award because the total amount of this time and materials contract is unpredictable as is the inclement weather for FY21 winter season.

Attached to this memo is a recommendation memo from Robbie Boyer, Public Works Director, and the bid tabulation. Please add this consent agenda item to the next available Regular Town Council agenda.

Funding for this project will come from the following line items: 4500-45478.

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

Memo



Town of Front Royal Public Works

TO: Alisa Scott, Purchasing Manager
FROM: Robert Boyer, Public Works Director
CC:
DATE: October 20, 2020
RE: Snow removal contractor recommendation

Alisa,

I have reviewed the bid documents that Andrews Grading & Excavating has submitted for the upcoming winter season. After reviewing the equipment Andrews can provide and the pricing for their equipment, I would recommend moving forward with awarding the bid to Andrews Grading & Excavating. The funding for this project will come out of the snow removal budget 4500-5478.

If you have any questions or need any further information regarding this project just let me know.

Town of Front Royal, VA

Department of Purchasing

102 E Main Street

Front Royal, VA 22630

Website: www.frontroyalva.com

IFB BID TAB: Snow Removal Services

BID/PROPOSAL OPENING DATE: 10/13/2020

BID/PROPOSAL OPENING TIME: 2:00 PM

**ANDREWS GRADING & EXCAVATING LLC
FRONT ROYAL, VA**

UNIT PRICE

**4WD SINGLE AXLE VEHICLES EQUIPED WITH A SNOW PLOW OF A MINIMUM OF
SEVEN AND A HALF (7.5) FOOT LENGTH AND TAILGATE SPREADER**

\$104.00

**SINGLE, TANDEM OR TRI-AXLE VEHICLES TO BE EQUIPPED WITH A TEN (10)
FOOT PLOW AND FURNISHED BY THE BIDDER.**

\$144.00

SKID STEER LOADERS WITH A MINIMUM OF 0.25 CUBIC YARD BUCKET

\$114.00

*DENOTES NON-RESPONSIVE BID

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



Alisa Scott, CPPB, VCA, VCO, PMP

Purchasing Manager

7B



Council Agenda Statement

Item # 7B

Meeting Date: October 26, 2020

Agenda Item: Sole Source Purchase of a Dezurick Pump Control Valve for Water Treatment Plant


Summary: Council is requested to approve a sole source Dezurick pump control valve for the Water Treatment Plant from Commonwealth Engineering & Sales in the amount of \$29,609.00.

Budget/Funding: 9601-47001 [was anticipated and included in FY21 budget]

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 sole source Dezurick pump control valve for the Water Treatment Plant from Commonwealth Engineering & Sales in the amount of \$29,609.00.

Approved By: 

Moved _____ Seconded _____

VM Sealock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: October 20, 2020
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 pump control valve. 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 October 26th, 2020

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



TOWN OF FRONT ROYAL

DEPARTMENT OF ENVIRONMENTAL SERVICES

Water Treatment Plant

P.O Box 1560

FRONT ROYAL, VIRGINIA 22630-1560

Michael Kisner

Manager of Water Treatment

(540) 636-7474

(540) 636-2890 (Fax)

Memorandum

To: Alisa Scott, Finance Manager

From: Mike Kisner, WTP Manager

Date: 10/7/20

Re: 9601- 47001 Dezurick Valve

The Raw water pump station has been in service since 1994. The three raw water pumps have DeZurick pump control valves on the discharge side of the pump. Number 1 pump control valve lower pilot bearing bore is EXTREMELY worn and at some point, will no longer be able to effectively close. This valve needs to be replaced to continue reliable operations. Funding for the valve replacement is our current budget 9601-47001 Machinery & Equipment. It will take approx. 29 weeks to receive the new valve once the order is placed.

Thanks,
Mike Kisner

SOLE SOURCE JUSTIFICATION FORM

Requesting Department: Public Works / WTP
Description of Commodities or Services: replacement pump control valve

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

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

MS 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)

MS 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: Mitchell Jene
Signature

Date: 10/1/2020

Verification by Department Head: Robert B. Baye
Signature



250 Riverside Ave N 320-259-2000 p
Sartell, MN 56377 USA 320-259-2227 f

July 26, 2013

To Whom It May Concern:

Subject: Authorized DeZURIK Agent

Commonwealth Engineering & Sales of Ashland, VA is the sole authorized representative of DeZURIK Products for the Water & Wastewater industry for the state of Virginia, with the exception of Arlington, Fairfax, Loudon, and Prince William counties.

Purchase Orders shall be written to DeZURIK, Inc., c/o Commonwealth Engineering & Sales Inc.

Regards,

A handwritten signature in black ink that reads 'Eb Fuchs'.

Eb Fuchs
Municipal Sales Manager
DeZURIK
APCO | WILLAMETTE
250 Riverside Avenue North
Sartell, MN 56377
Ph: 320-259-2387
Fax: 320-259-2343
Cell: 320-291-5418

Info@dezurik.com
www.dezurik.com

Printed in the USA



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

October 1, 2020

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

Attention: Mitch Sine

Subject: Your Request for Proposal
DeZurik Plug Valve

Dear 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.

I would like to thank you for the opportunity to present this offer. If you have any questions or need additional information, please contact me.

Sincerely,

Bill Erber
Commonwealth Engineering & Sales
Office: (804)752-2959

8



Council Agenda Statement

Item # 8

Meeting Date: October 26, 2020

Agenda Item: PUBLIC HEARING - Amendment to Chapter 4-1 and 4-1.1 of Town Code Pertaining to Location of Meetings and Remote Participation of Meetings for All Public Bodies (*1st Reading*)

Summary: Council is requested to affirm on its first reading an ordinance to amend Chapter 4-1 and 4-1.1 of the Front Royal Town Code that would clarify when and where Town Council meets and include all public bodies to participate in meetings remotely by electronic means as presented.

Budget/Funding: None

Meetings: Work Session held October 5, 2020

Proposed Motion: I move that council affirm on its first reading an ordinance to amend Chapter 4-1 and 4-1.1 of the Front Royal Town Code that would clarify when and where Town Council meets and include all public bodies to participate in meetings remotely by electronic means, as presented.

Approved By: _____

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA, TO AMEND TOWN CODE CHAPTER 4-1 AND 4-1.1 PERTAINING TO TIME OF MEETINGS AND REMOTE PARTICIPATION AT MEETINGS

4-1 TIME OF MEETINGS

A. The Council shall hold its regular meetings in the Warren County **Government Center** ~~Board of Supervisors Chambers~~ on the second and fourth Mondays of each month at 7:00 p.m.; provided however, that there shall be only one (1) such regular meeting in the month of December of each year, and it shall be on the second Monday of that month, held as the same time and in the same place.

B. In the event that a regular Town Council meeting shall fall on a date designated as a Town holiday, then the regular Council meeting shall be held on the following day (Tuesday) at 7:00 p.m. **with location being in the Warren County Government Center or Town Hall whichever is available.**

C. In the event that a regular Town Council meeting cannot be conducted at the regular time or location due to circumstances beyond the Town's control, the alternative meeting date shall be the following Monday at 7:00 p.m. **in the Warren County Government Center or Town Administrative Offices. Hall whichever is available.**

4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS

A. Individual members of Town ~~Council~~ **Public Bodies** may participate in meetings of Town ~~Council~~ **Public Bodies** by electronic communication means from a remote location that is not open to the public, as permitted by Virginia Code § 2.2-3708.1., as that Section may from time to time be amended, or by other future applicable law. This policy shall apply to the entire membership of Town Council, **the Planning Commission, and all other entities however designated, of Town Council created to perform delegated functions of Town Council or Town government or to advise or assist Town Council or Town government, including, but not limited to, the Board of Zoning Appeals, the Board of Architectural Review, the Town Economic Development Authority and the Urban Forestry Advisory Committee (collectively, "Public Bodies", or in the singular, "Public Body").** Public Body Member's requesting remote participation or the matters that will be considered or voted on at the meeting.

B. Whenever an individual Town-~~Council~~ **Public Body** Member wishes to participate from a remote location, a quorum of Town-~~Council~~ **the Public Body** shall be physically assembled at the primary or central Town-~~Council~~ **Public Meeting** location, and arrangements will be made for the voice of the remote Town-~~Council~~ **Public Body** Member to be heard by all persons at the primary or central Town-~~Council~~ **Public Body** Meeting location. The reason that the remote Town-~~Council~~ **Public Body** Member is unable to attend the Town-~~Council~~ **Public Body** Meeting

and the remote location from which the ~~Town Council~~ **Public Body** Member participates will be recorded in the ~~Town Council~~ **Public Body** Meeting Minutes.

- C. When such remote individual ~~Town Council~~ **Public Body** participation is due to an emergency or personal matter, such participation is limited by the Code of Virginia to two (2) meetings or 25 percent of the meetings of the ~~Town Council~~ **Public Body** per ~~Town Council~~ **Public Body** Member each calendar year, whichever is fewer.
- D. Individual ~~Town Council~~ **Public Body** Member participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provisions of the Virginia Freedom of Information Act.
- E. If a ~~Town Council~~ **Public Body** Member's participation from a remote location is challenged, then the **Public Body** ~~Council~~ shall vote whether to allow such participation. If ~~Town Council~~ **the Public Body** votes to disapprove of the ~~Town Council~~ **Public Body** Member's remote participation because such participation would violate this ordinance or the provisions of the Virginia Freedom of Information Act, such disapproval will be recorded in the ~~Town Council~~ **Public Body** Meeting Minutes with specificity.
- F. This policy applies to all Meetings, Work Sessions, and committees of **the Public Body** ~~Town Council~~.

This ordinance shall become effective upon passage.

APPROVED:

Eugene R. Tewalt Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2020, upon the following recorded vote:

William A. Sealock	<input type="checkbox"/> Yes <input type="checkbox"/> No	Chris W. Holloway	<input type="checkbox"/> Yes <input type="checkbox"/> No
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

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

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

9



Council Agenda Statement

Item # 9

Meeting Date: October 26, 2020

Agenda Item: Purchase of Records Management Module, MOU for Reimbursement and FY21 Budget Amendment

Summary: Council is requested to approve the purchase of Motorola's Spillman Records Management Judicial Sharing Module that allows quick transfers of police records to the Commonwealth Attorney's Office in the amount of \$12,785.42. The amount of \$12,785.42 will be reimbursed by Warren County through a Memorandum of Agreement (MOU) between the Town of Front Royal and County of Warren [approved by the County on September 15, 2020.] In order to receive the funds from Warren County, Council is requested to approve a budget amendment in the amount of \$12,785.42. Council is requested to direct the Interim Town Manager to execute the MOU

Budget/Funding: budget amendment as follows:

1000-3410209	General Fund Reimbursement	- \$12,785.42
3104-R47001	Police Services Machinery and Equipment	- \$12,785.42

Meetings: None

Proposed Motion: I move that Council approve the purchase of Motorola's Spillman Records Management Judicial Sharing Module that allows quick transfers of police records to the Commonwealth Attorney's Office in the amount of \$12,785.42 and to approve a Memorandum of Understanding (MOU) with Warren County to allow for the reimbursement of \$12,785.42. I further move that Council approve a budget amendment in the amount of \$12,785.42 to accept the reimbursement from Warren County and to direct the Interim Town Manager to execute the MOU.

Approved By: 

Moved _____ Seconded _____

VM Seacock _____ Cockrell _____ Gillispie _____ Holloway _____ Meza _____ Thompson _____

**MEMORANDUM OF UNDERSTANDING
FOR PURCHASING THE JUDICIAL SHARING MODULE
FOR THE FRONT ROYAL POLICE DEPARTMENT'S
MOTOROLA SPILLMAN RECORDS MANAGEMENT SYSTEM**

THIS MEMORANDUM OF UNDERSTANDING made this 16th day of September, 2020 by and between the **COUNTY OF WARREN, VIRGINIA**, hereinafter referred to as the "County", and the **TOWN OF FRONT ROYAL**, hereinafter referred to as the "Town". The County and the Town shall hereinafter be referred to collectively as the "Parties".

WHEREAS, the Front Royal Police Department ("FRPD") currently owns and operates a Motorola Spillman Records Management System, which manages and stores police records such as documents, reports, videos, pictures, etc.

WHEREAS, the FRPD routinely share police records with the Commonwealth's Attorney's Office to aid in the prosecution of criminal charges.

WHEREAS, the Town and the County desire to obtain a system that will allow the FRPD to more easily and quickly transfer police records to the Commonwealth's Attorney's Office.

NOW, THEREFORE, to that end, and in consideration of the premises and the mutual covenants contained herein, the Town and the County agree to the following:

1. The Town shall purchase the Judicial Sharing Module for their current Motorola Spillman Records Management System as set forth in the attached Quote-1293373 ("Quote").
2. The County shall pay a one-time lump sum to the Town of Twelve Thousand Seven Hundred Eighty-Five and 42/100 Dollars (\$12,785.42) for the Judicial Sharing Module. The County shall make the one-time lump sum payment to the Town within sixty (60) days of receiving an invoice from the Town.

APPROVED AS TO FORM:

Caitlin Jordan
Assistant County Attorney

DATE: _____

APPROVED AS TO FORM:



Douglas Napier
Town Attorney

DATE: 10-23-2020



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: October 22, 2020
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add consent agenda item to Town Council meeting

Purchasing responded to a request from the Police Department with a Memorandum of Understanding (MOU) with Warren County and the sole source procurement of an integrated Motorola system already in use at the Police Department.

Motorola is the sole source provider of Vault with Judicial Sharing. This purchase qualifies as a sole source procurement in accordance with the Virginia Public Procurement Act and no other source is practically available to meet both the Town and County's need to store law enforcement records such as documents, reports, videos, and pictures while sharing this information between the two law enforcement entities and the Commonwealth Attorney's office.

The Town will be procuring the interface licenses and per the MOU, the County will reimburse the Town a lump sum of \$12,785.42. Each year thereafter the Town is to procure 1 TB of Data. Staff recommends that Town Council review and direct the Interim Town Manager to sign the MOU.

Please find attached to this memo, a quote from Motorola, sole source letter from Motorola, and MOU.

Funding for this good and service is available in the following line item 1204-43053 Information Technology Computer Licensing.

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



June 29, 2020

City of Front Royal Procurement Department

To whom it may concern:

Front Royal Police Department currently uses Spillman Flex software by Motorola Solutions for its public safety software. The software and services are developed, supported, and provided entirely by Motorola Solutions, Inc. As the sole owner and developer of the existing software solution in place at Front Royal Police Department, and as the sole developer of the requested Vault w/Judicial Sharing interface and services that are proprietary to Motorola, it is recognized that there is no substitute vendor or product that can provide the integrated system offered by Motorola. Additionally, the Vault w/Judicial Sharing interface licenses are not sold through retail outlets, brokers, or integrators.

Motorola Solutions is the single source provider for all requested Spillman interfaces, products and services. Specifically, the requested software is developed by the Motorola Product Development Division, and all training for Spillman software is provided by the Motorola Customer Education Department. The installation and implementation of our software products are provided by the Motorola Installation Department and the Client Services Department. Maintenance and support for the Spillman software is provided by the Motorola Technical Support Department.

Please call me if I can be of further assistance. My contact information is:
1-800-860-8026, ext. 1908, (Cell) 435-512-3868 or by e-mail: troy.archer@motorolasolutions.com

Sincerely,
Troy Archer
Regional Account Sales Manager



QUOTE-1293373

06/08/2020

FRONT ROYAL POLICE DEPARTMENT
102 EAST MAIN ST
FRONT ROYAL, VA 22630

RE: Motorola Quote for Front Royal Police Dept Vault Quote
Dear Crystal Cline,

Motorola Solutions, Inc. is pleased to present FRONT ROYAL POLICE DEPARTMENT with this quote for quality communications equipment and services. The development of this quote provided us the opportunity to evaluate your requirements and propose a solution to best fulfill your communications needs.

This information is provided to assist you in your evaluation process. Our goal is to provide FRONT ROYAL POLICE DEPARTMENT with the best products and services available in the communications industry. Please direct any questions to James Tracy at James.Tracy@motorolasolutions.com.

We thank you for the opportunity to provide you with premier communications and look forward to your review and feedback regarding this quote.

Sincerely,

James Tracy



QUOTE-1293373
Front Royal Police Dept Vault Quote

Billing Address:
FRONT ROYAL POLICE
DEPARTMENT
102 EAST MAIN ST
FRONT ROYAL, VA 22630
US

Quote Date:06/08/2020
Expiration Date:09/06/2020
Quote Created By:
James Tracy
James.Tracy@
motorolasolutions.com

End Customer:
FRONT ROYAL POLICE DEPARTMENT
Crystal Cline
ccline@frontroyalva.com

Line #	Item Number	Description	Qty	Term	Ext. Sale Price
CommandCentral Vault					
1	SSV00S01614A	CC VAULT BLOCK OF STORAGE	4	1 YEAR	\$1,440.00
2	SSV00S00331A	CC VAULT JUDICIAL	4	1 YEAR	\$960.00
3	SI208AJ	SI PM AND TRAINING	1		\$10,385.42
Cloud Based Features					
4	SSV00S01530A	CLOUD DATA BACKUP & RESTORE SUBSCRIPTION	1	1 YEAR	\$0.00
5	SSV00S01531A	CC INCIDENT RECORD SUBSCRIPTION	1	1 YEAR	\$0.00

Grand Total

\$12,785.42(USD)

Pricing Summary

	Sale Price
Year 1 Upfront Costs for Hardware, Accessories and Implementation plus Subscription Fee	\$12,785.42
Grand Total System Price	\$12,785.42



Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of use and Purchase Terms and Conditions govern the purchase of the Products.

WORK SESSION



Work Session Agenda Form

Item # 1

DATE: October 26, 2020

AGENDA ITEM: FY21 Budget Amendment - Outstanding Purchase Orders

SUMMARY: Council is requested to approve a budget amendment to carry forward unpaid balances on purchase orders not completed as of June 30, 2020 and to carry funds forward to fiscal year 2021.

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

General Fund	\$ 885,960.45
Special Projects	1,163,927.50
Electric Fund	1,014,008.20
Sewer Fund	4,724,419.21
Water Fund	3,832,989.94
Solid Waste Fund	68,505.52
Street Fund	<u>779,561.10</u>
TOTAL	\$ 12,469,371.92

STAFF RECOMMENDATION: Staff recommends Council move forward with a public hearing on this item, an increase of greater than 1% of the original budget requires a public hearing. Staff further recommends approval of these funds as this is a yearly housekeeping item.

Work Session

FY20 CARRYOVER PURCHASE ORDERS

<u>Department</u>	<u>PO #</u>	<u>Account#</u>	<u>Description</u>	<u>Amount</u>
Town Manager	29983	1201 - 45417	COVID-19 EMERGENCY MANAGENT	\$ 1,000.00
				\$ 1,000.00
Humane Resource	29946	1202 - 43002	EXECUTIVE SEARCH FOR TOWN MANAGER	\$ 2,450.00
	29950	1202 - 43002	INSURANCE CONSULTANT	\$ 1,000.02
				\$ 3,450.02
Fleet Maintenance	29055	1203 - 47009	FLEET MAINTENANCE RENOVATION FUNDS	\$ 63,068.90
				\$ 63,068.90
Information Technology			ELECTRONIC SUMMONS SOFTWARE FOR POLICE DEPT; FUNDS ARE RECEIVED FROM FINES ASSESSED PER CODE OF VIRGINIA	\$ 19,099.75
	29679	1204 - 47051	ELECTRONIC TIME KEEPING HARDWARE	\$ 25,000.00
	29736	1204 - 43005	ELECTRONIC TIME KEEPING SOFTWARE	\$ 10,000.00
	29736	1204 - 43053	VMWARE SERVER UPGRADE	\$ 10,000.00
	29738	1204 - 47007	HR MODULES FOR EMPLOYEE EVALUTIONS	\$ 12,634.00
	29741	1204 - 43053	GIS SERVER UPGRADE PROJEC	\$ 4,000.00
	29743	1204 - 47007	AVIOR HD HARDWARE	\$ 48,267.50
	29784	1204 - 47007	RAPID RECOVERY FOR VMWARE	\$ 3,627.67
	30016	1204 - 43005	KNOWBE4 SECURITY AWARENES	\$ 6,864.00
	30017	1204 - 43005	ARCHIVE - ECONOMY LICENSE	\$ 5,306.64
	30018	1204 - 43005	VMWARE SUPPORT AND SUBSCRIPTION	\$ 1,403.74
	30019	1204 - 43005	GETAC S410 G3 BASIC PART	\$ 1,839.00
	30024	1204 - 47007	SOFTWARE SUPPORT SPILLMAN TECH	\$ 46,000.00
	30057	1204 - 43005		\$ 194,042.30
Tourism	29854	1205 - 45801	DONATED FUNDS CIVIL WAR MEMORIAL	\$ 250.00
	30033	1205 - 43002	TOURISM CONSULTANT	\$ 25,000.00
	30034	1205 - 43018	TOURISM MARKETING	\$ 48,939.72
				\$ 74,189.72
Legal Dept	29748	2201 - 43002	ADDITIONAL LEGAL FEES SET ASIDE FOR EDA	\$ 63,139.00
	29880	2201 - 43002	AUDITING SERVICES FOR EDA CASE	\$ 26,155.00
	29881	2201 - 43002	LEGAL SERVICES FOR EDA CASE	\$ 100,000.00
				\$ 189,294.00
Police Dept	29982	3101 - 45425	P.P.E. MASKS WITH VOICE PROJECTOR	\$ 14,267.60
	29997	3101 - 45417	MOLDEX N95 RESP MED/LG 20	\$ 3,023.99
	29743	3102 - 45409	GIS SERVER UPGRADE PROJECT	\$ 1,520.00
	30007	3102 - 47005	EQUIPMENT FOR POLICE VEHICLE	\$ 3,429.25
	30036	3102 - 47001	BODY CAMERAS	\$ 32,440.00
	30037	3102 - 47001	POLICE CONSOLES	\$ 12,000.00
	30035	3103 - 47005	USED VEHICLE PURCHASE FOR C.I.D.	\$ 35,000.00
	30050	3104 - 47003	PUBLIC SAFETY ANSWERING POINT	\$ 100,000.00
				\$ 201,680.84
Horticulture	29707	4305 - 43002	MOWING LEACH RUN PARKWAY	\$ 21,185.00
	30031	4305 - 43002	WEED SPRAYING TOWN STREETS	\$ 3,549.67
	30032	4305 - 43002	MOWING OF LEACH RUN PARKW	\$ 10,000.00
				\$ 34,734.67
Planning & Zoning	29620	8101 - 43002	PROPERTY MAINTENANCE	\$ 78,500.00
	30038	8101 - 43002	BLIGHTED BUILDING PROGRAM	\$ 46,000.00
				\$ 124,500.00

FY20 CARRYOVER PURCHASE ORDERS

Energy Services	29242	9401 - 47938	TRANSFORMER FOR KENDRICK	\$	269,034.96
	29832	9401 - 43004	TREE TRIMMING SERVICES	\$	7,230.79
	29841	9401 - 47502	300 KVA TRANSFORMERS	\$	17,576.00
	29885	9401 - 47005	BUCKET TRUCK	\$	269,177.00
	29901	9401 - 47522	1/2" X 4" LAGS CATALOG #A	\$	1,462.00
	29934	9401 - 47502	BUSHING INSERTS 200A CATA	\$	1,369.28
	30003	9401 - 47502	AEL SECURITY LIGHTS	\$	9,551.25
	30005	9401 - 47502	ALUMA-FORM-DES-ASO-398-1-	\$	907.20
	30006	9401 - 47502	HUBBELL - AAC301	\$	1,051.00
	30039	9401 - 47910	TRAFFIC SIGNAL BACK PLATE	\$	3,000.00
	30040	9401 - 47009	BIORETENTION POND	\$	25,000.00
	30041	9401 - 43021	DESIGN NEW TRANSFORMER	\$	23,358.74
	30042	9401 - 47522	FIBER EXTENSION PROJECT	\$	20,785.78
	30043	9401 - 47001	WIRE TRAILER REPLACEMENT	\$	14,699.20
	30044	9401 - 47005	OUTFIT TRUCK BUCKET TRUCK	\$	3,728.00
	30045	9401 - 47957	WIRE PURCHASE AND LEACH RUN PKWY	\$	55,614.06
	27543	9417 - 47001	AMI BILLING SOFTWARE UPGRADE	\$	83,462.94
	29428	9499 - 40001	AMI DEBT SERVICE	\$	207,000.00
				\$	1,014,008.20
WWTP	27930	9801 - 45407	FAN PRESS	\$	16,882.00
	28885	9801 - 47009	RIVERTON & CROOKED RUN PUMP STATION	\$	570,000.00
	29339	9801 - 47009	ROYAL PHOENIX NORTHERN PUMP STATION	\$	44,953.45
	29925	9801 - 47001	EQUALIZATION BLOWER	\$	70,000.00
	30015	9801 - 45406	SOLENI PRAESTOL 855 BS	\$	5,722.15
	30047	9801 - 45406	MAGNETITE MAG 100, (2000#)	\$	15,375.00
	30055	9801 - 45406	BRENNTAG	\$	7,480.00
				\$	730,412.60
Sewer Line Crew	28309	9802 - 47998	I & I ABATEMENT FUNDS	\$	81,875.62
	29761	9802 - 47998	CIPP SEWER LINING	\$	1,041,775.59
	29964	9802 - 47998	I&I ENGINEERING	\$	783,736.95
	29987	9802 - 47998	MANHOLE REHABILITATION	\$	206,748.00
	29988	9802 - 47998	OPEN CUT & PIPE BURSTING	\$	129,041.20
	29989	9802 - 47998	MANHOLE FRAME & COVER ENGINEERING	\$	300,000.00
	29991	9802 - 45407	GAS POWERED RAMMER	\$	1,150.00
	29999	9802 - 47998	CCTV INVESTIGATIONS	\$	990,674.00
	30010	9802 - 47998	HAPPY CREEK STREAMBANK	\$	8,023.25
	30026	9802 - 47998	MANHOLE FRAME & COVER REPLACEMENT	\$	439,732.00
	30049	9802 - 47001	JACKHAMMER FOR BACKHOE	\$	11,250.00
				\$	3,994,006.61
Water Treatment Plant	27546	9601 - 47009	WATER PLANT RESERVOIR	\$	22,000.00
	28119	9601 - 47009	FAIRGROUNDS WATER TANK ENGINEERING	\$	146,500.00
	28327	9601 - 47009	JAMESTOWN PUMP STATION	\$	20,000.00
	28559	9601 - 47009	REPLACEMENT CONTROL FOR GUARD HILL	\$	11,240.00
	28871	9601 - 47009	FILTER MEDIA	\$	300,000.00
	29654	9601 - 43002	WITHDRAW PERMIT & RAW WATER	\$	114,190.08
	29985	9601 - 47009	FAIRGROUNDS WATER TANK	\$	787,700.00
	30000	9601 - 43002	REDUNDANT LINE ENGINEERING	\$	1,272,670.00
	30021	9601 - 45407	ID#2-80-230000-013 SEAL K	\$	237.47
	30051	9601 - 43002	CLEARWELL INSPECTIONS	\$	30,000.00
	30052	9601 - 43002	BACKFLOW PROGRAM	\$	50,000.00
	30053	9601 - 47001	PUMP REPLACEMENT RAW WATER	\$	75,000.00
				\$	2,829,537.55

FY20 CARRYOVER PURCHASE ORDERS

Waterline Crew	29413	9602 - 43002	LEAK DETECTION SURVEY	\$	40,000.00
	29955	9602 - 47513	SECONDARY PAVING PROGRAM	\$	78,781.79
	29991	9602 - 45407	GAS POWERED RAMMER	\$	1,150.00
	30049	9602 - 47001	JACKHAMMER FOR BACKHOE	\$	11,250.00
	30054	9602 - 47513	ASPHALT REPAIRS TO ROUTE 522	\$	26,128.50
	28992	9617 - 47001	RADIO WATER METERS	\$	809,699.50
	29343	9672 - 40001	WATER LOOP PROJECT	\$	36,442.60
				\$	1,003,452.39
Refuse	29655	4203 - 47005	FUNDS SET ASIDE FOR REFUSE TRUCK	\$	60,305.52
	30030	4203 - 45407	TOTER CANS, LIDS, FASTENER	\$	8,200.00
				\$	68,505.52
Streets	29711	4102 - 47518	HAPPY CREEK PRELIMINARY ENGINEERING	\$	17,199.82
	30059	4102 - 45413	REPLACEMENT ROLLUP FENCE	\$	1,000.00
	30028	4107 - 47001	CONSTRUCTION PLAN PRINTER	\$	5,000.00
	29162	4500 - 47957	LEACH RUN PARKWAY CONSTRUCTION	\$	104,081.68
	29680	4500 - 47005	YEAR 1 OF 3 - DUMP TRUCK REPLACEMENT	\$	71,000.00
	29711	4500 - 47518	HAPPY CREEK PRELIMINARY E	\$	3,787.60
	29713	4500 - 47001	ASPHALT ROLLER (Year 2 of 5)	\$	60,000.00
	29952	4500 - 47927	SHEN AVE STREET LIGHTS	\$	265,000.00
	29954	4500 - 47927	6TH STREET COMMERCE TURN	\$	18,500.00
	30029	4500 - 45473	STREET LINE PAINTING	\$	19,623.00
	30078	4500 - 47926	STONEWALL BRIDGE EPOXY	\$	214,369.00
				\$	779,561.10
Special Projects	29936	1800 - 47518	HAPPY CREEK PHASE 2 FUNDS	\$	40,000.00
	28341	9130 - 47013	POLICE HEADQUARTERS FUNDS	\$	497,540.54
	29306	9130 - 47961	CDBG CONSULTANT	\$	100,385.89
	29379	9130 - 47982	W MAIN EXTENSION	\$	148,904.35
	29470	9130 - 47019	SIGNAGE CDBG GRANT	\$	104,606.97
	29474	9130 - 47983	CDBG FACADE	\$	213,964.75
	29659	9130 - 43080	CDBG FUNDS RE-BRANDING	\$	15,000.00
	29661	9130 - 43026	CDBG FUNDS ADMIN EXPENSE	\$	43,525.00
				\$	1,163,927.50
General Fund				\$	885,960.45
Special Projects				\$	1,163,927.50
Street Fund				\$	779,561.10
TOTAL GOVERNMENTAL FUNDS				\$	2,829,449.05
Electric Fund				\$	1,014,008.20
Sewer Fund				\$	4,724,419.21
Water Fund				\$	3,832,989.94
Solid Waste Fund				\$	68,505.52
TOTAL OF ALL FUNDS				\$	12,469,371.92

2



Work Session Agenda Statement

Item # 2

Meeting Date: October 26, 2020

Agenda Item: Front Royal Zoning Ordinance – Apartment Use and Development Regulations.

Summary: There has been a recent formal proposal and several inquiries related to the reuse and/or redevelopment of property for apartment use. Apartments are a defined multi-family use permitted in both select residential and commercial based zoning districts, both by right and by special use permit. Apartment use is subject to the Supplemental Provisions of Zoning Ordinance Section 175 -113 *APARTMENTS*. While the problems encountered by recent apartment proposals may not indicate a problem with the regulations of the Zoning Ordinance, it was determined that it was enough to bring this matter to the attention of Council for discussion.

Budget/Funding: N/A.

Staff Recommendation: None at this time. Presented for discussion with Town Council.

MEMORANDUM

TO: Front Royal Town Council

FROM: Timothy L. Wilson, Director of Community Development & Planning

DATE: October 21, 2020

RE: Front Royal Zoning Ordinance – Discussion of Apartment Use and Development Regulations.

There has been a recent formal proposal and several inquiries related to the reuse and/or redevelopment of buildings for apartment use. Each of these met with a zoning regulation that prohibited the use of the property and building for apartments as proposed to staff. While this may not indicate a problem with current zoning regulations, it was found sufficient that Town Council be apprised to determine if an examination of present regulations governing apartment use and development is warranted.

Apartments are a defined multi-family use which is permitted in the R-3, PND, C-1, C-2, and MCD Zoning Districts. Permitting of this use is by right and/or by special use permit, depending on the specific zoning district and certain development circumstances. All apartment developments, regardless of location and permitting method, are subject to the Supplementary Provisions of Zoning Ordinance Section 175 -113 *APARTMENTS*. This set of regulations begins with a set of requirements that apply to sites of less than one (1) acre and then add special regulations that apply to sites one (1) acre and greater. It is in this comprehensive body of regulations, especially for sites less than (1) acre, that recent apartment development and reuse proposals have found difficulty in terms of compliance. These regulations are applied in addition to the development regulations of each zoning district. Should there be a conflict between the supplementary regulations applicable to apartments and the general regulations of the zoning district the more restrictive of the two would apply.

For reference and convenience staff has attached a compilation of regulations contained in the zoning ordinance that are applicable to apartment use. Again, the great majority of regulations that are applied and required of apartment use are contained in Zoning Ordinance Section 175-113. Staff looks forwarding to discussing this matter with Town Council to receive input and any instruction regarding the Ordinance and the future regulating and permitting of apartments.

Attachment: Zoning Ordinance Regulations – Apartments.

ZONING ORDINANCE REGULATIONS: APARTMENTS

(In effect October 22, 2020)

Section 175-3 DEFINITIONS:

APARTMENT DEVELOPMENT – A property that includes more than one (1) apartment house.

(Added 6-22-15-Effective Upon Passage)

APARTMENT HOUSE - A multifamily structure originally intended, arranged or designed to be occupied by three (3) or more families, each in an individual dwelling unit and living independently of each other. The number of families in permanent residence shall not exceed the number of dwelling units provided. Entranceways through the structure to the units may be either common or separate, and each lot on which the building is located shall be held in single ownership, even though individual units may be sold in accordance with this chapter. Such term shall not include "row house" or "townhouse." Each apartment unit shall occupy space on not more than one (1) story in a structure.

DWELLING, MULTIFAMILY - A structure originally arranged or designed to be composed of three (3) or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

USE REGULATIONS (where and how permitted):

- **R-3 DISTRICT:**

175-30 USES PERMITTED BY SPECIAL PERMIT (R-3)

The following uses are permitted within the R-3 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-3 District:

RESIDENTIAL:

Apartments as set forth in Section 175-113.

- **PND (Planned Neighborhood Development) DISTRICT:**

175-37.3 PERMITTED USES (PND)

A. All planned neighborhood developments shall permit the following residential and accessory uses

3. Multi-family dwellings;

- **C-1 (Community Business) DISTRICT:**

175-39 USE REGULATIONS (C-1)

A. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-1 District, the following uses of land and buildings are permitted by-right in the C-1 District:

RESIDENTIAL:

Up to three (3) dwelling units of any type, but not on the ground floor.

B. The following uses are permitted within the C-1 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-1 District:

RESIDENTIAL:

Apartments or dwelling units, with four (4) or more units or where located on the ground floor, subject to the provisions of Section 175-113.

- **C-2 (Downtown Business) DISTRICT:**

175-47 USES PERMITTED BY RIGHT (C-2)

A. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-2 District, the following uses of land and buildings are permitted by-right in the C-2 District:

RESIDENTIAL:

Conversion of existing residential and/or commercial structures into buildings with a greater number of dwelling units.

175-48 USES PERMITTED BY SPECIAL PERMIT (C-2)

A. The following uses are permitted within the C-2 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-2 District:

RESIDENTIAL:

Apartments located in buildings constructed after January 1, 1999, in accordance with the area requirements in Section 175-49.

175-49 AREA REGULATIONS (C-2)

A. Minimum Lot Size: There are no area requirements except in the case of new apartment structures, whereby the lot must be three thousand (3,000) square feet, plus an additional one thousand (1,000) square feet for each individual dwelling unit above one (1).

B. Minimum Unit Size: The minimum average unit size (floor area) in any structure containing dwellings shall be three (300) hundred square feet. No dwelling unit shall have less than two hundred and fifty (250) square feet of floor area. This floor area shall not include bathroom, closet and storage space.

C. Minimum District Size: Ten (10) acres.

• **MCD (Mixed-Use Campus Development) DISTRICT:**

B. Special Use Permit. The following uses are permitted within the MCD District only by approval of a special use permit or where specifically designated on an approved Concept Plan, except as prohibited or restricted by separate restrictions of record that may pertain to property within the MCD District:

RESIDENTIAL:

Multi-family.

SUPPLEMENTARY PROVISIONS:

175-113 APARTMENTS

All apartment developments shall comply with the following regulations:

A. Area regulations: The minimum lot size for apartment developments is ten thousand (10,000) square feet for an apartment structure having three (3) units, with an additional two thousand (2,000) square feet of lot area for each additional unit above three (3).

B. The minimum lot width shall be one hundred twenty-five (125) feet at the setback line.

C. Minimum yard requirements shall be as follows:

1. Front yard: - forty (40) feet from road right-of-way. Required parking may be located in a front yard, but not closer than ten (10) feet to the ultimate street right-of-way.
2. Rear yard: - forty (40) feet.
3. Side yard: - thirty-five (35) feet on each side.

D. Maximum building height shall be three (3) stories, but not to exceed thirty-five (35) feet.

E. Other regulations for all apartment construction:

1. Each apartment structure and/or apartment parking area shall have parking areas on a dedicated public street or on an access easement meeting State Department of Transportation and Town standards.
2. Concrete curb and gutters shall be installed along both sides of all new streets within the development. However, should a new street act as a boundary for an apartment development, curb and gutter need only be installed on the side of the street adjacent to the development.
3. Walkways of four (4) feet in width, constructed of concrete or brick, shall be installed from parking areas to all apartment structures served by such parking areas.
4. The radii of cul-de-sac shall be at least fifty (50) feet. No more than twenty-five (25) dwelling units shall have sole principal access on any cul-de-sac.
5. Minimum parking space. There shall be two (2) off-street parking spaces for each unit. An off-street parking space shall be a minimum of ten by twenty (10 x 20) feet.

F. Special regulations for apartment developments of one (1) acre and over. For apartment developments of one (1) acre or more, the following regulations shall apply in addition to those previously noted:

1. Parking areas shall be set back at least thirty (30) feet from property lines of the development.
2. There shall be provided twenty-five hundredths (0.25) square feet of usable open space (not including parking or driveway areas) devoted to recreational use for every one (1) square foot of gross residential floor area. This space shall take the form of parks or play areas, etc.
3. Management of open space:
 - a. All open space shall be preserved for its intended purpose as expressed in the final site plan.
 - b. Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.
 - c. Should the units be for sale, there shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the planned development to ensure the maintenance of open spaces.
 - d. When the development is to administer open space through an association, nonprofit corporation, trust or foundation, said organization shall conform to the following requirements:

[1] The developer must establish the organization prior to the sale of any lots.

- [2] Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community, and said organization shall not discriminate in its members or shareholders.
- [3] The organization shall manage all open space and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and any other common land within the planned community and shall secure adequate liability insurance on the land.
- [4] The organization shall conform to the Condominium Act, Code of Virginia 1950, as amended.
4. The horizontal distance between apartment structures shall be:
- a. Two (2) times the average height of the two (2) groups of apartments for front or rear walls facing front or rear walls;
 - b. One and one-half (1 1/2) times the average height for front or rear walls facing side walls; and
 - c. Equal to the height of the highest building for side walls facing side walls.
5. Parking may be provided in a joint parking facility for a group of apartments with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal and repairs.
6. Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the Town Planning Commission and Town Council.
7. Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts whether R-1 or R-2. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for the permit. Screening shall be at least six (6) feet in height.
8. Parking facilities:
- a. Number of spaces. Off-street parking, whether garage or on lot, shall be provided on the premises at the rate of two (2) spaces for each apartment unit.
 - b. Location. Required parking spaces shall be provided on the same lot as the building served.
 - c. All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.

- d. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
- e. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width at the street line.
- f. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- g. All access ways and parking areas shall be paved with a hard-surface, double-surface treatment or concrete covering.
- h. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles.
- i. Any other requirements deemed necessary by the Planning Commission or Town Council for the public health and safety shall be complied with.

9. Drainage:

- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted with the application for the permit and shall be subject to approval by the Town Engineer, who may seek assistance from other agencies.
 - b. All provisions of existing Town ordinances and regulations regarding storm drainage shall be complied with.
10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.
11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well screened on three (3) sides with evergreen plantings and contained in vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.
12. Site plan review and approval: Site plans for new apartment buildings shall be reviewed by the Planning Commission and approved or rejected by the Town Council. Such plan shall be drawn in accordance with the requirements of Chapter 148.

(Amended “12” by adding “for new apartment buildings” 6-22-15-Effective Upon Passage)

3



Work Session Agenda Statement

Item # 3

Meeting Date: October 26, 2020

Agenda Item: Planning Commission Membership – Proposed Change Reducing Number of Members.

Summary: The Front Royal Planning Commission is currently established as a seven (7) member body as set forth under Town Code Chapter 28, Section 28-1 *Establishment; Membership*. The general proposal is to reduce the established number of Planning Commissioners from seven (7) to five (5) members, and to make other minor amendments to Chapter 28 consistent with this change and to bring other provisions in accordance with requirements/language as now set out in the Code of Virginia. Changing the Planning Commission to a five (5) member group would make the membership of the Commission consistent with the membership number of both the Board of Zoning Appeals (BZA) and the Board of Architectural Review (BAR) which are also five (5) member public bodies.

Budget/Funding: The proposed change would have no cost, other than that associated with amending the Town Code. The reduction of the number of members would result in modest cost savings, primarily in reduced annual costs for member meeting stipends (\$75 per each Commissioner for each meeting) and the production/reproduction of meeting packets and other distributed meeting information.

Staff Recommendation: Staff favorably recommends the proposed change to the Town Code reducing the number of Planning Commission members from 7 to 5.

Chapter 28PLANNING COMMISSION

Sections:

28-1 ESTABLISHMENT; MEMBERSHIP**28-2 TERMS OF OFFICE****28-3 COMPENSATION****28-4 REMOVAL OF MEMBERS****28-5 POWERS AND DUTIES****28-6 CERTIFICATION**

Adopted by the Town Council of the Town of Front Royal 3-11-85. (*Chapter 20 of the 1965 Code*). Amendments noted where applicable.

28-1 ESTABLISHMENT; MEMBERSHIP

A. ~~A Municipal~~The Planning Commission ~~for of~~ the Town of Front Royal, Virginia is hereby created, in accordance with the provisions of applicable state law.

B. There shall be ~~seven (7)~~ five (5) members of such Planning Commission, appointed by the Town Council, all of whom shall be residents of the Town, ~~and who shall be freeholders~~ qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half of the members so appointed shall be owners of real property. ~~One (1) member of the Commission may be a member of the Town Council, and one (1) member may be a member of the administrative branch of the government of the Town. The councilmanic member and the administrative official shall be ex officio members without voting power.~~

28-2 TERMS OF OFFICE

~~The terms of office of the members of the Planning Commission shall be as follows:~~

~~A. The terms of office of the councilmanic member and the administrative official who is a member shall expire August 31, 1960. Thereafter, the terms of the councilmanic member and the administrative official who is a member shall be coextensive with the terms of office to which they have been elected or appointed, unless the Town Council, at the first meeting each year, appoints others to serve as their representatives.~~

~~B. The terms of office of three (3) of the remaining members shall expire August 31, 1960, and the terms of office of two (2) of the remaining members shall expire August 31, 1962. Thereafter, these members shall be appointed for periods of four (4) years each, following the date of appointment.~~

Appointment of members to the Planning Commission shall be for terms of four (4) years each. The terms of office for members of the Planning Commission shall be staggered so that the term of no more than two (2) of the five (5) Commissioners shall expire in any given calendar year. Council may shorten the term of any new appointment to a lesser number of years as may be required to accomplish this staggering of terms. Members may be reappointed to succeed themselves. Vacancies shall be filled by appointment for the remainder of the unexpired term only.

28-3 COMPENSATION

Members of the Planning Commission shall each be compensated in an amount determined by the Town Council.

(Ord. No. Z-2-98 Amended 7-13-98-Effective Upon Passage)

28-4 REMOVAL OF MEMBERS

~~Any member of the Planning Commission shall be removed from office for inefficiency, neglect of duty or malfeasance in office, after a public hearing, and when removed, his office shall be filled by appointment by the Mayor.~~

Members may be removed for malfeasance in office. Notwithstanding the foregoing provision, a member of the planning commission may be removed from office by the Town Council without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

28-5 POWERS AND DUTIES

The functions, powers and duties of the Planning Commission shall be such as are provided for by applicable state law.

28-6 CERTIFICATION

~~A. As a condition of appointment each~~ ~~Each~~ member of the Planning Commission, ~~as it exists on April 1, 2004,~~ shall become a certified planning commissioner, through the Virginia Certified Planning Commissions Program operated by the Virginia Institute for Planning Commissioners, ~~no later than April 1, 2005.~~

~~B. Any member of the Planning Commission who is appointed after April 1, 2004 shall become a certified planning commissioner, through the Virginia Certified Planning Commissions Program operated by the Virginia Institute for Planning Commissioners,~~ within one year of appointment; ~~provided, however, that~~ Town Council, by motion, may grant a six (6) month extension of the certification requirement in the event a commissioner is unable to complete the

certification program within one year due to circumstances beyond the reasonable control of the commissioner and is enrolled to complete the certification by the end of the said extension.

(Ord. No. 10-05 Amended (B) 6-27-05-Effective Upon Passage)

⌋ ~~C.~~ Failure to meet ~~the requirements~~ this condition of appointment as outlined in this section shall result in the automatic forfeiture and vacation of said individual from office. When removed from office, the ~~seat~~ vacancy shall be filled by appointment of the Town Council.

(Ord. No. 4-04 Added Entire Section 1-26-04-Effective Upon Passage)

MEMORANDUM

TO: Front Royal Town Council

FROM: Timothy L. Wilson, Director of Community Development & Planning

DATE: October 21, 2020

RE: Planning Commission Membership – Proposed Reduction of Number of Members.

Attached for your review is a draft proposal to amend select provisions of Town Code Chapter 28, *Planning Commission*. The main purpose of this proposed amendment would be to reduce the number of Planning Commission members from seven (7) to five (5). The reducing of the number of Planning Commissioners is permissible under the Code of Virginia. Having the Planning Commission being a five-member public body would be consistent with the number of members presently serving on both the Town Board of Zoning Appeals (BZA) and Town Board of Architectural Review (BAR), both of which like the Planning Commission also deal with land use development and regulatory issues. The BZA and BAR function perfectly well as five-member bodies and there is no reason to believe that the Planning Commission would not function just as effectively it were changed to a five-member public body.

Changing the number of the Planning Commission members would create modest cost savings, primarily being the reduced cost of meeting stipend payments, which is presently set at \$75 per each member for each meeting of the Commission. There are presently two (2) vacancies (a required new appointment and an appointment for an unexpired term) that presently require action by Council. Of the remaining five active members, all are in good standing with no existing terms of members scheduled to expire until August 31, 2021. If the Council is of the mind to amend the Code as proposed, no appointment actions by Council or any changes on the Commission would be required. Staff looks forward to discussing this matter with Council.

Attachments: Town Chapter 28, Planning Commission – Proposed Amendments.
Planning Commission Membership List.

TOWN OF FRONT ROYAL PLANNING COMMISSION

Douglas Jones
3 Mount Vernon Court
Front Royal, VA 22630
Certified February 2009
Chairman 04/15/2020

8/31/2022
Re-Appointed 7/23/18

540-635-2535
dlmohones@comcast.net

William C. Gordon (Will)
107 Highfield Lane
Front Royal, VA 22630
(Filled Ms. Langfitt's Unexpired Term)
Certified May 30, 2019

8/31/2024
Re-Appointed 07/13/2020

804-837-7714 (cell)
will.c.gordon@gmail.com
wgordon@frontroyalva.com

Darryl G. Merchant
110 Kerfoot Avenue
Front Royal, VA 22630
(Filled Mr. Gushee's Unexpired Term)

8/31/2021
Re-Appointed 07/08/19

540-683-6878 (cell)
dgm@measure-map.com

Joseph McFadden
302 Blue Ridge Avenue
Front Royal, VA 22630
Certified August 2016
Vice Chairman 4/15/2020

8/31/2021
Re-Appointed 08/14/17

703-606-0653 (day)
540-252-4598 (ev.)
mcfaddenje21@gmail.com

Connie Marshner
804 Rodney Avenue
Front Royal, VA 22630
Certified November 2016

8/31/2023
Re-Appointed 7/08/19

540-660-2552
connie@conniemarshner.com
cmarshner@frontroyalva.com

Meetings are third Wednesday of each month - 7:00 p.m.
Warren County Government Center Board Room, 220 North Commerce Avenue

Term of office – 4 years

Revised 10/21/2020

4



Work Session Agenda Form

Item# 4

DATE: October 26, 2020

Work Session

AGENDA ITEM: Disconnects for non-payment

SUMMARY: The House and Senate Budget Bill Conferees reached an agreement. Despite all our best efforts, Letters sent from all the localities in Virginia as well as MEPAV and Blue Ridge power Agency the Governor was successful in including all utilities in the shutoff ban and the Repayment Plan provisions.

BUDGET/FUNDING: None

STAFF RECOMMENDATION: Staff will be available for discussion

5



Work Session Agenda Form

Item# 5

DATE: October 26, 2020

Work Session

AGENDA ITEM: TLC Termination Letter

SUMMARY: Staff is to discuss with Council the TLC Termination Letter

BUDGET/FUNDING: None

STAFF RECOMMENDATION: Staff will be available for discussion

6



Work Session Agenda Form

Item # 6

DATE: October 26, 2020

CLOSED MEETING: Personnel and EDA Lawsuit

Motions to Go Into Closed Meeting

I move that Town Council go into Closed Meeting for the following purposes:

- (1) the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, salaries, or resignation of specific public officers, appointees, or employees of the public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.
- (2) With respect to the Town's lawsuit against the EDA, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; "probable litigation" meaning litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party; pursuant to Section 2.2-3711. A. 7. 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 the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Work Session