TOWN COUNCIL SPECIAL MEETING

Monday, October 5, 2020 @ 7:00pm
Town Hall Conference Room

CLOSED MEETING – Bank Loan to Finance the Police Department Headquarters

Motion to Go Into Closed Meeting
I move that 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.

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.

TOWN COUNCIL WORK SESSION

Immediately after Special Meeting

1. Ordinance Amendments to Town Code 4-1 and 4-1.1 Regarding Location and Attendance at Meetings Remotely – *Town Attorney*

2. Liaison Committee Meeting Items for October 22nd Meeting

3. BAR Terms Expire in November

4. Resolution re: Valley Health and Anthem

5. CARES Act Round 1 and Round 2 Discussion – *Director of Finance*

6. Review of FY21 Revenues & Contingencies – *Director of Finance*

7. Rezoning Application from Front Royal/Warren County EDA - *Dir of Planning/Community Development*

7. CLOSED MEETING –Personnel

Motion to Go Into Closed Meeting

I move 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; 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.

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.

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Work Session Agenda Statement

Item # 1

Meeting Date: October 5, 2020

Agenda Item: Ordinance Amendments to Town Code 4-1 and 4-1.1 Regarding Location and Remote Participation at Meetings – *Town Attorney*

Summary: Town Code Chapter 4-1 [Time of Meetings] advises how and when Council meets in a regular meeting. Staff is suggesting an amendment to Town Code to better clarify when and where Council meets when the regular meeting cannot be held on the 2nd or 4th Monday of the month.

Town Code Chapter 4-1.1 was approved on January 23, 2017 Town Code Chapter 4-1.1 [Individual Member Remote Participation by Electronic Means] to allow Town Council to participate in meetings remotely by electronic means. Council is requested tonight to amend 4-1.1 to include all public bodies of the locality that perform delegated functions including but not limited to Planning Commission, Board of Architectural Review, Board of Zoning Appeals, Town Economic Development Authority and Urban Forestry Advisory Commission.

Budget/Funding: None

Staff Recommendation: to move forward with a public hearing to amend the Code

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	__Yes __No	Chris W. Holloway	__Yes __No
Lori A. Cockrell	__Yes __No	Jacob L. Meza	__Yes __No
Gary L. Gillispie	__Yes __No	Letasha T. Thompson	__Yes __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: ____/____/_____

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Work Session Agenda Statement

Meeting Date: October 5, 2020

Item # 2

Agenda Item: Liaison Committee Meeting Items

Summary: Council is requested to add items to the October 22 Liaison Committee Meeting agenda.

The Agenda from July is attached.

Budget/Funding: None

Staff Recommendation: Council takes desired action.

AGENDA
TOWN/COUNTY LIAISON COMMITTEE MEETING

Warren County Government Center

July 16, 2020

6:00 PM

- **Call to Order – Cheryl L. Cullers, Vice Chair of the Warren County Board of Supervisors**

    1) **Revised Liaison Committee Mission Statement and Policies**
    2) **Update on Swagit Production Systems LLC Video Recording – Town**
    3) **Update on Tourism – Town**
    4) **Update on Happy Creek Road Project – Town**
    5) **Development Review Committee – County**
    6) **Building Inspections Software – County**
    7) **Warren County's In-Town Projects – County**

- **Adjournment**

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Work Session Agenda Statement

Item # 3

Meeting Date: October 5, 2020

Agenda Item: BAR Terms Expire

Summary: Lauren Runyan and Nancy LeHew's terms expire on the Board of Architectural Review (BAR) on November 13, 2020. Ms. Runyan was appointed to the BAR December 9, 2019 to fill an unexpired term. She would like to be considered for reappointment. Staff has not confirmed if Ms. Lehew would like to be considered for reappointment. She was appointed in 2016 to a 4-year term.

Budget/Funding: None

Staff Recommendation: Council takes desired action.

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Work Session Agenda Statement

Item # 4

Meeting Date: October 5, 2020

Agenda Item: Resolution re: Valley Health and Anthem

Summary: Mayor Tewalt and Councilman Thompson request Council to consider approval of a Resolution requesting Valley Health and Anthem negotiate a new healthcare insurance contract.

Note: The draft resolution was not complete at the time of distribution of this agenda.

Budget/Funding: None

Staff Recommendation: Council takes desired action

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Work Session Agenda Form Item # 5

DATE: 10/5/20

AGENDA ITEM: Local Allocation for Federal Coronavirus Aid Relief and Economic Security (CARES) Relief Funds

SUMMARY: The Warren County Board of Supervisors allocated $1,276,558.00 for the first round of CARES Act Relief Funds to the Town of Front Royal on June 16, 2020. The Front Royal-Warren County Chamber of Commerce has issued 109 checks to small businesses totaling $967,500.00 in relation to the Front Royal CARES Grant program.

The Town of Front Royal has $309,058.00 funds remaining from the first phase of CARES Relief Funds.

On August 18, 2020 the Warren County Board of Supervisors allocated $1,201,558.00 for the second round of CARES Relief Funds to the Town of Front Royal. The Town of Front Royal submitted a spending plan for round 2 to Warren County on Tuesday, September 15th, 2020. Warren County requested further clarification from the Town on Wednesday, September 23rd, 2020. Based upon the recommendation from Warren County, the Town submitted a revised spending plan for round 2 on September 30th, 2020.

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Staff recommends Town Council discuss distributing the remaining $309,058.00 to small businesses that already applied and were approved for the Front Royal CARES Grant and any thoughts regarding Phase 2 funds.

Work Session

TOWN OF FRONT ROYAL
SECOND ROUND CARES SPENDING PLAN
SEPTEMBER 30, 2020

		Amount	
CRF Funds Received by Warren County August 12, 2020	**$**	**3,504,154.00**	
Warren County Schools Allocation	**$**	**(300,000.00)**	
Net Allocations	**$**	**3,804,154.00**	
Warren County Est. Population 40,000 = 62.5% Distribution	**$**	**2,002,596.00**	
Front Royal Est. Population 15,000=37.5% Distribution	**$**	**1,201,558.00**	***Allocated to Town of Front Royal by Board of Supervisors August 18, 2020***

Description of Distribution	Estimated Distribution	Reference for Eligibility
Payroll & Benefits Costs for Police Department July 1, 2020-December 11, 2020	**$1,031,558.00**	**U.S. Treasury Guidance dated September 2, 2020 (Page 6)** ***Public health and public safety*** In recognition of the particular importance of public health and public safety workers to State, local, and tribal government responses to the public health emergency, Treasury has provided, as an administrative accommodation, that a State, local, or tribal government may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020. In response to questions regarding which employees are within the scope of this accommodation, Treasury is supplementing this guidance to clarify that public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools,

		prisons, and other such institutions, and other support services essential for patient care (*e.g.*, laboratory technicians) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel. ***Covered benefits*** Payroll and benefits of a substantially dedicated employee may be covered using payments from the Fund to the extent incurred between March 1 and December 30, 2020. Payroll includes certain hazard pay and overtime, but not workforce bonuses. As discussed in FAQ A.29, hazard pay may be covered using payments from the Fund if it is provided for performing hazardous duty or work involving physical hardship that in each case is related to COVID-19. This means that, whereas payroll and benefits of an employee who is substantially dedicated to mitigating or responding to the COVID-19 public health emergency may generally be covered in full using payments from the Fund, hazard pay specifically may only be covered to the extent it is related to COVID-19. For example, a recipient may use payments from the Fund to cover hazard pay for a police officer coming in close contact with members of the public to enforce public health or public safety orders, but across-the-board hazard pay for all members of a police department regardless of their duties would not be able to be covered with payments from the Fund. This position reflects the statutory intent discussed above: the Fund was intended to be used to help governments address the public health emergency both by providing funds for incremental expenses (such as hazard pay related to COVID-19) and to allow governments not to have to furlough or lay off employees needed to address the public health emergency but was not intended to provide across-the-board budget support (as would be the case if hazard pay regardless of its relation to COVID-19 or workforce bonuses were permitted to be covered using payments from the Fund). Relatedly, both hazard pay and overtime pay for employees that are not substantially dedicated may only be covered using the Fund if the hazard pay and overtime pay is for COVID-19-related duties. As discussed above, governments may allocate payroll and benefits of such employees with respect to time worked on COVID-19-related matters. Covered benefits include, but are not limited to, the costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes). **<u>U.S. Treasury Coronavirus Frequently Asked Questions</u>** **63.** ***According to Treasury's FAQs, for administrative convenience, a State can presume that all payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency and, thus, can be covered by CRF. Will Treasury OIG or the PRAC ever question the applicability of this presumption in the audit context? If so, under what circumstances?***

		During its reviews and audits, Treasury OIG will allow the use of the administrative accommodation made in accordance Treasury's FAQs. See responses to related questions 69, 70, and 71 **69.** ***How does the CRF audit relate to Single Audit?*** CRF payments are considered to be Federal financial assistance subject to the Single Audit Act (31 U.S.C. sec. 7501-7507). The related provisions of the Uniform Guidance, 2 C.F.R. sec. 200.303 regarding internal controls, sec. 200.330 through 200.332 regarding sub-recipient monitoring and management, and subpart F regarding audit requirements provides detailed information. The results of a prime recipient's Single Audit will be evaluated as part of the Treasury OIG's desk reviews and any audits initiated. **70.** ***To what level of documentation will a government be held to support the reimbursement of public health and safety payroll that was "presumed" to be substantially dedicated to mitigating the emergency?*** The recipient of CRF payments must maintain and make available to Treasury OIG upon request, all documents and financial records sufficient to establish compliance with subsection 601(d) of the Social Security Act, as amended (42 U.S.C. 801(d)). Documents/records include payroll records for the covered period March 1 through December 30, 2020. Records include, but are not limited to (1) general and subsidiary ledgers used to account for the receipt of CRF payments and subsequent disbursements; and (2) payroll, time, and human resource records to support costs incurred for payroll expenses. Please refer to the Treasury OIG memorandum, Coronavirus Relief Fund Reporting and Record Retention Requirements (OIG-20-021; July 2, 2020). These document requirements apply to supporting payroll reimbursement amounts using CRF proceeds and not to support the presumption that public health and safety payroll is substantially dedicated to mitigating the emergency. ***a. Will a government have to demonstrate/substantiate that a public health or public safety employee's function/duties were in fact substantially dedicated to mitigating the emergency?*** No, the government will not have to demonstrate/substantiate that a public health or public safety employee's function/duties were substantially dedicated to mitigating the emergency but must maintain records and documentation supporting payroll amounts reimbursed using CRF proceeds. As indicated in Treasury's Guidance, as an administrative accommodation, governments may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific

		circumstances indicate otherwise. Treasury's FAQs add that entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. ***b. For payroll that was accounted for in the FY2020 budget but was then "presumed" to be substantially dedicated to mitigating the emergency, will the government have to demonstrate/substantiate that a public health or public safety employee's function was a substantially different use?*** No, the government will not have to demonstrate/substantiate that a budgeted public health or public safety employee's function was a substantially different use. As stated in Treasury's Guidance, within the category of substantially different uses, Treasury has included payroll and benefits expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID19 public health emergency. The Treasury OIG does require the government to maintain budgetary records to support the fiscal years 2019 and 2020 budgets. **71.** ***Is the government required to perform any analysis or maintain documentation of the "substantially dedicated" conclusion for payroll expenses of public safety, public health, health care, and human service employees?*** No, the government is not required to perform an analysis or maintain documentation of the substantially dedicated conclusion for payroll expenses of public safety, public health, health care, and human service employees. As indicated in Treasury's Guidance, as an administrative accommodation, governments may presume that public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. Please refer to response to question 69.
HAZARD BONUS Expense related to hazard pay bonus for Police Department Personnel and Solid Waste Workers that are in the field during COVID-19 pandemic. Bonus provided for continuing to work in potentially hazard conditions while ensuring that proper safety procedures are	**$120,000.00**	**U.S. Treasury Coronavirus Relief Fund Guidance 9/2/20 (Page 3)** ***Nonexclusive examples of eligible expenditures*** *Eligible expenditures include, but are not limited to, payment for:* *3. Payroll expenses for public safety, public health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.* **U.S. Treasury Coronavirus Relief Fund Guidance 9/2/20 (Page 5)** ***Nonexclusive examples of ineligible expenditures***

maintained. Bonuses will not be provided across the board		*The following is a list of examples of costs that would not be eligible expenditures of payments from the Fund.* *6. Workforce bonuses <u>other than hazard pay</u> or overtime.* **<u>U.S. Treasury Coronavirus Frequently Asked Questions 9/2/20 (Page 6)</u>** ***29. The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of "hazard pay"?*** *Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.*
Chamber of Commerce Expense related to providing assistance to small business redevelopment. The Chamber of Commerce is a 501-C6 organization that will assist small business redevelopment.	**$50,000.00**	**<u>U.S. Treasury Coronavirus Relief Fund Guidance 9/2/20 (Page 4)</u>** 5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as: -Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. **<u>U.S. Treasury Coronavirus Frequently Asked Questions 9/2/20 (Page 5)</u>** **24.** ***The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a "small business," and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?*** *Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.* **25.** ***The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?*** *Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.*

ADDITIONAL ROUND 1 CARES ACT PAYMENTS FOR FRONT ROYAL CARES GRANTS

CARES Phase 1 Town Allocation	**$ 1,276,558.00**
Total Grants Paid To Small Businesses	**$ 967,500.00**
Remaining Balance	**$ 309,058.00**

Grant Received	# of Businesses in Tier	31.5% Additional Payout	Total Expense
$ 2,500.00	27	$ 787.50	$ 21,262.50
$ 5,000.00	30	$ 1,575.00	$ 47,250.00
$ 10,000.00	25	$ 3,150.00	$ 78,750.00
$ 20,000.00	25	$ 6,300.00	$ 157,500.00
	107		**$ 304,762.50**

Estimated Administration Fee to Chamber of Commerce	**$ 4,295.50**
Remaining Balance of Phase 1 Allocation	**$ -**

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Work Session Agenda Form Item # 6

DATE: October 5, 2020

Work Session

AGENDA ITEM: Review of FY21 Revenues & Contingencies

SUMMARY: Town Council approved a FY21 budget transfer/amendment upon adopting the FY21 budget, which provides contingency funds for the general fund, street fund, water fund, sewer fund, and solid waste fund due to the COVID-19 pandemic. Council requested staff to periodically review revenues and contingency amounts during work sessions to address accordingly.

Staff is providing Town Council with updated information related to key revenues as of September 30th, 2020 and a recommendation for releasing a portion of the contingency funds.

BUDGET/FUNDING: Transfer from Contingency Funds

STAFF RECOMMENDATION: Staff recommends releasing the attached funds from contingency and continuing to review revenues accordingly.

KEY REVENUE & CONTINGENCY REVIEW

as of September 30, 2020

General

	FY21 Budgeted Amount	Year to Date Receipts	Budget Expired	Above/Below Expired FY21 Budget
Sales Tax - Warren County	$ 1,084,340.00	$ 308,988.95	$ 271,085.00	$ 37,903.95
Lodging Tax	$ 316,000.00	$ 61,069.44	$ 79,000.00	$ (17,930.56)
Meals Tax	$ 1,994,000.00	$ 500,100.29	$ 498,500.00	$ 1,600.29
PILOT - Utility Bills	$ 530,480.00	$ 147,449.53	$ 132,620.00	$ 14,829.53
Fines & Forfeitures	$ 202,000.00	$ 32,944.71	$ 50,500.00	$ (17,555.29)
Rental Vehicle Tax	$ 99,000.00	$ 17,611.58	$ 24,750.00	$ (7,138.42)
Communication Tax	$ 135,890.00	$ 34,141.00	$ 33,972.50	$ 168.50
599 Funding Police Dept (Received Quarterly)	$ 376,295.00	$ 94,074.00	$ 94,074.00	$ -
			Subtotal	$ 11,878.00
General Fund Contingency Less Difference in Revenues				$ 1,316,821.00
G/F Difference After Contingency				**$ 1,328,699.00**
	Police Department Attrition Position			**$ (27,957.50)**
	Recommended Release from Contingency			**$ (592,330.00)**
	General Fund Difference After Deductions			**$ 708,411.50**

Streets

	FY21 Budgeted Amount	Year to Date Receipts	Budget Expired	Above/Below Expired FY21 Budget
Street Construction & Maintenance (V-DOT)	$ 1,971,380.00	$ 492,608.20	$ 492,845.00	TBD Quarterly Payment
Street Fund Contingency				$ 204,145.00
Street Fund Difference Contingency				**$ 204,145.00**
	Recommended Release from Contingency			**$ (148,500.00)**
	Street Difference After Deductions			**$ 55,645.00**

Electric

	FY21 Budgeted Amount	Year to Date Receipts	Budget Expired	Above/Below Expired FY21 Budget
Electric Sales	$ 19,154,800.00	$ 5,062,655.82	$ 4,788,700.00	$ 273,955.82
Electric Fund Contingency				$ 674,979.00
Electric Fund Contingency Plus Revenue Difference				**$ 948,934.82**
	Recommended Release from Contingency			**$ (599,334.00)**
	Electric Difference After Deductions			**$ 349,600.82**

Water		FY21 Budgeted Amount	Year to Date Receipts	Budget Expired	Above/Below Expired FY21 Budget
	Water Sales	$ 5,064,250.00	$ 1,440,295.47	$ 1,266,062.50	$ 174,232.97
	Water Connections	$ 160,000.00	$ 75,598.00	$ 40,000.00	$ 35,598.00
				Subtotal	**$ 209,830.97**
	Water Contingency				$ 458,325.00
	Water Contingency Plus Revenue Difference				**$ 668,155.97**
		Recommended Release from Contingency			**$ (347,150.00)**
		Water Difference After Deductions			**$ 321,005.97**

Sewer		FY21 Budgeted Amount	Year to Date Receipts	Budget Expired	Above/Below Expired FY21 Budget
	Sewer Sales	$ 6,057,430.00	$ 1,489,815.39	$ 1,514,357.50	$ (24,542.11)
	Sewer Connections	$ 332,140.00	$ 204,612.00	$ 83,035.00	$ 121,577.00
				Subtotal	**$ 97,034.89**
	Sewer Contingency				$ 359,525.00
	Sewer Contingency Plus Revenue Difference				**$ 456,559.89**
		Recommended Release from Contingency			**$ (69,670.00)**
		Sewer Difference After Deductions			**$ 386,889.89**

Solid Waste		FY21 Budgeted Amount	Year to Date Receipts	Budget Expired	Above/Below Expired FY21 Budget
	Solid Waste Sales	$ 1,020,935.00	$ 254,792.94	$ 255,233.75	$ (440.81)
	Tipping Fees Collected from Utility Billing	$ 26,000.00	$ 4,988.00	$ 6,500.00	$ (1,512.00)
				Subtotal	**$ (1,952.81)**
	Solid Waste Contingency				$ 38,465.00
	Solid Waste Contingency Less Revenue Difference				**$ 36,512.19**

OVERALL DIFFERENCE AFTER DEDUCTIONS $ 1,858,065.37

DELINQUENT UTILITY ACCOUNTS

Number of Delinquent Active Utiltiy Accounts May 2020	2,022
Number of Delinquent Active Utliity Accounts June 2020	1,151
Number of Delinquent Active Utliity Accounts July 2020	899
Number of Delinquent Active Utliity Accounts August 2020	856
Number of Delinquent Active Utiltiy Accounts Sept 2020	936
May 2020 Delinquent Utiltiy Account $	$841,441.54
June 2020 Delinquent Utiltiy Account $	$658,438.88
July 2020 Delinquent Utiltiy Account $	$581,514.60
August 2020 Delinquent Utiltiy Account $	$513,404.35
September 2020 Delinquent Utiltiy Account $	$464,688.73

STAFF RECOMMENDED ITEMS TO RELEASE FROM CONTINGENCY

GENERAL FUND

	Assistant Town Manager	$	(124,600.00)
9790-49006	Interfund Transfer to Street Fund	$	(145,005.00)
1203-45408	Fleet Maintenance - POL	$	(4,000.00)
1203-45504	Fleet Maintenance - Travel & Education	$	(1,000.00)
1203-47001	Fleet Maintenance - Machinery & Equipment (Parts Cleaner)	$	(10,000.00)
1203-47009	Fleet Maintenance - Debt Service Rehabiliation Building	$	(111,865.00)
1204-43002	I/T - Professional Services	$	(5,000.00)
1204-43005	I/T - Maintenance Service Contract	$	(10,000.00)
1204-43039	I/T - Web Page Maintenance	$	(18,050.00)
1204-45421	I/T - Hardware/Software	$	(5,000.00)
1204-45421	I/T - Travel & Education	$	(3,000.00)
1204-47007	I/T - Computer Equipment (Recording Servers)	$	(22,000.00)
1205-43002	Tourism - Blighted Buildings	$	(46,000.00)
3102-41002	Police Patrol - Overtime	$	(10,810.00)
3102-45408	Police Patrol - POL	$	(8,000.00)
3103-41002	Police Investigations - Overtime	$	(8,000.00)
8101-43002	Planning & Zoning - Property Maintenance	$	(40,000.00)
4305-43002	Horticulture - Professional Services	$	(20,000.00)
	Total to Release from Contingency	**$**	**(592,330.00)**

STREET FUND

4500-45407	Highway Maintenance - Repairs & Maintenance Supplies	$	(25,000.00)
4500-45477	Highway Maintenance - Curb & Gutter Reconstruction	$	(40,000.00)
4500-45478	Highway Maintenance - Snow Removal	$	(25,000.00)
4500-47001	Highway Maintenance - Machinery & Equipment (Tire Loader)	$	(58,500.00)
	Total to Release from Contingency	**$**	**148,500.00**

ELECTRIC FUND

9401-43004	Electric - Repairs & Maintenance	$	(98,000.00)
9401-45407	Electric - Repair & Maintenance Supplies	$	(20,000.00)
9401-47502	Electric - Line Extensions	$	(50,000.00)
9401-47512	Electric Fiber Network	$	(33,334.00)
9401-47001	Electric - Machinery & Equipment (Wire Trailer)	$	(10,000.00)
9401-47009	Electric - Building & Strucures (Generator & Paving)	$	(128,000.00)
9401-47937	Electric - Manassas Substation Transformer Replacement	$	(135,000.00)
9401-47957	Electric - Leach Run Parkway Line Extensions	$	(125,000.00)
	Total to Release from Contingency	**$**	**599,334.00**

WATER FUND

9672-49004	Water Interfund Transfer to General Fund	$	(42,150.00)
9501-45504	Water Admin - Travel & Education	$	(1,000.00)
9602-47513	Water Line Maintenance - Waterline Upgrades	$	(249,000.00)
9602-47530	Water Line Maintenance - Capital Inventory	$	(55,000.00)
	Total to Release from Contingency	**$**	**347,150.00**

SEWER FUND

9872-49004	Sewer Interfund Transfer to General Fund	$	(13,670.00)
9502-45504	Sewer Admin - Travel & Education	$	(1,000.00)
9801-43002	Waste Water Plant - Professional Services (Chemical Study)	$	(55,000.00)
9899-49999	**Total to Release from Contingency**	**$**	**69,670.00**

7

Work Session Agenda Statement

Item # 7

Meeting Date: October 5, 2020

Agenda Item: Rezoning Application #FRREZON2013-2020 – Front Royal/Warren County Economic Development Authority.

Summary: The rezoning application requests the reclassification of 62.7 acres of property from R-1 Residential District to I-2 Industrial Employment District adjacent and connecting to Happy Creek Technology Park. The purpose of the request is to improve site status from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program, thus enhancing the marketability of the Park, and to provide additional property for industrial development purposes/opportunities at the Park.

A Traffic Impact Analysis (TIA) Report and a Phase I Environmental Site Assessment (ESA) were both prepared for the subject property of the rezoning. The potential uses of a "data center" and an "industrial park" were used for the purposes of these studies. These uses are arbitrary and do not commit or restrict the future use of the property involved to these two uses. Potential future uses will only be limited to those uses as specifically listed and identified in the use regulations of the I-2 District of the Front Royal Zoning Ordinance, as may be amended. Neither the TIA nor the ESA found conditions or circumstances that would the deem the proposed rezoning to be objectionable or problematic.

Staff finds that the proposed zoning map amendment reclassifying the subject property from R-1 District to I-2 District to be in substantial accordance with the goals and objectives, and the future land use map, of the Front Royal Comprehensive Plan. Staff furthermore finds the proposed zoning map amendment to be consistent with the stated intent and purpose of the I-2 District, to be compatible with the zoning district classification of adjoining properties, and consistent with the existing use and proposed development of properties in the surrounding vicinity.

Budget/Funding: No direct fiscal impacts associated with request.

Staff Recommendation: Staff concurs with the approval recommendation of the Front Royal Planning Commission.

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

STAFF REPORT FOR THE OCTOBER 5, 2020 TOWN COUNCIL WORK SESSION

APPLICATION #:

FRREZON-2013-2020

APPLICANT:

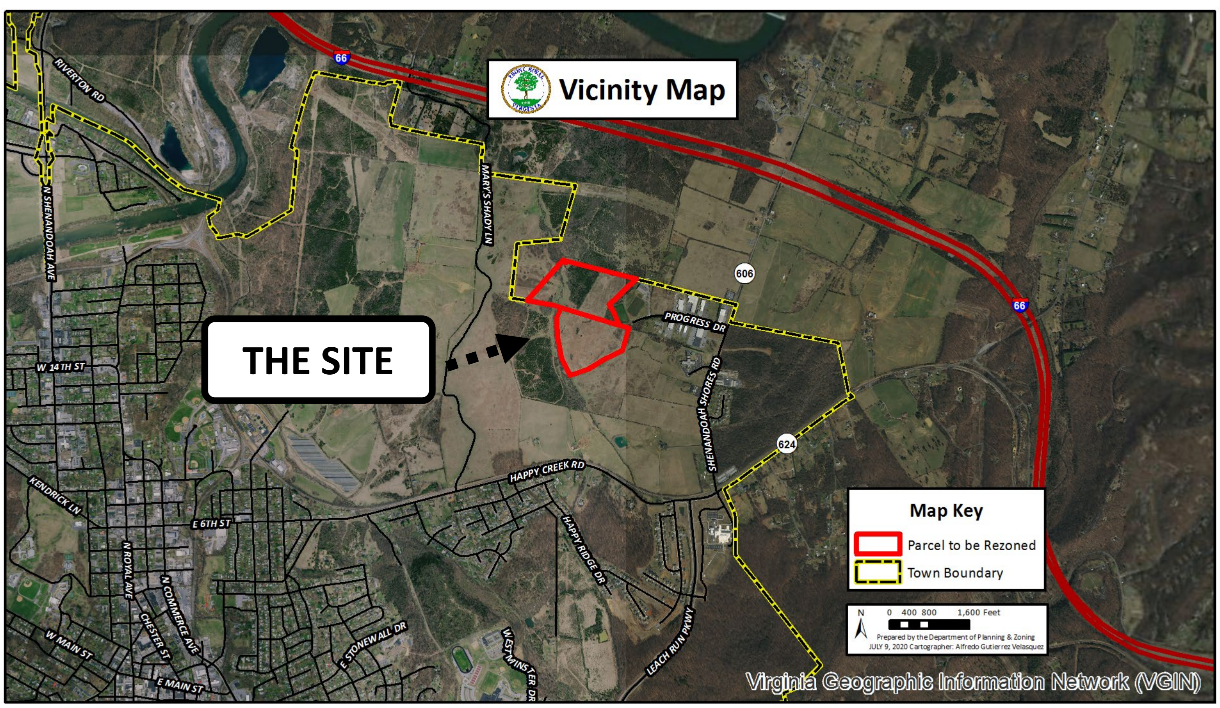
Front Royal – Warren County Economic Development Authority

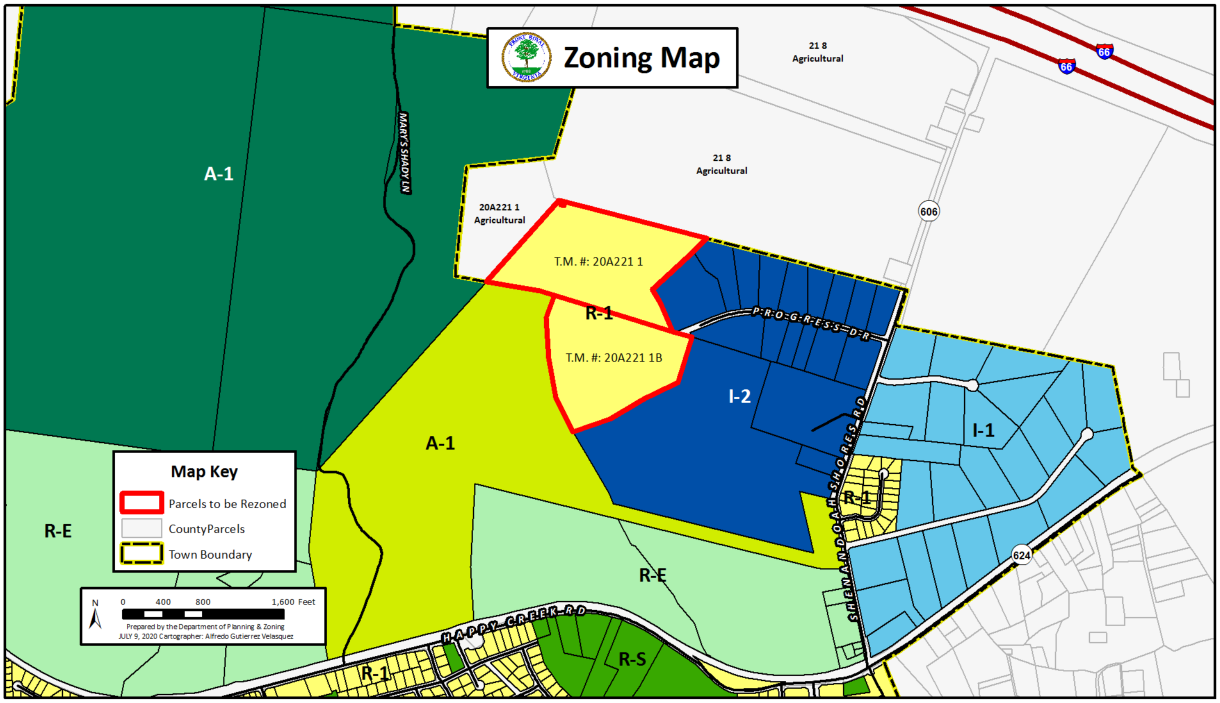
SUMMARY OF REQUEST:

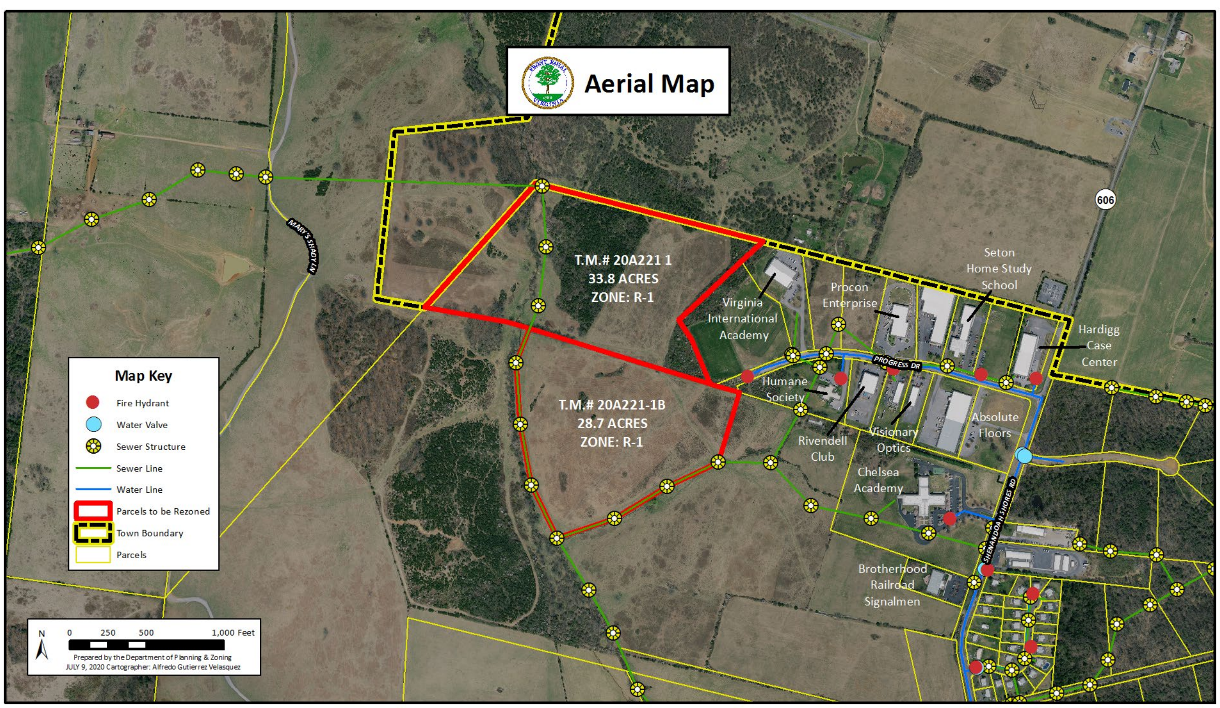
The subject application proposes to rezone approximately 62.7 acres from the R-1 Residential District, to the I-2 Industrial Employment District. The purpose of the rezoning request is to improve site status from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program and possible future expansion of the adjacent Happy Creek Technology Park.

GENERAL INFORMATION:

Site Addresses	None: Vacant land.
Property Owner(s)	Front Royal – Warren County Economic Development Authority (EDA)
Existing Zoning	R-1 Residential District
Proposed Zoning	I-2 Industrial Employment District
Tax Identification	20A221-1 and 20A22-1B
Location	The property is located west of Shenandoah Shores Road (Route 606) at the western terminus of Progress Drive and adjoins the Happy Creek Technology Park on the east.




Zoning Map
21 8
Agricultural
21 8
Agricultural
20A221 1
Agricultural
T.M. #: 20A221 1
T.M. #: 20A221 1B
A-1
A-1
R-1
R-1
R-1
I-2
I-1
R-E
R-E
R-S
MARY'S SHADY LN
PROGRESS DR
SHENANDOAH SHORES RD
HAPPY CREEK RD
606
624
66
Map Key
Parcels to be Rezoned
CountyParcels
Town Boundary
0 400 800 1,600 Feet
Prepared by the Department of Planning & Zoning
JULY 9, 2020 Cartographer: Alfredo Gutierrez Velasquez


Aerial Map
T.M.# 20A221 1
33.8 ACRES
ZONE: R-1
T.M.# 20A221-1B
28.7 ACRES
ZONE: R-1
Virginia International Academy
Procon Enterprise
Seton Home Study School
Hardigg Case Center
Humane Society
Rivendell Club
Visionary Optics
Absolute Floors
Chelsea Academy
Brotherhood Railroad Signalmen
PROGRESS DR
606
Map Key
Fire Hydrant
Water Valve
Sewer Structure
Sewer Line
Water Line
Parcels to be Rezoned
Town Boundary
Parcels
0 250 500 1,000 Feet
Prepared by the Department of Planning & Zoning
JULY 9, 2020 Cartographer: Alfredo Gutierrez Velasquez

NOTES:

1. NO TITLE REPORT FURNISHED.
2. EASEMENTS AND/OR RIGHTS OF WAY MAY EXIST.
3. THE PROPERTIES SHOWN HEREON ARE IN THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA AS RECORDED IN DEED BOOK 471 AT PAGE 748 (TM 20A221-1) AND DEED BOOK 342 AT PAGE 622 AND DEED BOOK 404 AT PAGE 121 (TM 20A221-1B).
4. (FIRM) FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 51187C0108C, DATED JUNE 3, 2008 ZONE "X" (AREA OF MINIMAL FLOODING).
5. BOUNDARY INFORMATION COMPILED FROM DEEDS AND PLATS OF RECORD AND DOES NOT REPRESENT A BOUNDARY SURVEY BY THIS FIRM.
6. NORTH MERIDIAN TAKEN PLAT RECORDED IN PLAT SLIDE 189 A & B.
7. TAX MAP 20A221-1 IS CURRENTLY ZONED "AGRICULTURAL" (PORTION IN WARREN COUNTY) AND ZONED "R-1" (PORTION IN THE TOWN OF FRONT ROYAL). TAX MAP 20A221-1B IS ZONED "R-1".
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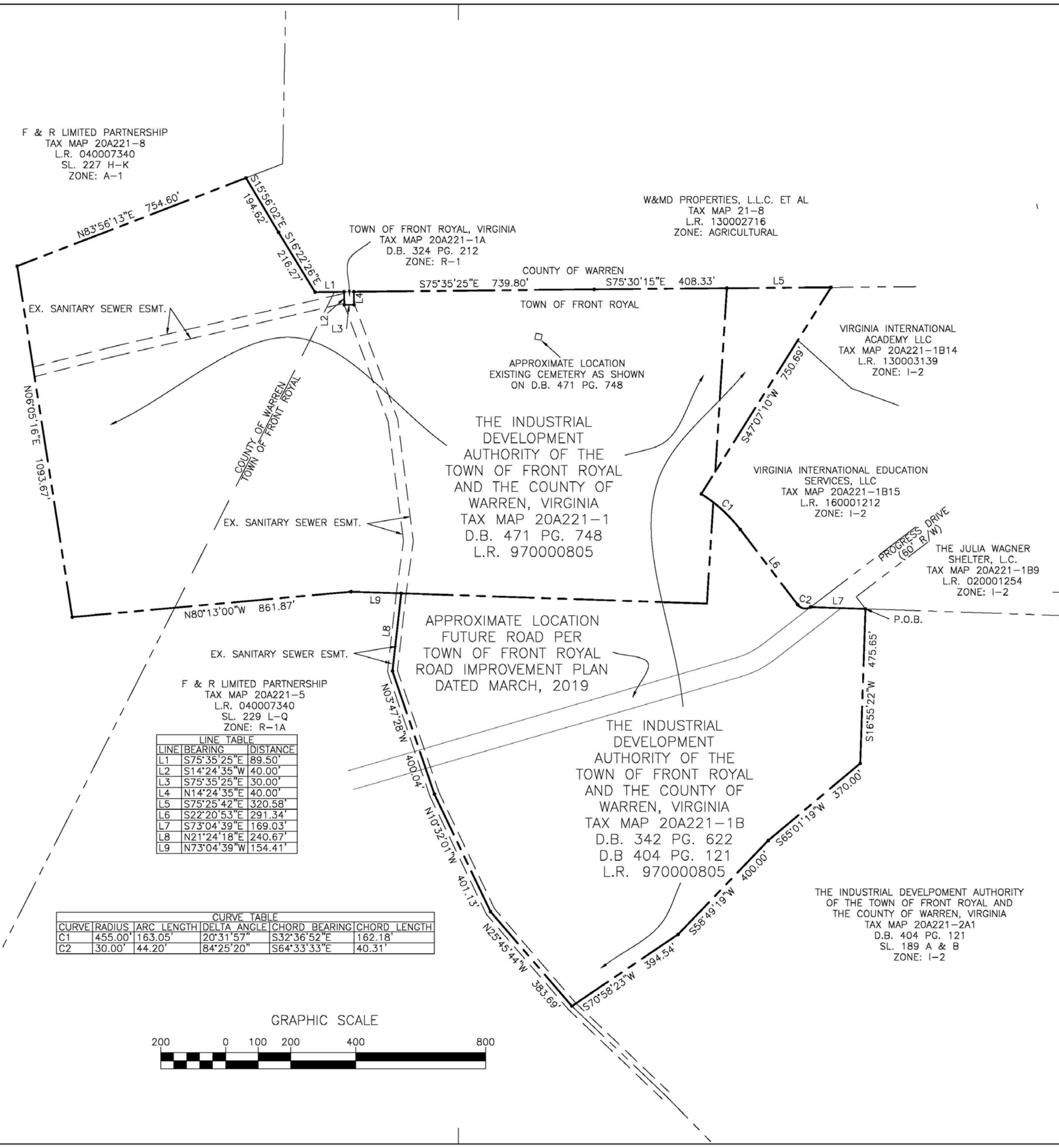
9. IMPROVEMENTS MAY EXIST AND ARE NOT SHOWN HEREON.
10. TOTAL AREA: 81.443 ACRES.



LINE TABLE

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CURVE TABLE

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REVISION DATE	COMMENTS
11/04/19	

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100 INDUSTRIAL DRIVE FREDERICKSBURG, VA 22407
PHONE (540) 372-3499 • FAX (540) 372-6746

COMMONWEALTH OF VIRGINIA
CHARLES D. FARMER
Lic. No. 1724
LAND SURVEYOR
ADVANCE COPY

REZONING PLAT

THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA

SHENANDOAH DISTRICT/TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

Drawn By: BWS
Designed By:
Checked By: KO
Date: 10/15/2019
Scale: 1"=200'
County Plan Number: N/A
Sheet: 1 of 2
JOB #: 020-10018

INFORMATION ON THE APPLICATION:

Application Documents	A list and brief description of the parts of Attachment A: **APPLICATION DOCUMENTS** is provided below:

ATTACHMENT A: APPLICATION DOCUMENTS

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town.
- **Phase I Environmental Site Assessment by The Thrasher Group, Inc.** Two items of interest were reported in the assessment: (1) the existence of an existing cemetery located on the northern portion of Parcel 20A221-1 and (2) the site is located within Radon Zone 1. Development will not impact the existing cemetery site and additional sampling for radon should be conducted prior to site construction.
- **Traffic Impact Analysis Report.** The Traffic Impact Analysis Report for this site was prepared by A. Morton Thomas and Associates, Inc., dated February 2020.
- **Rezoning Impact Statement.** This document is required for rezoning applications to the I-2 Industrial Employment District. It identifies impacts that the proposed rezoning and development may have on the Town and community, as identified by the Applicant.
- **Maps and Plats.** A rezoning plat and conceptual design plan prepared by The Thrasher Group, Inc, are attached.
- **Proffer Statement.** The proffer includes voluntary offerings from the applicant to mitigate impacts of the rezoning.

Proposed Zoning

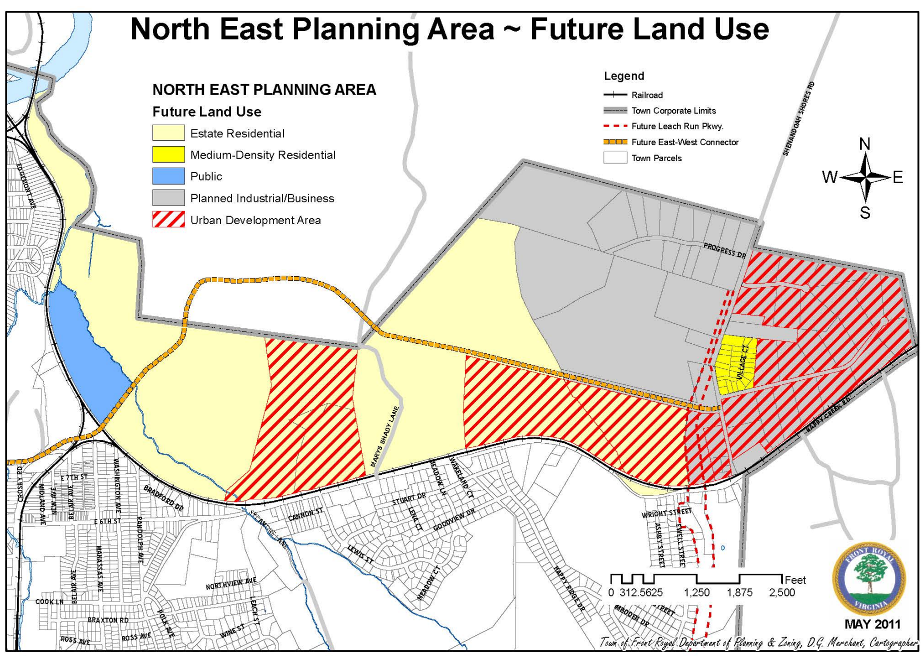
This rezoning application proposes to rezone approximately 62.7 acres to the I-2 Industrial Employment District.

Town of Front Royal Zoning Ordinance, Sect. 175-64.
The I-2 Industrial Employment District is designed to:

A. *Enable the establishment of industrial and employment uses and structures in appropriate locations of the town.*
B. *Prevent land or structures from being used in a manner so as to create dangerous, injurious, noxious or otherwise objectionable risk of fire, explosion, radioactivity or other hazardous condition; noise or vibration, smoke, dust, odor or other form of air pollution; electrical or other disturbance, glare or heat; liquid or solid waste; or other condition that would detract from the residential and commercial desirability of the adjoining areas.*
C. *Provide controls and standards for the establishment of industrial and employment uses and structures in keeping with the purposes of this Article and the Front Royal Comprehensive Plan.*

Comp. Plan

The Town of Front Royal Comprehensive Plan shows the subject parcels as being located within the North East Planning Area and identifies the future land use as Planned Industrial/ Business.



Staff Comments	
	1. The total area of the two parcels owned by the EDA is 81.4 acres. The northernmost parcel is bisected by the Town/County boundary, with approximately 18.7 acres located within the County and 62.7 acres within the Town. This rezoning application is for the 62.7 acres located within the Town corporate limits. 2. Town utilities (water, sanitary sewer and electric) are available for the site, subject to final use requirements. 3. As noted in the applicant's Impact Statement: *"In order to complete this rezoning package, the EDA and Thrasher chose to compare a data center and an industrial park as a potential use, both which will be represented with the same concept plan. Both uses are arbitrary, as the exact use will be determined in the future when businesses are secured. However, a data center or industrial park is a good representation of a potential use".* 4. Likewise, the Traffic Impact Analysis (TIA) report uses proposed development as a data center for its calculations. Use other than data centers may require a revision or update of the TIA.

CONCLUSIONS:

This proposed rezoning of the subject parcels from R-1 to I-2 is in substantial accordance with the Town of Front Royal Comprehensive Plan and the statement of intent of the Town Zoning Ordinance I-2 District. The proposed rezoning is also deemed consistent with existing and proposed surrounding land uses and zoning district classifications.

The Planning Commission, after public hearing held on September 16, 2020, by unanimous 5-0 vote recommends the adoption of the proposed zoning map amendment reclassifying the subject property from R-1 District to I-2 District and the acceptance of all voluntary proffers as presented in the application request.

ATTACHMENT: Attachment A: Application Documents

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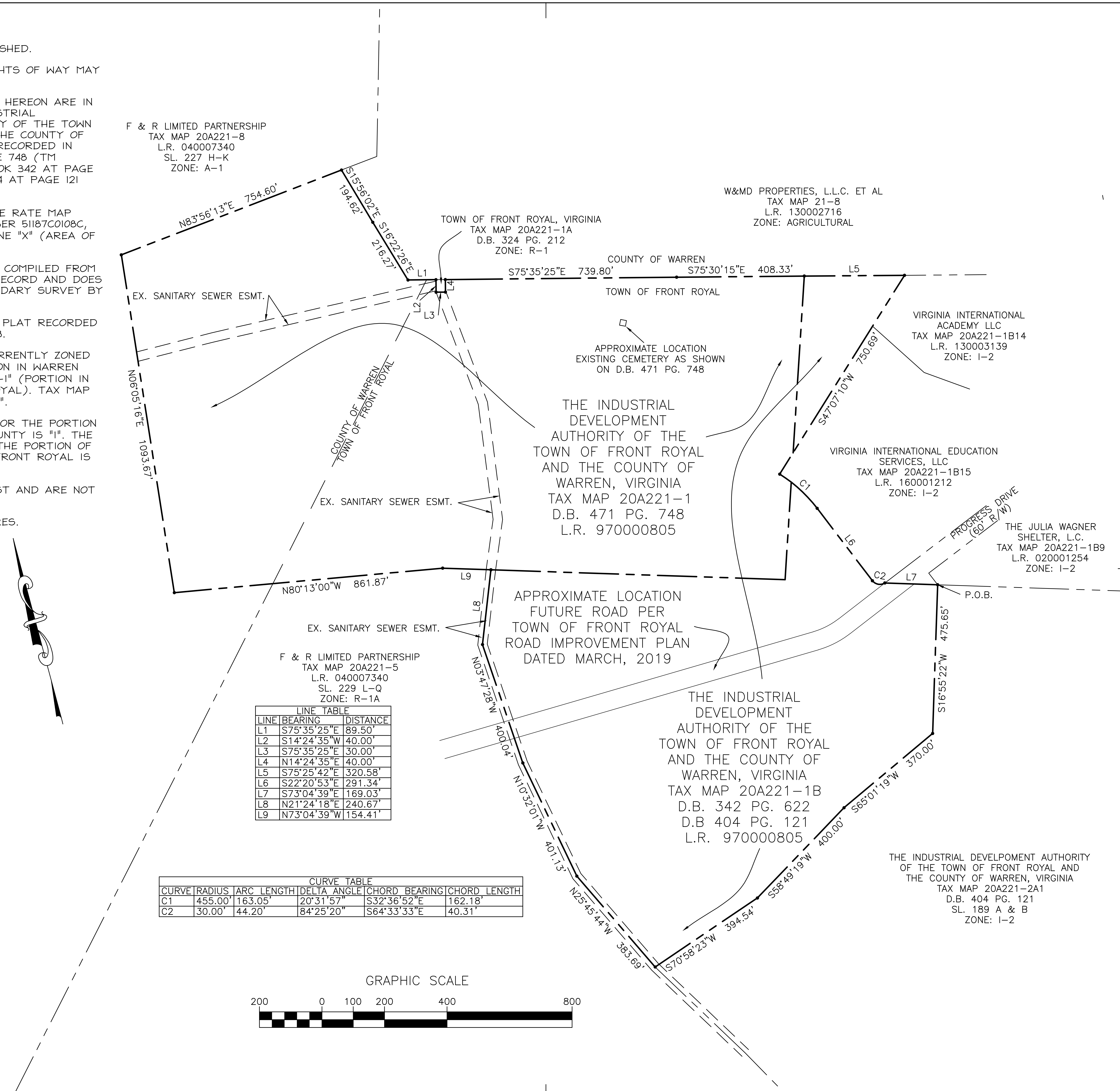

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REVISION DATE	COMMENTS
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SHENANDOAH DISTRICT/TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

Drawn By:	BWS
Designed By:	
Checked By:	KO
Date:	10/15/2019
Scale:	1"=200'
County Plan Number:	N/A
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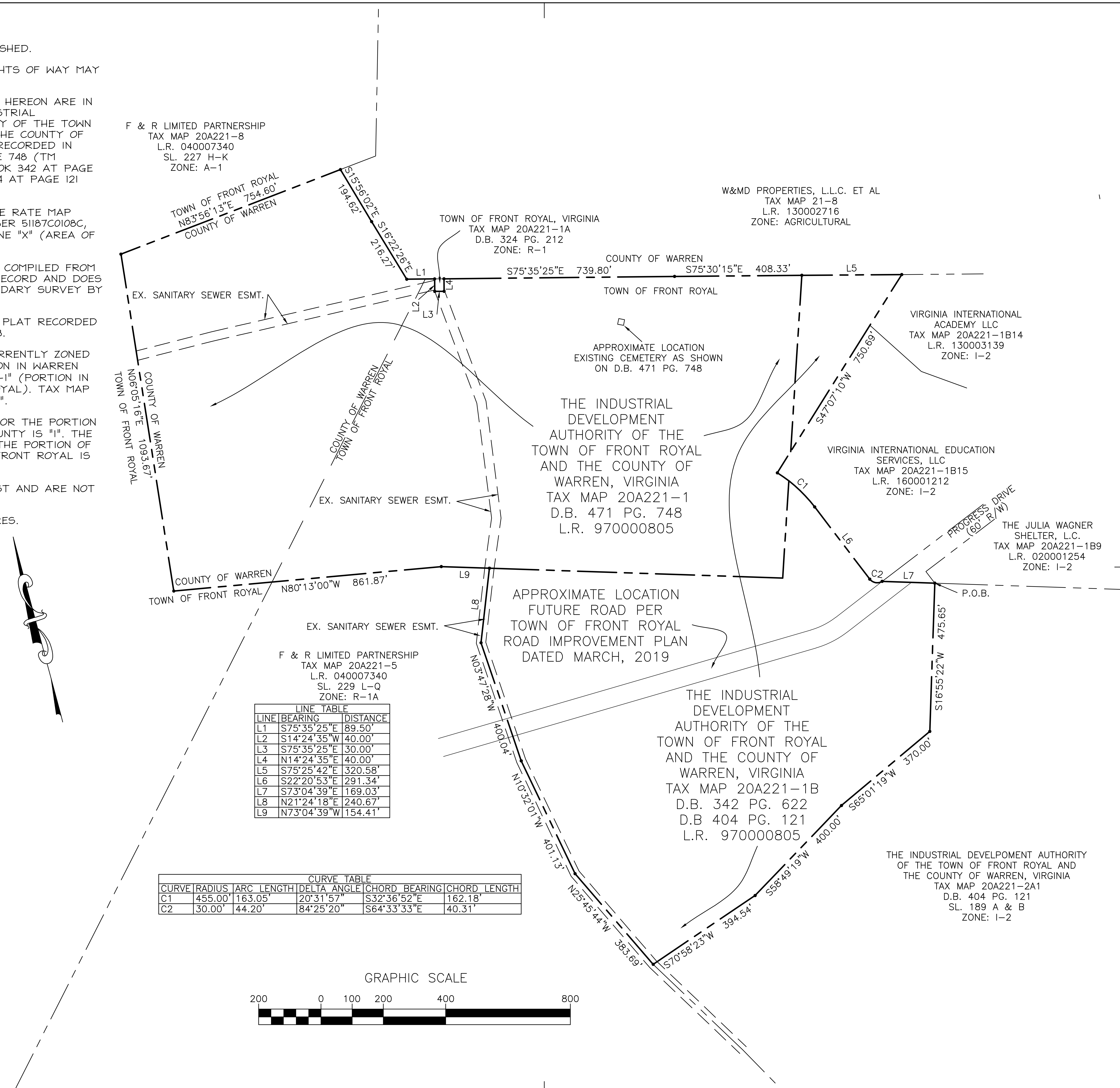

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REVISION	DATE
COMMENTS	11/04/19
COMMENTS	11/20/19

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SHENANDOAH DISTRICT/TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

Drawn By: BWS
Designed By:
Checked By: KO
Date: 10/15/2019
Scale: 1"=200'
County Plan Number: N/A
Sheet: 1 of 2
JOB #: 020-10018

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County Plan Number:	N/A
Sheet:	2 of 2
JOB #:	020-10018

EARTHWORK SUMMARY

PAD A-	22.27 AC
CUT:	290,611 CY
FILL:	290,539 CY
NET:	72 CY
PAD B-	67.38 AC
CUT:	424,184 CY
FILL:	424,445 CY
NET:	261 CY

CAD FILE: R:\2020-10018 Warren County EDA Phase 1\Drawing\CIVIL\concept Plan.dwg PLOT DATE/TIME: 2/20/2020 11:01 AM LAYOUT: PAD GRADING USER: matthew pizatella

NO.

PRELIMINARY
NOT FOR CONSTRUCTION
2020-02-20

SCALE:
DRAWN: DATE:
CHECKED: DATE:
APPROVED: DATE:
SURVEY DATE:
SURVEY BY:
FIELD BOOK No.:

THRASHER
600 WHITE OAKS BLVD. P.O. BOX 940
BRIDGEPORT WV 26330
www.thrashereng.com
PHONE (304) 624-4108
FAX (304) 624-7831

PHASE No.
CONTRACT No.
PROJECT No.

CONCEPTUAL DESIGN PLANS FOR
WARREN COUNTY EDA
PROPERTY DEVELOPMENT
FRONT ROYAL, VIRGINIA
CONCEPT PLAN

SHEET No.
1

CAD FILE: R:\020-10018 Warren County EDA Phase I\Drawing\CIVIL\concept Plan.dwg
PLOT DATE/TIME: 2/20/2020 11:02 AM
LAYOUT: CONCEPT 1 WITH AERIAL
USER: matthew pizatella

NO.

PRELIMINARY
NOT FOR CONSTRUCTION
2020-02-20

SCALE:
DRAWN: DATE:
CHECKED: DATE:
APPROVED: DATE:
SURVEY DATE:
SURVEY BY:
FIELD BOOK No.:

THRASHER
600 WHITE OAKS BLVD. P.O. BOX 940
BRIDGEPORT WV 26330
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PHONE (304) 624-4108
FAX (304) 624-7831

PHASE No.
CONTRACT No.
PROJECT No.

CONCEPTUAL DESIGN PLANS FOR
WARREN COUNTY EDA
PROPERTY DEVELOPMENT
FRONT ROYAL, VIRGINIA
CONCEPT PLAN

SHEET No.
2

NOTE: ALL PROPOSED BUILDINGS HAVE 200,000 SF FOOTPRINT

CAD FILE: R:\020-10018 Warren County EDA Phase 1\Drawing\CIVIL\concept Plan.dwg PLOT DATE/TIME: 2/20/2020 11:03 AM LAYOUT: CONCEPT 1 NO AERIAL USER: matthew pizatello

NO.

PRELIMINARY
NOT FOR CONSTRUCTION
2020-02-20

SCALE:	
DRAWN:	DATE:
CHECKED:	DATE:
APPROVED:	DATE:
SURVEY DATE:	
SURVEY BY:	
FIELD BOOK No.:	

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FAX (304) 624-7831

PHASE No.

CONTRACT No.

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CONCEPTUAL DESIGN PLANS FOR WARREN COUNTY EDA PROPERTY DEVELOPMENT FRONT ROYAL, VIRGINIA CONCEPT PLAN

SHEET No.

3

Warren County Building Permits - David Beahm comments: FRREZON2013-2020

Comments for R-1 to I-2 (near Progress Drive & Happy Creek Technology Park):

- Erosion and Sediment Control (ESC) Items:
  - Application and permits are required for ESC permit, which would also include a full plan review application.
  - The total area of disturbance exceeds one (1) acre and will be considered a Common Plan of Development when work is started. This will require a Stormwater permit through the Department of Environmental Quality (DEQ).
  - The process with DEQ and ESC may take place at the same time, but both require approval before any work can begin.
- Building Inspections Items:
  - No reviewable information provided for comment at this time.

If anything should change in the scope additional requirements may be required.

FRREZON2013-2020

IMPACT STATEMENT

REZONING PARCELS 20A221-1 AND 20A221-1B TO IMPROVE VBRSP STATUS
PROGRESS DRIVE
FRONT ROYAL, WARREN COUNTY, VIRGINIA

THRASHER PROJECT #020-10018

The Thrasher Group, Inc (Thrasher) was retained by the Front Royal/Warren County Economic Development Authority (EDA) to rezone two (2) parcels from R-1 to I-2. The purpose of the rezoning is to improve site status from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program (VBRSP) to increase competitiveness among surrounding areas such as Winchester and Manassas. The impact statement is part of the rezoning requirement for the Town of Front Royal (Town). The site is located on Progress Drive in Front Royal, Warren County, Virginia.

The site, consisting of two (2) parcels totaling approximately 81.4 acres identified by Tax Map 20A221-1 and 20A221-1B is owned by the Industrial Development Authority of Front Royal and the County of Warren, Virginia and is in the center of County. Tax Map 20A221-1 straddles the County and Town limits, where the County is west and the Town is east. The northern property line for both parcels represents the County and Town limits, where the Town is to the south. Approximately 62.7 acres of the site is located within the Town limits. This impact statement is to rezone the approximate 62.7 acres of the site within the Town limits.

As previously mentioned, this rezoning is specifically for VBSRP. In order to complete this rezoning package, The EDA and Thrasher chose to compare a data center and an industrial park as a potential use, both which can be represented with the same concept plan. Both uses are arbitrary, as the exact use will be determined in the future when businesses are secured. However, a data center or industrial park is a good representation of a potential land use.

Currently, the R-1 zoned site is vacant and contains cleared and forested land. It has access via an existing road named Progress Drive. The R-1 site allows a minimum single-family lot size between 40,000 and 10,000 square feet depending on if the water and sewer are provided on-lot or through a public water system, respectively. The site is bound by Happy Creek Technology Park, zoned I-2 in the Town of Front Royal. The businesses contained within Happy Creek Technology Park include the Virginia International Academy, the Humane Society of Warren County, Rivendell Club School, Strike First Corporation of America, Seton Home Study School, Petrine Family of Companies, Pelican Hardigg Case Center, the Chelsea Academy, and the Brotherhood of Railroad Signalmen. Adjacent parcels in Warren County to the north and west are zoned Agricultural. Within the Town of Front Royal, to the south, the adjacent parcel is undeveloped and zoned R-1A, which allows a minimum single-family home lot size of 7,000 square feet. Within the Town of Front Royal, to the south east, the adjacent parcel is zoned I-2.

Industrial Development Authority of Front Royal and the County of Warren, Virginia proposes rezoning both parcels to zone I-2. The minimum lot size for I-2 is 20,000 square feet. Both parcels exceed the minimum lot size. By-right uses associated with I-2 include: caretaker quarters, automobile and truck sales lots, automobile garage and service stations (auto repair and gas stations), business offices, coal and wood yards, lumberyards, feed/seed stores, commuter parking facilities, contractor's offices, display rooms and storage, furniture stores, lumber and building supply, professional offices, technology businesses, veterinary hospitals, distribution facilities, light manufacturing, woodworking and upholstery shop, wholesale, laboratory, pharmaceutical and/or medical schools, accessory uses, home occupations, open space, public facilities, public parks and playgrounds, public utilities, signs, and special childcare services.

The Town zoning ordinance states that the "I-2 Industrial Employment District is designed to enable the establishment of industrial and employment uses and structures in appropriate locations of the town, prevents land or structures from being used in a manner so as to [...] detract from the residential and commercial desirability of the adjoining areas, [and] provide controls and standards for the establishment of industrial and employment uses".

As the only town within Warren County, Front Royal serves as the commercial center for the County. By allowing rezoning from residential to industrial, Front Royal may continue to support the County as its commercial center. By adding approximately 62.7 acres within Town limits to I-2, Front Royal will have capacity to attract a large commercial use or continue the development of the existing commercial development which has been successful. With Warren County's cooperation to rezone their additional 18.7 acres, for a total of approximately 81.4 acres, will be an increased benefit. Considering that the parcel is next to a technology park zoned I-2, a technology use may be ideal since technology jobs have high earning potential. Any growth that preserves the historic Old Town of Front Royal, which is unaffected as a result, and increases economic development and commercial growth for Front Royal and Warren County supports the Comprehensive Plan. Fiscal impacts, as well as impacts to the quality of life of citizens, property value and environment were assessed.

Fiscal Impacts

The R-1 use will add between 90 and 360 single family homes. This will increase the property tax base by approximately $300,000 per year. As an I-2 use, 180 commercial properties could be built or a minimum of eight (8) commercial districts could be established. The economic growth spurred by these commercial properties will exceed the R-1 zoning's fiscal benefits. In addition, by collecting taxes on commercial activity, property taxes will be able to remain relatively low. Any additional increase to operations will be offset by the taxes collected from the commercial properties.

Quality of Life

The industrial uses supported by zone I-2 will not negatively impact the quality of life for citizens, as the purpose of the I-2 zone is to create employment opportunities without detracting from the residential and commercial desirability of the adjoining areas.

According to the Town of Front Royal's Comprehensive Plan, many of its citizens must commute outside of the Town for employment. Its largest competitors are Winchester and Manassas, which are an average of 45 minute commute in one (1) direction. By providing more opportunity for jobs within the Town, less of its citizens will have to commute to surrounding areas for employment and reduce their commutes. In the case that the Town is able to attract a technology sector employer, wages will increase, and the Town will be a center for surrounding counties. As an employment center, the Town will be able to attract more businesses and growth.

Property Value

Commercial uses often increase the property value to surrounding residences. As quality of life increases in the area, it will attract more buyers. This increases demand, which increases property value.

Impacts to the Environment

An environmental impact study was performed to assess development of the land. As a result, two (2) items were uncovered. There is an existing cemetery onsite and the site is located within Radon Zone 1. Development will be able to occur around the existing cemetery and has continued for adjacent sites within Radon Zone 1. To mitigate the radon concern, additional sampling should be conducted prior to development. The industrial uses supported by I-2 zoning do not have a negative impact to the environment.

Archeological and Historic Impacts

No archeological or historic landmarks will be impacted as a result of this rezoning.

Traffic Impacts

Based upon the attached concept plan, approximately 200 employees will be added to the site for a data center or for an industrial park. For a data center, traffic impacts are 990 daily trips with 124 at maximum AM peak hour and 104 maximum PM peak hour. For an industrial park, traffic impacts are 1,036 daily trips with 98 at maximum AM peak hour and 26 maximum PM peak hour. Based on the data center traffic analysis the following is provided:

- The Future (2026) Build conditions analyses indicates that both existing key intersections and the new site driveway are anticipated to operate at acceptable LOS during both the AM and PM peak hours.
- A turn lane warrant analysis was conducted at the new Data Center Site Driveway and the results indicate that a separate northbound left turn lane is not required, and a separate southbound right turn lane and taper is not required.
- Signal warrant analyses were conducted at the intersections of Shenandoah Shores Road with Progress Drive and Happy Creek Road during future (2026) build conditions. No signal is warranted at the intersection Shenandoah Shores Road and Progress Drive. Warrant 3 (Peak Hour) is met during both peak hours at the intersection of Shenandoah Shores at Happy Creek Road; however, this does not meet the basis to install a new signal at this intersection per the MUTCD section 4C.04. Additional analyses need to be conducted to fully determine if a signal is warranted (i.e. 13-hour count, crash analysis, etc.)

July 8, 2020

Mr. Christopher G. Brock
Department of Planning and Zoning
Town of Front Royal
102 East Main Street
Front Royal, VA 22630

RE: Front Royal/Warren County Economic Development Authority
Rezoning Application Parcels TM 20A221-1 and TM 20A221-1B
Proffer
Thrasher Project #020-10018

Dear Mr. Brock:

Based on the conversation with Darryl Merchant of your office, the Proffer is being adjusted to dedicate a 60 foot right-of-way instead of 40 foot.

Please see the attached proffer. If you have any further questions, please do not hesitate to contact me.

Sincerely,

THE THRASHER GROUP, INC.

DANIEL E. FERRELL, P.E.
Principal

cc: Doug Parsons, Front Royal/Warren County EDA

R:\020-10018 Warren County EDA Phase I\Documents\Rezoning\Front Royal\07082020 Front Royal Updated Proffer letter.docx

PROFFER STATEMENT

REZONING:	RZ#______________
CURENT ZONING:	Residential R-1 District
PROPOSED ZONING:	Industrial I-2 District
PROPERTIES	30.70 Acres Tax Map 20A221-1 DB 471 PG 748 32.0 Acres Tax Map 20A221-1B DB 342/404 PG 622/121
APPLICANT/OWNER:	FRONT ROYAL/WARREN COUNTY ECONOMIC DEVELOPMENT AUTHORITY
PROJECT NAME:	REZONING FOR TIER II VBRSP STATUS, PROGRESS DRIVE
DATE OF PROFFERS:	__________________
EXHIBITS:	Concept Plan Phase I Environmental Study Traffic Impact Analysis Report

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional zoning, the undersigned Applicant hereby voluntarily agrees to the terms and conditions set forth herein, provided that the Town of Front Royal approves Rezoning Application RZ#__________ for the rezoning of the subject properties, as referenced above, consisting of approximately 62.7 Acres, from the residential R-1 District to the industrial I-2 District. The terms and conditions set forth herein may be subsequently amended, revised, or withdrawn by the Applicant if approved by the Town of Front Royal, in accordance with the Virginia Code and Town Code. If such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. The purpose of this rezoning is to increase the property designation from Tier 1 to Tier 2 of the Virginia Business Ready Sites Program (VBRSP) to increase competitiveness among surrounding areas.

Landscaping Buffer

A landscaping buffer of 25 feet in width shall be established on along the property line of all parcels included in this rezoning application not zoned I-2. This landscaping buffer is to be used as a visual screening between the agriculture or residential zones and industrial zones. The landscape buffer will preserve existing woodlands and plant one (1) tree and 10 shrubs for every 35 feet along the buffer where there are no existing woodlands.

By-Right Land Use

By-right land use shall not be restricted, however, business offices, professional offices, technology businesses (including data centers), veterinary hospitals, laboratory, pharmaceutical and/or medical schools, public facilities, and special childcare services will be preferred.

Dedicated Right-of-Way

A dedicated right-of-way of 60 feet in width shall be dedicated within the parcels to be rezoned for the continuation of Progress Drive towards the future East West Connector. The right-of-way will be dedicated to a public road, permitted by the Applicant, and built to Town of Front Royal and Virginia Department of Transportation (VDOT) standards. The design will not be finalized until a site plan is developed for the future use.

Traffic Impact Analysis

The Traffic Impact Analysis is based on an arbitrary 1,000,000 square feet data center. The assumed data center generated a peak hourly rate of 124 trips. When the exact use is determined, a new traffic analysis will be performed if the new use generates more trips.

Signatures

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Front Royal Town Council grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Town Code, as the same from time to time may be amended, or their successor ordinances. This Proffer Statement supersedes any proffer statements previously submitted in connection with this application and this Property, if any.

OWNER'S SIGNATURE: ____

PRINT SIGNATURE: ____

TITLE: ____

ADDRESS: ____

____

WITNESS: ____

COMMONWEALTH OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ___ DAY OF __________________, 20____, BY ________________________________, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS TOWN OF FRONT ROYAL APPROVAL SIGNATURE.

TOWN OF FRONT ROYAL APPROVAL SIGNATURE:_____________________________________

PRINT SIGNATURE:____

TITLE: ____

ADDRESS: 102 E. MAIN STREET, FRONT ROYAL, VA 22630

COMMONWEALTH OF VIRGINIA

COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ___ DAY OF __________________, 20____, BY ________________________________, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO APPEARED THIS DAY BEFORE ME, ______________________________________, A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF ______________________,________.

____

NOTARY PUBLIC

Registration Number: _______________________