



TOWN COUNCIL WORK SESSION
Tuesday, February 16, 2021 @ 6:30PM
Town Hall Conference Room

Due to Executive Order #72 and Order of Public Health Emergency Nine, Common Senses Surge Restrictions, Certain Temporary Restrictions due to COVID-19, from Governor Northam, seating inside the conference room is reserved for Town Council and specific members of staff. This meeting may be viewed live via the Town's website www.frontroyalva.com. For those who wish to attend, a monitor streaming the meeting live is placed in the hallway outside the conference room. There is no public comment at work sessions.

1. CLOSED MEETING – Personnel, Actual Litigation and Consultation with Legal Counsel
2. Advertisement of 2021 Real Estate & Personal Property Tax Rate— *Finance Director BJ Wilson*
3. Utility Bill Presentation — *Customer Service Specialist Tory Pugh and Accounting Technician Jenny Kinyon*
4. Rezoning Application for 2 Acres on Jefferson Avenue - Rockledge Development Co –
Director of Planning/Community Development
5. Proposed Amendment to Liaison Committee Policy — *Deputy Clerk of Council Mary Ellen Lynn*
6. Pedestrian Crossing Signal at Warren Memorial Hospital — *Director of Energy Services David Jenkins*
7. Joint Towing Advisory Board Update — *Chief of Police Magalis*
8. Proposed Mask Ordinance — *Councilman Lloyd*
9. Discussion Pertaining to a Proposed Medical Freedom Ordinance — *Councilman Lloyd*
10. Proposed COVID Seating Restrictions — *Councilmen Lloyd, McFadden and Meza*



Work Session Agenda Statement

Item # 1

Meeting Date: February 16, 2021

CLOSED MEETING

I move that Town Council go into Closed Meeting pursuant to Va. Code Sections 2.2- 3711., in the following subsections indicated of that Code Section, to discuss the following matters:

- (1) The disposition of publicly held real property, specifically the Afton Inn property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. (A.3., A.8.)
- (2) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, specifically, a lawsuit regarding Sections 6 .D. and 47 of the Town Charter, against the Town and a member of Town Council, and regarding a decision of Town Council denying a rezoning matter, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body.(A.7.)
- (3) the purpose of assignment, appointment, promotion, performance, demotion, salaries, discipling, or resignation of specific, public officers, appointees or employees of a public body, specific to Boards and Commissions, pursuant to Section 2.2.3711.A.1. of the Code of Virginia

Motion to Certify Closed Meeting at its Conclusion (*reconvene in open meeting*)

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



Work Session Agenda Statement

Item # 2

Meeting Date: February 16, 2021

Agenda Item: Advertisement of 2021 Real Estate & Personal Property Tax Rate

Summary: Council is requested to discuss the FY2022 Proposed Budget and provide staff with direction on advertising the 2021 Personal Property & Real Estate Tax Rates.

The 2020 Town of Front Royal Real Estate Tax was \$0.13 per \$100 of assessed value and the Personal Property Tax Rate was \$0.64 per \$100 of assessed value with a Personal Property Tax Relief Rate of 53% for qualifying vehicles.

The FY2021-2022 Proposed Budget includes revenues based on the Real Estate Tax rate, Personal Property Tax rate, and Personal Property Tax Relief rate remaining the same as 2020; which represents no increase.

Council is requested to provide staff with direction for advertising of the 2021 tax rate, so that a public hearing can be added to the March 22, 2021 agenda.

Budget/Funding: N/A

Staff Recommendation: Staff recommends for Council to approve tax rates to remain consistent with FY21-22 Proposed Budget and for tax rates to remain the same as 2020; which represents no increase over the current rate.



Work Session Agenda Statement

Item # 3

Meeting Date: 2/16/21

Agenda Item: Utility Bill Presentation

Summary: Presentation regarding utility bills to provide Council and our citizens information related to possible causes of increased utility usage, recommended practices, answers to frequently asked questions, and services the Town can provide to citizens.

Budget/Funding: N/A

Staff Recommendation: Review presentation and feel free to ask questions after presentation is given.

Town of Front Royal Utility Bill Overview

Presented by
Tori Pugh
Customer Service Specialist
February 16, 2021



102 E. Main Street | Front Royal, VA 22630 | frontroyalva.com

Town of Front Royal Billing Procedures

- 10 billing sections within the Town of Front Royal
- Each bill is the previous month's usage
- Each section has corresponding reports
- Due dates and billing cycle vary upon billing section and reading dates

 **Town Of Front Royal**
Department of Finance
P.O. Box 1560
Front Royal, Va. 22630-1560
(540) 635-7799
www.frontroyalva.com

Remittance Copy **0000038552**
Please Return with Payment
UTILITY BILL

Account Number
99-123456-00

DOE, JOHN
P O BOX 1234
FRONT ROYAL VA 22630

Service Location 1234 S MAIN ST



(Please submit top portion with payment) ANY PREVIOUS BALANCE IS DUE IMMEDIATELY

Readings		Current		Previous		Usage
Meter ID - Dial #	Date	Reading	Date	Reading		
111111111	-1	03/13	02/13	32313	30813	1500
222222222	-1	03/13	02/13	4682	4637	45

Town offices will be closed September 5th observing Labor Day.
Garbage/recycling collection will be on Wednesday, September 7th
Yard waste will not be picked up Wednesday, September 7th

Previous Balance (02/13/17) \$	
Balance Forward	\$ 0.00
ELEC-RE	133.59
EL TAX	3.00
PCA	6.42
WATER	22.69
SEWER	37.04
GARBAGE	14.10

Current Charges (03/17/17) \$	
DUE BY	04/06 \$ 216.84
DUE AFTER	04/06 \$ 221.17

Account Number
99-123456-00

Service Location 1234 S MAIN ST

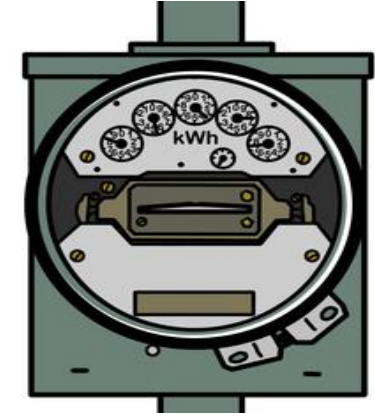
DOE, JOHN
P O BOX 1234
FRONT ROYAL VA 22630

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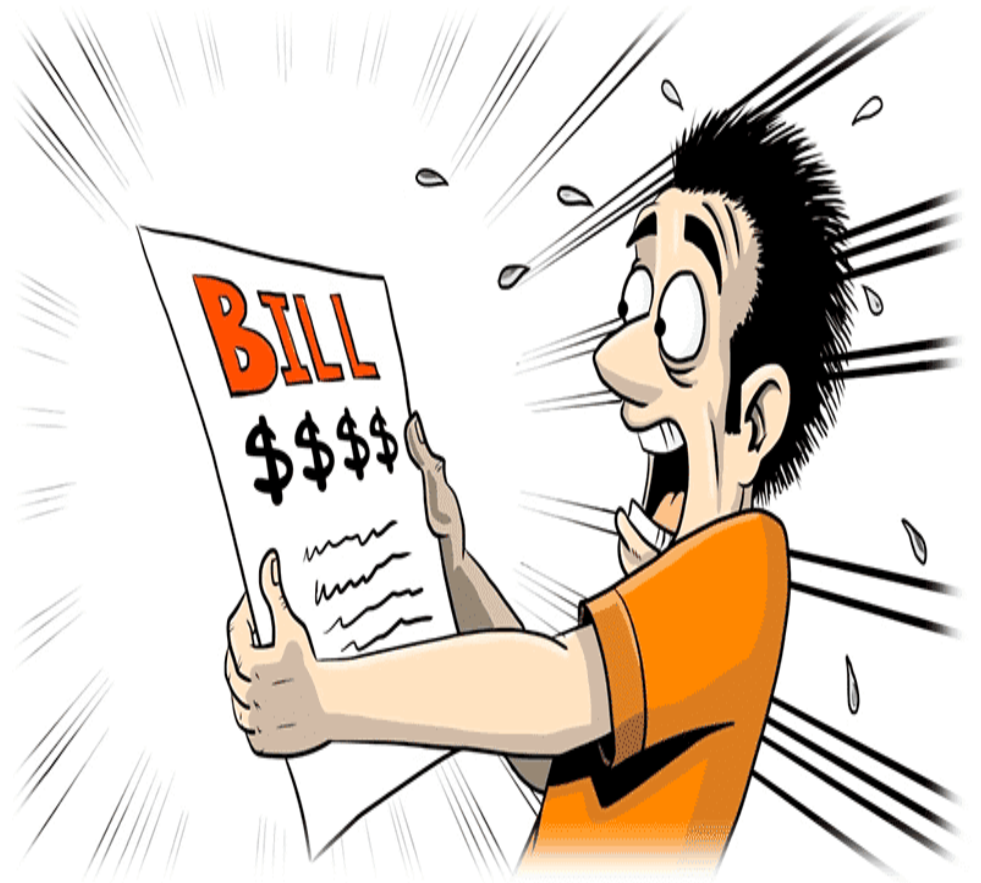
When was the last rate increase?

- Electric – March 25, 2019
- Water – July 1, 2014
- Sewer – July 1, 2020
- Solid Waste – July 1, 2016



Why is my bill so high?

- Type of heating in home
- Space heaters
- Weather
- Insulation
- Style of house and number of residents
- Appliances
- COVID-19



What can citizens do?

- Lower your thermostat
- Be aware of auxiliary/emergency heat
- Baseboard Heat Tips
- Weatherize your home
- Let in the sunshine
- Unplug unused electronics
- Switching over to LED lightbulbs



The difference a **bulb** makes

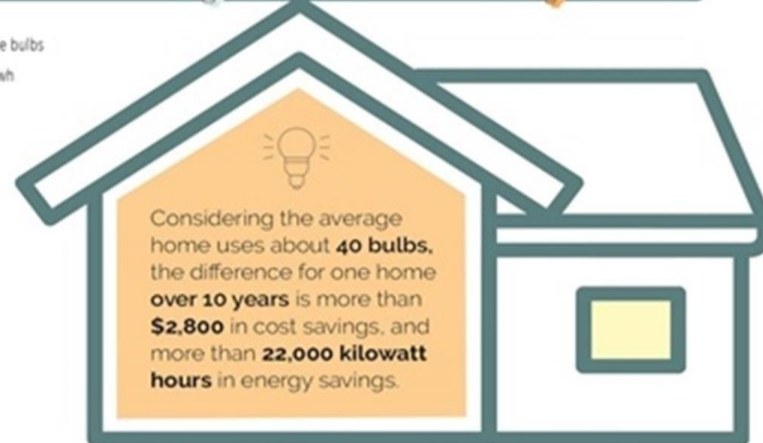
Just how much difference does choosing a different kind of light bulb make on how much you spend on energy? Here's a quick comparison of key stats about incandescent, compact fluorescent (CFL), and light-emitting diode (LED) bulbs.



	INCANDESCENT	CFL	LED
Brightness	800 lumens	840 lumens	840 lumens
Energy used	60 watts	13 watts	9 watts
Cost per bulb*	\$1.49	\$2.49	\$1.37
Yearly energy cost**	\$7.55	\$1.64	\$1.13
Estimated lifespan	1.8 years (2,000 hours)	11 years (12,000 hours)	13 years (15,000 hours)
Total cost over 10 years	\$83.78	\$18.89	\$12.67

*Prices quoted all come from the same large retailer for comparably sized and style bulbs

**Assumes use of 3 hrs/day at average public power bundled rate of 11.5 cents/kwh



#PublicPower



frontroyalva.com

How the Town of Front Royal can help you regarding high electric consumption

- Reread your meter to ensure the reading was accurate
- Test the electric meter to ensure it is reading accurately
- Meet with electric department personnel
- Payment arrangements
- Budget Plan

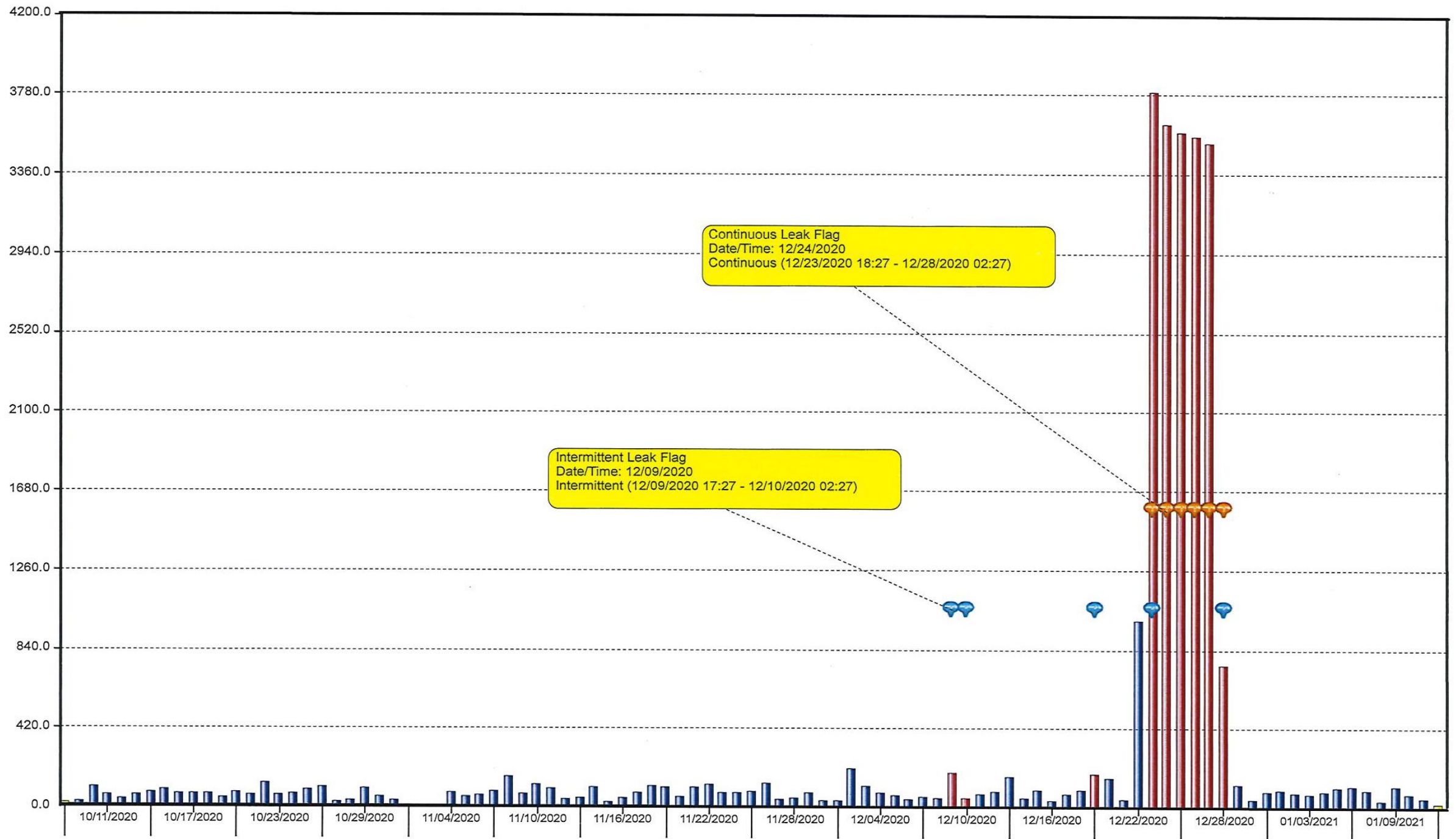


102 E. Main Street | Front Royal, VA 22630 | frontroyalva.com

How the Town of Front Royal can help you regarding high water consumption

- Reread your meter to ensure the reading was accurate
- On a newer style meter, we can pull a data log
 - Daily or hourly report
- Test the meter
- Leak Repair Statement/Adjustment





Why could there be high electric consumption in my vacant home?

- Empty refrigerator will pull more electric than a full refrigerator
- Energy vampires – plugged in items not being used
- No furniture or other items to absorb heat
- Heat is still running, even at lower thermostat settings



Municipal Utility Relief

- Must be an active Town of Front Royal Utility account
- Only account holder can apply
- Past due date must be at least 30 days
- Must have an economic hardship due to COVID-19
- Funds may only be used to cover electric, water, & sewer
- Cannot have received previously cares funding



Frequently Asked Questions

- I'm not doing anything different, why did my bill change?
- Why did my bill double?
- I haven't been home, why did my bill go up?
- Why is my neighbor's bill lower than mine?
- What is PCA?
- Why is my sewer higher than my water?





Work Session Agenda Statement

Item # 4

Meeting Date: February 16, 2021

Agenda Item: Rezoning Application #FRREZON 2372-2020, Rockledge Development Company.

Summary: The subject application proposes to rezone approximately 2.1 acres from R-1 Residential District, to R-3 Residential District. The stated purpose of the rezoning request is to allow for duplex dwellings which is allowed in the R-3 District, but not the R-1 District, which in terms of residential use is limited to only detached single-family dwellings. The rezoning request is accompanied by a voluntary proffer limiting potential residential uses of the property to detached single-family dwelling and two-family/duplex structures and associated accessory uses.

Budget/Funding: N/A

Staff Recommendation: Adoption of the requested rezoning of property from R-1 District to R-3 District conditioned on the acceptance of the January 23, 2021 written proffer limiting the allowed uses of the property. This is the same recommendation as forward by the Planning Commission.

Note: A public hearing must be held with adjacent property owners being notified of the public hearing before Council can make any decision.

**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**



**TOWN COUNCIL OF FRONT ROYAL, VIRGINIA
STAFF REPORT -REZONING APPLICATION #FRREZON -2372-2020**

APPLICATION #:

FRREZON-2372-2020

APPLICANT:

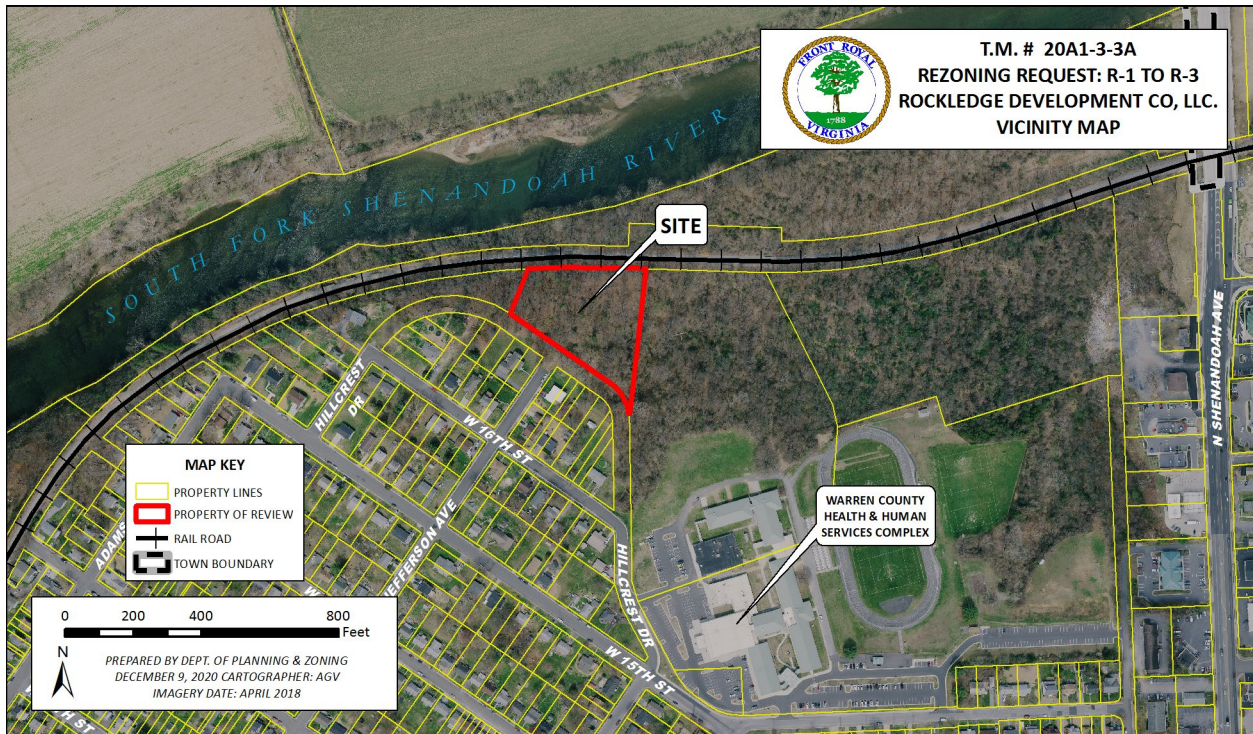
Rockledge Development Co LLC – Doug
Ichiuji and Aaron Hike

SUMMARY OF REQUEST:

The subject application proposes to rezone approximately 2.1 acres from R-1 Residential District, to R-3 Residential District. The stated purpose of the rezoning request is to allow for duplex dwellings which is allowed in the R-3 District, but not the R-1 District, which in terms of residential use is limited to only detached single-family dwellings. The rezoning request is accompanied by a voluntary proffer limiting potential residential uses of the property.

GENERAL INFORMATION:

<i>Site Addresses</i>	None. Vacant land.
<i>Property Owner(s)</i>	Rockledge Development Co, LLC
<i>Existing Zoning</i>	R-1 Residential District
<i>Proposed Zoning</i>	R-3 Residential District
<i>Tax Identification</i>	20A1-3-3A
<i>Location</i>	The property is located west of N. Shenandoah Avenue (Route 55, 340, 522) at the northern terminus of Jefferson Avenue bound by the undeveloped portion of right-of-way dedicated for Hillcrest Drive to the south and the railroad track to the north.





INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the parts of Attachment A: **APPLICATION DOCUMENTS** and Attachment B: Letter from Applicant, and Attachment C, the written proffer, are provided below:

ATTACHMENT A: APPLICATION DOCUMENTS

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town.
- **Plat of Property.** A survey plat of the property exhibiting the property limits. No easements or encumbrances are noted on the plat.

ATTACHMENT B: LETTER FROM APPLICANT

- **Letter from Applicant.** The applicant states: “The rezoning request is being made to allow our development company, upon your approval, to build attractive modestly priced duplex homes that promotes home ownership, particularly for workforce citizens that support our community and town.”

ATTACHMENT C: PROFFER

- **Written Proffer.** This rezoning application request does include the submittal of a proffer. The proffer, if accepted, would limit any future residential use and development of the property to only principal use detached single-family dwellings and/or two-family or duplexes and customary accessory uses commonly associated with these principal uses. The effect of this proffer would be to prohibit all other forms of residential uses, such as apartments and townhomes, that are presently allowed in the R-3 District. As discussed at the Planning Commission public hearing, staff has worked with the applicant revising the language of the proffer making it more precise and clearly enforceable. That revised written proffer dated January 23, 2021 is contained in this application packet for Council's consideration. The submittal of proffers is not a requirement of a rezoning application request and proffers are strictly voluntary and must be present in writing. Proffers may be accepted in full, accepted in part, or not at all. Any motion of approval of a rezoning including a submitted proffer(s) should indicate if the proffer is to be accepted in full, in part, or not at all. Proffers become a moot point under a motion to deny.

This rezoning application proposes to rezone an approximately 2.1-acre parcel from Residential District R-1 to the Residential District R-3. The statements of intent of the two identified Districts as set forth in the Front Royal Zoning Ordinance are as follows:

R-1 District, Zoning Ordinance Sec. 175-11.

“The R-1 District is composed of quiet, low-density residential areas, plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, to provide areas for suitable expansion of the Town as facilities are provided and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.”

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

“The R-3 Residential District is composed of medium-to-high density concentrations of residential uses. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for families desiring the amenities of apartment living and the convenience of being closest to

*Zoning and
Surrounding
Land Uses*

shopping, employment centers and other community facilities. Development is, therefore, limited to medium- to high-density concentration, and permitted uses are limited to single-family, two-family, and multifamily dwellings, plus selected additional uses, such as schools, parks, churches, and certain public facilities. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.”

The two most distinguishing differences between these two principal residential based zoning districts are density and the forms of residential uses allowed, which can vary in each district depending on how water and wastewater treatment are provided and what type of residential use is being proposed. In the R-1 District the only type of residential use that is allowed is detached single-family dwellings, and where public water and wastewater systems are available, the minimum lot size can be as small as 10,000 square feet. The R-3 District allows most all forms of residential structures including detached single-family dwellings, duplexes, and other multi-family uses including apartments, and townhomes. Apartments and townhomes afford the highest possible densities in the R-3 District. But with the submitted proffer, if accepted, these forms of multi-family residential development would not be allowed. The minimum lot size in the R-3 District for a single-family dwelling is 6,000 square feet, and for duplex structures the minimum lot size is 7,500 square feet.

*Town Comp.
Plan*

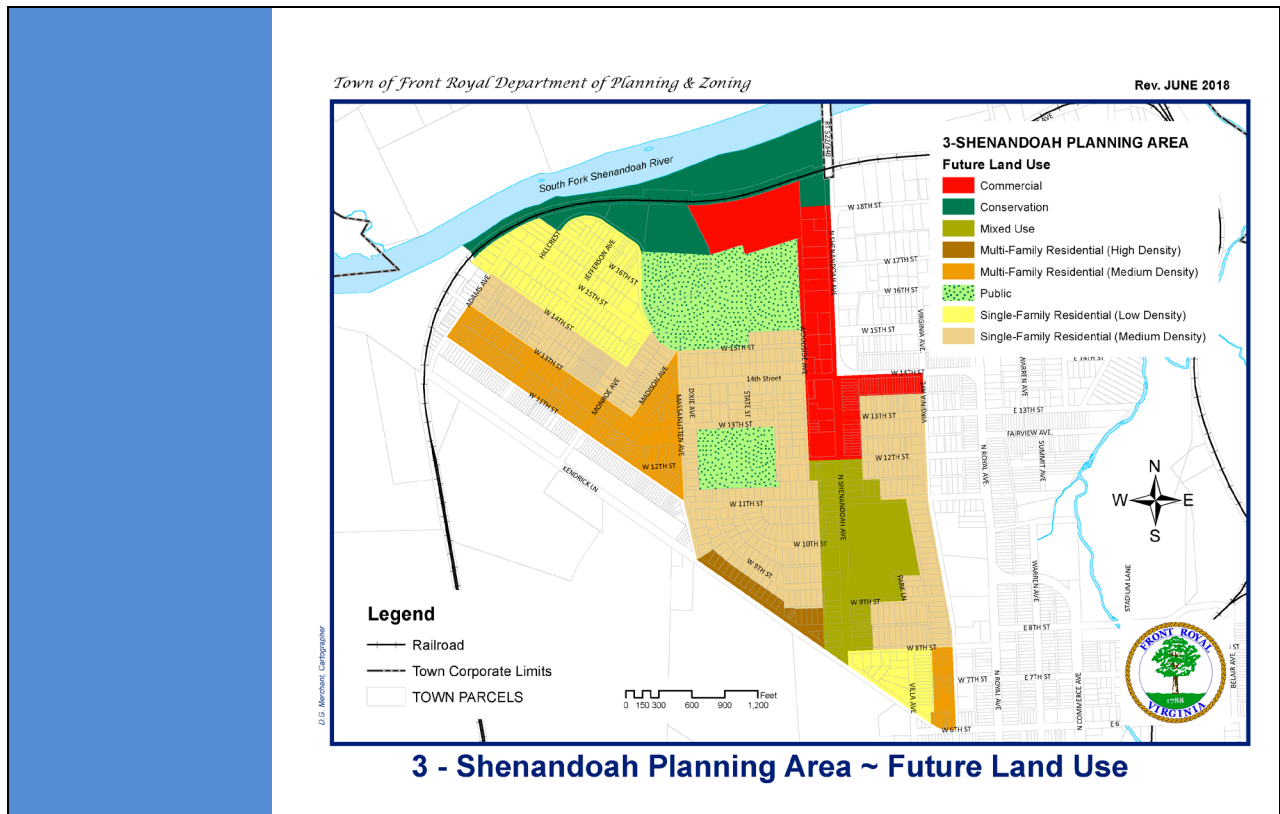
The zoning district classification of properties adjoining to the north, west and south are all R-1 District. Property to the north and west where the railroad tracks and river are located is limited in area and undeveloped, and the property to the south consists of single-family dwellings and undeveloped residential subdivision lots. Property adjoining to the east is a large parcel classified R-3 District developed in part with existing government use. This parcel is wooded and undeveloped where it adjoins the property proposed for rezoning.

Under the “Housing and Neighborhoods” chapter of the Town Comprehensive Plan, the introductory goal of this chapter is as follows:

“Provide the opportunity for comfortable and adequate housing and encourage the improvement and protection of established neighborhoods.”

Future Land Use Map

The Town of Front Royal Comprehensive Plan future land use map for this area of the Town shows the subject parcel of the rezoning request being located within the Shenandoah Planning Area and shows the proposed future land use as Conservation.



Findings and Analysis

The proposed rezoning is to reclassify an undeveloped 2.1-acre parcel from Residential District R-1 to Residential District R-3 District. The proposed rezoning is accompanied by a proffer that would limit the range of residential uses possible if reclassified to R-3 District. The proffer would prohibit the use of the property for apartment and townhouses. These two multi-family uses afford the highest potential number of residential unit densities in the R-3 District.

The R-1 District by design is a low-density residential zoning district. The R-3 District by design is a medium-high density residential district. But with the acceptance of the submitted proffer, the high-density residential uses (apartments, townhomes) of the R-3 District would not be allowed. The effect of the proffer would result in this R-3 District property being a low-to-moderate density site only allowing detached single-family dwelling and duplex structures.

The property is bounded on three sides by R-1 District zoned properties with existing development consisting of vacant parcels and lots with single-family dwellings. It is also bounded on the north by railroad line right-of-way and is in very close proximity to the South Fork of the Shenandoah River. The property adjoining to the east is a large parcel zoned R-3 District which is connected to and part of an established larger R-3 Zoning District. This adjoining R-3 District parcel is presently developed and occupied by governmental uses but is largely undeveloped and wooded where adjoining the property subject to rezoning. The proposed rezoning, with the accompanying proffer, is not found to be inconsistent with the zoning pattern found in the surrounding area or in conflict with existing development of properties. The property requested for rezoning is relatively small in size and adjoins and would become part of an already established R-3 Zoning

District. Taking into account the proffer, the rezoning proposal is viewed as a transitional area of medium-density residential development between properties that presently allow for low-density residential use and high-density residential use.

The subject property is part of the “Shenandoah Planning Area” of the Town’s Comprehensive Plan Future Land Use Map and is designated as “Conservation”. Neither the present R-1 Zoning District classification nor the proposed R-3 Zoning District classification is deemed consistent with this Future Land Use Map designation. Other properties in this planning area and in the immediate vicinity designated as Conservation by the Plan’s Future Land Use Map also carry R-1 Residential District zoning classification under the Town Zoning Ordinance. The proposed rezoning is not found to be inconsistent with the general provisions of the Plan or its goals as they pertain to residential use and development.

Public roads and utilities provide access to and are available to the site. The existing public infrastructure, and any needed additions or improvements thereto, are considered virtually the same for the development of the 2.1-acre parcel under either the R-1 District or the proposed R-3 District zoning classification.

The Zoning Ordinance also provides for a Residential District R-2 that is a medium-density residential zoning district that also allows duplex structures. The difference in development standards for duplexes in the R-2 District and the R-3 District are small, with the minimum lot size for duplexes in the R-2 District being 8,000 square feet and, in the R-3 District being 7,500 square feet. This small difference in development standards, coupled with the relatively small 2.1-acre site, has a minimal change in potential residential density. A major consideration in this application request to rezone to R-3 District is that there is an established R-3 District adjoining this parcel and this property would merge into and become part of that existing R-3 District. There is no R-2 District adjoining the property requested for rezoning. If rezoned to R-2 District, this property would become a single, 2.1-acre parcel, R-2 Zoning District in and of itself. As such, reclassification of the property to R-3 District was considered a better zoning practice based on existing zoning patterns and established zoning districts in this area.

Planning Commission Recommendation

The Planning Commission, by unanimous vote taken after public hearing on January 20, 2021, recommends the adoption of the proposed zoning map reclassification as requested in the application, conditioned on the acceptance of the voluntary proffer limiting permitted uses, with such proffer to be modified with clearer language as recommended by staff. This revision of the proffer has been resubmitted in letter dated January 23, 2021 and is found acceptable by staff and satisfies the condition of the Planning Commission.

Staff Recommendation

Based upon the above findings, staff recommends the adoption of the zoning map amendment reclassifying the identified 2.1-acre parcel from Residential District R-1 to Residential District R-3 as requested in the application, conditioned on the acceptance of the submitted written proffer dated January 23, 2021 limiting any future residential use and development of the property to principal detached single-family dwellings and/or two-family or duplex structures and their customary accessory uses only.



FRREZON 2372-2020

REZONING APPLICATION

APPLICANT

Aaron Hike & Douglas Ichijō For 202-669-8087 (Doug)
Name ROCKLEDGE DEVELOPMENT CO. LLC Phone 540 683 1923 (Aaron)
Address 125 W 1ST ST, FRONT ROYAL, VA 22630
E-mail dichijoi@gmail.com hikeconstruction@gmail.com

PROPERTY OWNER OF RECORD

540 683 1923 (Aaron)
Name ROCKLEDGE DEVELOPMENT CO. LLC Phone 202 669 8087 (Doug)
Address 125 W 1ST ST, FRONT ROYAL, VA 22630

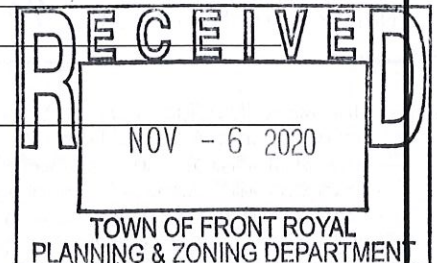
PROPERTY DESCRIPTION

Location/Street Address 0 HILLCREST DR
Number of lots: 1 Total Acreage 2.00
Tax Map Identification for each parcel (Map, Section, Block, & Lot):
20 A133A

Subdivision Name (if applicable) _____

REQUEST

Existing Zoning R-1 Proposed Zoning R-3
Existing Use VACANT LAND Proposed Use POPLAR HOMES



ATTACHMENTS

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

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

CERTIFICATION

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


Signature of Property Owner


Signature of Applicant (if different)

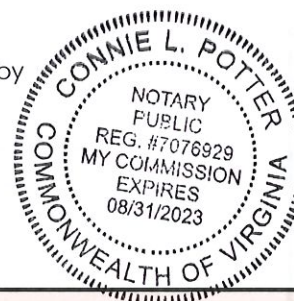
City/County of Warren, Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 6th day of November, 2020 by

FCHIAISI, Douglas
(Name of person seeking acknowledgement)


Notary Public

Notary registration number: 9076929 My commission expires: 08/31/2023



NOTICES

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

OFFICE USE ONLY

Receipt # 713823 Date Paid 11-06-2020 \$600-check # 1102

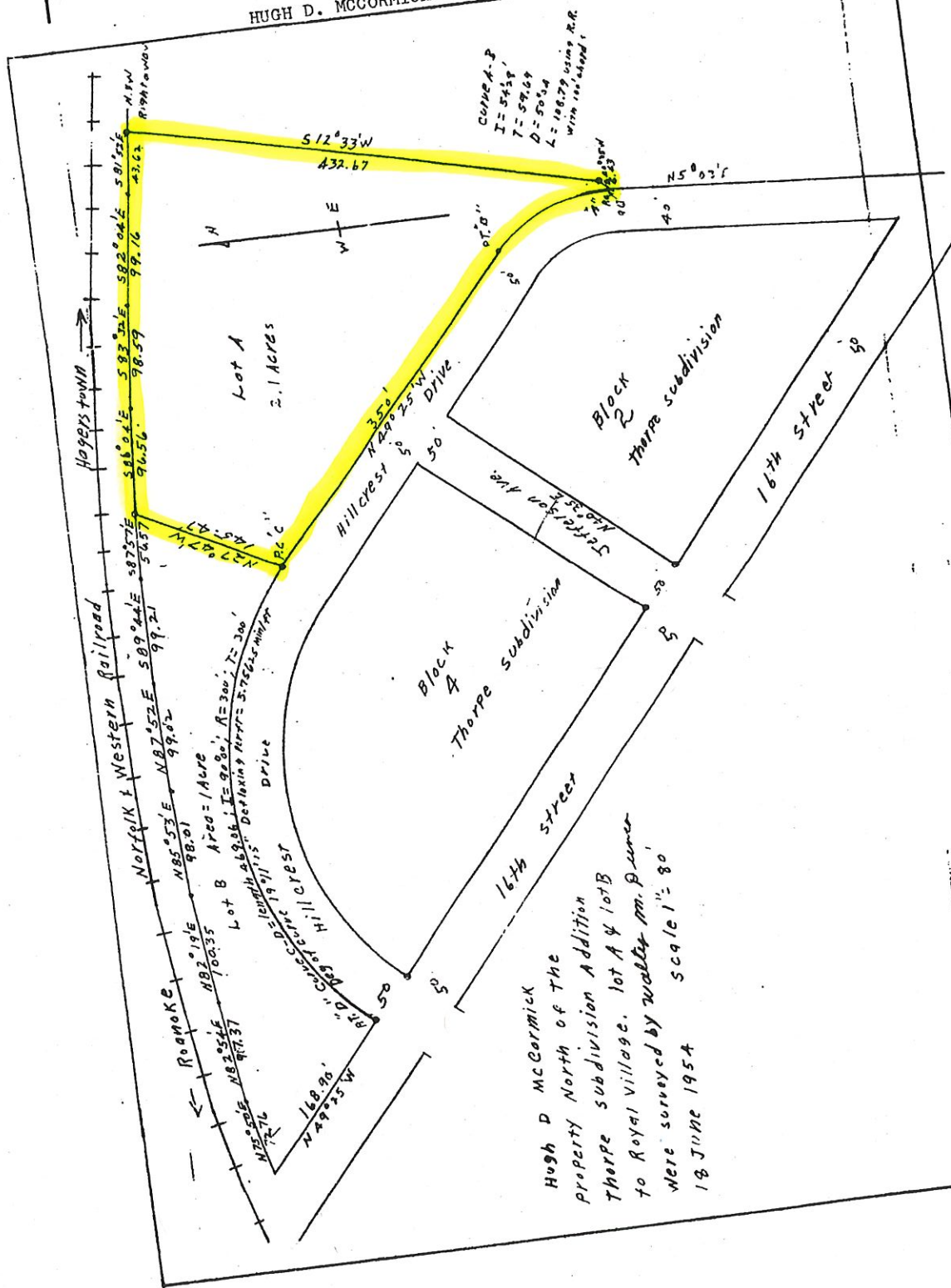
Planning Commission Hearing Date: _____ Recommendation: _____

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

DOROTHY N. ROBERTSON ET VIR

TO DEED OF TRUST

D.B. 104; Page 243





Rockledge Development LLC

November 3, 2020

Mr. Tim Wilson
Director, Department of Planning and Zoning
Town of Front Royal
102 East Main Street
Front Royal, Virginia 22630

Dear Mr. Wilson,

On behalf of Rockledge Development Co. LLC, please find attached a rezoning application, requesting the reclassification of zoning for property 20A1 3 3A (0 Hillcrest Dr) from R-1 to R-3. As requested, eight copies of the survey/plat are also attached. Please also notice that the adjoining property 20A2 1 1 is currently zoned R-3.

The rezoning request is being made to allow our development company, upon your approval, to build attractive modestly priced duplex homes that promotes home ownership, particularly for workforce citizens that support our community and town.

If you have any additional questions, please let me know.

Many thanks to you and the Town Council for your consideration.

Sincerely,

Doug Ichiuji
Principle
Rockledge Development Co. LLC



Rockledge Development LLC

January 23, 2021

Mr. Tim Wilson
Director, Department of Planning and Zoning
Town of Front Royal
102 East Main Street
Front Royal, Virginia 22630

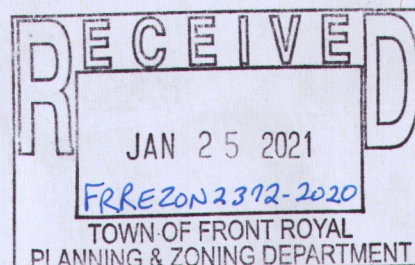
RE: Voluntary Proffer - Rezoning Application #FRREZONE 2372-2020
Rockledge Development Company LLC.

Dear Mr. Wilson,

Rockledge Development Company LLC, does hereby voluntarily proffer that if the 2.1 acre parcel, located on Hillcrest Drive, and being the subject of the above referenced Rezoning Application is reclassified from Residential District R-1 to Residential District R-3, that the future use and development of this property will be limited to only detached single-family dwellings and/or two-family or duplex structures and customary accessory use buildings related to these two types of principal residential dwellings.

Sincerely,

Doug Ichiuji
Principle
Rockledge Development Co. LLC





Work Session Agenda Statement

Item # 5

Meeting Date: February 16, 2021

Agenda Item: Proposed Amendment to the Liaison Committee Meeting Policy

Summary: The Liaison Committee met on January 21, 2021. One of the items discussed was to amend the Policy for the Liaison. The amendments agreed to are as follows:

- 1) Remove the word *"alphabetically"* to give the Town Council and Board of Supervisors the flexibility to send who shall be available to attend. Due to elections every year it is almost impossible to send members alphabetically.
- 2) It was determined that the current time and day were to be amended to *"Any request to place an item on the agenda shall be made by 1:00pm on Tuesday the week prior to the Liaison Meeting"*.
- 3) It was determined that the agendas are either sent on Friday or Monday before the meeting. While Friday was originally the day, it was determined that sometimes it is Monday. Tuesday is added to give the Clerks and hosts more flexibility.
- 4) Removed "majority vote" since it was determined that the Board agrees to items in a work session and the Council was formally voting on them. Agreeing to items in a work session still satisfies the request *"to be formally discussed on the Liaison Agenda, items must be agreed upon by the Town Council and the Board of Supervisors."* The change allows for more flexibility. It was also agreed to add *"The Liaison Committee may amend a meeting agenda by agreement"*. This allows for more flexibility during the Liaison meeting to amend agendas.

Note: Per policy the Town Council and Board of Supervisors shall each adopt the amendments by majority vote

Budget/Funding: N/A

Staff Recommendation: staff recommends approval. If Council approves it will be moved to the February 8, 2021 consent agenda for formal approval, contingent upon the BOS doing the same.



FRONTROYAL – WARREN COUNTY
Liaison Committee Mission Statement and Policies
March 2020

PURPOSE OF THE LIAISON COMMITTEE

The purpose of the Front Royal-Warren County Liaison Committee is to offer a venue whereby the leadership of the Town of Front Royal and the County of Warren can discuss issues of mutual interest and inform each other of positions taken and decisions made by each public body that may affect both localities. The Committee is NOT designed to be an environment where decisions are made, but one where issues are discussed, and Board and Council members take them back to their respective bodies for further discussion and recommendation.

MEMBERSHIP

The Liaison Committee shall include the Mayor of the Town of Front Royal, the Chairman of the Warren County Board of Supervisors, the Front Royal Town Manager, the Warren County Administrator, one (1) Front Royal Town Council member and one (1) Warren County Board of Supervisors member. The latter two (2) members shall rotate between its various members **1) alphabetically** from meeting to meeting.

MEETING SCHEDULE

Meetings shall be held on the third Thursday every quarter at 6:00 p.m. unless otherwise agreed upon by the Town and County. The meetings shall be rotated every six months between the Town and County. Wherever the meetings are held, the host shall be responsible for the preparation of the agenda **and will** provide a person who will take formal minutes of the meeting.

MEETING AGENDA

- Meetings of the Liaison Committee shall at all times be subject to the terms of the Virginia Freedom of Information Act.
- Meeting agendas shall be provided by the Town Manager and County Administrator upon consultation with the Mayor and Board Chairman respectively.
- **2)** Any request to place an item on the agenda shall be made by 1:00 p.m. on ~~the first~~ Tuesday ~~of the month~~ **the week** prior to the ~~month before~~ the Liaison meeting.
- All requests to place an item on the agenda must be accompanied by a written summary of the request which can be placed in the agenda packet.
- **3)** The agendas shall be distributed ~~on the Friday~~ **by the host on Monday or Tuesday**

prior to the Liaison Committee meeting. ~~to be held on the following Thursday.~~

- 4) In order for an item to be formally discussed on the Liaison agenda, it must be first **agreed upon** by ~~a majority vote of~~ the Town Council or Board of Supervisors. **The Liaison Committee may amend a meeting agenda by agreement.**

MEETING POLICY and PROCEDURES

- The Mayor of the Town shall be Chairman of the Committee when the meetings are hosted by the Town, and the Chairman of the Board of Supervisors shall be Chairman of the Committee when the meeting is hosted by the County.
- The Chairman shall make procedural or parliamentary decisions which may be overruled by a majority vote of the Committee.
- The Town and/or County may invite any of their staff personnel, including attorneys, to attend meetings that either feels would be helpful for the issues and items scheduled to be addressed.
- This mission statement and policies shall be adopted by a majority of the Board of Supervisors and the Town Council. They may be amended by a majority vote of the Town Council and Board of Supervisors.

MANAGER and ADMINISTRATOR REPORTS

Quarterly, at a regular meeting of the Front Royal Town Council, the Warren County Administrator shall give an oral report of the County to the Council, and regular meeting of the Warren County Board of Supervisors, the Front Royal Town Manager shall give an oral report of the Town to the Board. This will not be a question and answer period.

Approved by the Warren County Board of Supervisors: September 7, 2010

Approved by the Front Royal Town Council: September 13, 2010

Approved by the Front Royal Town Council March 9, 2020

Approved by the Warren County Board of Supervisors March 17, 2020



Work Session Agenda Statement

Item # 6

Meeting Date: February 16, 2021

Agenda Item: Pedestrian Crossing Signal at Warren Memorial Hospital

Summary: Valley Health requested the installation of a Pedestrian Crossing Signal in front of the Warren Memorial Hospital at the intersection of 10th Street and Shenandoah Avenue. Valley Health has agreed to pay \$4,753.26 to purchase the device, which would be installed by the Town of Front Royals Department of Energy Services and there after become property of the Town of Front Royal. The Department of Energy Services would be responsible for maintenance and upkeep of the crossing signal.

Budget/Funding: BUDGET/FUNDING: \$4,753.26 – paid for by Valley Health

Staff Recommendation: Staff available for discussion

Pedestrian Safety at Warren Memorial Hospital

- The Town of Front Royal Department of Energy Services was contacted by Valley Health to assist with improving Pedestrian Safety at the Warren Memorial Hospital on North Shenandoah Avenue
- Step 1
 - Installation of new streetlights to improve visibility
- Step 2
 - Beginning discussions of Pedestrian Crossing Signal installation



10th Street & North Shenandoah Avenue



102 E. Main Street | Front Royal, VA 22630 | frontroyalva.com

Pedestrian Crossing Signal



102 E. Main Street | Front Royal, VA 22630 | frontroyalva.com

New Pedestrian Crossing Signal Cost - \$4,752.28



Traffic Systems &
Technology
7390 Merritt Park Dr
Suite 160
Manassas, VA 20109
Phone: (703) 530-9655

QUOTATION

Quote No. 15833 — 41001

SWAM VENDOR# 663238

Quoted To:	Project Information:
Town of Front Royal/ Energy Service	Project Location: Push to Cross LED ring solar
	Project ID No.:
	Contract ID No.:
	City / Locale: Front Royal VA

Notes

Page 1 of 2

Quote Date	Bid Date	FOB	Terms	Created By	
1/27/2021	1/27/2021	Origin	Net 30	WALT.BRITT	
Credit Card Orders will incur a 3% processing fee					
BID#	Description	QTY	UNITS	UNIT PRICE	EXTENDED PRICE
	Solar P2C Cross Controller	1	EA	949.16	949.16
	Notes: 20 watt Solar System P/N #M75-SA300-CTL2				
	Solar Sign Alert Collaborator	1	EA	893.04	893.04
	Notes: 20 watt Solar System P/N #M75-SA300-CLB2 Gen II				
	SignAlert Push 2 Cross 36" flashing ring	2	EA	474.00	948.00
	Notes: P/N #M75-R3636-BA47, LED Sign Ring,36", amber FACTORY TO INSTALL LED RINGS				
	BDL3-Y Push Button	2	EA	240.00	480.00
	Notes: P/N #M75-BDL34-0000, w/R10-25 sign and PBF9x12-Y Sign Frame				
	W11-2 36" X 36" Sign	2	EA	168.00	336.00
	Notes: K04-36362-0011 color FYG				
	W16-7P-L "Down left Arrow" 24" X 12" Sign	1	EA	42.00	42.00
	Notes: K25-24122-0011 color FYG				
	W16-7P-R "Down right Arrow" 24" X 12" Sign	1	EA	42.00	42.00
	Notes: K24-24122-0011 color FYG				
	16"X2.5"X2.5" SQUARE TUBE FULLY PUNCHED POST	2	EA	251.54	503.08
	Notes:				
	36" 7 GA UNIBASE ANCHOR/SLIPBASE W/ HARDWARE	2	EA	279.50	559.00
	Notes:				

Continued

Traffic Systems & Technology

QUOTATION

Quote No. 15833 — 41001

Page 2 of 2

BID#	Description	QTY	UNITS	UNIT PRICE	EXTENDED PRICE
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Terms & Conditions of this Quote:

1. Quoted prices will be held firm for 30 days. Prices subject to change if the order is not released within 60 days from the date of PO.
2. Quotation based on quantities and design information provided at time of quotation. The customer is solely responsible for determining final acceptability of materials and quantities for the intended use. If quantities or design changes occur, TS&T reserves the right to adjust prices accordingly.
3. The estimated lead time listed above is based on current factory schedule at the time of the quote. The estimated lead time from the date of release will be dependent on the factory's schedule at that time.
4. Payment terms are net 30 days from date of invoice. Payments not received within 45 days shall be charged 1.5% (18% APR) per month until paid in full. Any material not paid within 75 days will be cause to notify the general contractor, bonding company, and state of non-payment.
5. Statements, terms, or agreements not contained herein shall have NO effect unless signed by an officer of TS&T.
6. It is the customer's responsibility to notify TS&T of any completion dates at time of order. TS&T will not be held accountable for any "liquidated damages" or "penalties" for late shipments, unless agreed to by both parties in writing prior to order entry.
7. All NEW customers will be required to pay 50% at time of order and balance will be paid prior to material being shipped.
8. The warranty for all products are the explicit warranty from the manufacturer as stated on their literature. TS&T does NOT provide additional warranties for any products unless specifically stated on this quote.
9. If material covered in this quotation is not approved, TS&T is not responsible or required to provide material that is acceptable to the owner and will not be responsible for any cost increases by the contractor.

Authorized Signature: _____ Date: _____

***Please fax a copy of signed quote with your PO#, this will assure no delays to your order.

Merchandise Total	4,752.28
Total Misc. Charges	0.00
Sales Tax	Not Included
TOTAL	4,752.28



102 E. Main Street | Front Royal, VA 22630 | frontroyalva.com



10 February 21

David, please proceed with the install of the cross walk controller as noted in the quote provided. Device will be paid for by Valley Health System, installed by the Town of Front Royal and there after become property of the Town of Front Royal. The Town of Front Royal will be responsible for maintenance and upkeep. Look forward to working with you again.

Thanks!

A handwritten signature in black ink, appearing to read 'Ernie Stevens'.

Ernie Stevens

Valley Health System

Manager Facility Engineering



102 E. Main Street | Front Royal, VA 22630 | frontroyalva.com



Work Session Agenda Statement

Item # 7

Meeting Date: February 16, 2021

Agenda Item: Joint Towing Advisory Board Update

Summary: The Joint Towing Advisory Board was created in 2018 to address concerns with law enforcement directed towing (attached Town Code Section). The function of the board is to provide oversight and monitor law enforcement directed tow functions to ensure fair and equitable practices by tow companies utilized by law enforcement and help protect the public. The County of Warren and the Town each have representatives on the Board that are appointed.

Captain Ryman has been filling in on the Joint Towing Advisory Board since the retirement of Sgt. Bryan Courtney. As Operations Captain he is well versed in the realm of law enforcement directed towing and maintains good relations with local tow companies and the other law enforcement partners involved.

Budget / Funding: Town budget will not be impacted by this appointment.

Staff Recommendation: Appoint Captain Ryman to the Joint Towing Advisory Board to replace Sgt. Courtney at the February 22nd Council Meeting

JOINT TOWING ADVISORY BOARD

All Appointed August 13, 2018 – All Terms Expire June 25, 2022

Towing/Recovery Business Representatives

Gloria Knott

Louis C “Peanut” Tharpe

Alan Crawford

Law Enforcement Members

Lieutenant William Smoot, WCSO

Sergeant Bryan Courtney FRPD

Sergeant J.E. Smith VSP

Citizen Member

Emily Mounce

LAW ENFORCEMENT REQUESTED TOWING

(Added Sections 158-54 – 158-69 11-27-17)

158-54 PURPOSE

The purpose of this article is to ensure proper storage, availability and service by persons and firms authorized to provide towing services at the request of the Warren County Sheriff's Office, the Front Royal Police Department, Virginia State Police and other law enforcement personnel. The Towing Operators are deemed independent contractors and not employees of Warren County, the Town of Front Royal, Virginia State Police, or other law enforcement agencies assigned to Warren County or Front Royal.

158-55 DEFINITIONS

APPLICATION means an application for towing service within Warren County.

TOWING OPERATOR means a towing firm or service, with an established business office and location within Warren County, which meets the requirements of this article and has entered into an agreement to provide towing and recovery services at the request of the Sheriff's Office, Police Department or other law enforcement personnel.

COUNTY means Warren County, Virginia.

DMV means Commonwealth of Virginia Division of Motor Vehicles.

EMERGENCY means a critical traffic problem, snow storm, ice storm, hurricane or other extreme weather condition; parade or similar public event; disaster or similar event.

JOINT TOWING BOARD means the Joint Advisory Board on Towing which consists of seven (7) members: three (3) law enforcement officers, including one from the Sheriff's Office, one from the Police Department and one from Virginia State Police, three (3) representatives of Towing and Recovery Businesses and one (1) citizen.

LAW ENFORCEMENT PERSONNEL OR LAW ENFORCEMENT AGENCY means a law enforcement officer of Warren County, Town of Front Royal, Virginia State Police or agency of such officers or other law enforcement agency assigned to Warren County.

POLICE DEPARTMENT means the Town of Front Royal Police Department.

RECEIPT means a printed, numerated and dated receipt that include tow company name, company address and telephone number and receipt signed by owner/operator.

SCC means Commonwealth of Virginia State Corporation Commission.

SHERIFF'S OFFICE means the Warren County Sheriff's Office.

SUSPENSION means temporary removal from the Towing List for a violation of this article or breach of the towing service agreement.

TERMINATION means permanent removal from Towing List and rescission of towing service agreement.

TOWING LIST means the list maintained of the Towing Operators authorized to respond the Sheriff's Office, Police Department or other law enforcement personnel's request for the towing of vehicles.

TOWING OPERATORS means those who own, lease, or operate a Towing Recovery Business.

TOWING RECOVERY BUSINESS means any person, including a business offering services involving the use of a tow truck, including those engaged in the business of (1) removing disabled vehicles, parts of vehicles, or cargo to facilities for repair or safekeeping; and (2) restoring to the highway or other location vehicles that have come to rest where they can't be operated. Such business shall have at least one (1) location, consisting of an office and storage lot, within Warren County for at least six (6) months.

TOWING SERVICE AGREEMENT means the agreement between the Joint Towing Board and the Towing Operator.

TOWN means the Town of Front Royal, Virginia.

158-56 GENERAL MINIMUM REQUIREMENTS

A. Required Vehicles and Equipment.

1. The Towing Recovery Business shall have available at least one (1) of the following vehicles with valid Virginia license plates, inspection sticker and SCC/DMV license.
 - a. Tow Truck equipped with a wrecking crane capable of lifting a minimum of 8,000 pounds and up to a maximum of 10,000 pounds or the gross vehicle weight rating. Tow truck must be equipped with a wheel lift capable of lifting a minimum of 1,500 pounds.
 - b. Flatbed Wrecker with at least an 8,000-pound winch and capable of transporting a maximum of 7,000 pounds or the gross vehicle weight rating.
2. Each of the vehicles above shall be originally designed as tow trucks.
3. Each of the vehicles above shall be equipped with the following:
 - a. A chassis rated with sufficient gross vehicle weight to match the maximum capacity of the crane mounted thereon;
 - b. All-weather tires on the rear wheels;

- c. At least one (1) fire extinguisher;
 - d. At least two (2) operable amber revolving or flashing emergency lights, mounted on the highest part of the vehicle and visible from all sides;
 - e. One (1) operable air tank, when not equipped with air brakes. Flatbed Wreckers are exempt from this requirement;
 - f. One (1) heavy-duty street broom and one (1) shovel;
 - g. Dollies, scotch blocks and snatch block;
 - h. Gas and oil absorbent material;
 - i. Reflective vest, shirt or jacket; and
 - j. Vehicle tow lights.
4. Heavy Duty Wreckers.
- a. For those Towing Operators who desire to be on the heavy-duty wrecker list, they shall own or lease a minimum of two (2) towing/recovery trucks and at least one (1) road tractor. One (1) truck shall have a minimum of 60,000 pounds rating and the second truck shall have a minimum 40,000 pounds rating. All units shall have winches rated at a minimum of 20,000 pounds. All units must have a boom that raises and lowers, extends and retracts by hydraulics. All units must have a hydraulic under-lift rated to raise 12,000 pounds at full extension.
 - b. Towing Operators shall own, lease or have a written agreement with a subcontractor for the following:
 - (i) Lowboy hydraulic operated trailer capable of transporting a wrecked or disabled road tractor and/or debris;
 - (ii) Trailer forty-five (45) foot or longer box trailer;
 - (iii) Dump truck, dump trailer or container;
 - (iv) Air cushions designed for and capable of up righting a loaded tractor and trailer;
 - (v) A skid steer loader, forklift or wheel loader capable of moving cargo and/or debris from the highway; and
 - (vi) Adequate personnel to off-load cargo.

- c. All loads must be secured with two-wheeled straps or safety chains.
- d. All equipment must be equipped with legally required light and safety equipment.
- e. All equipment must be in good working order with all equipment required in this article.

B. Storage and Security of Vehicles

- 1 All Towing Operators shall have a secured lot for vehicles towed under this article. Vehicles shall be stored at all times in said storage lot, storage facility or building or an adjacent service bay.
- 2 A Towing Operator shall maintain and own or lease a dedicated storage area able to contain all towed vehicles towed by the operator. Storage area shall be fully enclosed by a commercial grade fence which is at least six (6) feet tall, or enclosed by a permanent structure, have adequate lighting and remain reasonably clear of debris. Towing Operators shall not share storage lots unless the shared storage lot is divided by a six-foot high stationary fence with a separate locked entrance to each storage area.
- 3 The storage lot shall have a sign posted identifying the firm's name and telephone number. Wrecker service facilities and equipment, including vehicles, office, telephone lines, office equipment and storage facilities may not be shared with another wrecker service. Vehicles towed at the request of Law Enforcement Personnel must be placed in storage owned or leased and operated by the wrecker service on the Towing List.
- 4 The storage lot shall have a graveled or paved surface.

C. Insurance

- 1. No Towing Service Agreement shall be signed until the Towing Operator has provided evidence of the following insurance coverage for the duration of the Towing Service Agreement by a company or companies licensed to do business in the commonwealth. Any changes or lapses in insurance coverage shall immediately be reported to the Joint Towing Board.
 - a. The Towing Operator shall be required to carry garage keeper's legal liability insurance in the minimum amount of seventy-five thousand dollars (\$75,000.00) to cover fire, theft, windstorm, vandalism and explosion for each lot. Towing Operators on the heavy-duty wrecker list shall be required to carry garage keeper's legal liability insurance in the minimum amount of two hundred thousand dollars (\$200,000.00).
 - b. Insurance sufficient to protect itself from any and all claims of loss, damage or bodily injury, resulting from its acts or incurred in the operation of the Towing Operator's business equipment and vehicles pursuant to the Towing Service Agreement in the amount of seven hundred fifty thousand dollars (\$750,000.00) or the amount required by the state (vehicle liability policy).

- c. Insurance sufficient to cover claims under the Worker's Compensation Act, if applicable, for all of its employees. If any work is sublet, the subcontractor shall provide similar coverage.
2. The Towing Operator shall indemnify and hold harmless the Sheriff's Office, Police Department, Virginia State Police, Warren County and Town of Front Royal, all other law enforcement agencies assigned to Warren County including their agents, employees and representatives from any and all claims, casualties, damages or injuries arising out of its actions pursuant to the agreement.

158-57 APPLICATION FOR AGREEMENT

- A. Any Towing Operator desiring to perform towing work at the request a Law Enforcement Agency shall submit an application for towing service in duplicate to the Joint Towing Board. Prior performance and reputation in the community, as reported through the office of citizen and consumer affairs and criminal history record information as supplied by applicant, will be considered when a Towing Operator applies to perform towing services under the Towing Service Agreement.
- B. In order to be qualified for towing under this article, a Towing Operator shall operate the Towing Recovery Business at said location within Warren County for a minimum of six (6) months prior to applying for towing under this article. The six-month waiting period may be waived for applicants who are currently authorized to tow under this article.
- C. A Towing Operator may not make any changes that alter the information that was submitted in the application unless first notifying the Joint Towing Board.
- D. The Application shall be submitted on forms provided by the Joint Towing Board and includes the following information:
 1. The name of the Towing Recovery Business to include the owners, members and/or corporate officers.
 2. The home and business addresses and phone numbers of the Towing Recovery Business, owners, members and/or officers.
 3. The location, size and security features of the storage lot on which the towed vehicles will be stored. The storage facility shall be described in detail to include the size, the lighting and the separate entrance. The storage facility may be a building or a lot which shall be a minimum of one thousand five hundred (1,500) square feet for regular Towing Operators or a minimum of three thousand (3,000) square feet for heavy-duty Towing Operators.
 4. The location in which the public must go to in order to claim stored vehicles.

5. A statement of availability to provide towing service on a continuous twenty-four-hours-a-day basis each day of the year.
6. A list of the towing equipment, its size and capacity. Towing Operators shall maintain and register all trucks. A copy of property taxes showing taxes paid on trucks and equipment domiciled within the county or town and each vehicle registration must be submitted on an annual basis with application or reapplication.
7. A complete list of insurance policies, carriers and agents which would be in effect upon execution of the Towing Services Agreement. Proof of the policy will be filed with the Joint Towing Board. This information will include amount of coverage limits and include worker's compensation, if applicable.
8. A statement that the Towing Operator accepts reasonable responsibility for any personal property left in towed and stored vehicles, as may be otherwise determined by law, along with a description of the secure place which will be used to store the property left in towed or stored vehicles. A statement that the Towing Operator accepts reasonable responsibility for a towed vehicle from the time hookup starts, until vehicle reaches the intended destination.
9. Towing Operators must list two (2) telephone numbers at which they can be reached on a twenty-four-hour-a-day basis. Specific times and days denoting business hours versus nonbusiness hours must accompany the telephone number. Name of business and telephone number must be posted in a conspicuous place at the place of business.
10. A statement from the zoning office of the local government entity in which the Towing Recovery Business is located that the storage lot listed on the application meets all required zoning requirements.
11. A statement from the Treasurer and/or the town finance office that all financial obligations are paid. All Towing Operators must be current in all financial obligations to the County and/or Town.
12. A copy of declaration of personal property or business personal property on registered equipment must be submitted annually.
13. All applicants shall pay an application fee, as established by the Joint Towing Board, remitted to and collected by the Joint Towing Board.

158-58 INSPECTIONS OF TOWING OPERATOR

- A. All of the tow trucks, required equipment and storage facilities shall be inspected and approved by the Joint Towing Board prior to use. In addition, all tow trucks and required equipment shall conform to the provisions of Code of Virginia, § 46.2-1000 et seq. The Joint Towing Board may periodically inspect all wreckers, equipment and storage facilities utilized under this

article. There will be an annual inspection of all wreckers, equipment and storage facilities utilized under this article. For heavy-duty wreckers a CVSA sticker will also be required.

- B. There shall be an annual inspection fee, as established by the Joint Towing Board, remitted to and collected by the Joint Towing Board.
- C. The Joint Towing Board shall give the Towing Operator written notice when the equipment or storage facility is found to be unacceptable.
- D. Tow trucks and equipment or storage facilities that fail the inspection shall not be used by a Towing Operator in the performance of its obligations under a Towing Services Agreement until they pass inspection.
- E. Failure to comply with any of the conditions stated above will result in suspension of the Towing Operator from the Towing List until the corrections have been made. If the corrections are not made within ten (10) calendar days, the Towing Operator shall be terminated from the Towing List.
- F. All applications for new Towing Operators to be included on the Towing List or applications for renewals of Towing Operators shall be submitted to and shall only be received and processed by the Joint Towing Board from May 1 to May 30 of each calendar year. The calendar year for the application of this article shall be July 1 to June 30.

158-59 APPLICATION APPROVAL

- A. The Joint Towing Board shall conduct an investigation to determine the accuracy of the information contained in the application and shall inspect the storage lot and equipment to be used.
- B. Upon completion of the investigation, the Joint Towing Board shall determine whether the applicant meets the requirements of this article. If the Joint Towing Board finds the applicant qualified, he shall approve and sign the Towing Services Agreement. The applicant's name shall be placed on the Towing List in a rotating order.
- C. If the Joint Towing Board finds the applicant unqualified, it shall indicate in writing the reasons and return the application to the applicant.

158-60 DUTIES AND REQUIREMENTS OF TOWING OPERATORS

- A. Towing Operators shall, at the request of and as directed by Law Enforcement Personnel, tow vehicles in the County or Town in a manner that is damage-free to the vehicle being towed. Towing Operators shall comply with all applicable federal, state and local laws and regulations, including but not limited to, the securing of all necessary federal, state and local licenses. All Towing Operators shall display a WT-Tag (tow truck for hire) and/or an IRP-Tag (international registration plan).

- B. All Towing Operators shall have the Towing Recovery Business' name, town, state and telephone numbers printed on both sides of the towing vehicle in letters and numerals of such size, shape and color as to be readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is not in motion. No magnetic sign shall be used on vehicles. Decals are permissible. The Towing Operator shall provide a business card to Law Enforcement Personnel before leaving the scene. Each Towing Operator must be registered with the Virginia Department of Motor Vehicles in the name of the Towing Recovery Business and insured by the Towing Recovery Business.
- C. Towing Operators shall provide twenty-four-hours-per-day towing service each day of the year.
- D. Towing Operators shall have available at all times sufficient and qualified personnel to receive calls and execute the towing.
- E. If a Towing Operator determines additional equipment is needed, the Law Enforcement Personnel shall contact a different Towing Operator on the Towing List.
- F. Towing Operators shall notify all Law Enforcement Agencies during normal business hours forty-eight (48) hours prior to a change in their phone number. No answering service is allowed.
- G. The Towing Operator agrees to arrive on the scene within thirty (30) minutes of receiving a call. If the Towing Operator fails to meet the specified time limit, the Law Enforcement Personnel will notify a second Towing Operator. Once the second Towing Operator has been requested, services from the first Towing Operator are considered canceled and the first Towing Operator is not due any payment. Heavy-duty Towing Operators will have a forty-five (45) minute time limit to arrive on scene.
- H. If in the judgment of the Joint Towing Board, excessive delays are caused by circumstances within the Towing Operator's control, the Joint Towing Board may recommend the Towing Operator be suspended/terminated from the Towing List.
- I. Towing Operators shall have only those tow trucks owned or lease purchased by them responding to calls for service.
- J. If a tow truck is not available, then the Towing Operator shall immediately indicate to the dispatcher that it cannot respond and the reason why. The dispatcher shall then notify the next Towing Operator on the list.
- K. Towing Operators may use crossovers located on the interstates or public highways that are prohibited when directed to do so by Law Enforcement Personnel pursuant to Code of Virginia, § 46.2-920.1.

- L. All Towing Operators must possess a valid Virginia driver's license or commercial driver's license, and medical certificate as may be required and be qualified to operate the tow vehicle and its equipment.
- M. All Towing Operators shall decline a service call if they consumed alcohol and or used any drug or narcotic, either by a doctor's prescription or of their own free will within eight (8) hours prior to a call for service.
- N. Towing Operators shall remove all litter, glass and debris caused by the incident which necessitated towing, including ordinary and reasonable quantities of oil and gas spillage as determined by the Law Enforcement Personnel on the scene. If circumstances warrant additional charges, they will be thoroughly documented and itemized.
- O. All Towing Operators shall have the capability to accept cash and credit card as payment for services under the agreement in the field at the time services are rendered.
- P. The Towing Operator shall tow vehicles to any destination requested by the vehicle owner or any Law Enforcement Personnel, after financial obligations have been finalized. The Towing Operator shall not tow vehicles outside of the Warren County limits.
- Q. Any Towing Operator permanently ceasing to provide towing/recovery services shall, within fifteen (15) days, notify the Joint Towing Board in writing.

158-61 RESPONSIBILITIES AND RECORDS OF TOWING OPERATORS

- A. If an owner or lien holder fails to claim any vehicle or if the Towing Operator wants to satisfy any lien which it has on a vehicle, it shall be the Towing Operator's responsibility to dispose of or sell the vehicle in compliance with the Virginia State Code.
- B. The Towing Operator shall be reasonably responsible for vehicles towed and any contents from the time the vehicle is towed until one (1) of the following events occur:
 - 1. The vehicle is delivered to a location specified by the owner or other authorized person;
 - 2. The vehicle and property is released to and accepted by the owner or authorized person in the same condition as originally towed; or
 - 3. The vehicle is otherwise disposed of according to law.
- C. Towing Operators shall secure all personal property at the scene of a collision to the extent possible and preserve personal property in a vehicle which is about to be towed.
- D. The Towing Recovery Business shall keep records of all vehicles which have been towed pursuant to the Towing Services Agreement. These records shall include, at a minimum, the date and time of tow, the vehicle's license number and state of issue, the vehicle's identification

number, the year, make, model and color of the vehicle, the location from which it was towed, the charges for towing and storage, the disposition of vehicle and date of disposition.

1. Such records shall be available for inspection by the Joint Towing Board during the Towing Recovery Business' normal business hours.
 2. The Towing Recovery Business shall retain a copy of these records for a period of at least twelve (12) months from the date of the tow.
- E. Towing Operators shall promptly arrange for the release of vehicles towed or stored pursuant to this article. There shall be an attendant available from the hours of 8:00 a.m. through 5:00 p.m., except on weekends and state holidays, for the purpose of permitting inspections or releasing stored vehicles. After hours the owner or attendant must be available by telephone. The owner or attendant must be available twenty-four-hours-a-day, each day of the year for the purpose of releasing stored vehicles.
1. Towing Operators, upon receiving a request to release or permitting an inspection of a stored or seized vehicle from the owner, operator or other authorized person, shall release that vehicle to the owner or other authorized person between the hours 8:00 a.m. and 5:00 p.m. within a thirty-minute timeframe.
 2. Towing Operators, upon receiving a request to release or permit an inspection of a stored vehicle by an owner or authorized person during other than normal business hours, shall allow and otherwise require two (2) hours-notice for the release of such motor vehicle. The foregoing notice provision shall apply likewise for the release of personal property and contents within the vehicle. All fees charged for any off-hour release/inspection shall be no more than one (1) day of storage.
 3. Upon request, Towing Operators shall distribute to the owner, operator or authorized agent a copy of the complaint procedures form.
 4. Towing Operators shall not release any vehicle designated as "seized" or "seized for forfeiture" by a Law Enforcement Agency until the Towing Operator obtains permission from the requesting agency. The Towing Operator shall bill the requesting agency for the cost of the tow.
- F. Towing Operators shall not release any vehicle that has a "hold" on property contained within such vehicle without first obtaining authorization from the requesting Law Enforcement Agency.
- G. Whenever the Towing Operator is requested to remove a vehicle and the owner of the vehicle, or their authorized agent or driver, is not at the scene at the time of the tow, Law Enforcement Personnel is requested to complete a tow sheet form that includes the following:
1. Owners name and address, if known;

2. Description of the vehicle and any visible prior damage;
 3. Storage facility name and address;
 4. Inventory of accessible contents of the vehicle; and
 5. One (1) copy shall be given to the Towing Operator, one (1) copy to the owner of the vehicle and one (1) copy retained by the Law Enforcement Agency.
- H. All records relating to Towing Operator's application and insurance shall be made available for inspection by the Joint Towing Board after a Freedom of Information Act request is filed.

158-62 ROTATION SYSTEM

- A. The Joint Towing Board shall ensure that Towing Operators are called on a rotating basis according to the Towing List. Being placed on the Towing List does not guarantee a particular number or quantity of calls; does not guarantee an equivalent number of calls to every Towing Operator on the list; nor entitle any Towing Operator on the list to any compensation as a consequence for not being called in accordance with the Towing List or when removed from the Towing List.
- B. The owner or operator of a vehicle to be towed shall be asked to specify the Towing Operator of his choice, whether or not authorized by Law Enforcement Personnel, unless the vehicle constitutes a traffic hazard and the requested Towing Operator will have an unacceptable response time. If the owner or operator requests a specific Towing Operator, the Law Enforcement Personnel shall complete an owner request form which shall be signed by the owner or operator of the vehicle.
- C. The Law Enforcement Personnel shall not call any Towing Operator who does not have a Towing Services Agreement unless all Towing Operators on the Towing List are unavailable or an Emergency exists. In the event of an emergency or no availability of Towing Operators on the Towing List, Law Enforcement Personnel and the Virginia Department of Motor Vehicles (VDOT) can request Towing Recovery Businesses outside of Warren County.
- D. In an emergency, a supervisor of a Law Enforcement Agency may call a Towing Operator out of sequence in order to shorten response time to the scene of the incident. However, any Towing Operators which are randomly used during suspensions of the Towing List must be reported to communications for record purposes.
- E. Law Enforcement Personnel at the scene may reject the services of the Towing Operator dispatched when the Towing Operator arrives with inadequate equipment to perform the tow. Unfitness shall include, but not limited to, possession of inadequate equipment to perform the tow, or operated by personnel who, due to drugs, alcohol or other incapacity, are not likely to perform the tow safely. In the event that the Towing Operator is determined to be unfit, Law Enforcement Personnel shall notify communications to dispatch the next Towing Operator on the Towing List and shall file a written report with the Joint Towing Board

- F. Law Enforcement Personnel will call another Towing Operator if the first Towing Operator fails to answer the telephone or receives a busy signal after two (2) attempts.
- G. If the Towing Operator does not answer the telephone or refuses the call, the Towing Operator loses that turn in rotation and will not be called until the Towing List rotates to their name again. If the Towing Operator responds to a call, it shall be placed at the bottom of the Towing List, unless the Towing Operator through no fault of its own is not used and receives no compensation for the call. In that event, it shall be placed back at the top of the Towing List.

158-63 COMPENSATION

- A. All costs incident to towing and storage shall be paid by the owner or other authorized person of the towed and stored vehicle to the Towing Operator. In those cases involving "seized" vehicles, the owner shall reimburse the requesting Law Enforcement Agency for the towing costs.
- B. The towing and storage fees charged by the Towing Operator shall be reasonable in light of those charged by other Towing Operators in the county for comparable service. There shall be no additional charges for mileage. No charges imposed for the storage of vehicles for a period of twenty-four (24) hours or less shall exceed charges imposed for one (1) day of storage.
- C. An itemized receipt for payment, which sets forth the cost of towing, excessive cleanup, storage, and repairs shall be issued to the owner/operator or other authorized person. Said receipt shall also include a signature line for the owner/operator or other authorized person acknowledging receipt of the vehicle.
- D. All Towing Operators shall submit their current pricing to the Joint Towing Board related to towing, recovery, winching, storage charges and administrative charges. No administrative charges shall be incurred for the first twenty-four (24) hours of storage and no administrative fee or charge shall exceed ninety-five dollars (\$95.00). Written notice of these fees shall be available at the request of the owner or operator of the vehicle's request.

158-64 SOLICITATION BY TOWING OPERATORS

- A. No Towing Operator shall respond to an accident, scene of an emergency or mechanical breakdown for the purpose of towing vehicles unless specifically called there by Law Enforcement Personnel, or the person involved in the accident or emergency. Violation of this section shall result in suspension from the Towing List for thirty (30) days for the first offense, sixty (60) days for the second offense, and termination from the Towing List for a third offense for a period of twelve (12) months.
 - 1. The Law Enforcement Personnel shall direct the Towing Operator to leave even if the Towing Operator would otherwise have been called to the location.

2. The Law Enforcement Personnel may direct the Towing Operator to provide necessary services in such instances when immediate assistance is necessary to protect persons or property.
- B. Towing Operators are prohibited from soliciting business at the scene of accidents, emergencies or mechanical breakdowns.

158-65 PROHIBITED PRACTICES

- A. A violation of any of the following may subject the Towing Operator to suspension from the Towing List:
1. Deliberate failure of a Towing Operator to respond to calls;
 2. Securing a Towing Services Agreement by fraud or concealment of a material fact;
 3. Violation of the Towing Services Agreement;
 4. Chronic or repeated violations of this article;
 5. A single violation of this article including not limited to:
 - a. Running unauthorized calls;
 - b. Overcharges;
 - c. Alcohol or drug use;
 - d. Tardiness more than five (5) times in a six-month period;
 - e. Failure to notify the Joint Towing Board with immediate changes regarding insurance, taking on new members, owners, corporate officers or any other changes regarding anything listed in the Application;
 - f. Fraudulent acts with respect to this article;
 - g. Failure to comply with the rules and regulations of Code of Virginia § 46.2-2820 et seq.; or
 - h. Violate any laws of the Commonwealth of Virginia, the County of Warren, or the Town of Front Royal, which are considered a felony or misdemeanor.

158-66 COMPLAINTS

- A. Any Towing Operator who believes he has been unfairly treated by Law Enforcement Personnel may file a written complaint with the Joint Towing Board.

- B. Any person who believes a violation of this article has occurred may file a complaint against a Towing Operator. Joint Towing Board will provide the complainant with a complaint form to be filled out and returned to the Joint Towing Board. The complaints shall be investigated by the Joint Towing Board.
- C. After an investigation of the complaint, the Joint Tow Board shall notify the complainant of the results of the investigation and any action as a result of the complaint.
- D. The local office of the Virginia State Police shall use the Towing List on law enforcement requested calls in Warren County. By agreement with the local office of the Virginia State Police, the Joint Towing Board shall investigate towing complaints for both state and county calls. Any imposed disciplinary action shall be binding on all law enforcement initiated calls for towing service.

158-67 SUSPENSION OR TERMINATION OF TOWING OPERATORS

- A. Any Law Enforcement Agency, upon investigation of the facts, may recommend that a Towing Operator be heard by the Joint Towing Panel for any violation of the provisions of this article.
- B. The Joint Towing Board shall provide the Towing Operator with written notice of said violation. Notification of the date, time and location of a hearing on the violation shall also be provided.
- C. The Joint Towing Board has the authority to suspend or terminate Towing Operators through due process.

158-68 APPEALS PROCESS AND HEARING

- A. In the event that a representative from a Towing and Recovery Business that sits on the Joint Towing Panel lodges a complaint against another Towing Operator, said representative shall abstain from the hearing.
- B. The Law Enforcement Personnel involved in the incident shall be responsible for presenting the allegations against a Towing Operator to the Joint Towing Panel members and may call witnesses and ask questions of any witness.
- C. If complainant is not present, the complaint form will be presented to the Joint Towing Panel as complainant's evidence/testimony.
- D. The Towing Operator shall be allowed an opportunity to attend the hearing and bring any witnesses that were directly involved in the incident where the accused Towing Operator was charged with a violation of this article. The Towing Operator will be allowed to present evidence/testimony supporting his/her case to the Joint Towing Panel. The Towing Operator may make an opening statement, ask witnesses questions and make a closing statement.

- E. No attorneys will be allowed to attend this administrative hearing on behalf of a complainant or defendant.
- F. No witnesses, except for those being questioned, will be allowed in the room during the administrative hearing.
- G. The Joint Towing Panel, after hearing evidence presented, shall render a decision. If the accused Towing Operator is present, the chairman presiding over the hearing shall immediately verbally notify the accused of the decision. A written notification shall be prepared and sent to the Towing Operator through first class postage with the U.S. Postal Service and a copy of the decision will be sent to each Law Enforcement Agency. If the Towing Operator is not present at the conclusion of the hearing to receive the verbal notification of the panel, the Towing Operator shall waive the right to immediate notification of the decision.
- H. The decision of the Joint Towing Panel is final.

158-69 AMENDMENTS TO ORDINANCE

- A. The Joint Towing Board will recommend revisions to this ordinance to the Warren County Board of Supervisors and the Front Royal Town Council.
- B. All proposed revisions shall be discussed with the Joint Towing Board and their input will be considered in each proposed revision.
- C. Revisions shall be in effect from the date on which the amendments to the Town and County Code with identical language are adopted by the Warren County Board of Supervisors and the Front Royal Town Council.
- D. Towing Operators on the Towing List shall be given written notification of any amendments ten (10) days prior to the revision being adopted.

(Added Sections 158-54 – 158-69 “Law Enforcement Requested Towing” 11-27-17-Effective Upon Passage)



Work Session Agenda Statement

Item # 8

Meeting Date: February 16, 2021

Agenda Item: Proposed Mask Ordinance

Summary: Councilman Lloyd has requested a discussion regarding a potential town ordinance and is requesting that the Mayor or Council put the ordinance on the agenda and vote on it during a regular meeting .

Executive Order 72 mandating masks for the general populace in Virginia contains exceptions. Section D of the Order states:

D. Face Covering - Exceptions

The requirement to wear a face covering does not apply to the following:

- 1. While eating or drinking;*
- 2. Individuals exercising or using exercise equipment;*
- 3. Any person who is playing a musical instrument when wearing a mask or face covering would inhibit the playing of the instrument (e.g. wind instrument) so long as at least 10 feet of physical distancing can be maintained from other persons, whether the rehearsal or performance is indoors or outdoors;*
- 4. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;*
- 5. Any person seeking to communicate with people who are deaf or hard of hearing and for which the mouth needs to be visible;*
- 6. When temporary removal of the face covering is necessary to secure government or medical services; and*
- 7. Persons with health conditions or disabilities that prohibit wearing a face covering. Nothing in this Order shall require the use of a face covering by any person for whom doing so would be contrary to his or her health or safety because of a medical condition. Adaptations and alternatives for individuals with health conditions or disabilities should be considered whenever possible to increase the feasibility of wearing a mask or to reduce the risk of COVID-19 spreading if it is not possible to wear one.*

Any person who declines to wear a face covering because of a medical condition shall not be required to produce or carry medical documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition.

The proposed ordinance would create a town-wide presumption in the interpretation of the Order that those who are not wearing masks are declining for health reasons and would re-iterate that nobody shall be required to disclose or identify the medical condition in question. It would also prohibit any town buildings or operations from declining entry or removing a person for declining to wear a mask under such circumstances.

Budget/Funding: N/A

Staff Recommendation: Council takes desired action.

Proposed Draft Language:

XXX-X LEGISLATIVE AUTHORITY; PURPOSE

This Chapter is enacted pursuant to the provisions of Section 18, Subparagraphs (8), (9), and (25) of the Charter of the Town, particularly for the purposes of securing Town inhabitants from contagious, infectious, or other dangerous diseases, promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce, and industries of the Town and its inhabitants, not in conflict with the Constitution of the State, or the Constitution of the United States.

XXX-X POLICY

It is necessary for the Town Council to clarify the enforcement of Virginia Governor Ralph Northam's Executive Order 72 (the "Order"), which, among other things, mandates that Virginia residents wear face coverings. The Order contains a health exception (Section D) that states, "Nothing in this Order shall require the use of a face covering by any person for whom doing so would be contrary to his or her health or safety because of a medical condition. Adaptations and alternatives for individuals with health conditions or disabilities should be considered whenever possible to increase the feasibility of wearing a mask or to reduce the risk of COVID-19 spreading if it is not possible to wear one," and "Any person who declines to wear a face covering because of a medical condition shall not be required to produce or carry medical documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition."

XXX-X INTERPRETATION OF EXECUTIVE ORDER 72

In the interpretation of Executive Order 72, the determination of whether a face covering would be "contrary to his or her health or safety because of a medical condition" is a determination for an individual natural person having reached the age of majority to make on his or her own, or a parent on behalf of a minor child.

All entities operating within the Town must presume that a person who is not wearing a face covering is declining to wear the face covering because of the Order's health exception.

In accord with the language of the Executive Order, no establishment operating within Town limits may require any person to identify or otherwise discuss his or her reason for declining to wear a face covering.

XXX-X APPLICATION

This Ordinance shall be applicable to any order or legislative act using substantially similar language to Executive Order 72.

XXX-X PENALTIES

Any entity found to be in violation of this section shall be fined not less than \$1,000.

Budget / Funding: Potential funding may be needed related to communicating the ordinance and posting notices in Town properties.

DRAFT



Work Session Agenda Statement

Item # 9

Meeting Date: February 16, 2021

Agenda Item: Discussion Pertaining to a Proposed Medical Freedom Ordinance

Summary: Councilman Lloyd has requested a discussion regarding a potential town ordinance and is requesting that the Mayor or Council put the ordinance on the agenda and vote on it during a regular meeting.

If approved, the ordinance would prohibit any business or entity from operating in town from requiring its employees, volunteers, members, etc., to receive any of the COVID vaccines as a condition of employment, membership, etc.

Budget/Funding: N/A

Staff Recommendation: Council takes desire action

Proposed Draft Language:

OPTION 1 (COVID-specific)

XXX-X LEGISLATIVE AUTHORITY; PURPOSE

This Chapter is enacted pursuant to the provisions of Section 18, Subparagraphs (8), (9), and (25) of the Charter of the Town, particularly for the purposes of securing Town inhabitants from contagious, infectious, or other dangerous diseases, promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce, and industries of the Town and its inhabitants, not in conflict with the Constitution of the State, or the Constitution of the United States.

XXX-X POLICY

The residents of Front Royal have a natural right to be secure in their persons and to be free of economic or moral coercion to take actions with which they disagree, including and especially actions that involve the violation of one's person. This principle is at the heart of laws ensuring the free exercise of religion, freedom of speech, and freedom of assembly and association. They are furthermore at the heart of laws prohibiting unreasonable searches and seizures, battery, sexual violence, assault, defamation, and harassment. Our society has yet to carry this principle to its proper extent, particularly with regard to medical practices and interventions. The Town of Front Royal seeks to ensure the freedom and liberty of its residents and inhabitants in all aspects of their life, including in matters of health, medicine, and welfare.

XXX-X MEDICAL FREEDOM

(A) It shall be unlawful for any entity operating within the Town of Front Royal

(1) to fail or refuse to hire or confer any lawful public or generally available benefit or service, including education and medical services or care, to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because such individual has declined to take any of the vaccines available for the prevention and / or treatment COVID-19 or any of its mutations known or unknown; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee for the same.

XXX-X PENALTIES

Any entity found to be in violation of this section shall XXXXXXXX and shall be civilly liable for not less than \$XXXXX for each violation.

OPTION 2 (Broader)

XXX-X LEGISLATIVE AUTHORITY; PURPOSE

This Chapter is enacted pursuant to the provisions of Section 18, Subparagraphs (9) and (25) of the Charter of the Town, particularly for the purposes of promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce, and industries of the Town and its inhabitants, not in conflict with the Constitution of the State, or the Constitution of the United States.

XXX-X POLICY

The residents of Front Royal have a natural right to be secure in their persons and to be free of economic or moral coercion to take actions with which they disagree, including and especially actions that involve the violation of one's person. This principle is at the heart of laws ensuring the free exercise of religion, freedom of speech, and freedom of assembly and association. They are furthermore at the heart of laws prohibiting unreasonable searches and seizures, battery, sexual violence, assault, defamation, and harassment. Our society has yet to carry this principle to its proper extent, particularly with regard to medical practices and interventions. The Town of Front Royal seeks to ensure the freedom and liberty of its residents and inhabitants in all aspects of their life, including in matters of health, medicine, and welfare.

XXX-X MEDICAL FREEDOM

(A) It shall be unlawful for any entity operating within the Town of Front Royal

(1) to fail or refuse to hire or confer any lawful public or generally available benefit or service, including education and medical services or care, to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because such individual has declined to take a vaccine, a drug test, or a medical test, or any other medicine or medical or diagnostic intervention, or has declined to take any other action involving the acceptance into one's body, including the threshold of any orifice, any food or foreign substance or object, or has declined to share, turn over, or relinquish custody of any part of one's body, including his or her blood, plasma, hair, skin, DNA, or any other bodily fluids or substance, or has declined to share any measures or metrics regarding one's body or its functions, including, but not limited to, weight, bodily temperature, heart rate, body mass index, or any other measurement; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee for the same.

(B) All entities operating within the Town of Front Royal must conduct the voluntary involvement in actions described in Section (A)(1) in an environment of free and fully informed consent.

XXX-X PENALTIES

Any entity found to be in violation of this section shall XXXXXXX and shall be civilly liable for not less than \$XXXX for each violation.

Budget / Funding: Potential funding may be needed related to communicating the ordinance and posting notices in Town properties.

DRAFT



Work Session Agenda Statement

Item # 10

Meeting Date: February 16, 2021

Agenda Item: Proposed COVID Seating Restrictions

Summary Per Councilman Lloyd: Current seating restrictions are what Council arrived at a few months ago, much earlier in the pandemic. Mr. Napier has advised that our meetings fall under the exemption in Executive Order 72, which states:

3. Exceptions

With the exception of section III below, nothing in the Order shall limit:

- a. The provision of health care or medical services;*
- b. Access to essential services for low-income residents, such as food banks;*
- c. The operations of the media;*
- d. Law enforcement agencies; or*
- e. The operation of government.*

His analysis states that we are free to allow members of the public into our meetings:

Council can certainly avail itself of the Executive Order's exemption as to government meetings. Council had earlier followed, last year, the Virginia Attorney General's Opinion, under the continuity of government statute in emergencies (which I can send you), which allowed for extended partial remote electronic meetings, for a six month period. However this statute does not make a provision for any extensions beyond a six month period. After the six month period, Council opted to try to socially distance people at its meetings because of the COVID surge rather than totally opt out by using the exemption of government from the Executive Order. Council does not have to continue that policy, but can avail itself of that exemption. It is Council's call.

Even if one thinks that the seating restrictions are advisable, this has led to the phenomenon of speakers crowding in the hall while waiting to speak (this happened at a recent Board of Supervisors meeting). This defeats the purpose of distancing in the meeting room and, should we have a night of high attendance, would make us look bad. Most nights it will not be an issue.

Budget / Funding: N/A

Staff Recommendation: Council takes desired action