



TOWN COUNCIL SPECIAL MEETING
Monday, April 12, 2021 @ 7:00PM
Town Hall Conference Room

1. Roll Call
2. APPROVAL – Resolution for Leach Run Parkway

TOWN COUNCIL WORK SESSION
Monday, April 12, 2021 immediately after Special Meeting

1. Closed – Personnel and Consultation with Counsel and Investment of Public Funds
2. Water/Sewer Line Replacement Program – *Director of Finance BJ Wilson*
3. Happy Creek Sanitary Sewer Replacement Project – *Director of Finance BJ Wilson*
4. Proposed Amendment to Chapter 170 “Weeds and Debris” – *Deputy Zoning Administrator/Code Enforcement Officer Chris Brock*
5. Rezoning Requesting Amendment of the Zoning Map from R-3 to C-1 of 0.45 Acre of Land on the West Side of Pine Street near the Intersection of South Street for Additional Employee and Customer Parking Space for Spelunkers Restaurant – *Deputy Zoning Administrator/Code Enforcement Officer Chris Brock*
6. Update on Special Events Ordinance, Policy and Permit and Update on Destination Marketing Organization – *Purchasing Manager Alisa Scott/Chamber Director Niki Foster/ Bethanie DeRose of JLL*
7. Police Department’s Annual Report/Presentation – *Chief Magalis*
8. Update on the Neighborhood Watch – *Chief Magalis*
9. Removal of Credit Card Fees – *Director of Finance BJ Wilson*
10. Liaison Committee Meeting Items for April 15th Meeting – *Town Manager*
11. Resolution Initiating Proposed Text Amendments to the Regulations of Chapter 148 and Chapter 175 Pertaining to Permitting and Approval Authorities of the Planning Commission.
12. Open Discussion



Special Meeting Agenda Form

Item # 2

DATE: April 12, 2021

AGENDA ITEM: Leach Run Parkway Acceptance

SUMMARY: The Town needs to submit a signed resolution, LAP C-5 Form and U1 Form with sketch to the Virginia Department of Transportation by April 26, 2021 for the Leach Run Parkway, to be eligible to start receiving maintenance funding for this new section of road. Once this has been submitted and accepted by the Virginia Department of Transportation, the Town will receive this funding each year. This funding is used for paving projects each year to repair streets deteriorating in condition.

BUDGET/FUNDING: Streets Highway Maintenance 4500

STAFF RECOMMENDATION:

Staff recommends approving the resolution to allow the Town to start receiving maintenance funding for Leach Run Parkway between Happy Creek Road and John Marshall Highway.

Work Session



COUNTY OF WARREN

Office of the County Attorney
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630

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Blair D. Mitchell
County Attorney

Dan N. Whitten
Assistant County Attorney

Jennifer L. Woody
Paralegal

BOARD OF SUPERVISORS

CHAIRMAN
Richard H. Traczyk
Shenandoah
District

VICE-CHAIR
Linda P. Glavis
South River
District

Tony F. Carter
Happy Creek
District

Archie A. Fox
Fork
District

Daniel J. Murray, Jr.
North River
District

Douglas P. Stanley
County Administrator

April 7, 2015

Steve Damron
Programming Specialist Senior
Virginia Department of Transportation
811 Commerce Street
Staunton, VA 24401-9029

CERTIFICATION OF TITLE FOR RIGHT-OF-WAY LEACH RUN PARKWAY TOWN OF FRONT ROYAL/WARREN COUNTY

Project # U000-112-R53

Dear Steve,

This letter is to certify to the Virginia Department of Transportation that all of the necessary right-of-way for the construction, maintenance and operation of the proposed Leach Run Parkway in the Town of Front Royal is owned in fee simple either by the Town of Front Royal, the County of Warren, or the Economic Development Authority (Industrial Development Authority of the Town of Front Royal and County of Warren, Virginia, doing business as the Economic Development Authority), and all of the temporary construction, slope, and drainage easements for the project are held either by the Town of Front Royal or the Economic Development Authority (EDA), as shown in the chart beginning on the following page.

The list begins with the property at the northwest corner of the right-of-way properties, at the intersection of Happy Creek Road and Ewell Street, and continues eastwards past Shenandoah Shores Road, then southward to John Marshall Highway, then along John Marshall Highway west of the southern end of Leach Run Parkway, then finally east of the southern end of Leach Run Parkway. All "Source" references

Celebrating 175 Years
1836 - 2011

are to Deed Book and page or Instrument number by which either the Town, the EDA, or the County obtained title to the property, as recorded in the Clerk's Office of the Circuit Court of Warren County, Virginia. References to Sheet numbers are to the sheets of the engineering plans for the project, labelled "Plan and Profile of Proposed State Highway" dated 2013.

Some portions of the right-of-way are part of larger parcels owned by the parties. They have been surveyed and will be dedicated and separated from the non-right-of-way portions of the properties at a later date. The Town intends to keep all of its properties, while the EDA expects to convey the non-right-of-way portions of its properties near Happy Creek Road to Warren County for part of a future school site, and portions of the properties closer to John Marshall Highway to commercial users.

<u>R-O-W and easements Location on Map</u>	<u>Owner</u>	<u>Source of Title</u>
① TM 20A21-1-2 and 20A21-1-3 [from Chappell] Lots 2 & 3, Block A, Happy Creek Subdivision Sheets 25 & 26 on plans	EDA	Instr. # 110005172
② TM 20A21-1-A1 [from McDonald] Sheets 25 & 26 on plans	EDA	Instr. # 120000570
② TM 20A21-2-12 [from McDonald] Sheet 25 on plans	EDA	Instr. # 120000570
② TM 20A21-2-5 [from McDonald] Sheets 24 & 25 on plans	EDA	Instr. # 120000570
③ TM 20A21-2-6 [from NVA Properties] Sheets 23, 24 & 25 on plans	EDA	Instr. # 110002056
④ TM 20A21-2-11 [from Alexander] Sheet 27 on plans	EDA	Inst. # 140002511
④ TM 20A21-2-10 [from Alexander] Sheet 27 on plans	EDA	Inst. # 140002511
⑤ TM 20A21-2-7 and 21-26 [from Rutherford] Sheet 27 on plans	Warren County	Instr. # 130005169
⑥ TM 20A21-1-A4 [from Garber] Lots 4 & 5 Block A, Happy Creek Subdivision Sheet 24 on plans	Town	Deed Book 463, Page 144

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7	TM20A21-1-2-6 [from Darr] Lots 6, 7, 8, 9, 10 and parcels Sheets 24 & 25 on plans	Town	Deed Book 519, Page 27
8	TM 20A21-2-4A [from Benson] Sheet 24 on plans	EDA	Instr. # 110006266
9	TM20A21-2-4D [from Ramsey] Sheets 22, 23 & 24 on plans	EDA	Instr. # 110001058
10	TM 20A21-2-2 and 21-8G [from Warren Memorial Hospital] Sheets 19, 20, 21, & 22 on plans	EDA	Instr. # 150000279
11	TM 20A21-2-1 [from Heptad] Sheets 17, 18, & 19 on plans	EDA	Instr. # 140006130
12	TM 20A20-2-9A and 20A20-2-8B and 20A20-2-12A and 20A15-6 [from NVA Properties] Sheets 15, 16, & 17 on plans	EDA	Instr. # 110006337
13	TM 20A15-1-8-1A [from New Covenant Church] Sheet 14 on plans	EDA	Instr. # 140006217
14	TM 20A15-1-8-1 and 20A20-2-8A [from New Hope Bible Church] Sheets 14 & 15 on plans	EDA	Instr. # 150000477
15	TM 20A20-2-8 [from Dynamic Life Ministries] Sheets 11, 14, & 15 on plans	EDA	Instr. # 140006235
16	TM 20A20-2 - 8.748 ac. JM Hwy to Heptad Sheets 11, 14, 15, 16, & 17 on plans	Town	Instr. # 9506397

<u>Easements only Locations</u>	<u>Owner</u>	<u>Source</u>
17	TM 20A21-4-1-40 [from Kristen Jenkins] Sheet 22 on plans	EDA Instr. # 140004709
18	TM20A21-4-1-39 [from Sheppard] Sheet 22 on plans	EDA Instr. # 140003418
19	TM 20A21-3-3-10 [from Hamman] Sheet 21 & 22 on plans	EDA Instr. # 140004708

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(20) TM 20A15-1-3-1 [from Stockner] Sheet 10 on plans	EDA	Instr. # 140003417
(21) TM 20A15-1-3-5 [from Potter] Sheet 10 on plans	EDA	Instr. # 140003420
(22) TM 20A15-1-3-7 [from AYR Properties] Sheet 10 on plans	EDA	Instr. # 140003419
(23) TM 20A15-1-3-9 and 20A15-1-3-10 [from Sullivan] Sheet 10 on plans	EDA	Instr. # 140003421
(24) TM 20A15-1-3-11 and 20A15-1-3-12 [from Halligan] Sheet 11 on plans	EDA	Instr. # 140004707
(25) TM 20A15-1-3-13 [from Williams] Sheet 11 on plans	EDA	Instr. # 140004755
(26) TM 20A15-1-3-15 [from Lola Jenkins] Sheet 11 on plans	EDA	Instr. # 140006126
(27) TM 20A15-1-3-17 through 20A15-1-3-23 and 20A15-1-3-36 through 20A15-1-3-46 [from Henderson] Sheet 11 on plans	EDA	Instr. # 140002084
(28) TM 20A20-2-7 [from Kuser] Sheets 12 & 13 on plans	EDA	Instr. # 140003416

If you have any questions about this, or need any additional information, please feel free to contact me at the telephone number or email shown above.

Sincerely,



Blair D. Mitchell
Counsel for the EDA
and County Attorney

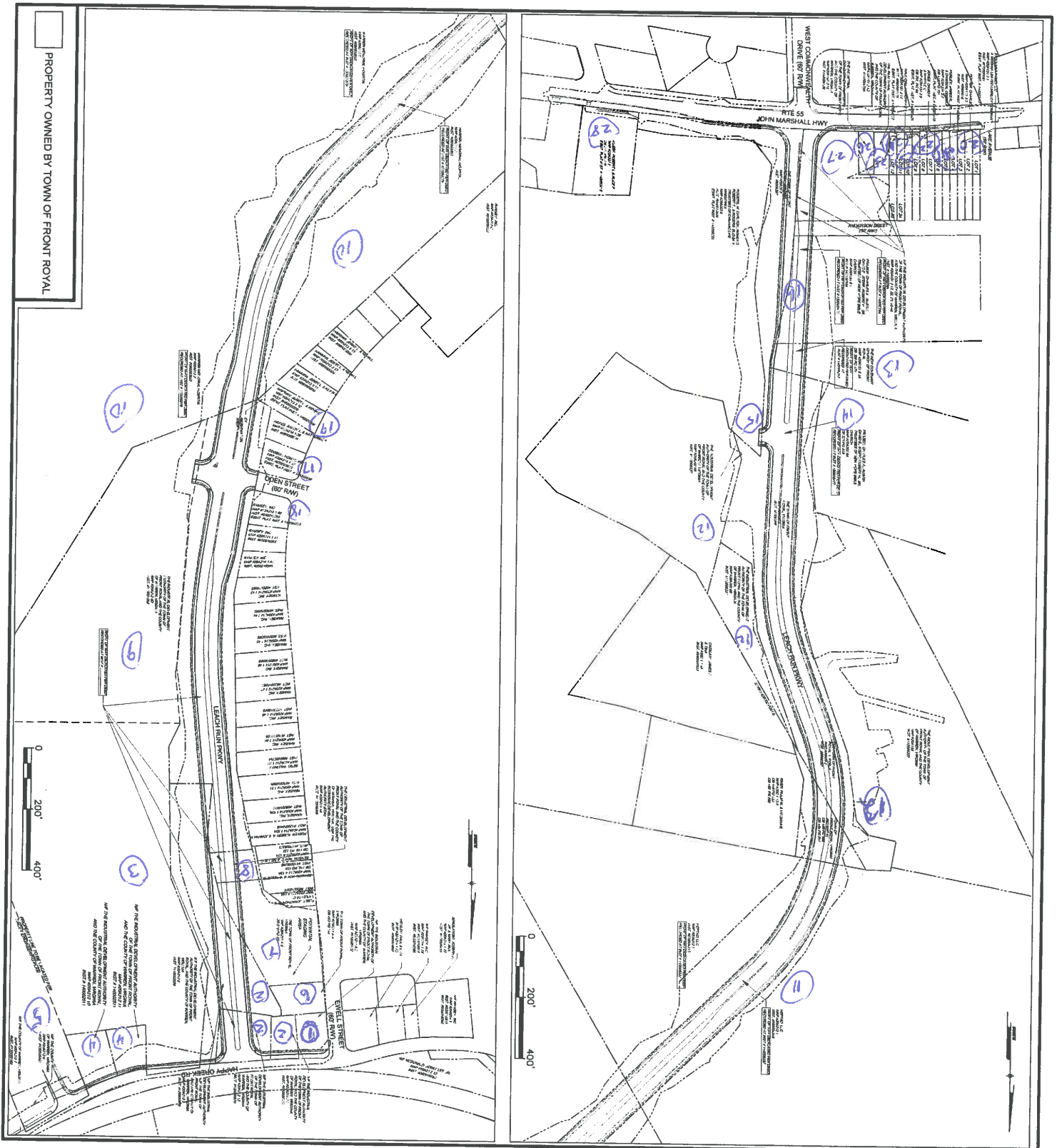
BDM/

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attachments: Plats and Deeds

cc: Jennifer R. McDonald, Exec. Director, EDA
 Steven M. Burke, Town Manager
 Douglas P. Stanley, County Administrator

BlairStuff/EDA/Real Estate/Leach Run Parkway/CERTIFICATION OF TITLE TO VDOT 03-27-2015



Pennoni Associates Inc.

117 East Piccadilly Street
Winchester, VA 22801 - 540.687.2139

Engineers • Surveyors • Planners • Landscape Architects

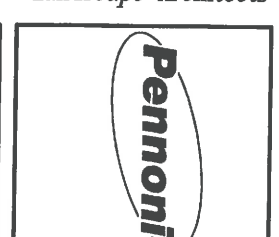
SK1022	SCALE	DATE
	1"=200'	2015-04-06
	DRAWN BY	APPROVED
	KLM	RAM

PROJECT NO.	SHEET	
		WRN1302
		1 OF 1

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LEACH RUN PARKWAY WARREN COUNTY FRONT ROYAL, VA
PROPERTY EXHIBIT
FRONT ROYAL/WARREN COUNTY EDA 400-D KENDRICK LANE FRONT ROYAL, VA

DATE	NO.	REVISIONS	BY



Appendix B
Form U-1 (rev. 7-1-17)

LOCAL ASSISTANCE DIVISION
VDOT
REQUEST FOR STREET ADDITION, DELETIONS AND CONVERSIONS FOR
STREET PAYMENTS SECTION 33.2-319
CODE OF VIRGINIA

MUNICIPALITY Front Royal

DISTRICT Staunton

ACTION REQUIRED (SELECT BELOW)	STREET NAME ROUTE NUMBER	TO	TERMINI	FROM	R/W (Width) (FEET)	PAVEMENT WIDTH (FEET)	CENTER LANE (MILES)	NUMBER OF LANES	MOVING LANE MILES	Eligibility Code Reference Link	FUNC. CLASS. (TMPD USE except for HR and NOVA)
ADD (New Road)	Leach Run Parkway	John Marshall Hwy to Happy Creek Rd			103	29		4	5.20	Select one	
SELECT ONE									0.00	Select one	
SELECT ONE									0.00	Select one	
SELECT ONE									0.00	Select one	
SELECT ONE									0.00	Select one	
SELECT ONE									0.00	Select one	
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SELECT ONE									0.00	Select one	
SELECT ONE									0.00	Select one	
SELECT ONE									0.00	Select one	

* Council Resolution and Map Attached

SIGNED _____
MUNICIPAL OFFICIAL DATE

Submit to: District Point of Contact in triplicate

SIGNED _____
AUTHORIZED VDOT OFFICIAL DATE

CLASSIFIED BY _____
T&MPD ENGINEER DATE

Code # Description

Select one

- 1 Road and Street Criteria-50'R/W and 30' hard surface
- 2 40' R/W and silent on pavement on cul-de-sac
- 3 16' pavement width of part of secondary system prior to annexation or incorporation which includes anything is secondary system that VDOT was maintaining
- 4 30' R/W,16' pavement width if established prior to 1 July 1950. They don't have to be built but established on paper.
- 5 SSR requirement if built after 1 Jan 1996-varies from 18' to 29' pavement width depending on the type of roadway (curb, gutter, ditches etc.). The requirement can be found in 1996 and 2009 Subdivision Street Requirements published by VDOT)
- 6 40' R/W,16' pavement width if one way street, loop road and school bus entrances
- 7 40' R/W,18' pavement width if 70% or more development land has a natural grade of at least 20%



(http://www.warrencountyva.net/)



X,Y -78.165647, 38.929451

RESOLUTION

To petition the Virginia Department of Transportation (VDOT) for maintenance payments for Leach Run Parkway in the Urban Maintenance Inventory System (UMIS)

WHEREAS, pursuant to the provisions of Virginia Code Section 33.2-3 I 9, the Virginia Department of Transportation (VDOT) makes payments to municipalities for the maintenance of qualifying highways; and,

WHEREAS, Virginia Department of Transportation procedures require that municipalities requesting lane mileage additions and deletions for payments under§ 33.2-219 submit Form U-1, "Request for Street Additions, Deletions or Conversions for Municipal Assistance Street Payments", as approved by the municipality's governing body; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Front Royal

1. that the Town of Front Royal hereby petitions the Virginia Department of Transportation to accept those streets listed on Form U-1 for street maintenance payments; a copy of said Form U-1 being attached hereto and made a part of this resolution.
2. that Form U-1 and accompanying maps, and a copy of this resolution, shall be transmitted to the Resident Engineer/Administrator of the Virginia Department of Transportation.
3. that this resolution shall be in full force and effect upon its passage.

APPROVED:

Chris W. Holloway, Mayor

Attest:

Tina L. Presley, Clerk of Council

Lori A. Cockrell Yes/No
Letasha T. Thompson Yes/No
E. Scott Lloyd Yes/No

Gary L. Gillispie Yes/No
Jacob L. Meza Yes/No
Joseph E. McFadden Yes/No

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
REPORTING STARTING AND COMPLETION OF PROJECTS
LOCALLY ADMINISTERED PROJECTS**

State Project No. U000-112-R53	UPC 103003	Federal Project No. N/A
Locality/Local Sponsor Town of Front Royal	Local Project No. N/A	

Contractor: Branch Highways

Project Description / Phase:

Construction of a new four lane road from Happy Creek Rd to John Marshal Hwy(Rt 55)

	DATE STARTED	DATE COMPLETED
Contract Work	<u>5/22/2015</u>	<u>10/2020</u>
Local Forces	<u>5/22/2015</u>	<u>4/1/2021</u>
Utilities	_____	_____

This project / phase is complete. All work has been inspected and deemed acceptable by the Locality or Project Sponsor for Enhancement projects. It is certified that work was completed in accordance with approved plans and specifications.

- ☐ This work was completed within VDOT right of way; land-use permit is on file.
☒ This work was completed outside VDOT right of way.

A final inspection was performed on 6/20/2019 (date). Ed Carter (name) of VDOT was in attendance.

Unless noted below, the project termini were not altered during construction.

REMARKS OR EXPLANATIONS:

Local Official Signature

Printed Name

Title

Local Acceptance Date

Once completed, a copy should be provided to the VDOT Project Coordinator for further distribution within VDOT.

Received By: _____
VDOT Project Coordinator Signature

Date: _____



Work Session Agenda Form

Item # 1

DATE: April 12, 2021

Motions to Go Into Closed Meeting

I move that Town Council convene and go into Closed Meeting under the following provisions of Section 2.2-3711 of the Freedom of Information Act as follows:

- (1) To discuss and consider the appointment, performance, and resignation of specific public officers and appointees of any public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia., under subsection A. 1.
- (2) Consultation with legal counsel employed or retained by Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, under subsection A. 8.
- (3) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of Town Council would be adversely affected, specifically a medical practice located in Town, under subsection A. 6.
- (4) for the purpose of consultation with legal counsel employed or retained by Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, the legalities and potential legal liability exposures of the Town regarding its Town-owned Town Commons pursuant to Va. Code Section 2.2-3711. A. 8.

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

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

Work Session



Work Session Agenda Statement

Item #02

Meeting Date: April 12, 2021

Agenda Item: Water & Sewer Line Replacement Program

Summary: Staff was requested to review the potential of the Town developing a program to assist property owners in the replacement of old galvanized water lines. Staff is providing a brief summary of information obtained for Council discussion.

Budget/Funding: Potential options for funding:

1. Water/Sewer reserve fund balance
2. If water/sewer revenues exceed budgeted amounts from COVID recovery in future months

Staff Recommendation: Staff recommends for Council to discuss and provide staff with some general direction on how to proceed:

1. Include both water and sewer line replacement in program?
2. Loan versus Grant Program?
3. Funding available on first come first serve? Have application period and prioritize based upon need?



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE

102 E. MAIN STREET

P.O. BOX 1560

Front Royal, Va. 22630

B.J. Wilson
Director of Finance
bwilson@frontroyalva.com

(540) 635-7799
(540) 635-2298 fax

DATE: MARCH 17, 2021

TO: FRONT ROYAL MAYOR & TOWN COUNCIL

FROM: B. J. WILSON, DIRECTOR OF FINANCE

CC: STEVEN HICKS, TOWN MANAGER

RE: POTENTIAL WATER & SEWER LINE REPLACEMENT PROGRAM

The following information is being provided as potential items for discussion for the Town to possibly create a program for the Town to assist property owners with replacement of privately owned water & sewer lines.

1. Can the Town assist property owners replacing water/sewer lines on private property?

The Town may provide assistance for service lines, not including internal plumbing, if there is a public necessity, such as:

- Health concern (lead & corroded galvanized pipe)
- Inflow and Infiltration Abatement of Storm Water
- Assistance should only cover service lines and not include internal plumbing

2. Can the Town provide assistance to replace water service lines that are leaking water?

Water leaking from a service line does not meet the criteria as a public necessity; therefore would not be eligible for assistance.

3. Can the Town place a lien on the property and allow the property owner to pay the Town back over a period of time?

Yes, the property owner and the Town may enter into an agreement for the funds to be paid back over a fixed term. Staff has not been able to find another locality offering a repayment program of this nature, majority of localities, including the Commonwealth, utilize grant programs. If the Town/property owner were to enter into an agreement, it is recommended that the property owner contact mortgage company before entering into such an agreement, to avoid any problems with existing loans/liens on the property.

4. Can the Town provide grants for replacement of water/sewer lines?

Yes, as long as there is a public necessity, such as those listed in item one. Localities offer many different versions of grant assistance including:

- Set amount (Richmond offers \$2,500; Commonwealth of Virginia offers \$5,000)
- Tiers of assistance based on income/number of members in household
- Percentage of assistance based upon actual work completed
- Full reimbursement for service lines in right of way, partial for non-right of way
- Only residential assistance

5. Can the Town hire a contractor to replace the water/sewer lines on private property?

Yes, the contractor would need to be procured using the Virginia Public Procurement Act and the property owner would need to sign an agreement allowing work to be performed. Property owner would not have ability to choose a contractor to perform work.

Staff was not able to find another locality offering to have a contractor perform work on private property. Some concerns of having a contractor hired by the locality to perform work:

- Property owner would not be able to choose contractor
- Locality being held liable for damage to private property
- Locality being held liable for performance & installation work of locality hired contractor

6. How many properties could benefit from such a program?

Unfortunately, this is an unknown variable. Galvanized piping was commonly used in the 1960's and the usage of lead pipe was banned in 1986. Orangeburg pipe was available until 1972.

7. How can eligibility be determined?

The property owner would be responsible for providing information on condition and need for replacement. Property owner may have encountered problems in the past and could obtain a statement from a licensed plumber.



Work Session Agenda Statement

Item # 3

Meeting Date: April 12, 2021

Agenda Item: Happy Creek Sanitary Sewer Replacement

Summary: Staff will be issuing an invitation to bid on the Happy Creek Sanitary Sewer Replacement Project and anticipates requesting for Town Council to approve a FY21 budget amendment and awarding the project at Council's May 24, 2021 meeting.

The Happy Creek Sanitary Sewer Replacement Project is required to be completed per the Virginia Department of Environmental Quality's consent order with an estimated project cost around \$1 million. If the Town so chooses, the Town will be able to seek reimbursement from the inflow and infiltration abatement loan that is expected to close in late 2021 or early 2022. Until loan funds are received the Town would need to use sewer reserve funds to advance the project to allow for completion for the DEQ Consent Order.

Furthermore, the budget amendment will require the Town to advertise and hold a public hearing due to the budget amendment exceeding 1% of the Town of Front Royal's FY21 Adopted Budget.

Budget/Funding:	9801 – 3510110	Waste Water Treatment Plant Appropriated Funds Forward
	9802 – 47998	Sewer Line Maintenance I & I Abatement

Staff Recommendation: Staff recommends for Council to discuss any potential concerns and to direct staff to advertise for a public hearing to be held on May 24, 2021 upon receipt of the lowest responsive and responsible bid is received.



Work Session Agenda Statement

Item # 4

Meeting Date: April 12 ,2021

Agenda Item: Request to Amend Chapter 170 to add Designee to 170-2 and 170-3

Summary: Council is requested to consider amending Town Code Chapter 170-2 and 170-3 to add the word “designee” throughout the Chapters to save time with property owner notification and response to complaints. The Town’s current process, code enforcement sends a letter requesting property owners to come into compliance. Failure to comply, the Town Manger needs to inspect property and confirm violation and send Notice of Violation letter. If approved, code enforcement would be able to initiate legal avenues or schedule Public Works for a large item collection.

Budget/Funding: N/A

Staff Recommendation: Staff recommends approval to advertise for a public hearing for the amendment

Chapter 170 TOWN OF FRONT ROYAL MUNICIPAL CODE Chapter 170

170-1

Chapter 170

WEEDS AND DEBRIS

Sections:

170-1 DEFINITIONS

170-2 REMOVAL OF HIGH GRASS, WEEDS AND FOREIGN GROWTH

170-3 REMOVAL OF TRASH; TOWN ACTION ON FAILURE OF OWNER TO REMOVE

170-4 NOTICE TO OWNER WHEN UNKNOWN

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*Chapter 13 of the 1965 Code. Section 13-15, 13-16 and 13-18 were repealed 1-8-68*). Other amendments noted where applicable.

170-1 DEFINITIONS

For the purposes of this Chapter, the following words shall have the meanings respectively ascribed to them by this Section:

DEBRIS - Includes cuttings of weeds, trees or bushes, trash, junk, or any other material which may provide a hiding place for snakes or rats, or anything or any condition which may be a fire hazard, breeding place for mosquitoes or which gives off obnoxious or offensive odors.

FOREIGN GROWTH - Plants other than grass and weeds that the provisions of this Chapter also require property owners to cut, including poison ivy, poison oak, poison sumac, and invasive alien plants that are identified by the Virginia Department of Conservation and Recreation; however, the following are specifically excluded as being classified as foreign growth when they are routinely maintained and kept in reasonably good health: shrubs and flowers that are customarily used for ornamental purposes, common garden vegetables, fruit, trees, and underbrush within a forest or woodland area.

(Amended to "Foreign Growth" 11-27-17-Effective Upon Passage)

170-2 REMOVAL OF HIGH GRASS, WEEDS AND FOREIGN GROWTH

A. The owner of any developed or undeveloped property located within the Town shall, whenever any such growth exceeds a height of ten inches (10"), cut the grass, weeds and foreign growth on such property, excluding areas that are farther than one hundred (100) feet from the principal building on such property, and from any building situated on an adjacent property. Nothing herein shall apply to property zoned for or in active farming operation. Any such owner failing, to cut such grass, weeds and foreign growth, shall be in violation of this Section and shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of \$100 for subsequent violations not arising from the same set of operative facts occurring within 12 months of the first violation.

Chapter 170 TOWN OF FRONT ROYAL MUNICIPAL CODE Chapter 170

170-2

Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding \$3,000 in a twelve (12) month period. Alternatively, the Town Manager **or designee**, should they deem it necessary, may, after ten (10) days' written notice to the owner of record, with one such notice being sufficient notice for the entire growing season, have such grass weeds or foreign growth cut by the Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property, and any such charges may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

B. Any owner aggrieved by the decision of the Town Manager **or designee** under paragraph A above may appeal the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, or foreign growth to be cut by the Town shall cease until the appeal has been decided by Town Council.

(Ord. No. 10-08 Amended Entire Section 9-22-08-Effective Upon Passage)

(Entire Section Amended 11-27-17-Effective Upon Passage)

170-3 REMOVAL OF TRASH; TOWN ACTION ON FAILURE OF OWNER TO REMOVE

A. The owner of property located within the Town shall, when the Town Manager **or designee**, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period. Alternatively, the Town Manager **or designee**, should **they** deem it necessary, may, after ten (10) days' notice, have such trash, garbage, refuse, litter, debris and other substances, which might endanger the health of other residents of the Town, removed by Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property and any such charges may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

Chapter 170 TOWN OF FRONT ROYAL MUNICIPAL CODE Chapter 170

170-3

B. Any owner aggrieved by the decision of the Town Manager **or designee**, under paragraph A above, may appeal the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cease removal of said trash and debris until the appeal has been decided by Town Council.

(Entire Section Amended 11-27-17-Effective Upon Passage)

170-4 NOTICE TO OWNER WHEN UNKNOWN

If the owner of the property cannot be found, the notice mentioned in Sections 170-2 and 170-3 may be given to the owner's agent and tenant or, if none, then such notice may be given by publication of the same once in a newspaper published or circulated in the Town.

(Entire Section Amended 11-27-17-Effective Upon Passage)



Work Session Agenda Statement

Item # 5

Meeting Date: April 12, 2021

Agenda Item: Rezoning Application # 2488-2021 submitted by 116 South Street, LLC requesting the reclassification of Tax Map #20A7-6-22 & 23 from Residential District R-3 to Community District C-1.

Summary: The rezoning application requests the reclassification of Tax Map #20A7-6-22 & 23 from Residential District R-3 to Community District C-1. The 2 parcels total 0.45 acres located on the west side of Pine Street immediately north of South Street. The purpose of the rezoning is to allow for the amendment of a zoning site plan for Spelunkers to add these 2 parcels and approving their use for employee and customer parking and accessory building use for the restaurant.

Budget/Funding: N/A

Staff & Planning Commission Recommendation: Adoption of the proposed zoning map amendment as presented in the application.

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT - REZONING APPLICATION #FRREZON -2488-2021

APPLICATION #:

FRREZON-2488-2021

APPLICANT:

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

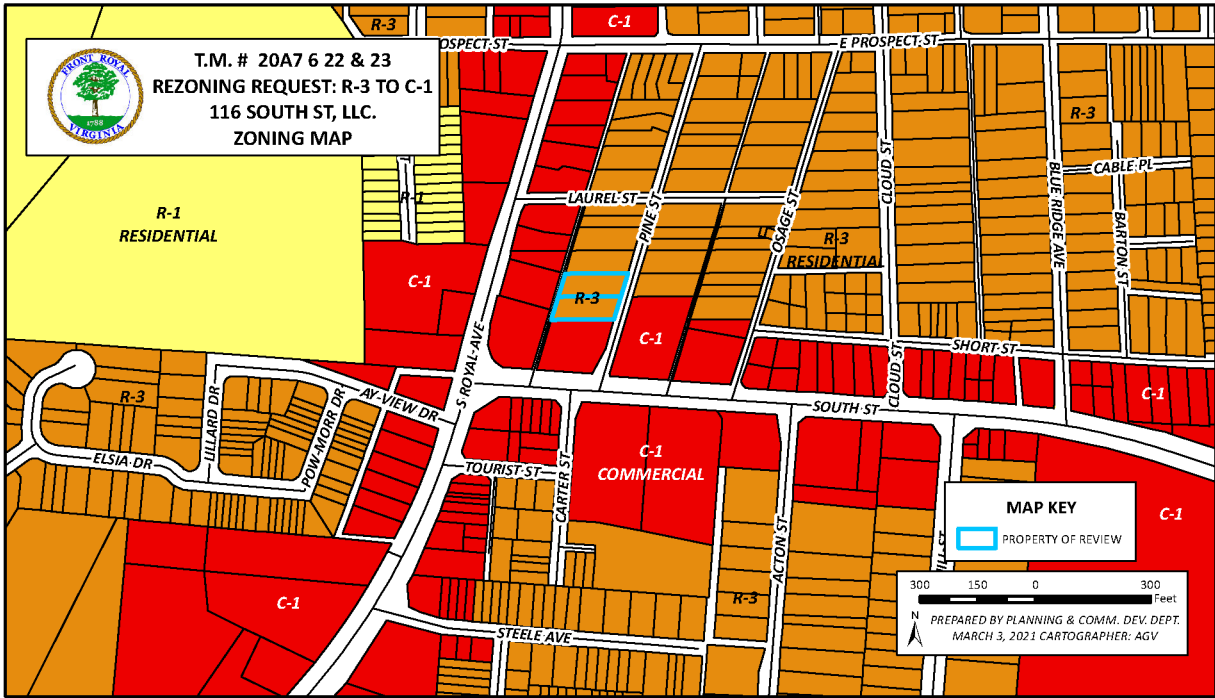
SUMMARY OF REQUEST:

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

GENERAL INFORMATION:

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





INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the parts of attachments:

A – Application

B – Plat

C – Concept Plan

D – Letter of Statement of Justification, and

E – Letter of Waiver Request, are provided below:

ATTACHMENT A: APPLICATION

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

ATTACHMENT B: PLAT

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

ATTACHMENT C: CONCEPT PLAN

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

ATTACHMENT D: LETTER OF STATEMENT OF JUSTIFICATION

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

ATTACHMENT E: APPROVAL LETTER OF WAIVER REQUEST

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

Zoning Ordinance

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

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

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

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

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

Differences between C-1 and R-3 Zoning Districts

C-1 Zoning District:

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

R-3 District:

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

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

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

*Town Comp.
Plan*

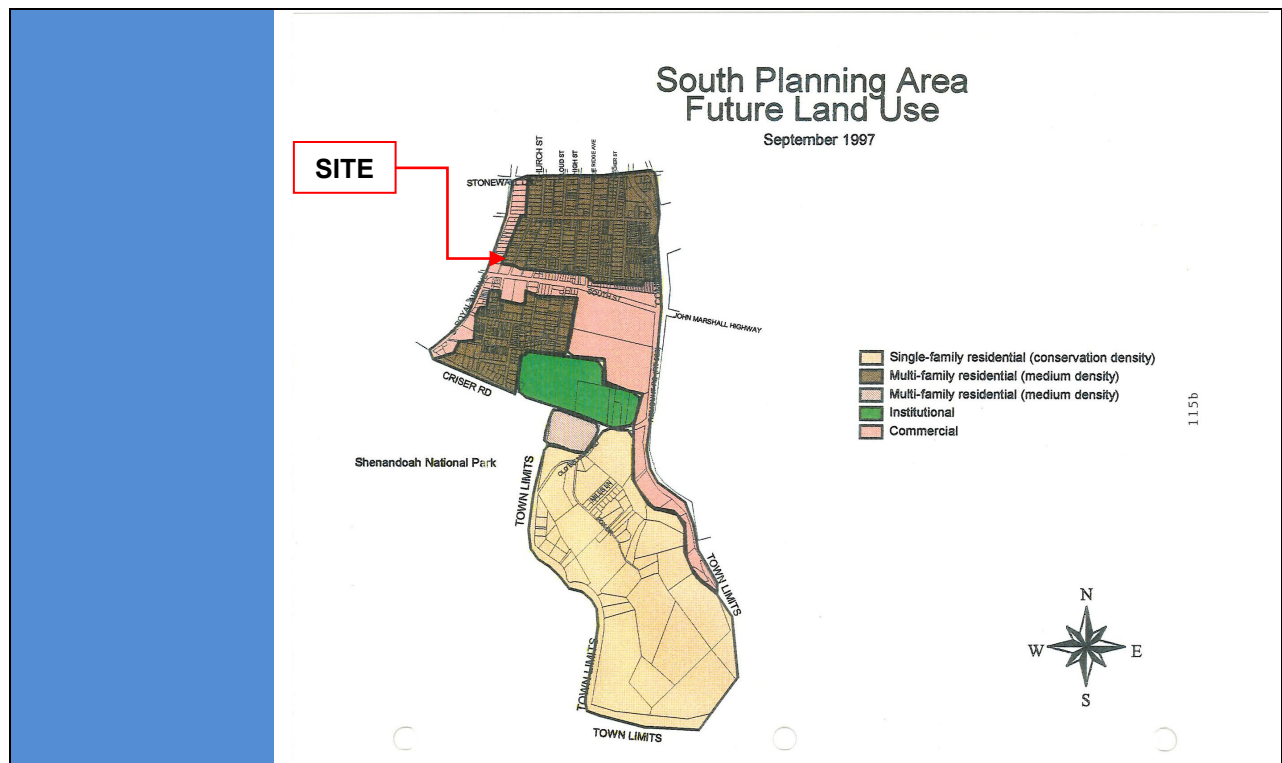
3 properties are all developed and consist of a mix of single-family and multi-family dwellings, typical of dwellings along Pine St.

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

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

Future Land Use Map

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



Findings and Analysis

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

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

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

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

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

Staff Recommendation

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

Planning Commission Recommendation

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



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

FRREZON 2488-2021

REZONING APPLICATION

APPLICANT

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

Address 13026 Yates Ford Rd Clifton, VA 20124

E-mail wantonelli@cox.net

PROPERTY OWNER OF RECORD

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

Address 13026 Yates Ford Rd Clifton, VA 20124

PROPERTY DESCRIPTION

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

Number of lots: 2 Total Acreage 0.450

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

20A7-6-22

20A7-6-23

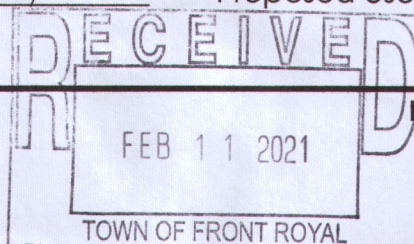
Subdivision Name (if applicable) _____

REQUEST

Existing Zoning R3 Proposed Zoning C1

Existing Use Single-Family Proposed Use Commercial/Industrial

January 2019



PLEASE COMPLETE REVERSE SIDE

ATTACHMENTS

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

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

CERTIFICATION

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

116 South Street, LLC

Signature of Property Owner

Manager *William M. Antonelli*

Signature of Applicant (if different)

City/County of Warren, Commonwealth of Virginia

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

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

Elaine S. Kinsey



Notary Public

Notary registration number: 173515

My commission expires: 3-31-23

NOTICES

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

OFFICE USE ONLY

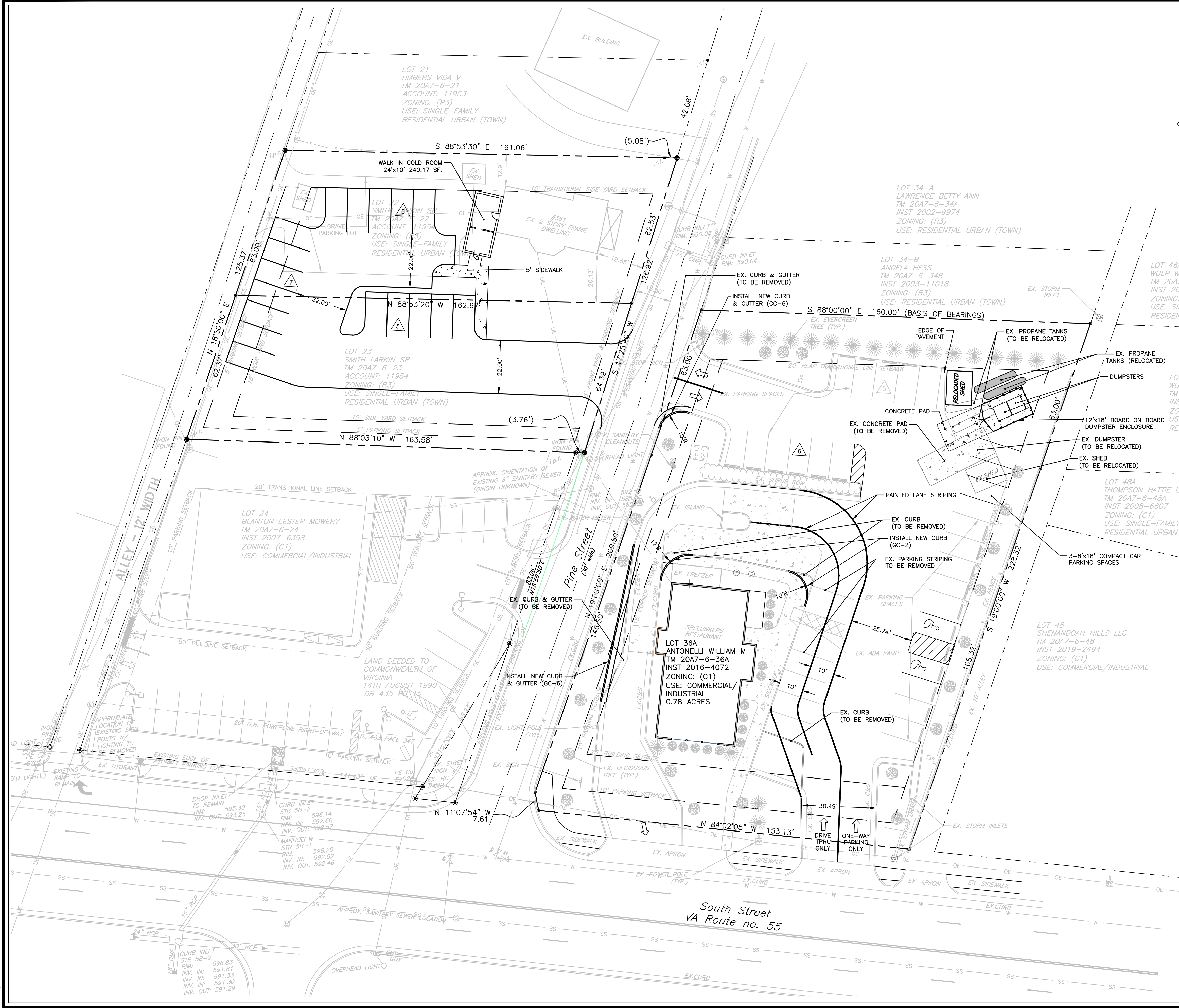
Receipt # TRC 11735-11-02-2021 Date Paid 2-11-2021 pay \$500 Check # 4577

Planning Commission Hearing Date: _____ Recommendation: _____

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

January 2019

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



No.	Date	Revision

LEGEND

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

GRAPHIC SCALE
20 10 0 20 40
Feet

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

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

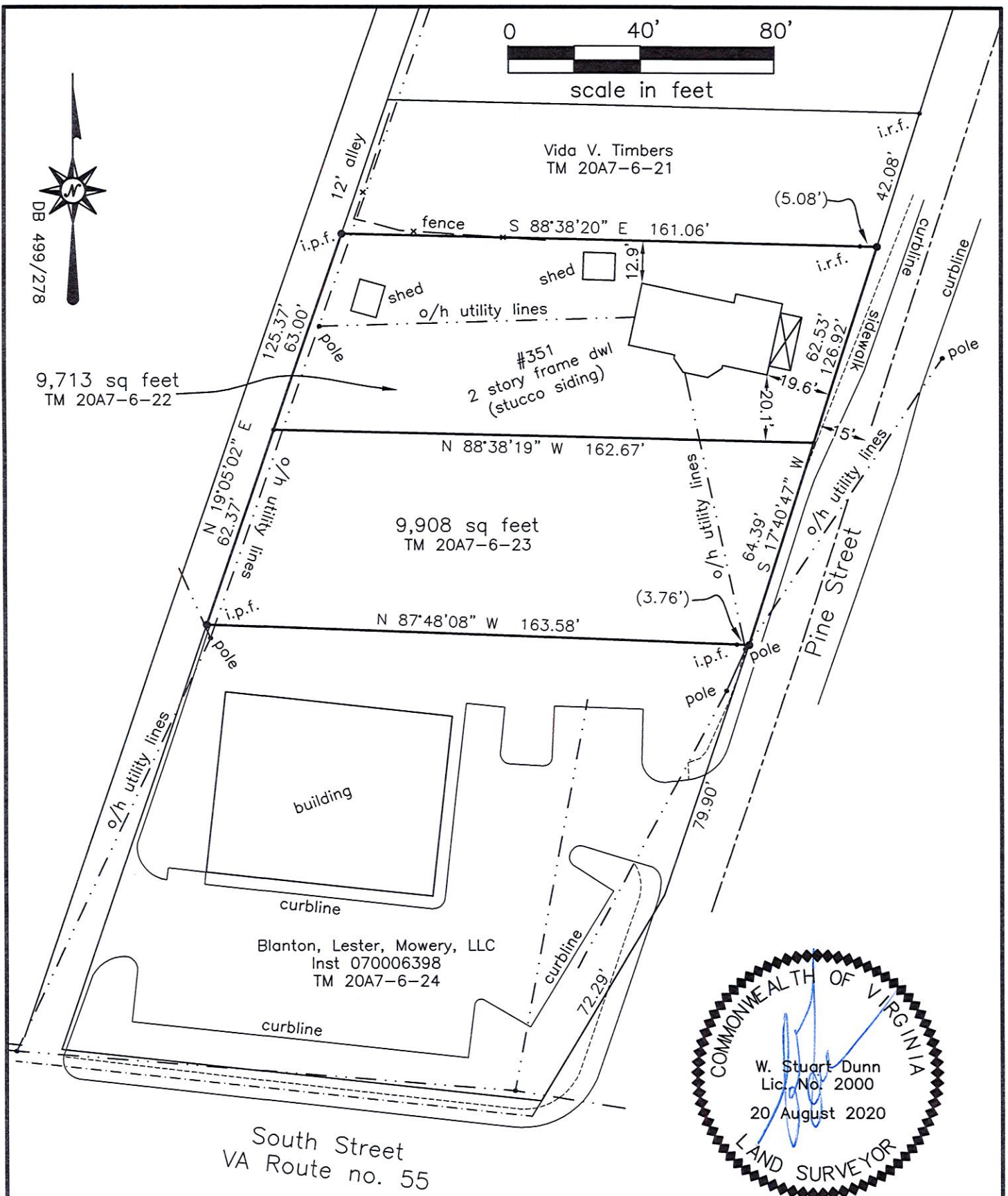
POTESTA & ASSOCIATES, INC.
ENGINEERS AND ENVIRONMENTAL CONSULTANTS
15 South Broadwood Street, Winchester, Va. 22801
TEL: (540) 450-0180 FAX: (540) 450-0182
E-Mail Address: potesta@potesta.com

ISSUE DATE 1/19/2021

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

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

Title
1 of 1
Drawing No.



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

Notes:

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

Survey no. 1939A

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

FRREZON 2488-2021
~~FRRENO~~

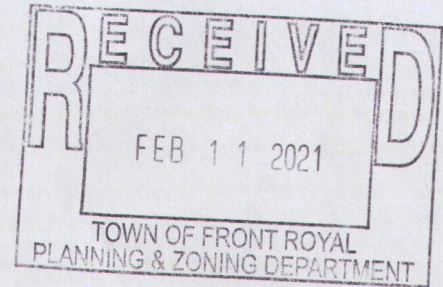


Engineers and Environmental Consultants

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

December 7, 2020

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



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

Dear Board of Supervisors:

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

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

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

POTESTA & ASSOCIATES, INC.

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

Town of Front Royal
December 7, 2020
Page 2

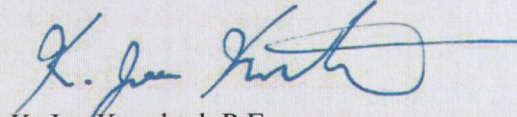
indoor customers will exit Pine Street only. This one-way South Street entrance will improve the potential stacking issues onto South Street. The proposed layout is shown on the enclosed concept plan. This proposed expansion of the drive-thru will result in loss of existing parking spaces currently used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

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

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

Sincerely,

POTESTA & ASSOCIATES, INC.

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

K. Joe Knechtel, P.E.
Branch Manager

KJK/mh

Enclosure



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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

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

March 3, 2021

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

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

Dear Mr. Knechtel:

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

Sincerely,

Tim Wilson
Zoning Administrator



Work Session Agenda Statement

Item # 6

Meeting Date: April 12, 2021

Agenda Item: Update on Special Events Ordinance, Policy and Permit and an Update on Destination Marketing Organization, JLL

Summary:

As part of updating the Special Events Ordinance and writing the Policy and Procedures for use of Town Right-of-Way including but not limited to the Town Commons Area, also known as the Gazebo Area, the Town Code Chapter 72 will have to be amended to reflect what the policy and procedures are trying to accomplish. Bethanie DeRose with Jones Lang & LaSalle (JLL) will update Council on the beginning stages of the Destination Marketing Organization, Joint Tourism Board formation, and to welcome any questions Council may have moving forward.

Budget/Funding: None

Staff Recommendation: Staff recommendation is to amend TOWN OF FRONT ROYAL MUNICIPAL CODE Chapter 72 SPECIAL EVENTS as follows

1. Change title of Chapter 72 to "SPECIAL EVENTS: PUBLIC ASSEMBLIES, DEMONSTRATIONS, AND PARADES"
2. Change all "GAZEBO" references to "TOWN COMMONS" to incorporate the Pavilion.
3. Add a DEFINITIONS section
 - a. The following terms shall have the meanings set out herein:
 - i. *Parade* shall mean any march, demonstration, procession, or motorcade consisting of people, animals, or vehicles, or a combination thereof upon the streets, sidewalks, or other public areas within the town with an intent or likely effect of attracting public attention that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets, sidewalks, or other public property.
 - ii. *Public assembly* shall mean any meeting, demonstration, picket line, rally or gathering of more than ten people for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon the streets, sidewalks, or other public property within the town or that interferes with or has a tendency to interfere with the normal use of any public property in a place open to the general public.
 - iii. *Spontaneous event* shall mean an unplanned or unannounced coming together of people, animals or vehicles in a parade or public assembly which was not contemplated beforehand by any participant therein and which is caused by or in response to unforeseen circumstances or events occasioned by news or affairs first coming into public knowledge within five days of such parade or public assembly.
 - iv. *Special event* shall mean any "Public Assembly" which occurs upon Town property that requires the closure of Town streets, sidewalks, or parks or where it is anticipated that over 25 people may gather and participate, or which requires licenses and permits by Town departments beyond the assembly permit required by

this Section or where video or film production are conducted for commercial purposes. This may include but is not limited to fairs, festivals, carnivals, sporting events, foot runs, markets, dances, and exhibitions.

4. Amend Chapter 72-7 PROVISIONS OF THIS CHAPTER
 - A. The Town Manager may designate one (1) or more officers or employees of the Town or of the Chamber of Commerce to administer the provisions of this Chapter.
5. Remove Chapter 72-3 through 72-4 and create a referenced Policy and Procedures with the purpose that is rescinded from the Town code allowing categorizing events into Tourism, Community Development, or Individual/Group/Business Specific categories through an event matrix.
6. Create a Special Events Webpage or direct to Chamber of Commerce's Events & Calendar Webpage
 1. Develop a Planning Guide and Frequently Asked Questions (FAQ)
7. Add or reference PUBLIC CONDUCT DURING ASSEMBLIES, DEMONSTRATIONS, AND PARADES
 - a. *Interference.* No person shall unreasonably hamper, obstruct, impede, or interfere with any event or with any person, vehicle or animal participating or used in an event for which a written permit has been issued in accordance with the provisions of this article.
 - b. *Driving through parades.* No driver of a vehicle shall drive between the vehicles, persons or animals comprising a parade, special event, public assembly, or funeral procession except when otherwise directed by a police officer. This shall not apply to authorized emergency vehicles.
 - c. *Parking on parade, special event, or public assembly route.* The Chief of Police, or his designee, shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along the public streets or public rights-of-way constituting a part of the route of a parade, demonstration, or assembly. The Chief of Police, or his designee, shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this article.

Chapter 72**SPECIAL EVENTS**

- 72-1 PURPOSE OF CHAPTER**
- 72-2 PERMIT REQUIRED**
- 72-3 PERMIT APPLICATION**
- 72-4 PERMIT APPROVAL PROCESS**
- 72-5 PERMIT EXCEPTIONS**
- 72-6 PERMIT REVOCATION/SUSPENSION**
- 72-7 PROVISIONS OF THIS CHAPTER**

Adopted by the Town Council of the Town of Front Royal 3-11-85 (*formerly adopted 11-26-73. Section 72-8 added at time of adoption of Code.* Entire Chapter was amended by Ord. 4-12 on 1-23-12 (*formerly Entertainment Festival*); Revised/Reorganized Content and Added Subsections 1-14-19. Other amendments noted where applicable.

72-1 PURPOSE OF CHAPTER

A. The Town Council enacts this Chapter for the purpose of regulating the time, place and manner of special events and demonstrations within the Town and to accommodate competing demands for the public use of streets, sidewalks and public places. Regulation is necessary to preserve the public peace and safety, to permit free expression on issues of public concerns, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.

B. The Town Council does not enact this Chapter or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech or the opportunity for communication of thought and discussion of public questions in public places.

(Amended 3-13-06-Effective Upon Passage ; Amended 8-27-07-Effective Upon Passage)
(Amended 7-11-11-Effective Upon Passage ; Amended 1-23-12-Effective Upon Passage)

72-2 PERMIT REQUIRED

No person(s) or entity shall conduct any of the following special events or activities unless a permit has been granted by the Town:

1. Any gathering of individuals or groups for the purpose of listening to or participating in entertainment and/or commemorative festivals or parades with or without music and with or without the use of microphones and amplifiers conducted in open spaces not within an enclosed structure.

(Amended 1-14-10 – Removed the number of persons constituting a gathering-Effective Upon Passage)

2. Any planned gathering that results in the closing of any part of any public street or sidewalk to accommodate persons attending the gathering.

3. Parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of Town streets.
4. Motion picture, video or broadcast television productions, other than news media, involving the staging of vehicles, equipment, props or personnel on public property, including buildings, streets and sidewalks, or requiring the use of Town equipment or services.

72-3 PERMIT APPLICATION

A. An application for any permit required by this Chapter shall be made to the Town Manager or the Manager's designee. The application shall be submitted not less than thirty (30) days nor more than six (6) months prior to the date of the proposed activity. An application for a major event (one involving the closure of more than three (3) blocks or which will last more than two (2) days) shall be filed not less than sixty (60) days nor more than six (6) months before the first date of the proposed activity. The application shall contain the following information, utilizing a form provided by the Town Manager.

If an application is submitted after the filing deadline set forth in Subsection A. the Town Manager or the Manager's designee may waive the filing deadline requirement of Subsection A upon a demonstration by the applicant in writing, that circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit within the time prescribed.

The application shall contain the following information, utilizing a form provided by the Town Manager's Office:

1. Description of the proposed activity;
2. Date, time and location/route of proposed activity and the anticipated number of participants and spectators;
3. Provisions for restroom facilities; security including but not limited to crowd, noise, parking, and traffic control; emergency services, fire protection, waste and refuse disposal, ADA compliance, and loud speaker placement. Plans for control shall meet all state and local requirements, ordinances and regulations.

(Amended 1-14-19-Effective Upon Passage)

4. Food and beverages to be sold or distributed. Plans for sale or distribution shall meet all state and local requirements, ordinances and regulations;
5. The designation of an individual or individuals who shall be responsible for ensuring compliance with the provisions of this Chapter and the conditions of the permit;
6. Proposed equipment, including but not limited to, vehicles, staging, bleachers, shelters, lighting and electricity requirements;

7. If revenue is anticipated to be generated by the activity, the individuals or entity that will benefit therefrom, and a list of anticipated vendors. Vendors associated with special events permitted through this Chapter shall not be subject to Town business license requirements, however, the approved permit does not eliminate any requirement for any business license, permit(s) which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations or compliances with any other federal, state or local statutes, ordinances or rules or regulations;
8. If animals such as horses are to be included in the event, provision of waste collection shall be provided by the Event Coordinator.
9. If pets are to be excluded from the event and how this shall be communicated to attendees;
10. Such additional information or assurances as the Town Manager may require.

(Amended 1-4-19 – Removed reference to “temporary signage”-Effective Upon Passage)

B. A completed application shall be processed and either granted or denied within a reasonable time of receipt, but not more than thirty (30) days from the receipt of any application requiring sixty (60) days’ advance filing or fifteen (15) days from the receipt of any application requiring thirty (30) days’ advance filing. Such decision shall be in writing, setting forth the conditions of the permit, if granted, or the reasons for denial. The decision shall be provided to the applicant at the address stated in the application.

Prior to the final denial of any application, the applicant shall be apprised of the reason therefore and shall be able to appeal to the Town Council.

72-4 PERMIT APPROVAL PROCESS

A. The Town Manager or the Manager’s designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to the following:

1. Any proposed use of public property, right-of-way, or facilities will have a public benefit and not unreasonably interfere with the normal use of property, right-of-way or facility by the Town or the general public;
2. The proposed activity does not present a safety or health risk to participants, spectators or the public, or an environmental hazard;
3. The proposed activity is compatible with the surrounding area or neighborhood, in consideration of anticipated noise, traffic, crowd capacity and other identifiable factors;

4. Should the proposed activity include music or entertainment, provision of such entertainment shall not exceed twelve (12) hours in any twenty-four (24) hour period from the first gathering of participants;
5. Race events shall be responsible to provide traffic cones along affected routes to keep participants within coned boundaries, place race marshals at the start/finish and at every intersection along the coned route;
6. The applicant has provided proof of liability insurance underwritten by insurers acceptable to the Town, indemnifying the Town against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be in amounts consistent with a standard schedule approved by the Town Manager, based upon risks associated with each type of event, in consideration of anticipated attendance. The Certificate of Liability Insurance to cover the event shall name the Town as an "Additional Insurer";
7. Should the proposed activity take place within the Historic Downtown area the following restrictions shall be met;
 - a. Full and/or partial closure of Main Street, shall be permitted two (2) times a month with a maximum of twelve (12) closures a calendar year; and,
 - b. Full closure of the Gazebo Parking Lot shall be permitted only when the full or partial closure of Main Street has been requested/permitted.
 - c. Partial closure of the Gazebo Parking Lot shall be permitted, but the East Main Street entrance to the Parking Lot will remain open to accommodate parking for the Visitor's Center and local businesses. Bollards will be placed in the parking lot, by the Town, to allow such parking.

(Amended "a" and Added "b-c" 1-14-19-Effective Upon Passage)

- d. Town or County sponsored events shall have priority in use of any downtown public property or right-of-way. For events not sponsored by the Town or County, applicants who have held a quality event in the previous year and remain in good standing with the Town shall have priority for the same time and location the following year. All other applications are processed in order of receipt.
8. The payment of a reasonable fee for the use of Town utilities in connection with the proposed activity shall be as follows:

<u>Service</u>	<u>Fee</u>
Electric Service	\$25.00 per day
Water Service	Current metered rate

(Amended 1-14-19 – Removed all reference to other service fees-Effective Upon Passage)

9. By acceptance of the issuance of the permit, the applicant provides the Town Manager, the Manager's designee, and/or duly constituted law enforcement officers full access to the event for the purpose of determining compliance with the provisions of this Chapter.

10. Event Coordinators shall make every effort to promote the following and communicate to all organizers, vendors, entertainers or participants other than attendees the following suggested actions:

a. Event organizer, vendor, entertainer and participant parking should be in locations other than the Peyton Street Parking Lot. The Event Coordinators shall seek permission from off-site property owners for participant parking;

b. Participants in events associated with road closures shall confine exhibits, equipment and supplies to road area only. Blocking of sidewalks is prohibited;

i. Event Coordinators shall provide first right of refusal for one space adjacent to each merchants' business up to six (6) weeks in advance of the event. Event Coordinators are encouraged to provide reduced rates for this space;

ii. Event Coordinators shall place vendor booths on alternating sides of the road or shall alternate side of the road each year for successive events; and,

iii. Pedestrian access paths shall be provided to the sidewalk at a rate of one ten (10) foot space every forty (40) feet of vendor booths. All sidewalk access points shall be free from vendor booths.

11. Any permit granted under the provisions of this Chapter shall remain in effect for the duration of the proposed activity.

(Amended 1-14-19 – Removed reference to “conforming to Zoning Ordinance”-Effective Upon Passage)

72-5 PERMIT EXCEPTIONS

This Chapter shall not apply to:

1. Gatherings on residentially-zoned property for the celebration of birthdays, anniversaries or family reunions;

2. Sporting events on any publicly-owned property;

3. Gatherings or events on Warren County or school-owned property with the permission of the County or School Board; or,

4. Gatherings or events on Randolph Macon Academy or school-owned property.

72-6 PERMIT REVOCATIONS/SUSPENSION

The Town Manager or the Manager's designee shall be authorized to revoke or suspend any permit previously granted:

1. For violation of any provisions of this Chapter or of any condition of the permit;
2. For any material misrepresentation, intentional or otherwise, made in connection with the application;
3. When weather conditions render the subject activity unsafe; and,
4. When otherwise required in the interest of public health, safety and welfare or environmental considerations.

In the event a permit is revoked or suspended, the permittee shall immediately discontinue, or cause to be discontinued, the activity for which the permit was granted, but shall thereafter, be entitled to a hearing concerning the revocation or suspension decision as provided by Subsection 72-3.B.

72-7 PROVISIONS OF THIS CHAPTER

A. The Town Manager may designate one (1) or more officers or employees of the Town to administer the provisions of this Chapter.

B. Any person who shall violate any provision of this Chapter shall be guilty of a Class 3 misdemeanor.

(Amended 3-13-06-Effective Upon Passage ; Amended 8-27-07-Effective Upon Passage)

(Amended 1-23-12-Effective Upon Passage)

(Amended 1-14-19 – Removed Subsection “PERMIT PROCESSING FEE”-Effective Upon Passage)



Work Session Agenda Statement

Item # 7

Meeting Date: April 12, 2021

Agenda Item: Front Royal Police Department Annual Report/ PowerPoint Presentation 2020

Summary: The Annual Report will show Departmental updates, data, and statistics for the year of 2020.

Budget/Funding: N/A

Staff Recommendation: Staff recommends approval of the matrix as presented



ANNUAL REPORT

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Front Royal Police Department

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CHIEF OF POLICE



Kahle Magalis Chief

Chief Kahle Magalis assumed the duties of Chief of Police for the Front Royal Police Department in October of 2017. Magalis previously served as Major at the Warren County Sheriff's Office where he had been employed since 1998. Chief Magalis is a graduate of the Virginia Forensic Science Academy, the DEA Drug Unit Commander's Academy. Chief Magalis is also a graduate of the 264th session of the FBI National Academy, widely considered to be the premier law enforcement executive leadership training in the nation. Magalis is on the Command Board of the Northwest Virginia Regional Drug and Gang Task Force serving as the Chairman for Calendar Years 2019 and 2020. Chief Magalis is an active instructor at the Skyline Regional Criminal Justice Academy and is a faculty member of the Top Gun Narcotics Investigation and Prosecution Program presented by the Virginia Commonwealth's Attorney Services Council.

Message

It is my pleasure to present the Front Royal Police Department's 2020 Annual report to the public. I want to thank you for taking the time to learn more about your police department. We strive to build strong, working relationships with our community to create a safe environment for everyone to enjoy. A key component to those relationships is transparency, and one of the reasons we have produced an annual report. It is our opportunity to share with you the various functions of the Front Royal Police Department, a snapshot of some statistical data, and allow you to learn about the staff who are serving your community in our department.

This past year was a very challenging one. In response to the Covid-19 pandemic, our department had to modify the way some services were delivered, but we were still able to have a successful year.

The business of law enforcement nationwide has been impacted by issues regarding social justice and protests. We developed training for our officers to manage protests and keep participants and nonparticipants of these events safe while still providing an environment where their voices could be heard.

Subsequent legislation has placed new mandates on law enforcement, and we have modified policies and are incorporating these new practices into our operations. Virginia now requires the collection of data from motor vehicle stops and use of force incidents that must be submitted to the Virginia State Police. We have collected this data since July in compliance with this initiative and our department publishes it publicly on a quarterly basis.

We are working with other area agencies to decrease the opioid addiction and the associated overdoses. As this issue has become more prevalent, we recognize this is less of a law enforcement problem than a community problem and we have been working with other entities such as the Department of Social Services, Northwestern Community Services, and the Warren Coalition to help increase awareness, provide education, and decrease substance abuse.

We have accomplished a lot in 2020 and I want to thank the many members of our great community, the Mayor, Town Council, and Town Manager. Thank you for assisting us in reaching and exceeding our goals. I would personally like to extend my gratitude to everyone for your ongoing support and input.

INSIDE FRPD

The Front Royal Police Department is a full-service law enforcement agency staffed by 39 certified officers, 14 full-time and 3 part-time civilian personnel, and 2 police canines all working toward the goal of making Front Royal a great place in which to live, work and raise a family.

Mission Statement

Safeguarding lives in our community through selfless service to others and the unwavering pursuit of justice for those in need.

Vision Statement

The vision of the Front Royal Police Department is to be regarded by our community and our profession as a proactive, professional, and premier law enforcement agency in the Shenandoah Valley as well as the Commonwealth of Virginia.

Furthermore, we recognize that our most valuable resource in this commitment is our people and we will strive to create a positive working atmosphere where creativity and participation abound.



We are going to solve problems in our community utilizing all resources as a government working together. We will provide law enforcement personnel who take pride in performing their duties in a fair and equitable manner setting a high standard of which our citizens can be proud.

Organizational Values

Fortitude:

We will maintain courage and strength in the face of difficulty, danger, adversity, and temptation.

Respect:

We will recognize the authority we hold and will treat others as we would like to be treated. We will faithfully, and without bias, honor our obligations to the community.

Professionalism:

Our conduct and demeanor display the highest standard of personal and organizational excellence.

Dedication:

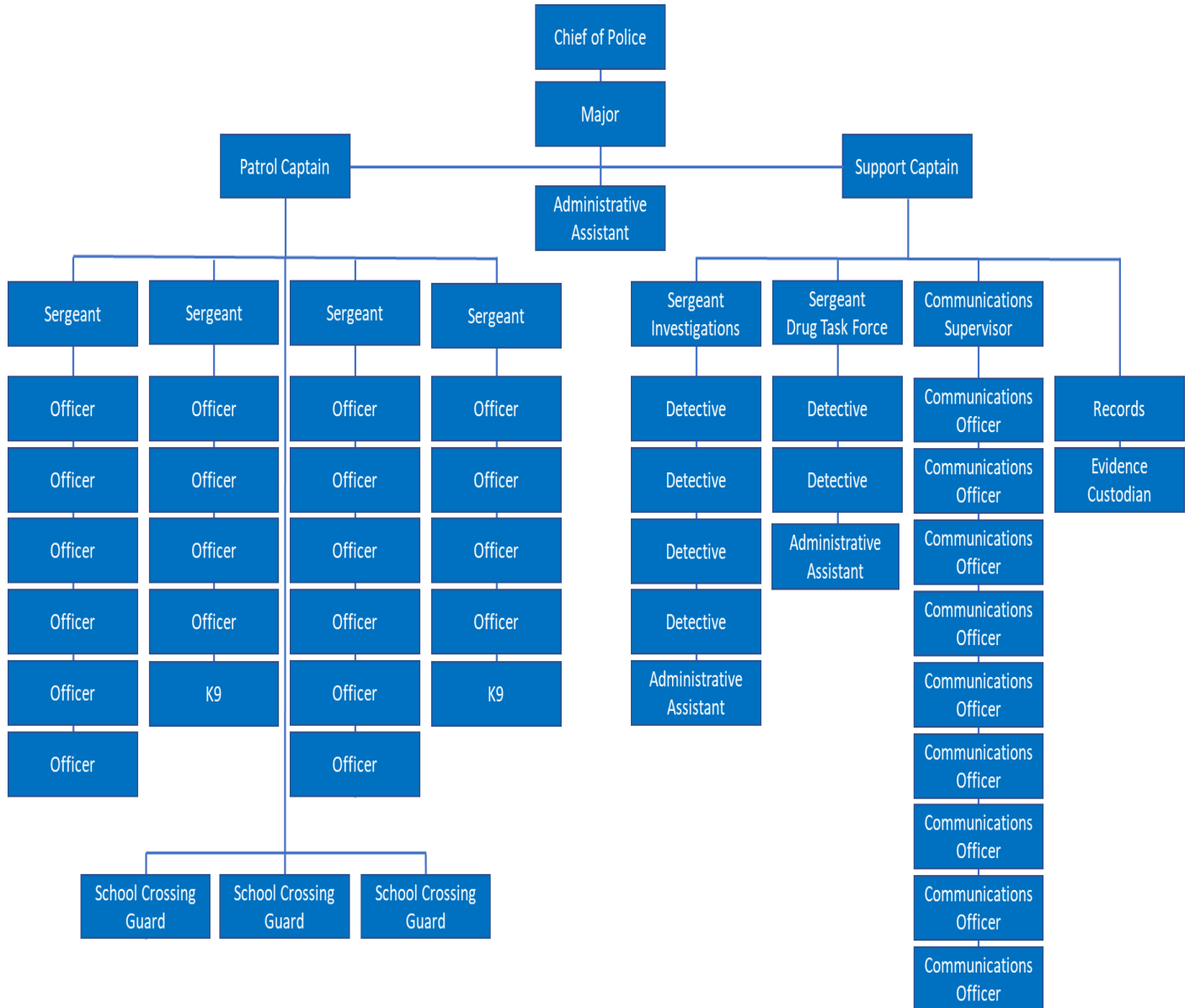
We will display through an unquestionable work ethic, our commitment to the community we serve, our families, and our Agency.

GOALS AND OBJECTIVES

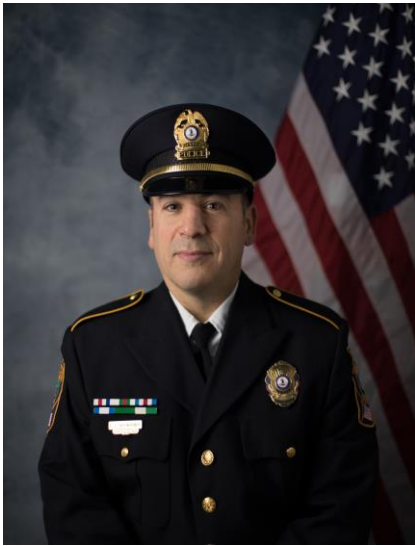
- Continue to upgrade law enforcement equipment including in-car and body worn camera systems.
- Update Emergency 9-1-1 phone system to include NextGen 9-1-1 with texting capabilities.
- To add four officers to the Patrol Division, along with two fleet vehicles to support the additional personnel.
- Prepare, train, and equip personnel for issues involving Civil Disturbances, Crisis Intervention, and de-escalation training.
- To implement an E-Summons program within the next two years.
- Continue to the goal of obtaining accreditation.
- Continue efforts to recruit and hire quality personnel.
- Continue our working relationships with other area agencies.
- Institute leadership training to further develop succession planning within the department.
- Continued efforts to build a robust and cohesive response capability with emergency service partners, to major incidents within the area.



ORGANIZATIONAL CHART



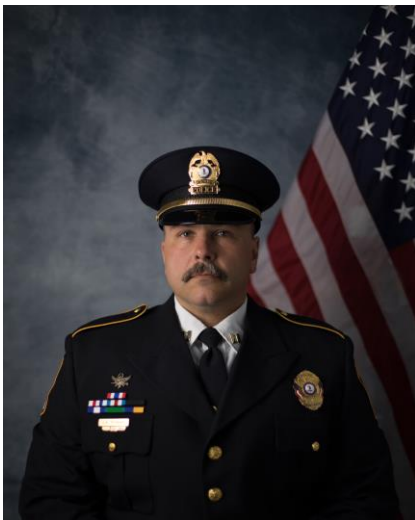
COMMAND STAFF



Kevin D. Nicewarner

Major

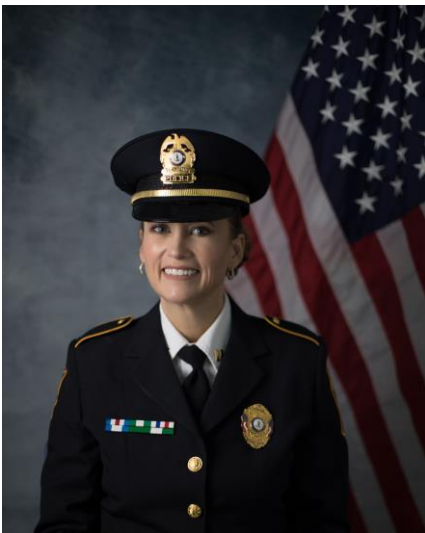
Major Kevin Nicewarner is responsible for managing the overall direction and supervision of all divisions within the Police Department and for overseeing professional standards. Major Nicewarner joined the Department in 1994. He has held a variety of assignments to include Patrol Officer, Criminal Investigations Detective, Patrol Corporal, Sergeant of Criminal Investigations and Patrol Captain. Major Nicewarner is a graduate of the U.S. Secret Service National Computer Forensic Institute (NCFI) and has completed numerous continuing education management courses at Southern Police Institute (SPI) at the University of Louisville.



Jason A. Ryman

Captain

Captain Ryman is responsible for overseeing the operations of the Uniformed Patrol Division to ensure compliance with the Department's policies, procedures, regulations and standards. Captain Ryman is also Commander of the Emergency Services Team and the Crisis Negotiations Team of the Front Royal Police Department and is the appointed liaison to the Front Royal Police Foundation and the Warren Memorial Emergency Management Team. Captain Jason Ryman is a graduate of the Administrative Officers Course (#135) of the Southern Police Institute at the University of Louisville.



Crystal M. Cline

Captain

Captain Crystal Cline has been with the force since 2001 as a civilian and then moved forward as a certified police officer in 2003. Captain Cline is a graduate of Roanoke College and a graduate of the Law Enforcement Officer Basic #74.

Captain Crystal Cline is responsible for overseeing the operations of the Criminal Investigations Division, Drug Task Force, Communications Division, Records Division and the Evidence Division. She is also appointed as the training coordinator for the department.

DIVISIONS

Patrol

The Patrol Division is responsible for preserving the peace, protecting life and property, and maintaining the balance between law and order and individual liberty, 24 hours a day, 7 days a week. This is accomplished by constant patrols of the Town's streets by marked and unmarked vehicles, motorcycle, bicycle and foot. Each squad is composed of a Sergeant and 5-6 patrol officers. Much of their time is spent being on the lookout for criminal activity, potential disturbances, traffic violations, hazards, dangerous situations/conditions, and people in need of assistance.

- **Traffic Enforcement Division-** The Traffic Enforcement Division is primarily responsible for reducing the amount and severity of motor vehicle crashes through aggressive enforcement of speeding, reckless driving, DUI/DUID, seatbelt compliance, and unapproved/defective vehicle equipment. The Traffic Enforcement Officers are assigned to also provide traffic safety awareness throughout the Town of Front Royal through community education, Virginia Highway Safety campaigns, and high visibility patrol of problem areas. The Front Royal Police Department currently has two Traffic Enforcement Officers.
- **Bike Patrol-** Bike patrol was made possible through a grant from the Division of Motor Vehicles. The department currently has three patrol bicycles with a total of eight officers certified in bike patrol.
- **Police K-9's-** Police K-9s are instrumental in preventing illicit drug trafficking in our community. The dogs have the ability to detect a wide variety of illegal narcotics with a high degree of accuracy. The Front Royal Police Department currently has two K-9s assigned to the Patrol Division.
- **School Crossing Guards-** The department currently has three; one of the three positions is filled. School Crossing Guards on duty in the mornings and afternoons during the school year. Their goal is to assist children crossing the street in a safe manner. Crossing Guards are not certified police officers. Due to the modified school schedule in 2020, associated with Coronavirus Pandemic, only one of the three school crossing locations were staffed with a crossing guard. Patrol Officers assisted in the other locations.

COMMUNITY RELATIONS DIVISION

Since 2015, the Front Royal Police Department was staffed by one part-time sworn Community Resource Officer (CRO) assigned to focus on social and community issues. The Front Royal Police Department recognizes that successful crime prevention and community relations depends on the community and the Police Department working together. Through this position, the CRO worked closely with numerous local organizations, businesses, and media sources to help address issues and bolster our organizational values. The CRO position was also paramount in coordinating approved event permits within Front Royal to ensure adequate police staffing, road closures, and security measures were accounted for. Unfortunately, this position was no longer funded in 2020. Though the COVID-19 pandemic dramatically reduced the number of events, gatherings, and meetings in 2020, the Department remains committed to these efforts and are working diligently to absorb these projects within the department.

INVESTIGATIONS DIVISION

Criminal Investigations

Criminal Investigations is staffed by a detective sergeant and four criminal detectives. These Detectives are trained and certified in advanced fields such as interview and interrogation, fire investigations, homicide/death investigation, evidence collection and sexual assault offenses. They are also responsible for establishing and maintaining a liaison with other law enforcement agencies and employment background investigations. The Criminal investigations Division also has a newly certified Crime Analyst position.

Narcotics Investigations

Narcotics Investigations consists of one detective sergeant and two detectives from the Front Royal Police Department assigned to the Northwest Virginia Regional Drug Task Force, which is comprised of agencies from Front Royal, Winchester, Warren, Frederick, Clarke, Shenandoah, Page, Strasburg, and Virginia State Police.

SERVICES

Communications Division

The Communications Division is staffed by a Communications Supervisor and nine full-time Communications Officers. This Division is a 24-hour, 7 days a week operation and is the hub of the Police Department. They handle over 30,000 calls per year and are the first point of contact the public has with the Police Department. The Communications Division is responsible for all incoming telephone calls, including 911 calls, and all walk-in complaints.

Records Division

The Records Specialist maintains, processes, and retrieves various law enforcement related records, warrants, and summonses. Performs specialized police related records management, data entry and record-keeping duties; maintains all reports and applies retention laws when required. The Records Specialist is the department's point of contact for all FOIA requests.

Evidence Division

The Police Evidence Technician maintains security, processing, storage and disposal of all evidence and property coming into the custody of the police department according to State and Federal laws and departmental procedures.

HONOR GUARD

The Front Royal Police Department Honor Guard was reinstated in 2019. This group of highly motivated and dedicated Officers come from all divisions within the Police Department. The Honor Guard participates in parades and community events when requested. The team also has the honor of showing final respects to fallen officers and their families from any department across the United States. Members of the team are highly trained to represent the Department with Honor and Integrity and are trained in marching, proper flag handling and folding, and synchronized rifle movements to name a few.



EMERGENCY SERVICES TEAM

The Front Royal Police Department has ten Tactical Officers and four Crisis Negotiators. These Officers endured 50 hours of basic training for initial assignment, with over 100 hours of ongoing training each year. Each Officer has had specialized training in the areas of high-risk warrant service, hostage rescue, barricaded subjects and crisis negotiations.

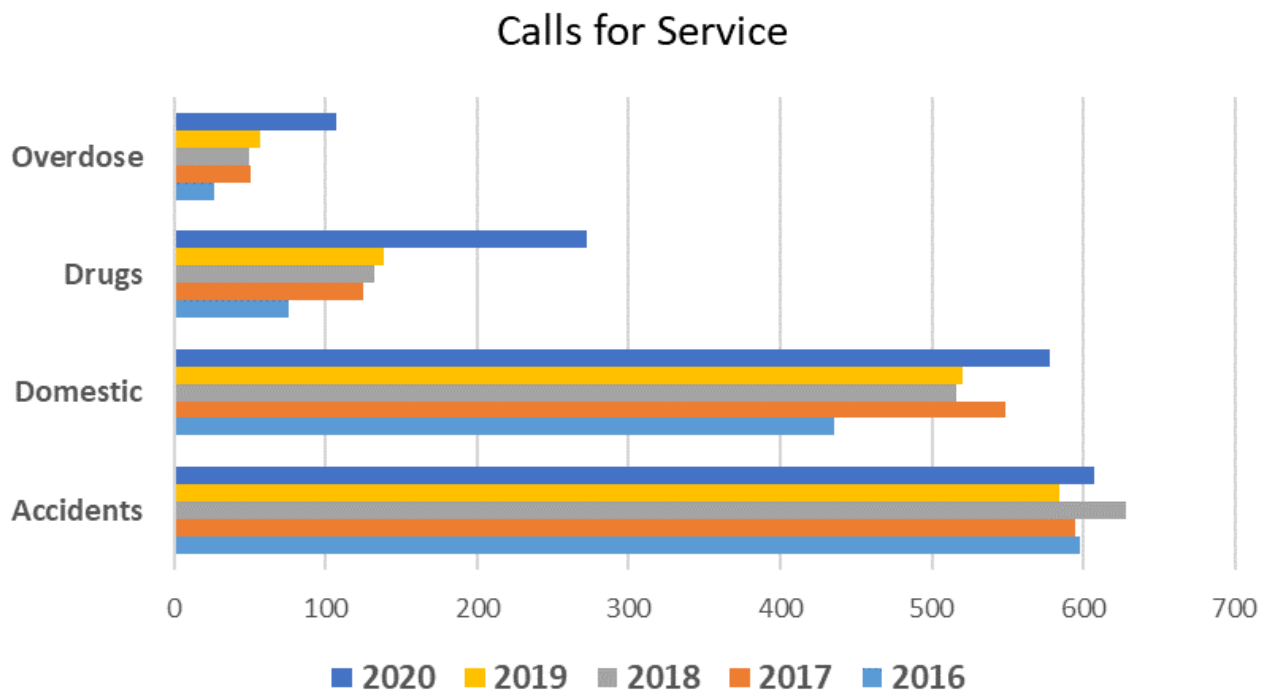
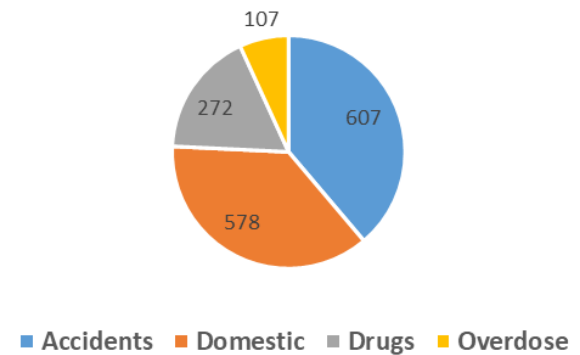
In 202, the EST was activated and deployed on 13 separate incidents involving high risk situations.



STATISTICS

TOTAL CALLS FOR SERVICE - 15,025

This number reflects incoming emergency and non-emergency requests for service. It excludes activities such as officer self-initiated calls, location and status calls, duplicate calls, power outages, and other routine administrative call activities. Not included in the chart is 2537 incident reports.



Calls for Service					
	Incident Reports	Accidents	Domestic	Drugs	Overdose
1 Year Difference	-14.50%	-3.90%	11.20%	95.70%	87.70%
2 Year Difference	-15.90%	-3.30%	12%	106.10%	114%

ARRESTS

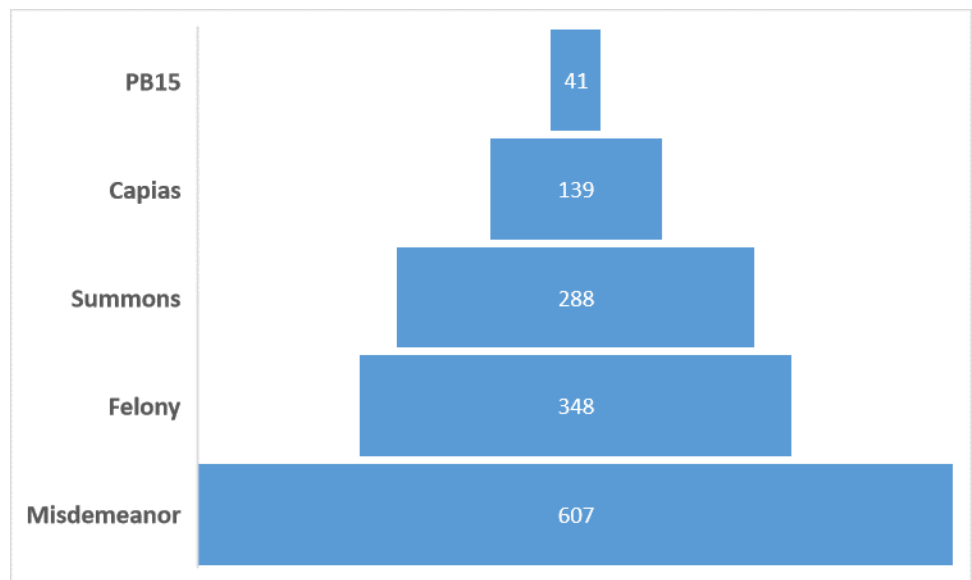
Arrests made by person.

2016	2017	2018	2019	2020	1 Year Difference	2 Year Difference
842	981	1063	1086	991	-8.70%	-6.80%

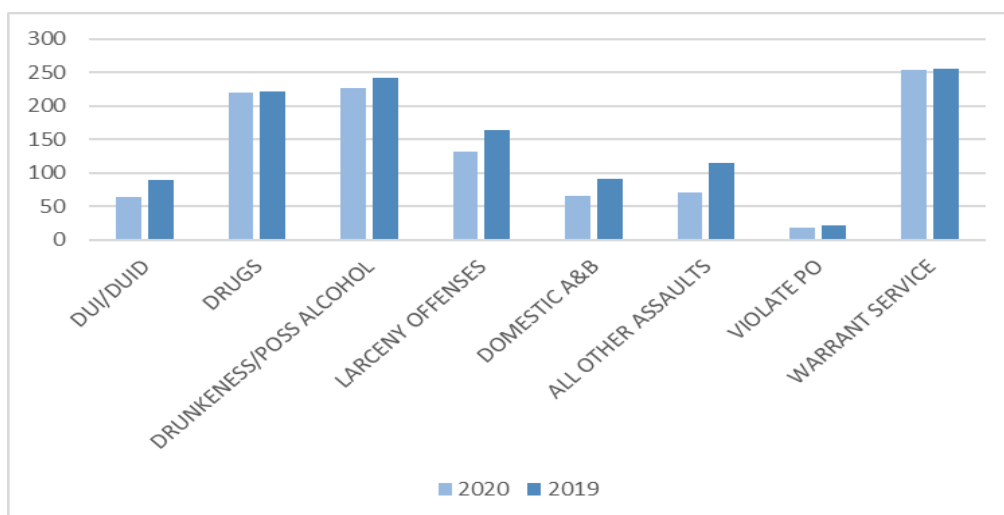
OFFENSES BY CRIME CLASS

1564 Total Criminal Charges

Criminal charges have decreased 8.5% from 2019, and by 1.6% in 2018.



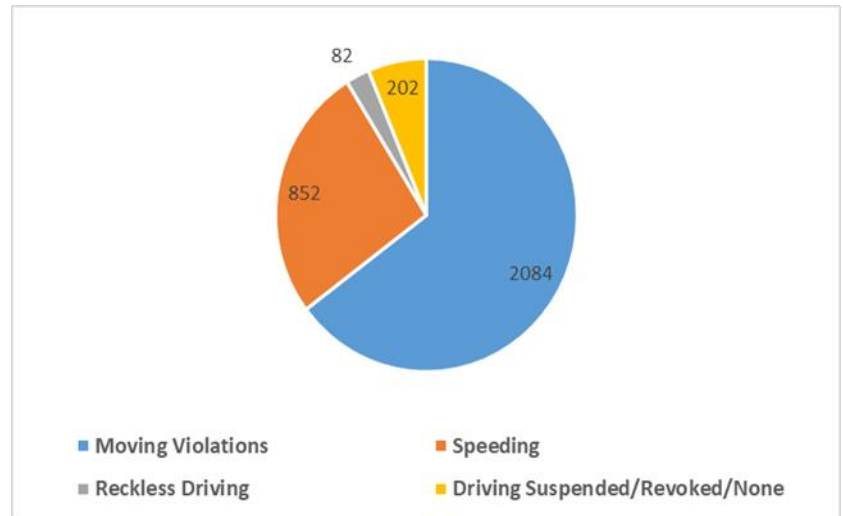
OFFENSES



TRAFFIC ENFORCEMENT

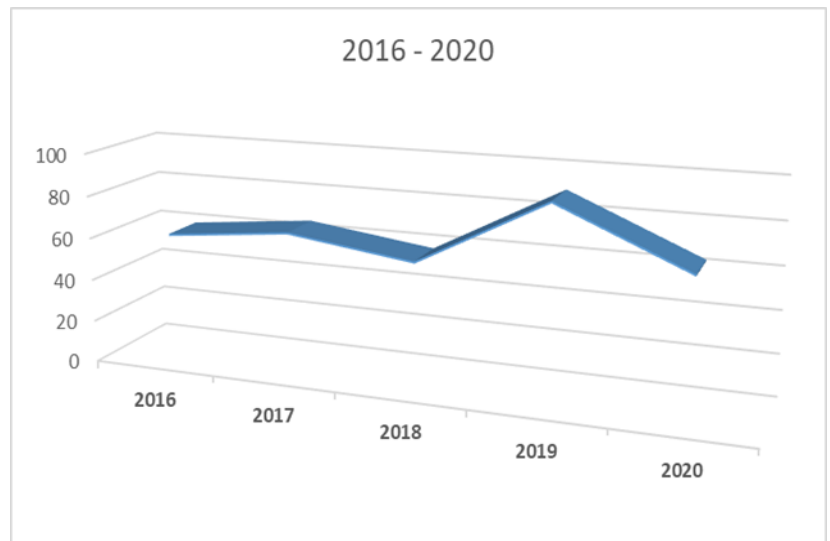
3,593 Total

The uniform traffic citations have decreased by 43.4% since 2019.



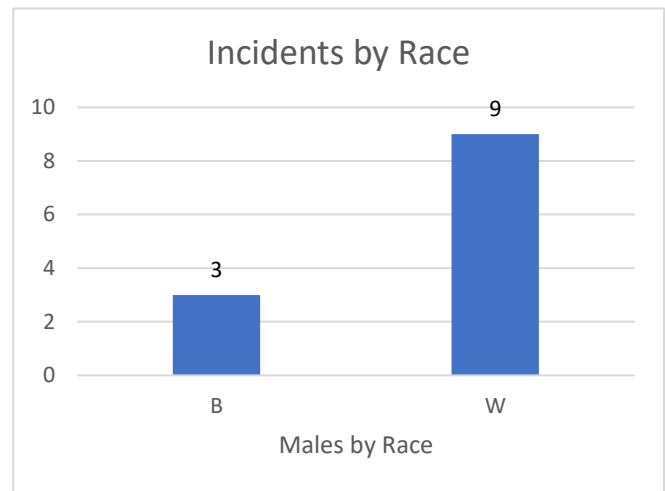
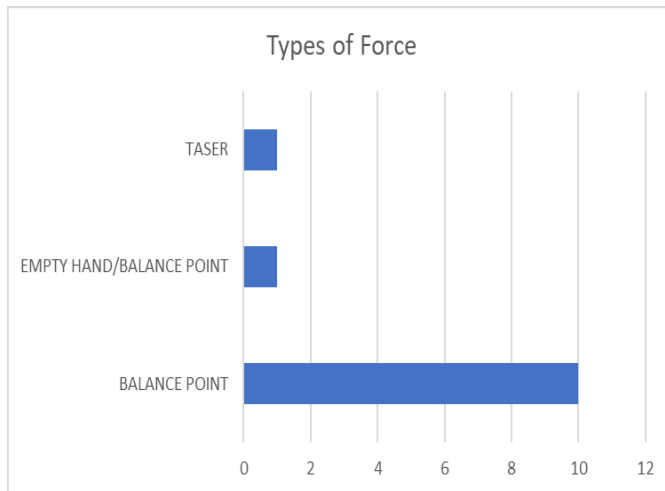
DUI/DUID's

DUI/DUID's have decreased from 2019 by 8.5%



COMBATING DRIVING UNDER THE INFLUENCE	2020
DUI SATURATION PATROLS	25
DUI ARRESTS	90

USE OF FORCE



Summary of 2020 Use of Force Incidents

There was a total of 12 Use of Force incidents in 2020, which were all determined to be justified. All 12 incidents involved males, 9 of them were white and 3 were black. In 2020, there were 2 more incidents involving use of force in comparison to 2019.

2020 INTERNAL AFFAIRS

During calendar year 2020, the Front Royal Police Department received a total of four formal complaints against staff. Of those four complaints, one was classified as a Major complaint and three were classified as Minor complaints. All four of these formal complaints originated externally with no formal complaints filed from inter-departmental staff.

Date Received	Nature of Complaint	Classification	Conclusion
2/29/2020	Improper Demeanor	Minor	Unfounded
4/22/2020	Performance of Duty	Minor	Unfounded
11/11/2020	(1) Bias Based Policing (2) Improper Demeanor	Major	(1) Not Sustained, (2) Sustained
11/12/2020	Performance of Duty	Minor	Exonerated

PATROL

The most visible members of our Department are the men and women of our Patrol Division. These officers are available to respond to calls for assistance and provide services 24 hours a day, 365 days a year. Patrol Officers proactively enforce criminal and traffic laws, interact with the community, and keep an eye out for any suspicious behavior. They can be seen patrolling in vehicles, on bicycles, or on foot.



CRIME PREVENTION

Uniformed police officers are assigned to patrol specific geographic areas, which they check for signs of criminal activity. Officers also conduct searches and cite, warn or arrest any offenders that they confront. Many of these activities occur as follow-up investigations of citizen complaints and emergency calls.

TRAFFIC ENFORCEMENT

Traffic Enforcement is comprised of two traffic officers who are responsible for the investigation of traffic crashes and the enforcement of state and local traffic laws and ordinances. In addition to enforcing traffic laws and investigating traffic crashes, the Traffic Enforcement Officers perform ceremonial duties, such as parades and funeral escorts.



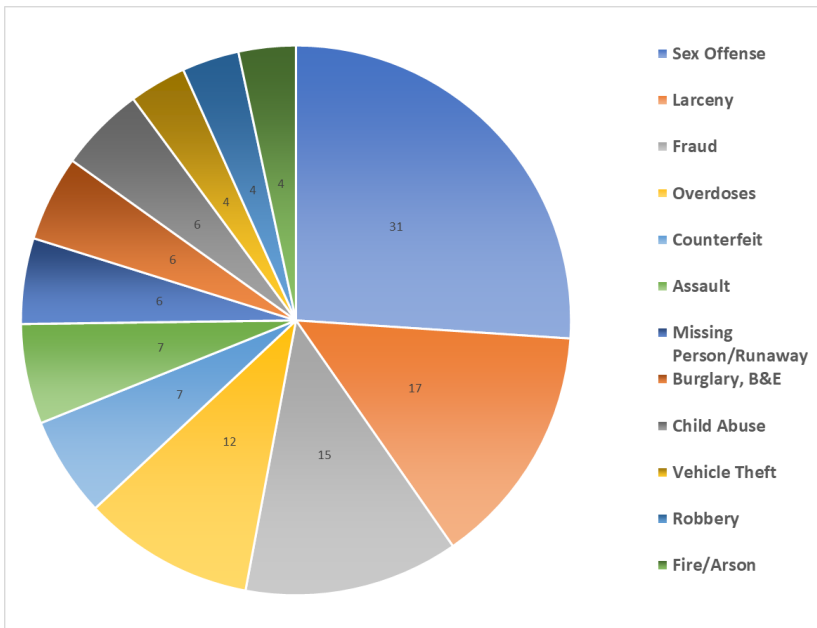
INVESTIGATING ACCIDENTS

The Patrol Division responds to and handles traffic crashes in the Town of Front Royal. These crashes range in seriousness from minor crashes with no injuries to crashes resulting in fatalities. While the vast majority of crashes involve either no injuries or minor injuries, the very small minority of crashes involving fatalities require complex, in-depth investigations. The officers of the Traffic Enforcement Division strive to hand traffic crash investigations in a safe efficient manner while provide the best possible service to the public. In 2020, Officers responded to over 600 traffic accidents.

CRIMINAL INVESTIGATIONS DIVISION

Overall, the division is responsible for an average of over 200 felony cases being investigated within the town each year. This equates to roughly 50 active investigations per detective per year.

Total New Assigned Cases	Total Cases Cleared
137	132



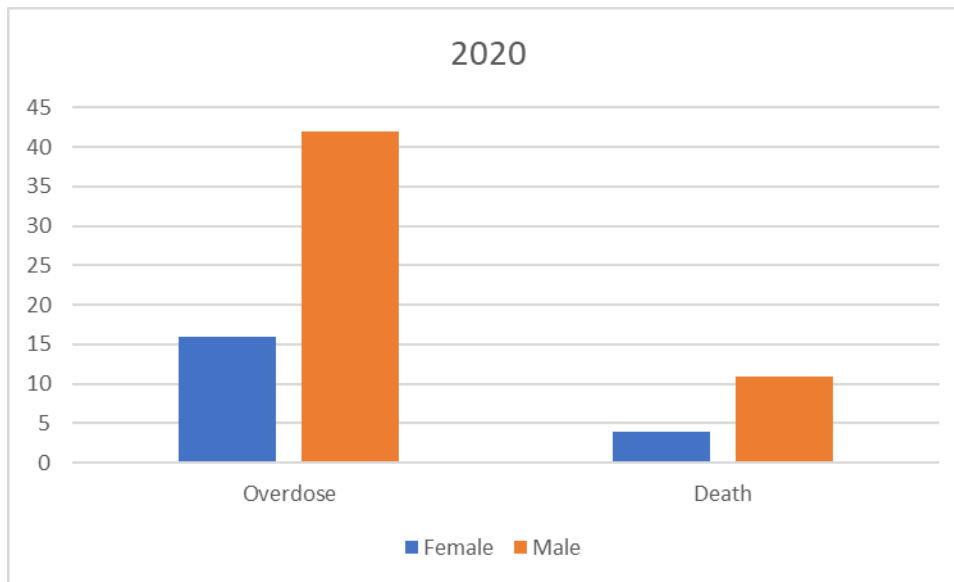
Warrants	2019	2020
Misdemeanor	33	25
Felony	88	56

Jessica Racer completed her Crime and Intelligence Analysis Certification Course this year. This certification is very beneficial to our Criminal Investigations Division which provides support to our detectives in how to identify and defining crime trends, problems, patterns, and to use your research and analysis to create tactics and strategies that lead to an effective police response.



DRUG TASK FORCE

In 2020, Narcotics Detectives that are assigned to the Northwest Virginia Regional Drug Task Force worked a total of **71** drug overdose cases in Front Royal and Warren County. This is a 103% increase from a total of **36** drug overdose cases reported in 2019.



The average age of the victim is 34 years.

The Northwest Virginia Regional Drug Task Force (NVDTF) is committed to the suppression of illegal narcotics. Through the combined efforts of local, state, and federal agencies, the Drug Task Force will actively pursue those groups or individuals who manufacture, distribute, or sell illegal narcotics within the Task Force region.

Our mission is to protect the safety, dignity, and property of our citizens. We will maintain public trust and put personal interest aside for the betterment of the community.



- The Northwest Virginia Regional Drug Task Force was organized in 1986 with eight investigators. Currently the Drug and Gang Task Forces have 20 drug detectives and 9 gang investigators.
- The Drug and Gang Task Forces are managed by a Command Board consisting of Sheriffs and Chiefs from all represented agencies:
- Clarke, Frederick, Page, Luray, Shenandoah, Front Royal, Strasburg, Winchester, and Virginia State Police Departments.

EVIDENCE

Responsibilities & Services

The Property and Evidence Division is responsible for the preservation, destruction, and release of all items placed in their care. The Evidence Technician has been trained in proper storage techniques to ensure that the integrity of property and evidence is maintained. The Division currently stores over 2,000 items of evidence, found property, and property held for safekeeping.

Upholding the security and control of all items placed in the care of property and evidence is an essential part of the job. Detailed records of transactions involving items of evidence are maintained to preserve the chain of custody.

Evidence Technicians are required to ensure Federal, State, and local laws and ordinances are met related to seizures, forfeitures, prisoner property, and lost or found property. Additionally, they lend support to officers with search warrants and process large volumes of evidence. Extensive inventories are conducted on all narcotics, weapons, and currency, which are categorized as high-risk items.



2020 Evidence Record

Items Received	966
Items Destroyed	822
Items Released to Owner	175
Total Active Items	2204

COMMUNICATIONS

The Communications Division includes nine Communication Officers and one Supervisor. The Communications Center is staffed 24 hours a day, 365 days a year. The nine dispatchers working in this division are considered essential personnel and are the critical link between citizens and emergency responders.

In 2020 the Communications Division answered:

- **28,646** Telephone Calls
- **15,025** Calls for Service
- **1,917** Emergency 911 Calls
- **2,108** FRPD Walk-Ins



K-9's

FRPD canines have drug detection capabilities. The use of trained canines for drug detection is widely recognized by both state and federal courts throughout the United States. A positive alert by a trained drug detection canine can be probable cause for both an arrest and the issuance of a search warrant.



K-9 Bosco graduated from the K-9 Narcotics Detection Course on July 20, 2018. They completed their training from the Shallow Creek Kennels located in Sharpsville, PA.

Handler: MPO Anthony Clingerman

Bosco: German Shephard born in Slovakia on March 9, 2017.

K-9 Maverick graduated from the K-9 Narcotics Detection Course on October 26, 2018. They completed their training from the Shallow Creek Kennels located in Sharpsville, PA.

Handler: Police Officer II Olivia Meadows

Maverick: Black Labrador Retriever born in Hungary on September 4, 2017.



In 2020, Bosco and Maverick assisted with **137** calls for service.

COMMUNITY INVOLVEMENT



Sgt. Winner frequently teaches a women's self-defense course throughout the community.



The Front Royal Police Department provides tours of their new facility to the public, schools and various organizations upon request



We hosted our first ever Blood Drive through American Red Cross this year donating over 44 units of blood!

MPO Rosemeck participated in a children's event.



The Department celebrates Christmas with the Elk's Lodge by providing gifts to children in need throughout the Community.

The Department participated in the 5th Annual Heroes Challenge hosted by Gold Mountain Martial Arts!



NATIONAL NIGHT OUT

Front Royal Police Department participates with the annual community building campaign that promotes partnerships between the police and the community. It provides a great opportunity to bring police and neighbors together under positive circumstances. Due to COVID-19 this year, we operated differently, but was still able to reach out to the community, by providing a lawenforcment parade with 6 stopping points.



COMMUNITY EVENTS

Personnel have direct operational responsibilities for over two dozen community events including but not limited to:

- Parades
- Wine & Craft festival
- Festival of Leaves
- Dancin' Downtown
- Zombie Walk
- Family Fun Day
- River & Brews Festival
- Several 5K Races
- Misc. pop-up events throughout the year



These events are staffed by police personnel to ensure the safety of all attending. This staffing is in addition to the regularly scheduled patrol shifts. Due to COVID-19, many of these events were cancelled or scaled back in 2020.

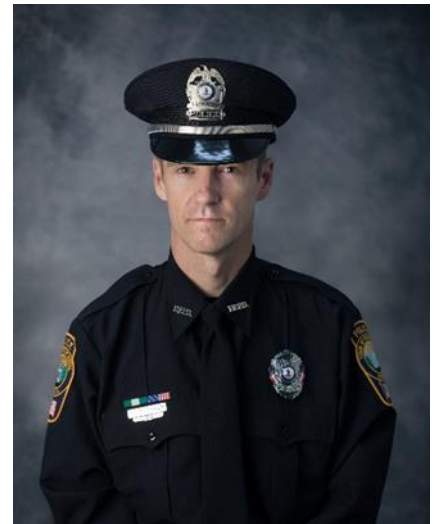
WELCOMES



Brittani Dennis was welcomed into our Communication's Division on February 5, 2020. Brittani joined FRPD with over six years of experience. Brittini previously worked at Warren County Sheriff's Office, and we are happy to have her in our Department.

June 29, 2020, the Department welcomed Scott Baker as a Police Officer. Officer Baker is an eleven-year veteran of the United States Army Military Police Corps, having deployed to Afghanistan in support of Operation Enduring Freedom. He is a sworn law enforcement officer with more than three years of civilian law enforcement experience as a Patrol Officer and a Criminal Investigator.

Officer Baker is a native of Warrenton, Missouri and has a Bachelor of Arts in Media Communications from Webster University. He and his wife, Christina, and their ten children have been residents of Front Royal since leaving the Army in 2017.



Zachary Wallace started with our Department as a Police Officer December 28, 2020. Officer Wallace grew up in Front Royal and graduated from Warren County High School in 2011. He previously worked at Shenandoah County Sheriff's Office as an Auxiliary Deputy, and then was hired full time in December 2017. Officer Wallace graduated from Central Shenandoah Criminal Justice Training Academy with honors in May 2018.

YEAR IN REVIEW



Brian Whited was promoted to Sergeant on February 26, 2020. Sgt. Whited has been with the Department since 2002.

Zachary King was promoted to Sergeant on July 22, 2020. Sgt. King has been with the Department since 2009.



2
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General David Wesley, Lt. Colonel Michael Starling and Assistant Commandant Todd Freiwald with Randolph Macon Academy came to the Front Royal Police Department to personally thank Sgt. Travis Cave and Detective Zach King for being instrumental during an incident concerning an RMA student.



John Dever graduated from Communications Basic at Skyline Regional Criminal Justice Academy



MPO Bill Lawson and Officer Haywood both won the Pride and Performance Award.



CONNECT WITH FRPD

The Front Royal Police Department looks forward to continuing to strengthen our partnerships with our community as we continue to ensure Front Royal is a great place to live and work. In 2020, we intend to stay progressive through continual improvement and to be a Police Department our community is proud to call their own.

Connect with Front Royal Police Department with us online to learn more about what we are doing.



<https://frontroyalva.com/169/Police-Department>



Follow us on Facebook
[Facebook.com/FrontRoyalPolice](https://www.facebook.com/FrontRoyalPolice)

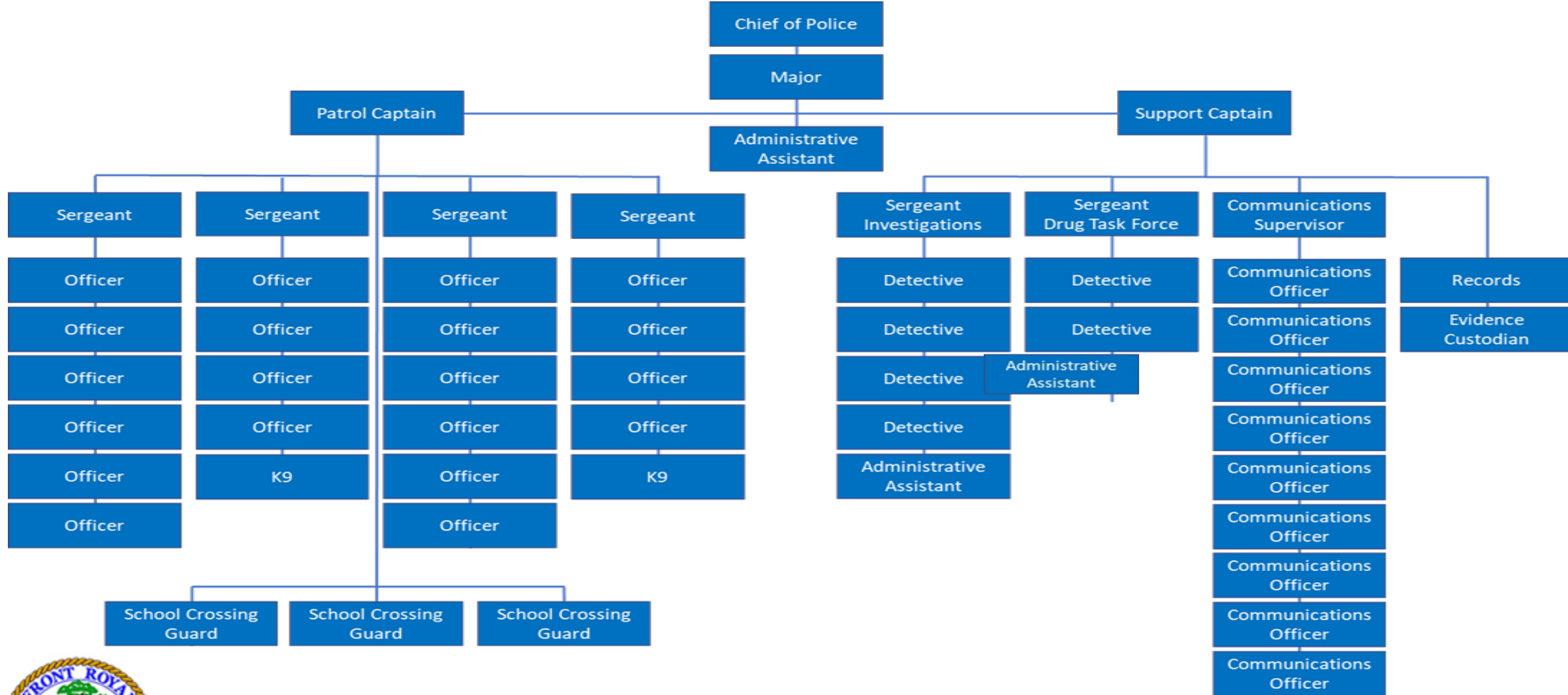
Front Royal Police Department Portfolio

- \$5.2M Department Budget (FY22)
- 39 certified officers
- 14 full-time and 3 part-time civilian personnel
- 2 police canines
- Divisions
 - Patrol
 - Investigation
 - Communications



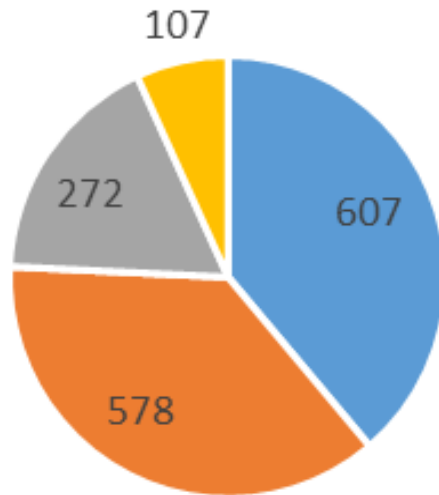
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Organizational Chart

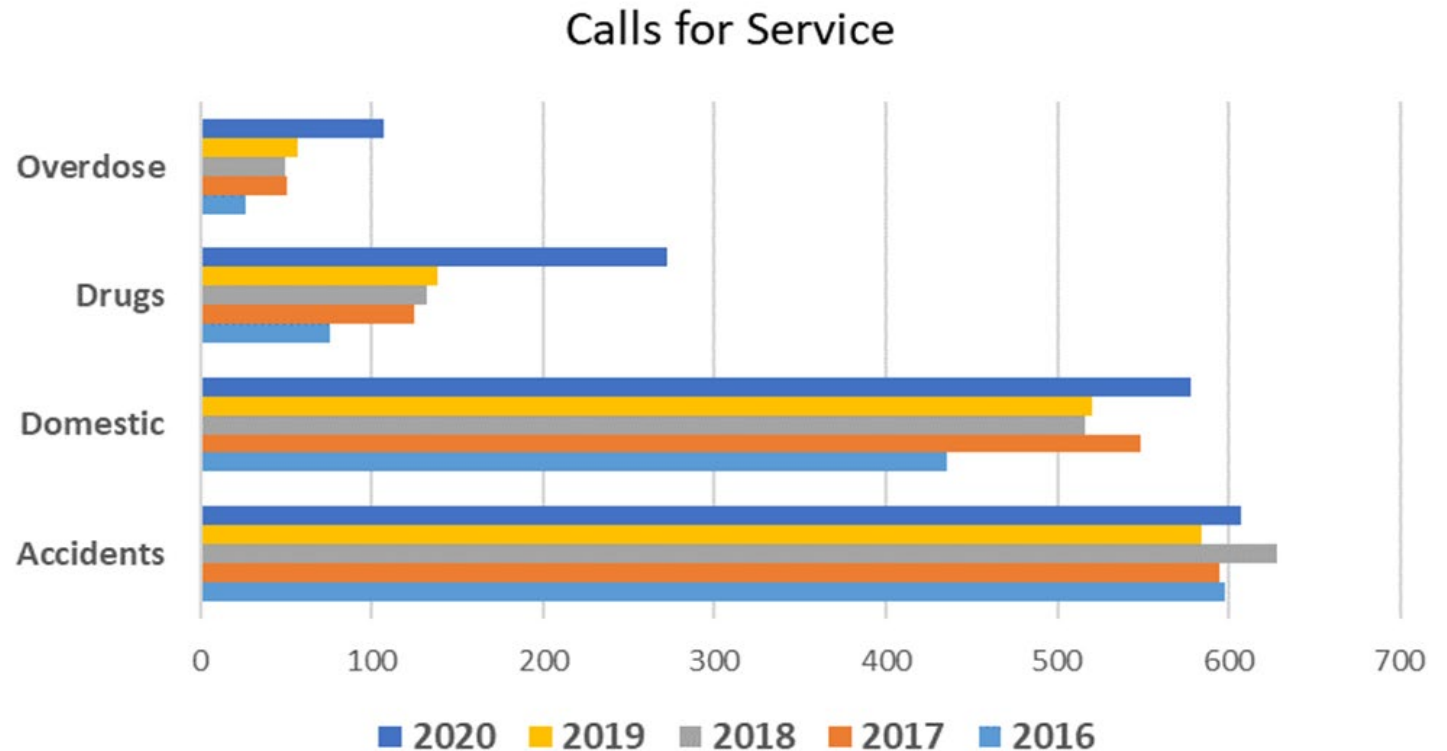


2020 Calls for Service (15,025)

This number reflects incoming emergency and non-emergency requests for service. It excludes activities such as officer self-initiated calls, location and status calls, duplicate calls, power outages, and other routine administrative call activities. Not included in the chart is 2,537 incident reports we responded too.

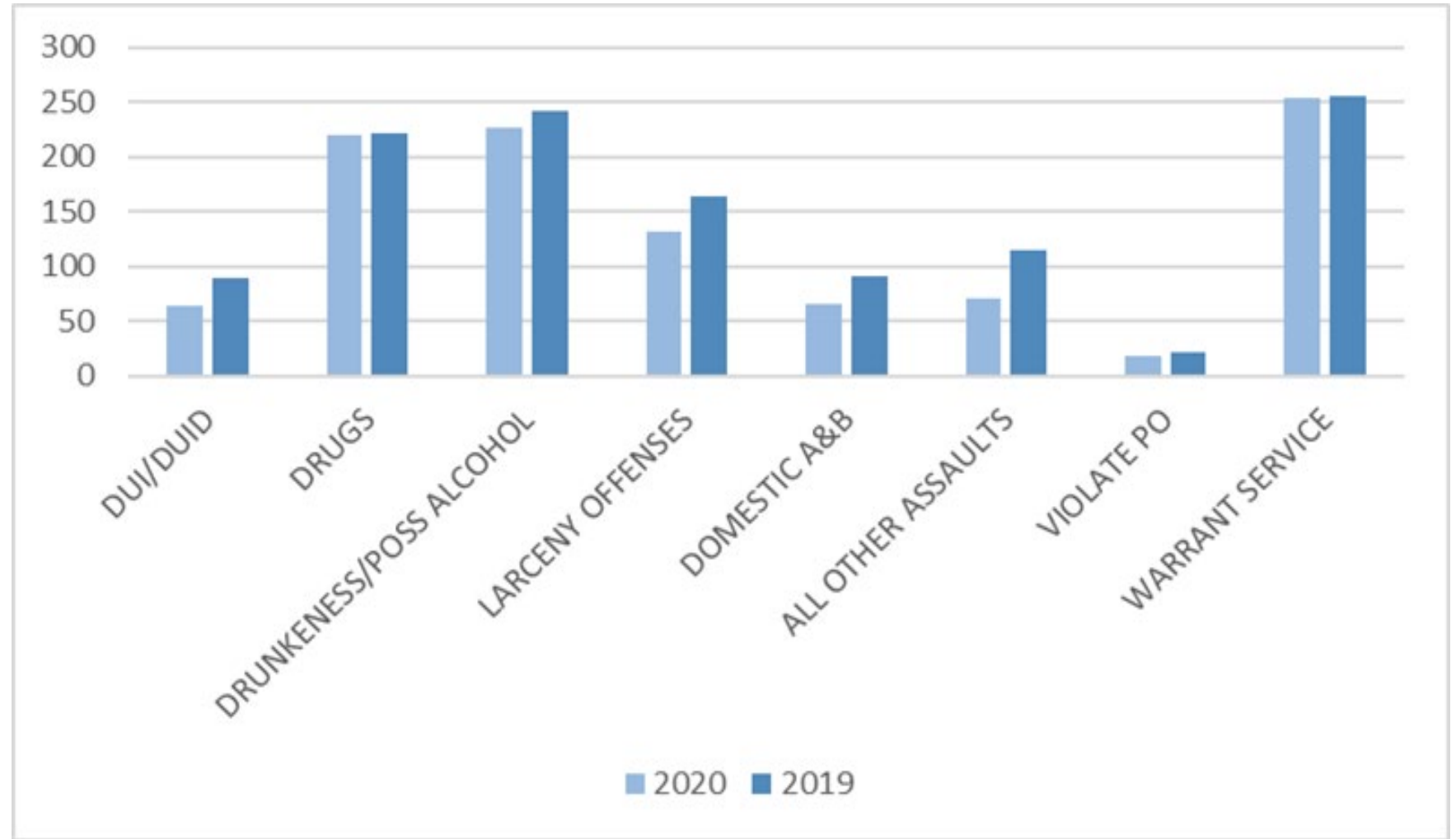


■ Accidents ■ Domestic ■ Drugs ■ Overdose



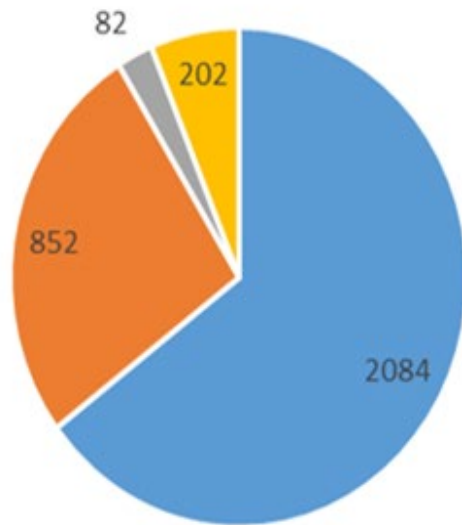
2020 Arrests

- 991 Arrests made by person
- 1,564 Criminal Charges



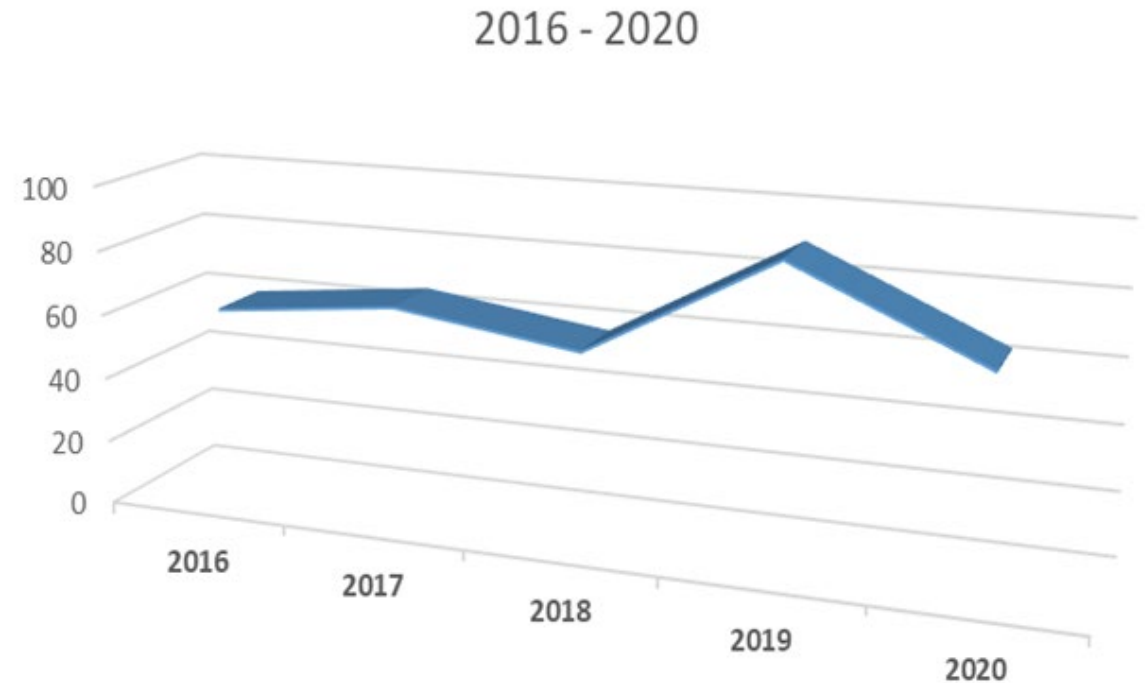
2020 Traffic Enforcement

3,593 Total Traffic Citations



■ Moving Violations ■ Speeding
■ Reckless Driving ■ Driving Suspended/Revoked/None

64 DUI's

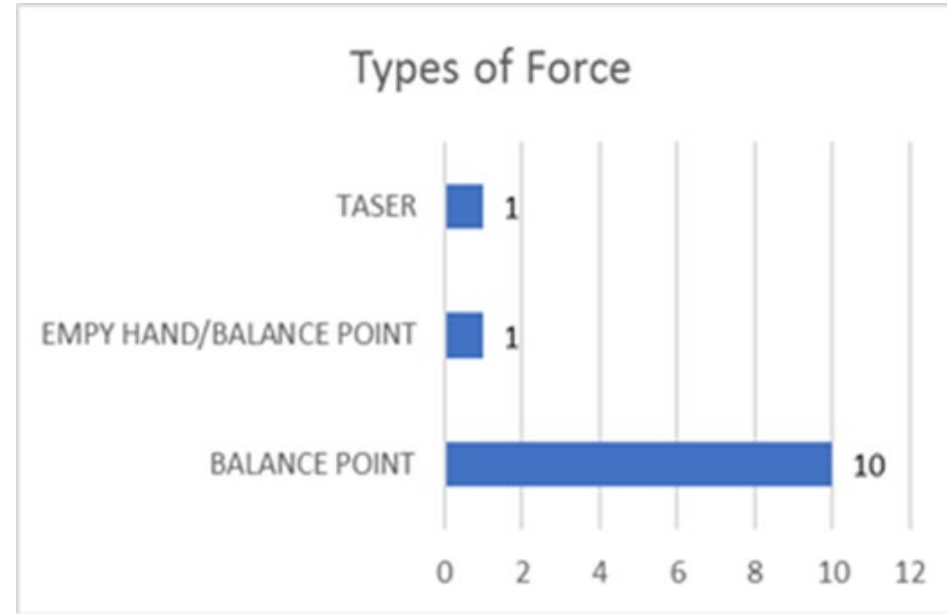


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Use of Force & Internal Affairs

Use of Force (2020)

- 12 Incidents – all involved males
- 9 White
- 2 Black
- 2 more than 2019



Internal Affairs (2020)

- 4 formal complaints
- 1 Major
- 3 Minor
- All originated externally

Date Received	Nature of Complaint	Classification	Conclusion
2/29/2020	Improper Demeanor	Minor	Unfounded
4/22/2020	Performance of Duty	Minor	Unfounded
11/11/2020	(1) Bias Based Policing (2) Improper Demeanor	Major	(1) Not Sustained, (2) Sustained
11/12/2020	Performance of Duty	Minor	Exonerated





Work Session Agenda Statement

Item #8

Meeting Date: April 12, 2021

Agenda Item: Neighborhood Watch Discussion

Summary: Councilman Thompson has asked that the Neighborhood Watch Program be discussed for a possible “reboot” and to be advised of any costs for creating one similar to what was done in the past.

Budget/Funding: None at this time

Staff Recommendation: Council takes desired action



Work Session Agenda Statement

Item #9

Meeting Date: April 12, 2021

Agenda Item: Removal of Credit Card Fees

Summary: During the March 8th, 2021 work session, Council requested staff to provide research a recommendation regarding the removal of credit card fees charged to citizens for payment transactions.

Following this coversheet is researched provided by staff for Council's review.

If Council decides to proceed with permanent removal of the credit card fees the following ordinance amendment will be required to remove a portion of Town of Front Royal Municipal Code Chapter 12-3 Finance Fees and would require the Town to absorb approximately \$140,000 in expense associated with credit card fees for the FY21-22 Budget. (Note the \$140,000 is an estimate and is subject to change based upon items shown in the attached memo)

Town of Front Royal Municipal Code Section 12-3 would need to be amended as follows:

12-3 FINANCE FEES

A. FEE FOR RETURNED CHECK: If any check or other means of payment tendered to the Town in the course of its duties is not paid by the financial institution on which it is drawn, because of insufficient funds in the account of the drawer, no account is in the name of the drawer, or the account of the drawer is closed, and the check or other means of payment is returned to the Town unpaid, the amount thereof shall be charged to the person on whose account it was received, and his liability and that of his sureties shall be as if he had never offered any such payment. A penalty of \$35.00 or the amount of any costs, whichever is greater, shall be added to such amount, and said penalty shall be in addition to any other penalty provided by law.

~~*There is hereby added to any amount due to the Town a fee of 2.35% when payment of such amount is tendered by either credit card or debit card or any other means of payment by which the Town incurs a charge.*~~

The credit card fees can be absorbed for the current FY21 budget remaining by using funds set aside in contingency. Expense associated with each fund would be allocated proportionally based upon the funding formula used by the Town for the Enterprise Funds helping to support the General Fund.

Credit card fees for the FY22 budget can be absorbed by:

Fund

Value

Line Item

Page# FY22 Proposed Budget

General Fund	\$43,780	Increasing Sales Tax Revenue	Page 11
Electric Fund	\$59,300	Decrease Contingency Funds	Page 51
Water Fund	\$15,680	Decrease Contingency Funds	Page 63
Sewer Fund	\$18,080	Decrease Est Debt Service I&I Loan	Page 63
Solid Waste Fund	\$3,160	Decrease Contingency Funds	Page 64
TOTAL	\$140,000		

Budget/Funding:

FY21 BUDGET AMENDMENT/TRANSFER

GENERAL FUND AMENDMENT

1000-3510102	Transfer from Electric Fund to G/F	+\$18,250.00
1000-3510101	Transfer from Water Fund to G/F	+\$4,820.00
1000-3510107	Transfer from Sewer Fund to G/F	+\$5,560.00
1000-3510104	Transfer from Solid Waste Fund to G/F	+\$970.00
1215-43076	Finance Customer Service Credit Card Fees	+\$40,000.00
9790-49999	General Fund Reserve for Contingency	<\$10,400.00>

ELECTRIC FUND TRANSFER

9499-49004	Transfer to General Fund	+\$18,250.00
9499-49999	Reserve for Contingency	<\$18,250.00>

WATER FUND TRANSFER

9699-49004	Transfer to General Fund	+\$4,820.00
9699-49999	Reserve for Contingency	<\$4,820.00>

SEWER FUND TRANSFER

9899-49004	Transfer to General Fund	+\$5,560.00
9899-40005	Sewer Fund Interest on Debt Service	<\$5,560.00>

SOLID WASTE FUND TRANSFER

4203-49999	Transfer to General Fund	+\$970.00
4203-40005	Reserve for Contingency	<\$970.00>

PROPOSED REVISION TO FY22 PROPOSED BUDGET

GENERAL FUND

1000-3120101	General Fund Revenue Sales Tax	+\$43,780.00
1000-3510102	Transfer from Electric Fund to G/F	+\$59,300.00
1000-3510101	Transfer from Water Fund to G/F	+\$15,680.00
1000-3510107	Transfer from Sewer Fund to G/F	+\$18,080.00
1000-3510104	Transfer from Solid Waste Fund to G/F	+\$3,160.00
1215-43076	Finance Customer Service Credit Card Fees	+\$140,000.00

ELECTRIC FUND

9499-49004	Transfer to General Fund	+\$59,300.00
9499-49999	Reserve for Contingency	<\$59,300.00>

WATER FUND

9699-49004	Transfer to General Fund	+\$15,680.00
9699-49999	Reserve for Contingency	<\$15,680.00>

SEWER FUND

9899-49004	Transfer to General Fund	+\$18,080.00
9899-40005	Sewer Fund Interest on Debt Service	<\$18,080.00>

SOLID WASTE FUND

4203-49999	Transfer to General Fund	+\$3,160.00
4203-40005	Reserve for Contingency	<\$3,160.00>

Staff Recommendation: As seen in the memo provided, charging or waiving credit card fees has many different aspects to take into account. Based on the pros & cons of the attached memo; staff recommends for Council to permanently remove credit card fees by approving the budget amendment & revision and amending Town Code.



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE

102 E. MAIN STREET

P.O. BOX 1560

Front Royal, Va. 22630

B.J. Wilson
Director of Finance
bwilson@frontroyalva.com

(540) 635-7799
(540) 635-2298 fax

DATE: MARCH 10, 2021

TO: FRONT ROYAL MAYOR & TOWN COUNCIL

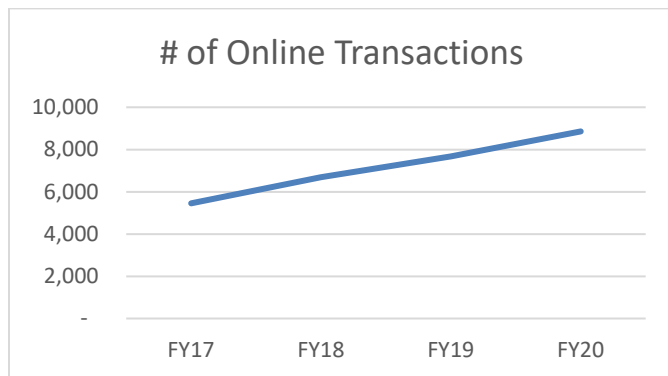
FROM: B. J. WILSON, DIRECTOR OF FINANCE

CC: STEVEN HICKS, TOWN MANAGER

RE: CREDIT CARD FEES

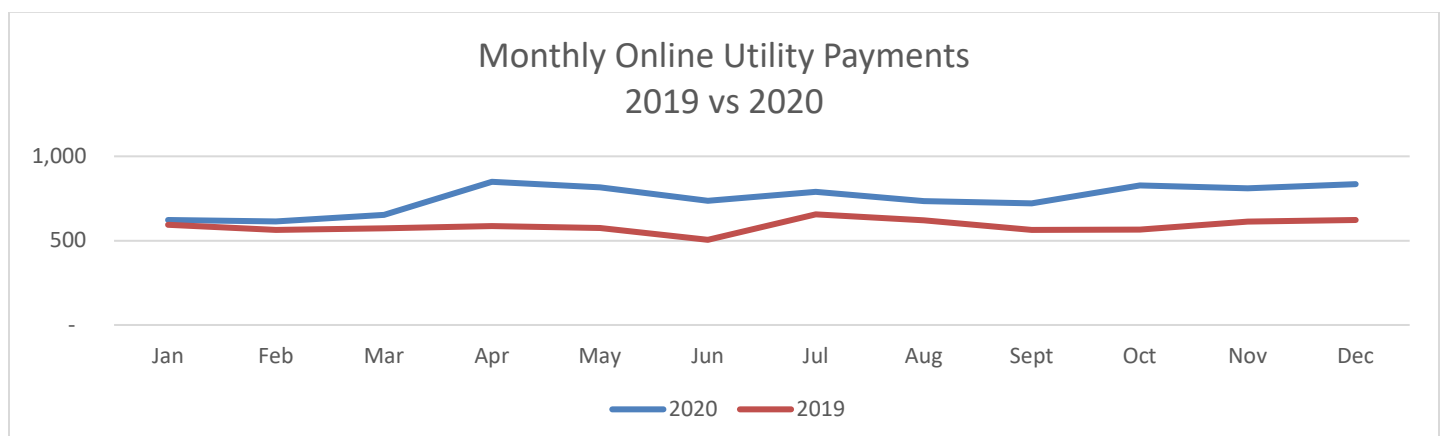
During the March 8th, 2021 work session, Council requested staff to research, provide information, and provide a recommendation regarding the removal of credit card fees charged to citizens for payment transactions. There are valid reasons for both removing and charging credit card fees; as well as many unknown variables that could have a material impact in the future. The information provided below should help provide a better understanding of historic values and potential impacts moving forward.

The amount of payments collected via credit card from the Town of Front Royal's website have increased year over year for the last three years on average of 17.6% and appears to be continuing into FY21.



	# of Online Transactions	% Increase
FY17	5,453	
FY18	6,690	22.7%
FY19	7,668	14.6%
FY20	8,857	15.5%

From March to April 2020, during the beginning impacts of COVID-19 the Town's online utility payments increase roughly 30%; from December 2019 to December 2021 online utility payments increased 34%.



Although the number of online credit card payments have increased, the number of credit card payments received in the Town Hall lobby and drive thru continue to be greater.

Jan-Dec 2020					
	<u># Credit Card Payments Online</u>	<u># Credit Card Payments from Lobby/Drive Thru</u>	<u># Total Credit Card Payments</u>	<u>Total # Receipts</u>	<u>% of Credit Card Payments of Total Receipts</u>
Utility Payments	10,972	11,377	22,349	86,338	26%
Tax Payments	1,024	1,277	2,301	66,917	3%

As seen above, roughly 26% of utility payments received are from a credit card transaction and only 3% of tax payments are received from a credit card transaction. Majority of tax payments are and most likely will continue to be paid by check. Mortgage companies pay real estate taxes by check and majority of businesses pay for business licenses by check.

Currently, the Town has 8,481 active utility accounts and \$30,814,005 represents utility sales for the FY22 Proposed Budget. If all utility account customers were to pay with a credit card and be charged a 2.35% credit card fee, plus a \$0.25 transaction fee; the Town would receive \$726,822.00 in credit card fees. Although this is an unrealistic scenario, this figure provides an idea of a worst case scenario for credit card fees related to utility payments.

The Town's expense for credit card fees for calendar year 2020 was \$103,433.46; if we anticipate a 30% increase as seen from Dec 2019 to Dec 2020 the credit card fees would equate to approximately \$135,000. If the Town were to continue with the same merchant service with current rates and anticipate an additional 30% increase in credit card users the expense would be approximately \$180,000. If the \$180,000 expense were able to be disbursed equally across the 8,481 active utility accounts; each account would be charged an additional \$1.77 per month; if broken down by service (electric, water, sewer, & garbage) the charge would be approximately \$0.44 per month for each service.

Pros of Waiving Credit Card Fees

1. Ability to procure merchant services at a lower rate, thus reducing the Town's credit card fees incurred.
 - a. Software vendors limit the merchant services that are able to interface with their software, finding a merchant that can interface with both the Town's tax and utility software as well as willing to pass along convenience fees without having multiple convenience fees/tiers or requiring users to pay convenience fee separately, severely limits competition.
2. The Town pays approximately \$12,000 annually for custom software to be able to accept online payments and charge the convenience fee; this custom could be eliminated, thus reducing expense by \$12,000.
3. Will make software conversion easier when Town upgrades utility billing & financial software; and potentially allow more options for vendors and online modules for our citizens.
4. May assist citizens that are unable to pay their monthly utility bill by regular cash/check payments
4. Convenience of paying online without fee
5. Perception from some citizens; even after staff provides explanation. Some citizens feel the charge is unfair because other businesses do not charge a fee
6. Common practice of electric utilities is to absorb credit card fee; closer to a standard process

Cons of Waiving Credit Card Fees

1. Expense would be absorbed by the Town thereby being passed on to all citizens/accounts
2. Expense will continue to increase year over year, as utility rates increase expense will increase

Unknown Variables

1. Potential increase in amount of payments received by credit card thereby increasing expense?
2. Potential reduction of bad debt/delinquent accounts?
3. Potential reduction of staff time due to less payments being mailed or in-person payments?
4. Several years ago, the Town was challenged on the charging of convenience fees; and temporarily stopped accepting certain credit card payments. At the time, a fairly major court case was on-going in New York which provided a ruling that convenience fees were allowed. The case was appealed and spanned over several years, at one point went to the Supreme Court which sent it back to Second Circuit Court; the outcome permitted the charging of convenience fees. Similar cases continue to be filed. Some states have banned the charging credit card fees.

OTHER SCENARIOS DISCUSSED

Waiving Credit Card Fees for Utility Payments and Charging Credit Card Fee on Taxes – Not Recommended

- A. Credit card fees for tax payments make up a small portion of credit card fees, currently around \$5,000.
- B. Explaining to citizens which transactions require credit card fees would be a bit confusing.
- C. Handling of Payment In Lieu Of Tax (P.I.L.O.T.) utility payments would need to be further researched because the intention of PILOT is to charge based upon if the business were to be taxed; so would a credit card fee be charged only on the PILOT and remaining utilities not receive a credit card fee?
- D. Town's ability to procure lower credit card fees would continue to be limited; or the Town would need to use two separate merchant services with multiple subsidiary accounts due to in-lobby payments & online payments for each.

Incentive for paying via cash or check – Not a viable solution

Providing an incentive for paying by cash or check is a violation of the bylaws for credit card companies; so the Town would lose all capabilities to process credit cards

Reduction of credit card fees – Not recommended, unless implementing for a long period

- A. Custom programs would need to be updated, causing additional expense and likely delay on implementation
- B. Many Town forms would need to be updated, involving multiple vendors
- C. Will not enable more competition for merchant services to obtain lower rates
- D. Would not be a significant savings to citizen



Work Session Agenda Statement

Item # 10

Meeting Date: April 12, 2021

Agenda Item: Liaison Committee Meeting Items for April 15th Meeting

Summary: Town Council hosts the April 15th Liaison Committee Meeting. Attached is a DRAFT agenda compiled by the Town Manager and Clerk of Council. The Clerk of Council will be reaching out to the County to gather their items to be added. Council is requested to add additional items.

Budget/Funding: N/A

Staff Recommendation: Staff recommends approval of the DRAFT agenda. It does not need a formal vote, only a consensus to move forward.



TOWN/COUNTY LIAISON COMMITTEE MEETING AGENDA

Town Hall Conference Room
102 E. Main Street
Thursday, April 15, 2021 @ 6:00 p.m.



Call to Order – Chris W. Holloway Mayor, Front Royal Town Council

1. Building Inspections Software

2. Warren County/Front Royal Projects

- FREDA Update
- Town Comprehensive Plan
- Village Commons Pavilion
- Happy Creek Rehabilitation

3. Joint Vision Between Town/County for the Community

- Location
- Agenda
- Facilitator

4. Update on Short-Term Rentals

5. Joint Tourism Committee/JLL Update

6. Building Inspection & Permit Transition

7. Open Discussion

Adjournment

DRAFT



Work Session Agenda Statement

Item # 11

Meeting Date: April 12 ,2021

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

Summary: Council is requested to approve a resolution that would initiate proposed text amendments to the regulations of the Town's Subdivision and Land Development Ordinance (Chapter 148) and the Town's Zoning Ordinance(Chapter 175) Pertaining to the Permitting and Approval Authorities of the Planning Commission. Once approved, the resolution will be sent to the Planning Commission for recommendation of Chapter 148 and Chapter 175 ordinance amendments and then sent back to Council for final approval. Council held a work session on April 7, 2021 on this subject. A memo is attached detailing this change.

Budget/Funding: N/A

Staff Recommendation: Staff recommends approval of the Resolution. Council will need it placed on the April 26th Agenda for formal approval.

MEMORANDUM

TO: Front Royal Town Council

FROM: Chris Brock, Interim Planning and Development Director

DATE: April 12, 2021

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION

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

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

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

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

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

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

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

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

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

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

Adopted this ____ day of _____ 2021.