



REGULAR TOWN COUNCIL MEETING

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

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES – Regular Meeting minutes of June 28, 2021
5. ADDITION/DELETION OF ITEMS
6. RECOGNITIONS/AWARDS/REPORTS–
 - Recognition of Government Finance Officers Association Award to the Town’s Finance Department
 - Report from Brandon Davis of Northern Shenandoah Valley Regional Commission – *10 minutes*
7. PUBLIC COMMENTS (**COMMENTS NOT RELATED TO PUBLIC HEARINGS**)
8. PUBLIC HEARINGS
 - A. Rezoning Application Requesting an Amendment to the Town’s Zoning Map to Reclassify a Parcel from I-1 to R-2 on Crosby Road for Jason and Christie Sine – *Chris Brock*
 - B. An Ordinance Amendment to the Nonconformity Sections of Town Code Chapter 175 (Zoning) to Ease Restrictions and Give Incentive to the Rehabilitation of Nonconforming Blighted Structures and Lots – *C. Brock*
9. REPORTS
 - a. Report of Town Manager
 - b. Report of Councilmembers
 - c. Report of the Mayor
10. CONSENT AGENDA ITEMS
 - A. Bid – Okonite Cable for Leach Run Parkway – *Alisa Scott*
 - B. Lease and License Agreement for Additional Parking – N. Royal Avenue - Randolph/Manson – *Doug Napier*
 - C. Lease Agreement for Parking Spaces – CJMWO Family, LLC (aka Fussell Florist) – 2nd Street – *Doug Napier*
11. BUSINESS ITEMS - None
 - A. Policy and Procedures for Special Events – *Alisa Scott*
 - B. FY22 Budget Amendment for Tourism and Contract Amendment for JLL - *Alisa Scott*
 - C. Joint Tourism Memorandum of Agreement with Warren County and Destination Marketing Organization Contract – *Alisa Scott*
 - D. Emergency Ordinance to Enact Chapter 172 – Welfare, Health and Safety, Prohibiting Any Business Located in the Town Corporate Limits from Requiring the COVID-19 Vaccines as a Condition of Employment – *Councilman Scott Lloyd*
12. CLOSED MEETING – Disposition of Public Property and Consultation with Legal Counsel



TOWN COUNCIL REGULAR MEETING MINUTES

June 28, 2021 @ 7:00PM in Warren County Government Center

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

Moment of Silence

Pledge of Allegiance was led by Councilman Thompson

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

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks (Remote by Phone)
Town Attorney Douglas W. Napier
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Gillispie moved, seconded by Vice Mayor Cockrell that Council approve the Work Session/Special Meeting minutes of April 12th, Regular Meeting minutes of May 24th, Special Meeting minutes of June 1st and Work Session minutes of June 14th, 2021, as presented.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA – None

RECOGNITIONS/AWARDS/REPORTS –

Warren County Department of Social Services Director John Martz presented Council a handout related to his presentation "Warren Department of Social Services – Serving the Citizens of Warren County Yesterday, Today and Tomorrow". Council briefly discussed the data before, during and after the Pandemic in 2020. Mr. Martz expressed the need for foster families.

Carrie Barnhart, Chairman of the Warren County/Front Royal Joint Tourism Committee, introduced Bethanie DeRose, Senior Vice President of Strategic Advisory & Asset Management for JLL/Hotels & Hospitality Group who updated Council with a presentation “Discover Front Royal”. Ms DeRose confirmed that anyone could apply for a position on the new Destination Marketing Organization (DMO) Board of Directors and the Town was currently advertising for two of the five positions. Councilman Lloyd expressed his desire to be part of the process since he had a few ideas.

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS) - None

PUBLIC HEARINGS

- A. An Ordinance Amendment to the Town Code 12-3 (Finance Fees) to Remove Credit Card Fees from any Payments Due to the Town if Tendered by Either Credit Card or Debit Card and Approval of a FY2022 Budget Amendment

Mayor Holloway opened the public hearing. There were no speakers and public hearing was closed.

Councilman Meza moved, seconded by Councilman Thompson to take this item to a work session.

Councilman Meza advised that he asked that this item be taken back to a work session because he is in favor of using a credit card to pay utility bills but not tax bills. He explained the difference between general fund and enterprise funds and how to efficiently collect payments. He noted that the Town lacked a system to assist with the separation. Most of Council agreed with taking this item back to a work session. Councilman Gillispie noted that the \$140,000 would be absorbed eventually.

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

No – Vice Mayor Cockrell and Councilman Gillispie

Absent – N/A

Abstain – N/A

ROLL CALL

- B. To Received Public Comments and Concerns Pertaining to the Proposed Policy and Procedures for Special Event Permits

Mayor Holloway opened the public hearing. The following speakers spoke:

Annie Guttierrez, owner of Jig and Jive Dance Studio on Main Street, residing at 168 W. Strasburg Road, Front Royal, asked that Council consider a more community-friendly process with less exorbitant requirements for special events. She opined that the matrix was excessive and not practical for community gatherings and geared more toward larger events. She proposed a three-tier system that would benefit both tourism and community events instead of a matrix. The tier system included Tier I – Tourism events, Tier II – Community events, Tier III - Organizations/Small Businesses events.

Bryon Biggs, 424 W. 15th Street, Front Royal, noted that while he was not a sponsor of an event he has participated in many events and urged Council to encourage events not to limit events. He noted that the matrix was too subjective and there was no way to compare success as businesses come in all shapes and sizes. He encouraged Council to consider Mrs. Guttierrez’s tier system proposal.

John Lundberg, 203 Peach Tree Court, Front Royal, suggested that Council write a joint written public vision between the Town and County and implement it, noting that goals cannot be set without a vision. He encouraged Council to not rush through a vote and to endorse Mrs. Guttierrez's tier system plan.

Laura Biggs, 424 W. 15th Street, Front Royal, questioned the real reason for discussing this item since she has ever seen anything negative happening in the Gazebo area since it is a gathering place for the community. She questioned who was benefiting from a complicated method of getting a permit. She encouraged Council to stay out of the way of those who were doing good things for the community and to make their job easier. She encouraged Council to consider Mrs. Guttierrez's tier system plan and not to move so fast.

Amanda Horn, 151 Freezeland Court, Linden, reminded Council of the Christmas Market she organized in three weeks in December 2020. She advised that there were 27 vendors who wanted to be in Front Royal and were amazed that the entire street was closed. She noted that while there were a lot of restaurants on Main Street, they were small but with street closures they could expand. She explained that while downtown has a lot of what people are asking for, they are missing it because they are driving through instead of walking through. She expressed passion about large and small events because they benefit restaurants and vendors. She noted that she liked the street closures as it becomes a gathering spot. She encouraged Council to take time to consider Front Royal's environment as a sit-down community.

William Huck, 409 E. Main Street, Front Royal, advised Council that he had his first event six years ago and after year one customers and tourists asked for more. He noted that the Town Code has been changed six times in the last six years for events on Main Street. He advised that he stepped up to the plate when support was needed for any business so that the community could grow stronger together. He voiced urgency that something needs to be done to grow together.

Kelly Walker, owner of a business at 105 E. Main Street, resides at 939 S. Marshall Street, Front Royal, noted that she understood that Council was trying to come up with a process for deciding what is worthy of closing the street or area in downtown to have small and large events. She advised that her business is located at the other end of Main Street and nobody walks down that far when the street is closed for an event. She voiced concern about out-of-town traffic turning into Main Street [from Royal Avenue] and don't know where to go because the event they are looking for is on the other end of Main Street. She encouraged Council to determine a compromise to have small events and large events that warrant closing the area(s) that are being held based on their attendance. She opined that she did not like closing Main Street on a regular basis unless it was for large events that bring in enough people to close it down for an all-day event. She urged Council to determine justification for event closures.

Mayor Holloway closed the public hearing and opened it up to Council.

Councilman Gillispie advised that the Town was working on a comprehensive plan. He also advised that Council received a lot of complaints regarding special events and staff has been striving to come up with a plan that was fair for everyone. He noted that this item would be taken back to a work session for further discussion.

Vice Mayor Cockrell reminded Council that staff began seeking community input for special event procedures in early 2020 by holding [three] public meetings and the matrix idea was borne out of those meetings. She noted that staff was trying to find a way to put everyone's thoughts together and use the

space in the best possible way. She continued that it would be taken back to a work session to discuss further.

Councilman Thompson thanked Mrs. Guttierrez for her potential solution and clarified that the Town Code had been revised six times in six years because there are several business owners that come before Council every time special events are discussed and are against closure of Main Street. She noted that special events have been a constant struggle and voiced pride in staff for working hard on the matrix. She voiced confidence that Council will find something that works for the community and tourism.

Councilman Lloyd thanked everyone for their comments and encouraged everyone to allow the discussion to play out since Council is taking the feedback and changing what was originally written.

Councilman Thompson thanked Amanda Horn for putting together the Christmas Market and to Michelle Matthaie for the Hope Arising Festival.

Councilman Meza reiterated that the Town is trying to determine a process and noted that the Gazebo Area is a gathering place not an event center. He advised that the Town is not trying to make money off the events; however, there are fees associated with events depending on the size. He noted that staff receives dozens of applications and spend their time deciding who goes where. He advised that Council was not putting up barriers to suffocate the community and not have fun on Main Street.

Vice Mayor Cockrell questioned the Code of Conduct and clarified that it was not part of the policy. She voiced concern about the sleeping hours on the Code of Conduct and asked to discuss further at the work session.

Mayor Holloway thanked everyone for coming out tonight to voice their concerns, noting that this item will be placed on the July 12th Work Session.

No action was taken.

REPORTS

a. Report of Town Manager – No Report

b. Report of Councilmembers –

Councilman Lloyd gave an overview of the Medical Freedom Ordinance he is proposing that would apply to all businesses in the Town of Front Royal. He read Sections (8th, 9th, 25th) from the Town Charter that he opined gives the Town authority to pass such ordinance. Mr. Lloyd continue by reading several comments from concerned citizens regarding their medical freedom. He asked that Council raise the medical principle about informed consent out of the realm of medical ethics into the realm of law.

Councilman Thompson responded to Councilman Lloyd by encouraging citizens to know their rights and meet with their employer[s] if they feel they are being violated. She referred to the Equal Employment Opportunity Commission (EEOC) noting various reasons the vaccine can be refused. She further noted that the Ordinance would not protect individuals if they were let go by their employer. She encouraged everyone to visit the EEOC website and know their rights.

Report of Mayor – Mayor Holloway questioned whether it was legal for the Town to pass a Medical Freedom Ordinance applied for all Town business. Town Attorney Napier advised that it was beyond authority of the Town.

CONSENT AGENDA ITEMS

A. Bid – Various Grades of Stone for FY22

Council approved a bid from Hanson Aggregates for fixed pricing on various types of stone for streets and water/sewer maintenance for FY22 in the amount of \$88,258.54.

B. Bid – Various Grades of Asphalt for FY22

Council approved a bid from Stuart M. Perry for various grades of asphalt for general street patching and surfacing of the streets in the amounts of per ton: base \$65.00, intermediate \$65.00 and finish \$69.00.

C. Bid – Two (2) Self-Loading Cable Reel Trailers for Energy Services Department

Council approved a bid from Sauber Manufacturing Company in the amount of \$35,548.00 for two (2) self-loading cable reel trailers to be used in the Energy Services Department.

D. Resolution of Support for the Acquisition and Conversion of Out-of-Service Railroad Right-of-Way to a Trail for Alternate Transportation and Recreation

Council approved a Resolution of Support proposed by the Shenandoah Valley Rail Trail Exploratory Partnership for the acquisition and conversion of out-of-service railroad right-of-way to a trail for alternative transportation and recreation, as presented.

E. Reappointment to the Planning Commission to Joshua Ingram

Council reappointed Joshua Ingram to the Planning Commission to a four-year term ending August 31, 2025.

F. Write-Off for Bad Debt

Council approved the removal of 5 years or older of outstanding accounts receivable (bad debts) totaling \$41,474.18 (123 utility accounts) on the Town's ledger for the remainder of fiscal year 2020-2021.

G. Resolution re: Medical Freedom for Town Employees

Council approved a Resolution regarding Medical Freedom for the employees of the Town of Front Royal, as presented.

Vice Mayor Cockrell moved, seconded by Councilman Thompson, that Council approve the Consent Agenda Items as presented.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS –

A. FY21 Budget Amendment and Intra-Fund Budget Transfer for Paving Projects

Councilman Meza moved seconded by Vice Mayor Cockrell that Council approve a FY21 Budget Amendment and Intra Fund Transfer in the amount of \$487,220.00 to use funds previously set aside for potential General Fund Revenue short falls and allow the funds to be used to advance the Town's paving plan.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

B. Resolution for Town Employees Appreciation Week

Councilman Thompson moved seconded by Vice Mayor Cockrell that Council approve a resolution recognizing July 17 – July 23, 2021 as the Town of Front Royal Employee Appreciation Week, as presented.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

This portion of the meeting ended at 8:54 P.M.

CLOSED MEETING – Vice Mayor Cockrell moved, seconded by Councilman Gillispie *that Town Council go into Closed Meeting pursuant to Section 2.2-3711, of the Code of Virginia for the following purposes:*

(1) (A) The discussion or consideration of the disposition of publicly held real property, specially the Town's property adjacent to State Route 606 that was gifted the Town for a future I-66 Interchange by Walter and Mary Duncan, pursuant to Subsection A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and with respect to the same subject, (B) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Subsection A. 8. of the Code of Virginia.

(2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, discussion of the Town of Front Royal possibly becoming the City of Front Royal and the effect if it did, pursuant to Subsection A. 8. of the Code of Virginia.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

MOTION TO CERTIFY CLOSED MEETING AT ITS CONCLUSION – Councilman McFadden moved, seconded by Vice Mayor Cockrell *that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Approved by Town Council

Date: _____



Council Agenda Statement

Item #8A

Meeting Date: July 26, 2021

Agenda Item: PUBLIC HEARING - Rezoning Application Requesting an Amendment to the Town's Zoning Map to Reclassify a Parcel from I-1 to R-2 on Crosby Road for Jason and Christie Sine

Summary: Council has received a rezoning application from Jason and Christie Sine requesting an amendment to the Zoning Map of the Town's Zoning Ordinance to reclassify a parcel from I-1 to Residential R-2. The identified property represents an 0.727 acre of land located on the east side of Crosby Road abutting the railroad and near the intersection of East 8th Street and Crosby Road. The proposed purpose of the rezoning request is to allow for the construction of affordable housing in the form of duplexes. Rezoning the property from I-1 to R-2 would permit duplexes as a by-right use in the R-2 District. Town Staff and the Planning Commission recommend the adoption of the zoning map reclassification from I-1 to R-2 as requested and as it complies with the comprehensive plan future land use classification for the Royal planning area.

Note: This public hearing was advertised on July 10th and July 17th and notification letters for the public hearing to the adjacent property owners were mailed July 15th.

Budget/Funding: None

Meetings: Work Session held July 12, 2021. Planning Commission Meeting held June 16th

Proposed Motion: I move that Council approve a rezoning application request from Jason and Christie Sine requesting an amendment to the Town's Zoning Map to Reclassify a 0.727 parcel located on the east side of Crosby Road abutting the railroad and near the intersection of East Street and Crosby Road, from I-1 to R-2 on Crosby Road (*Rezoning Application #FRREZON-2641-2021 – Tax Map Parcel #30A4-1-4*)

Moved _____ Seconded _____

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

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT



STAFF REPORT - REZONING APPLICATION #FRREZON -2641-2021

APPLICATION #:

FRREZON-2641-2021

APPLICANT:

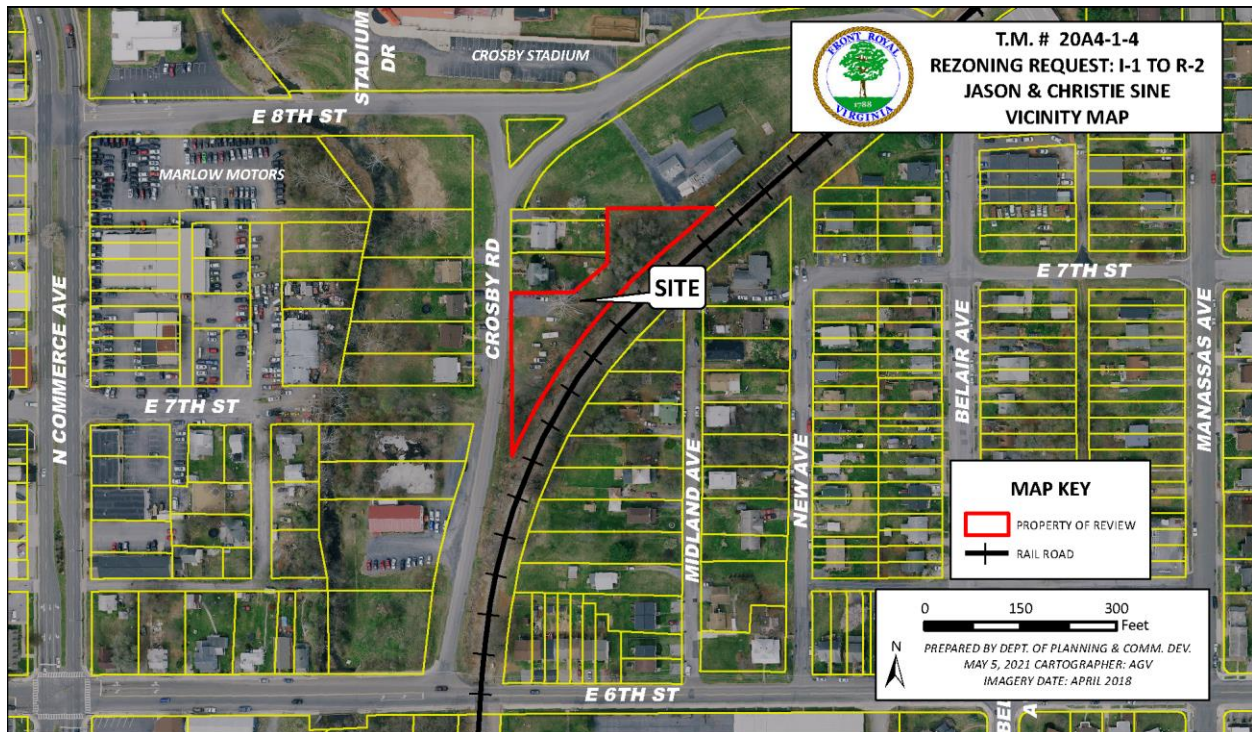
Jason and Christie Sine

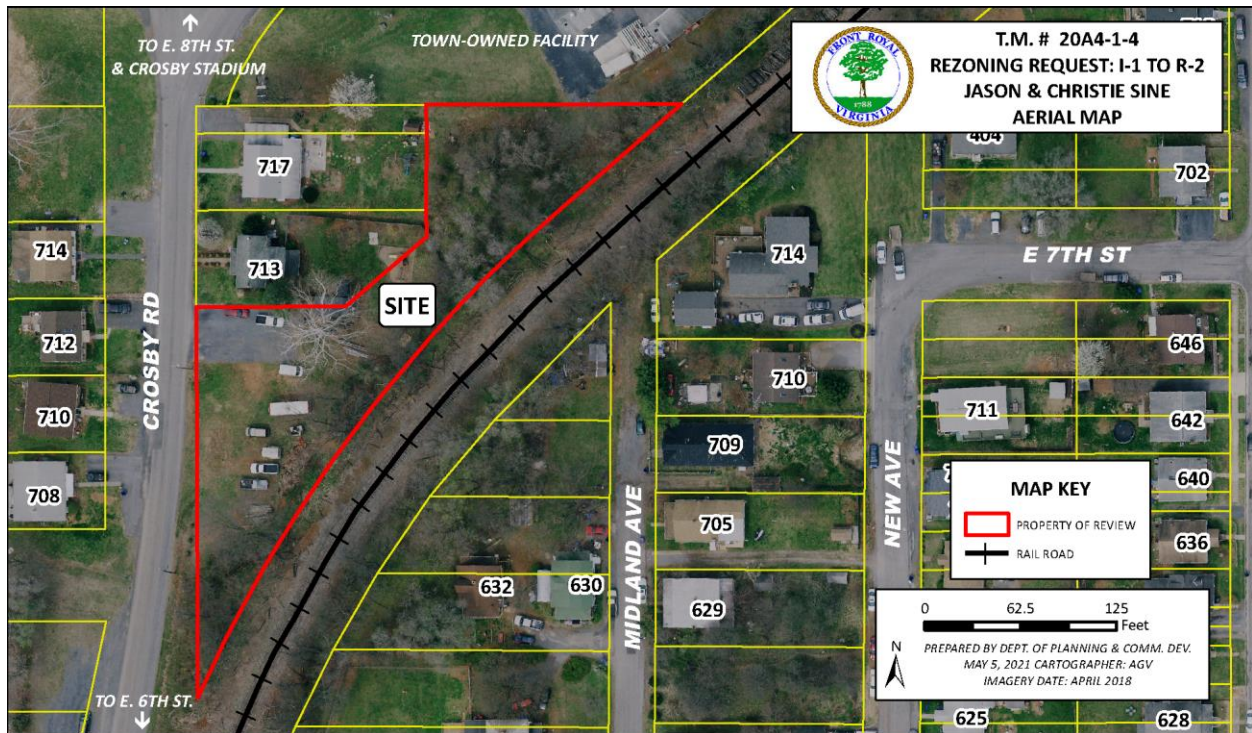
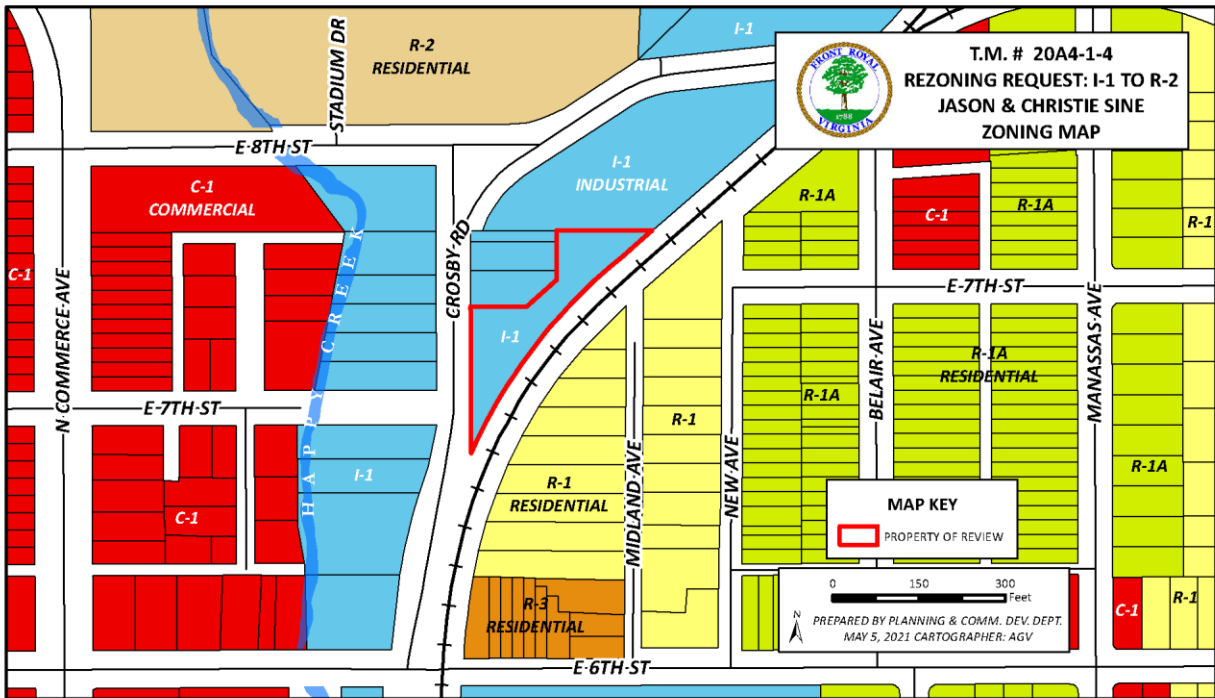
SUMMARY OF REQUEST:

The application for review proposes to rezone approximately 0.74 acres from I-1 Limited Industrial District to R-2 Residential District in the Royal Planning Area. The stated purpose of the rezoning request is to allow for the use of the property for residential duplexes. No proffers were made by the applicant.

GENERAL INFORMATION:

<i>Site Addresses</i>	20A4-1-4 Crosby Rd.
<i>Property Owner(s)</i>	Jason and Christie Sine
<i>Existing Zoning</i>	I-1 Limited Industrial District
<i>Proposed Zoning</i>	R-2 Residential District
<i>Tax Identification</i>	20A4-1-4
<i>Location</i>	The property is located on the east side of Crosby Rd. between E. 8 th St. to the north and E. 6 th St. to the south. The property abuts the railroad on its entire eastern side and extends behind two parcels.





INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the parts of attachments:

A – Application

B – Plat

C – Letter of Statement of Justification

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: LETTER OF STATEMENT OF JUSTIFICATION

- **Statement of Justification.** The letter states: “This application for Rezoning is so that I can find some way to utilize my land...There is a severe shortage of land in town to build ‘affordable housing’. It would benefit the town in that a piece of vacant, odd shaped land would now be generating more in real estate taxes if there were residences on there...I feel the Industrial Zoning that is currently on this road is inappropriate. We are requesting a rezoning so that the land can actually be used.”

Zoning Ordinance

This rezoning application proposes to reclassify one parcel totaling approximately 0.74-acres from I-1 Limited Industrial District to Residential District R-2. The statements of intent of the two identified zoning districts as set forth in the Front Royal Zoning Ordinance are as follows:

I-1 District, Zoning Ordinance Sec. 175-54.

“The primary purpose of the I-1 District is to permit certain industries in town which do not in any way detract from residential desirability of nearby areas and to permit industries to locate near a labor supply. Mobile homes for residential purposes are prohibited but may be used for certain other uses as stated below.”

R-2 District, Zoning Ordinance Sec. 175-19.

“The R-2 District is composed of medium-density concentrations of residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to protect and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to low- to medium-density concentrations, and permitted uses are limited to single-family- and two-family-type dwellings plus selected additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.”

Differences between I-1 and R-2 Zoning Districts

I-1 Zoning District:

- Various commercial and medium-intensity industrial uses are the primary intended uses of properties.
- Residential uses are not permitted except for caretaker quarters.
- Intended for industries to locate near labor supply.

R-2 District:

- Residential (medium-density) uses are the primary intended uses of properties.
- Limited selection of commercial and organizational uses.
- Uses listed above are primarily to serve residents of the district.

The parcel of review is bound by properties classified as either Limited Industrial I-1 or Residential District R-1, with the contiguously adjoining I-1 District zoning being the more predominant of the two.

There is public road access available to the site. Current access to the site is either by 6th Street to the south or 8th Street to the north. The properties adjoining the site to the west across Crosby Rd. (60' ROW, two-way street) and north are in the I-1 District. The majority of the adjoining I-1 properties are developed and consist of single-family dwellings, except for a few lots that are undeveloped or serve as public facilities.

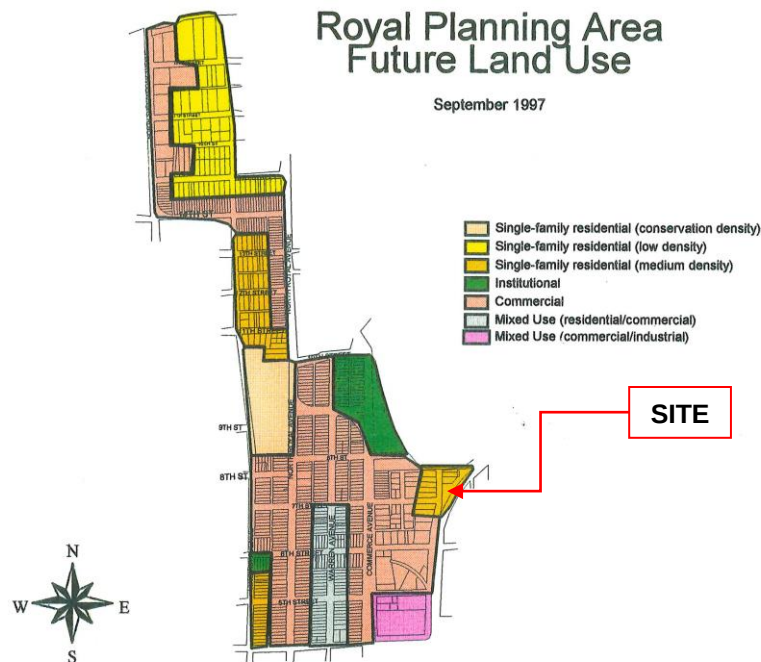
The properties abutting the site to the east (across the 66'-wide railroad ROW) are in the R-1 district. Most of the abutting R-1 properties are developed or have improvements on them and consist of single-family dwellings.

The property is in the Royal planning area. The Royal planning area consists of several zoning districts: C-1, I-1; R-1, R-2, and R-3. The zoning pattern for this planning area is:

- C-1 zoning near or along the major traffic arteries (N. Shenandoah Ave, W. 14th St, N. Royal Ave, Commerce Ave.)
- I-1 zoning abutting Happy Creek and/or the railroad running north to south from E. 8th St. to E. 5th St.
- Residential zoning (R-1, R-1A, and R-3) infill in neighborhoods, primarily along Virginia Ave. and north or W. 14th St. It should be noted that many of the C-1 zoned lots consist primarily of residential land uses.

Future Land Use Map

The Town of Front Royal Comprehensive Plan future land use chapter shows the parcel of review being located within the Royal Planning Area and shows the proposed future land use as single-family residential (medium density). This land use pattern creates an enclave of residential land uses among the dominant commercial land uses (see future land use map below).



Findings and Analysis

The proposed rezoning is to reclassify an undeveloped 0.74-acre parcel in the Limited Industrial District I-1 to the Residential District R-2. By design, the I-1 District is a medium density industrial district. The Residential R-2 district is designed to provide medium density residential uses (single-family dwellings, duplexes, two-family dwellings). The proposed rezoning (R-2) is inconsistent with the zoning pattern found in the surrounding area (I-1); however, the proposed residential land use is consistent with the uses of the adjoining properties along Crosby Rd and across the railroad tracks, which are primarily residential.

The subject property is part of the “Royal Planning Area” as shown in the Town’s Comprehensive Plan Future Land Use Map and its future land use is designated as “multi-family residential (medium density)”. The existing I-1 Zoning District classification would permit potential land uses that are inconsistent with the Future Land Use Map designation. However, rezoning the property to R-2 would permit potential uses of the property consistent with the future land use plan for the site and adjoining properties along Crosby Rd.

Based on the permitted density differences between the I-1 and R-2 zoning district and the size of the property of review, if the property were to be developed under an I-1 district permitted use, the property could not be further subdivided into a second, ten thousand (10,000) SF lot because it would not meet both the minimum lot area or required setback and yard requirements. If developed under the R-2 district by-right duplex use, the property could be subdivided into a second, four thousand (4,000) SF lot, for a total of two (2), four thousand (4,000) SF lots.

A major consideration in this application request to rezone to R-2 District is that there is already established residential uses on properties zoned I-1 that adjoin this property along Crosby Rd. Rezoning to the R-2 District would permit residential uses consistent with the character of the immediate area and satisfy the intent of the Royal Planning Area future land use plan for this portion of Town. Additionally, the applicant has stated their intent is to provide affordable housing to the Town. This rezoning request would provide additional housing and real estate tax base into the Town.

Staff Recommendation

Based on the above findings, staff recommends the adoption of the zoning map reclassification of Tax Map Parcel 20A4-1-4 from Limited Industrial District I-1 to Residential District R-2 as requested in the application as it complies with the comprehensive plan future land use classification for the Royal planning area. At their regular meeting June 16, 2021, the Planning Commission recommended approval of the zoning map reclassification.



FRREZON 2641-2021

REZONING APPLICATION

APPLICANT

Name Jason & Christie Sine Phone 540-539-1251

Address 1561 Ida Rd, Luray, VA 22835

E-mail creative touch paint@yahoo.com
gtcreativ@shentel.net

PROPERTY OWNER OF RECORD

Name Same as above Phone _____

Address _____

PROPERTY DESCRIPTION

Location/Street Address Crosby Rd
TAX MAP 20A4 1 4

Number of lots: 1 Total Acreage .727

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

TAX MAP 20A4 1 4

Subdivision Name (if applicable) _____

REQUEST

Existing Zoning I-1 Proposed Zoning R-2

Existing Use vacant land Proposed Use duplex

FRREZON 2641-2021

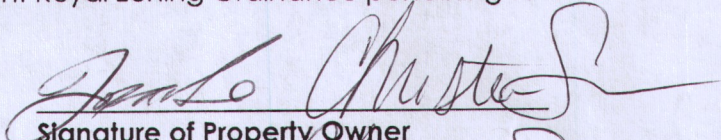
ATTACHMENTS

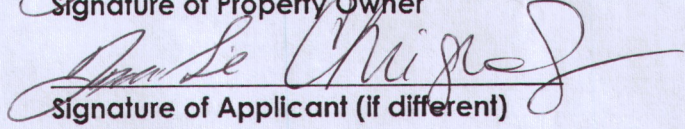
The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

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

CERTIFICATION

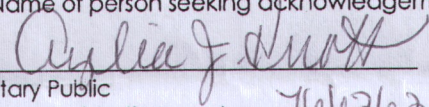
I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.


Signature of Property Owner

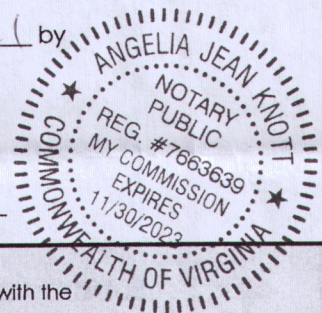

Signature of Applicant (if different)

City/County of Page, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 19th day of April, 2021 by

Christie Sine
(Name of person seeking acknowledgement)


Notary Public

Notary registration number: 7663639 My commission expires: 11/30/2023



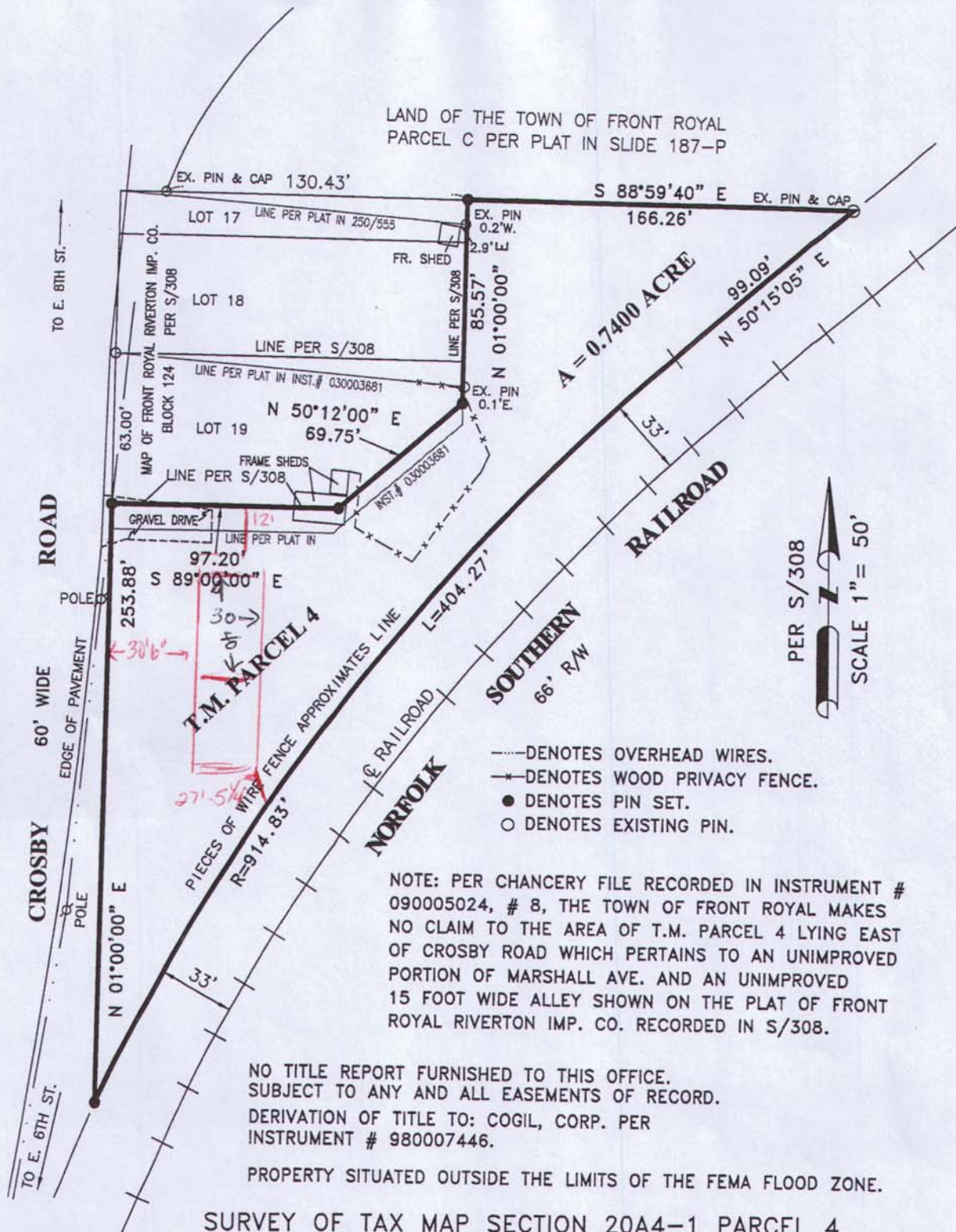
NOTICES

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

OFFICE USE ONLY

Receipt # 140205 Date Paid 4-16-2021 Check # 2098
Planning Commission Hearing Date: _____ Recommendation: _____
Town Council Hearing Date: _____ Date Sent to Clerk: _____

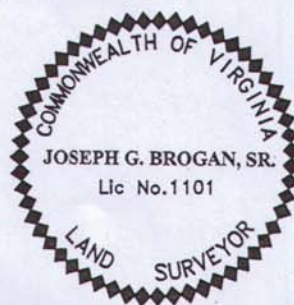
January 2019

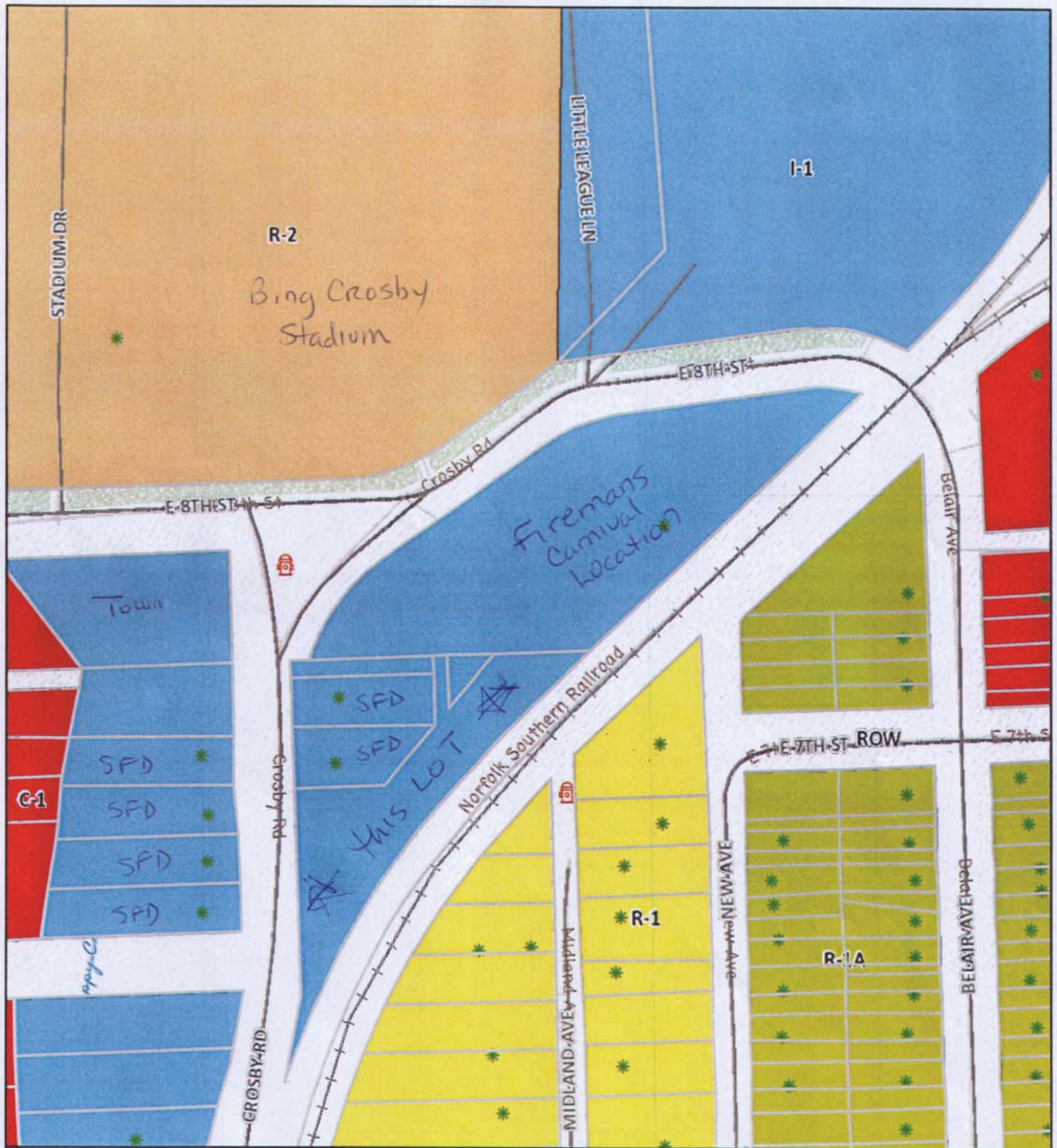


★ duplex added is
not to scale

SURVEY OF TAX MAP SECTION 20A4-1 PARCEL 4
OF THE COGIL CORP. PROPERTY
SHENANDOAH MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL, VA.
WARREN COUNTY, VA.

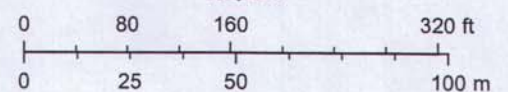
PREPARED BY:
JOSEPH G. BROGAN, SR.
PROFESSIONAL LAND SURVEYOR
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
NOVEMBER 29, 2011





April 16, 2021

1:2,257



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

April 16, 2021

Dear Town of Front Royal,

This application for Rezoning is so that I can find some way to utilize my land. It is an odd shaped piece of property that for some reason is zoned industrial. Everything on Crosby Rd. is either currently SFD's or one commercial building. Nothing industrial.

There is a severe shortage of land in town to build "affordable housing". I believe one duplex (2 units) will fit on this property. It would benefit the town in that a piece of vacant, odd shaped land would now be generating more in real estate taxes if there were residences on there.

On this side of the road, the two houses currently are owned by myself or family. They would have no objection to the rezoning.

R-2 Zoning is preferred as I can do more with the land but R-1 would mean I could at least do something with it other than leaving it vacant.

I feel the Industrial Zoning that is currently on this road is inappropriate. We are requesting a rezoning so that the land can actually be used.

Sincerely,

Jason and Christie Sine



Council Agenda Statement

Item #8B

Meeting Date: July 26, 2021

Agenda Item: PUBLIC HEARING - An Ordinance Amendment to the Nonconformity Section of Town Code Chapter 175 (Zoning) to Ease Restrictions and Give Incentive to the Rehabilitation of Nonconforming Blighted Structures and/or Lots

Summary: Council is requested to approve an ordinance amendment to the nonconformity section of Town Code Chapter 175-Zoning, specifically sections 175-126; 175-128; 175-130A; 175-131; 175-132, to ease the restrictions and give incentive to the rehabilitation of nonconforming blighted structures and/or lots beyond their fifty (50%) percent fair market value. If approved, the proposed amendment would permit property owners of nonconforming blighted structures and/or lots to rehabilitate their structures with the approval of a special use permit and a spot blight abatement plan from Town Council if the structure has been declared blighted by the Town Council.

Budget/Funding: None

Meetings: Work Sessions held May 10th and June 8th. On June 22nd Council referred this item to the Planning Commission for review. Planning Commission Meeting June 16, 2021.

Proposed Motion: I move that Council approve an ordinance amendment to the nonconformity section of Town Code Chapter 175-Zoning, specifically sections 175-126; 175-128; 175-130A; 175-131; 175-132, to ease the restrictions and give incentive to the rehabilitation of nonconforming blighted structures and/or lots beyond their fifty (50%) percent fair market value, as presented.

Approved By: _____

Moved _____ Seconded _____

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

ORDINANCE

AN ORDINANCE PROPOSING TEXT AMENDMENTS TO THE REGULATIONS OF THE FRONT ROYAL ZONING ORDINANCE PERTAINING TO BLIGHTED STRUCTURES AND NONCONFORMITIES

WHEREAS, the Town of Front Royal has blighted structures that are nonconforming and/or located on nonconforming lots that require extensive repair or complete reconstruction, but current zoning regulations limit nonconforming structures be repaired to only fifty percent (50%) of their value; and,

WHEREAS, the Town of Front Royal seeks to reduce the number of blighted structures that are nonconforming and/or located on nonconforming lots to improve the physical appearance of said structures, permit property owners to repair blighted structures, and improve the character of the neighborhood they are located in; and,

WHEREAS, by request to the Front Royal Planning Commission, the Front Royal Town Council has duly initiated the consideration of amendments to the Nonconformity Ordinance regulations pertaining to the repair of nonconforming structures in the Front Royal Town Code, Chapter 175, Zoning, as identified below:

NOW THEREFORE, BE IT ORDAINED, that the Town Council of Front Royal, Virginia, after having conducted advertised public hearing and received recommendation from the Front Royal Planning Commission in this matter as required by law, does hereby adopt the proposed text amendments to the Front Royal Zoning Ordinance as presented herein.

SECTION I

That **Section 175-126**, Discontinuance, Nonconformity, be amended by adding the following:

If any legally nonconforming use is discontinued for a period exceeding two (2) years after the enactment of this chapter, it shall be deemed abandoned, and any use thereafter shall conform to the use requirements of this chapter, ~~unless a special use permit is approved by the Town Council to allow the use to be reinstated. However, the Town Council may approve, by a special use permit, the use to be reinstated and continued, if the structure was declared blighted by the Town Council and a spot blight abatement plan was approved by the Town Manager or designee pursuant to Town Code Chapter 9-303.~~

SECTION II

That **Section 175-128**, Nonconforming Lots of Record, Nonconformity, be amended adding the following:

A(4). The Council may approve a reduction of the ~~side yard requirement required lot width and/or area~~, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block.

D. ~~In~~ If any nonconforming lot of record contains a conforming use and/or structure, such use and/or structure may be replaced in the area of the preexisting use and/or

structure should damage or destruction occur. Expansion of said use and/or structure may occur within the limits of this chapter.

SECTION III

That **Section 175-130.A**, Expansions and Other Types of Alterations, Nonconformity, be amended by adding the following:

A. Except by approval of a special use permit by Town Council, a nonconforming use, building or structure shall not be enlarged, increased or extended to occupy a greater area of land area than was occupied at the effective date of adoption of this chapter unless such expansion conforms to the requirements of this chapter. However, the Town Council may approve by a special use permit the expansion of a nonconforming building or structure that will increase the not create a new nonconformity, if it was deemed blighted by Town Council pursuant to Town Code Chapter 9-303 and the proposed expansion is part of a spot blight abatement plan to remedy the blighted building and or structure.

NOTE: The redline addition seems redundant and limits expansions only to structures that are blighted. Discussion?

SECTION IV

That **Section 175-131**; Replacement, Removal, Repair and Reconstruction; Nonconformity, be amended by adding the following:

A. If a nonconforming use of land is damaged or destroyed, such use may be replaced to the extent to which it existed prior to said damage or destruction. Removal or destruction of a building or structure in which a nonconforming use was located shall eliminate the use which the structure or building was used for (a nonconforming use). except if the structure was declared blighted by the Town Manager-Council or designee and a spot blight abatement plan pursuant to Town Code Chapter 9-303 was approved by the Town Manager or designee prior to the use being damaged or destroyed, in which case, the blighted building or structure may be completely replaced upon the approval of a special use permit by the Town Council.

C. Town Council may approve a special use permit for the repair and/or reconstruction of a building or structure beyond 50% of the market value, provided that the special use permit application is submitted within twelve (12) months of said damage or destruction or at any time if the building or structure was deemed blighted by Town Council pursuant to Town Code Chapter 9-303. Otherwise, when the repair and/or reconstruction work to a nonconforming building or structure exceeds 50% of the market value, it may only be repaired and/or reconstructed to the requirements of this chapter, as applicable for new construction.

D. If a nonconforming building or structure was deemed blighted by the Town Council pursuant to Town Code Chapter 9-303, the Town Manager or designee may approve the demolition and reconstruction of said building or structure as part of a spot blight

abatement plan. The Town Manager or designee shall impose a time period in which demolition and reconstruction must occur, not to exceed one year after the time period determined by Town Council.

E. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION V

That **Section 175-132**, Percent of Damage Nonconformity, be amended by adding the following:

The cost of land or any factors other than the cost of the structure are excluded in the determination of fair market value for the purpose of calculating the percent of damage. Such percentage shall be determined by the Building Official Town Manager or designee.

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

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

Lori A. Cockrell __Yes __No Jacob L. Meza __Yes __No

Gary L. Gillispie __Yes __No Letasha T. Thompson __Yes __No

E. Scott Lloyd __Yes __No Joseph E. McFadden __Yes __No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____ and _____, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Council Agenda Statement

Item #10A

Meeting Date: July 26, 2021

Agenda Item: Bid for Okonite Cable for Leach Run Parkway

Summary: Council is requested to approve the award of a bid to ANIXTER/WESCO in the amount of \$77,004.00 for Okonite cable to complete the Line Extension Project along Leach Run Parkway that would continue installation for the new Warren Memorial Hospital to John Marshall Highway as well as to provide a redundant loop in the event of an emergency.

Budget/Funding: 9401-47957 (\$75,000.00) and 9401-47502 (\$2,004.00)

Meetings: None

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

Proposed Motion: I move that Council approve the award of a bid to ANIXTER/WESCO in the amount of \$77,004.00 for Okonite cable to complete the Line Extension Project along Leach Run Parkway that would continue installation for the new Warren Memorial Hospital to John Marshall Highway as well as to provide a redundant loop in the event of an emergency.

Moved _____ *Seconded* _____

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



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: July 14, 2021
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add consent agenda item to Town Council meeting

Purchasing responded to a request from the Energy Services Department to procure brand name only Okonite cable to complete the Line Extension Project along Leach Run Parkway. This request is the final cable procurement specific to the Line Extension Project continuing installation for the New Warren Memorial Hospital to John Marshall Highway as well to provide a redundant loop in the event of an emergency.

There are only 3 vendors that are qualified to provide this cable, so solicitations were publicly posted and emailed directly to the vendors. The procurement method used was competitive sealed bidding through an Invitation for Bid.

In accordance with the Virginia Public Procurement Act, Purchasing held a public bid opening on Tuesday, July 13th, 2021, at 2:00 p.m. and received three (3) bids.

Staff recommends Council move forward with awarding ANIXTER/WESCO \$77,004.00 for the brand name cable, Okonite. Please find attached to this memo, a recommendation memo from David Jenkins, Energy Services Director, and the bid tabulation. Please add this recommendation to Council's next Regular Meeting as a consent agenda item.

Funding for this good is available in the line item 9401-47957 (\$75,000.00) and 9401-47502 (\$2,004.00).

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

Town of Front Royal
Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027



Memo

To: Alisa Scott
From: Carey Saffelle
Date: July 14, 2021
Re: Okonite Cable

The Department of Energy Services has reviewed the submissions for the purchase of Okonite Cable and recommends accepting the bid from Anixter in the amount of \$77,004.00. The purchase will allow us to complete the Line Extension Project along Leach Run Parkway.

\$75,000.00 should come from the Department of Energy Service FY21-22 budget line item 9401-47957, which is specifically for the completion of Leach Run Parkway's Line Extensions. The remaining \$2,004.00 should come out of FY21-22 budget line item 9401-47502, which is for all other Line Extensions.

Thank you,

A. Carey Saffelle

Supervisor of Energy Services
Town of Front Royal
PO Box 1560
Front Royal VA 22630
540-635-3027

	Anixter Inc	United Utility Supply COOP, Inc.	Powertech Electric Inc
Lot 1 : Lot 1			
1 - (6) 1,800' PER SPOOL OKONITE OR KERITE BRAND NAME ONLY ...	\$77,004.00	\$84,164.40 *	\$138,905.28
Total For Lot 1 : Lot 1	\$77,004.00	\$84,164.40	\$138,905.28
Total Bid	\$77,004.00	\$84,164.40	\$138,905.28

*Non-Responsive Bid



Council Agenda Statement

Item #10B

Meeting Date: July 26, 2021

Agenda Item: Lease and License Agreement for Parking Spaces – N. Royal Avenue – Randolph/Manson

Summary: Council is requested to consider the approval of a Lease and License Agreement between the Town and Joseph T. Manson and Sarah Randolph for the use of a 413.82 square foot area of a public alley running between North Royal Avenue and Virginia Avenue and adjacent to their residence at 1602 N. Royal Avenue, for additional parking, as presented. If approved, Council gives the Town Manager authorization to execute the lease.

Budget/Funding: Work Session held July 12, 2021

Meetings:

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

Proposed Motion: I move that Council approve a Lease and License Agreement between the Town and Joseph T. Manson and Sarah Randolph for the use of a 413.82 square foot area of a public alley running between North Royal Avenue and Virginia Avenue and adjacent to their residence at 1602 N. Royal Avenue, for additional parking, as presented. I further move that Council authorize the Town Manager to execute the Lease and License Agreement.

Moved _____ Seconded _____

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

LEASE AND LICENSE AGREEMENT

THIS LEASE AND LICENSE AGREEMENT, is made and entered into this _____ day of _____, 2021, by and between the **TOWN OF FRONT ROYAL, VIRGINIA**, a municipal corporation, hereinafter referred to as the "Town", and **JOSEPH T. MANSON, JR.,** and **SARAH RANDOLPH,** jointly, hereinafter referred to as "Lessees".

WHEREAS, Lessees are the owners and occupants of real estate including a dwelling house located at 1602 North Royal Avenue in Front Royal, adjacent to and immediately to the south of which is a gravel parking place and a small strip of grass between the gravel and Lessees' corner post as shown on the two attached photographs, one of which outlines the requested leased area (the "Leased Area") with a red-colored rough sketch, both of which photographs including the sketch are attached hereto and incorporated herewith as Photographs "1" and "2" respectively ; and

WHEREAS, the Leased Area is in size 24.2 feet by 17.10 feet, more or less, or 413.82 square feet in area, more or less; and

WHEREAS, the Leased Area is within and encroaches upon a Town public right of way and alley running between North Royal Avenue on the East to Virginia Avenue on the West thereof, as well as encroaches upon the Town's public right of way on the unpaved portion to the immediate west of North Royal Avenue ("Town's Right of Way"); and

WHEREAS, Lessees request from the Town a lease and license of the Leased Area within the Town's Right of Way along the property of Lessees as shown in Photographs "1" and "2"; and

WHEREAS, the Town is willing to authorize this lease and license of the Leased Area and the use of the Town's Right of Way for the exclusive, normal and reasonable parking purposes by Lessees, their family, guests, and invitees, **SUBJECT** to the following terms and conditions:

That for and in consideration of the sum of **ONE DOLLAR (\$1.00) per annum**, paid by Lessees to the Town, the parties do hereby agree as follows:

1. **PREMISES** - The Town agrees to lease and license to Lessees the Leased Area located on part of the Town's Right of Way (alley) running between North Royal Avenue on the East to Virginia Avenue on the West thereof as shown on the attached Photographs "1" and "2", which are incorporated herein and made an integral part hereof for the term of this Lease and License Agreement.
2. **TERM OF LICENSE** - The term of the Lease and License is for a period of **Five (5) years**, commencing on the **1st day of _____, 2021**, and ending on the _____ day of _____, **2026**.
3. **PAYMENT OF LICENSE FEE** - Lessees shall pay to the Town an annual Lease and License Fee payment of **One Dollar (\$1.00)**. This fee payment shall be paid in advance without notice from the Town to Lessees beginning on the 1st day of _____, 2021 and on an annual basis thereafter for the term of this Lease and License and any extensions hereunder.

4. **RELEASE AND HOLD HARMLESS** – Lessees hereby agree to hold the Town, its officers, employees, and agents harmless from any liability to Lessees', their family' s, guests', and invitees' use and/or occupancy of the Leased Area.

5. **USE OF PREMISES** – Lessees shall not assign this Lease and License Agreement or sublicense the Leased Area. Lessees shall not permit or allow any dangerous practice or hazardous condition to occur on the Leased Area, shall not violate any State, Federal, or local law or regulation concerning the use of the Leased Area, or permit any illegal activity to occur thereon. Lessees shall not create or allow any nuisance to be or remain upon the Leased Area, except as set forth herein.

7. **ALTERATIONS OR IMPROVEMENTS** - Any alterations, additions, or improvements to the Leased area shall not be permitted without the written consent of the Town, except as set forth herein. Any permitted alterations, additions, or improvements to the Leased Area shall be performed at the sole expense of Lessees by reputable workmen and contractors approved in advance by the Town. All alterations, additions, or improvements to the Leased Area shall be and remain the sole property of the Town, except as permitted in writing by the Town.

8. **MAINTENANCE** – Lessees shall maintain the Leased Area in a safe condition of good repair. Lessees shall surrender the Leased Area to the Town at the conclusion of the Lease and License Agreement in the same condition as when Lessees accepted the Leased Area from the Town. Lessees accept the Leased Area "as is", "where is". It is specifically understood that the Town has no obligation to Lessees to make any repairs, improvements, or replacements whatsoever to the Leased Area during the

period of the Lease and License Agreement. The Town does not warrant or guarantee as to the suitability of the Leased Area for any particular purposes.

9. TERMINATION - This Lease and License Agreement may be terminated by either party for any reason upon the giving sixty (60) days in advance from the date of mailing or hand delivery of a written notice of termination to the other party, without liability therefor. For the purposes of this Lease and License Agreement, all notices shall be made in writing and shall be delivered by first class mail or hand delivered to the parties at the addresses stated herein, to-wit:

**TOWN OF FRONT ROYAL
C/O Front Royal Town Manager
102 East Main Street
Front Royal, Virginia 22630**

**JOSEPH T. MANSON, JR
SARAH RANDOLPH
1602 North Royal Avenue
Front Royal, Virginia 22630**

Except as provided herein, any fixtures or personal property which remains upon the Leased Area upon termination or expiration of the Lease and License Agreement shall become the sole property of the Town at the sole option of the Town.

10. AUTHORITY- All parties and signatories hereto affirmatively represent that by signing this Lease and License Agreement, that they have all necessary and appropriate authority and intent to legally bind themselves hereto.

11. INTERPRETATION - The interpretation of the provisions of this Lease and License Agreement shall be in accordance with the laws of the Commonwealth of Virginia.

12. MODIFICATION AND EXTENSIONS - Modification of the terms and conditions of this Lease and License Agreement and extensions or renewals of this Lease and License Agreement shall not be permitted, unless agreed to in writing and executed with the same formality as this Agreement.

GIVEN under our hands this _____ day of _____, 2021.

TOWN OF FRONT ROYAL, VIRGINIA (SEAL)

BY: _____
STEVEN W. HICKS, TOWN MANAGER

ATTEST:

TINA L. PRESLEY
CLERK OF TOWN COUNCIL

JOSEPH T. MANSON, JR (SEAL)

SARAH RANDOLPH (SEAL)

APPROVED AS TO FORM:

DOUGLAS W. NAPIER
TOWN ATTORNEY

ALLEY RUNNING BETWEEN VIRGINIA AVE. & N. ROYAL AVE.

101

1610

1602

1516

1505

1500

33

MAP KEY

PROPERTY LINES

70 35 0 70 Feet



PREPARED BY DEPT. OF PLANNING & COMM. DEV.
JULY 8, 2021 | CARTOGRAPHER: AGV
IMAGERY DATE: APRIL 2018

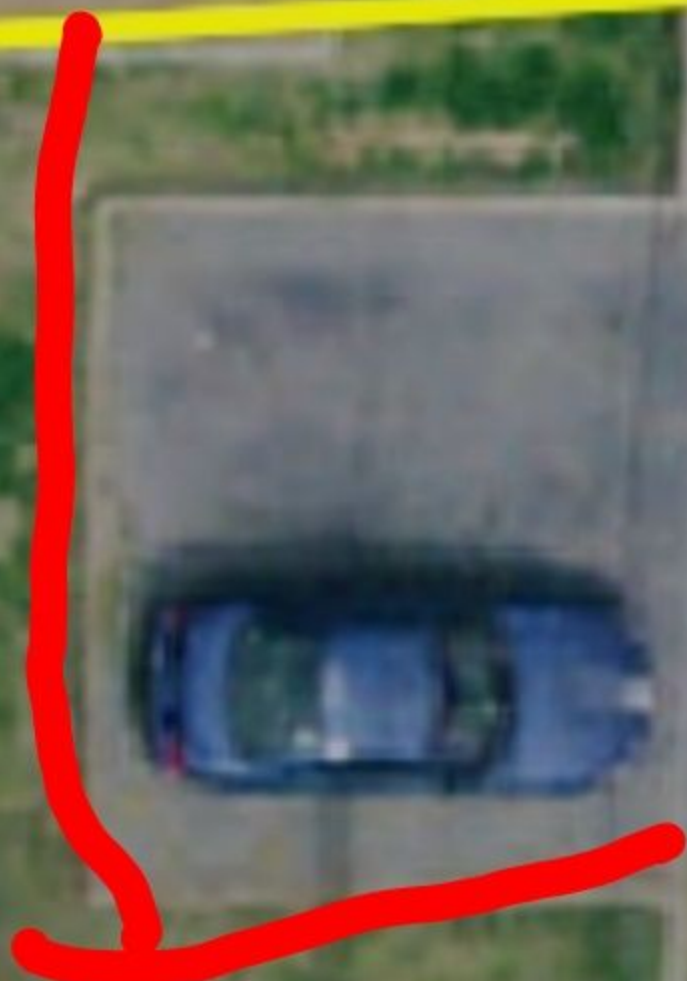
VIRGINIA AVE

N ROYAL AVE

TO W. 14TH ST.



1602



AVE



Council Agenda Statement

Item #10C

Meeting Date: July 26, 2021

Agenda Item: Lease Agreement for Parking Spaces – CJMWO Family, LLC (aka Fussell Florist) – 2nd Street

Summary: Fussell Florist was recently sold and the new owners have requested a new lease to use the parking area allowed by the previous owners. Council is requested to consider the approval of a Lease Agreement between the Town and CJMWO Family, LLC (aka Fussell Florist) for the use of Town property adjacent to the florist at 202 E. 2nd Street to be used for twenty-two (22) parking spaces for the florist due to lack of on-site parking, as presented. If approved, Council gives the Town Manager authorization to execute the lease.

Budget/Funding: Work Session held July 12, 2021

Meetings:

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

Proposed Motion: I move that Council approve a Lease Agreement between the Town and CJMWO Family, LLC (aka Fussell Florist) for the use of Town property adjacent to the florist at 202 E. 2nd Street to be used for twenty-two (22) parking spaces for the florist due to lack of on-site parking, as presented. I further move that Council authorize the Town Manager to execute the Lease Agreement.

Moved _____ Seconded _____

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

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Lease") is entered into and made effective the 1st day of June, 2021, by and between the **TOWN OF FRONT ROYAL, VIRGINIA**, a municipal corporation, hereinafter referred to as the "Town", and **CJMWO Family, LLC**, a Virginia limited liability company, dba Front Royal's Fussell Florist, hereinafter referred to as the "Lessee".

WITNESSETH:

WHEREAS, the Lessee is the new owner of real property located at 202 E. 2nd Street, Front Royal, Virginia, and operator of the business known as Front Royal's Fussell Florist operating from the building located at the corner of Commerce Avenue and East 2nd Street in the Town of Front Royal ("Florist"), and,

WHEREAS, the prior owner of the real property leased from the Town a parcel of land owned by Town adjacent to 2nd Street and the Florist, containing approximately 22 parking spaces ("premises"), used as a parking area by the Florist due to the lack of on-site parking at Florist, and,

WHEREAS, Upon the sale of the real property, the lease with the Town automatically terminated by its terms, and the Town is desirous of accommodating Lessee by executing a new lease of the premises for use by Florist.

NOW THEREFORE, in consideration of the sum of _____
AND NO/100 DOLLARS (\$_____.00) per annum, paid by the Lessee to
the Town of Front Royal, the parties do hereby agree as follows:

1. PREMISES - The Town agrees to lease to the Lessee the premises as more particularly identified in a sketch attached hereto and made part hereof, for the exclusive use by Florist unless otherwise stated herein. Lessee acknowledges that the sketch approximates the location of the premises without benefit of a survey. Lessee further acknowledges that this Lease is prepared without benefit of a title examination to confirm ownership of the premises by Town, and that Town makes no representation that it is the title holder in fee simple to the entire premises, or that it holds title to the premises free and clear of the rights of third parties.

2. TERM OF LEASE - The term of the Lease is for a period of **FIVE (5) years**, commencing on the **1st day of June, 2021**, and ending on the **31st day of May, 2026**.

3. PAYMENT OF RENT - Lessee shall pay to Town an annual rental payment of _____ dollars (\$_____.00). The rental payment shall be paid in advance beginning with the commencement of the Lease, and on an annual basis thereafter on the anniversary date of the Lease for the remainder of term of this Lease.

4. TRAFFIC CONTROL - The Lessee shall be solely responsible for enforcing the possessory rights conveyed hereby and for lawfully preventing unauthorized use of the premises. Access for Town and emergency vehicles

shall not be impeded by this Lease and shall be permitted at all times. Lessee shall comply with all applicable provisions of the Code of the Town of Front Royal, Virginia.

5. HOLD HARMLESS - The Lessee hereby agrees to hold the Town harmless from any liability pertaining to its use and/or occupancy of the premises and will include Town as additional insured on business premises liability coverage.

6. USE OF PREMISES - The purpose of this Lease is to provide parking for Florist. The premises will not be put to any other use. The Lessee shall not assign this Lease or sublet the premises. The Lessee shall not permit or allow any dangerous practice or hazardous condition to occur on the premises, shall not violate any State, Federal, or local law concerning the use of the premises, or permit any illegal activity to occur thereon. The Lessee shall not create or allow any nuisance to be or remain upon the premises.

7. ALTERATIONS OR IMPROVEMENTS - Any alterations, additions, or improvements to the premises shall not be permitted without the written consent of the Town Manager. Any permitted alterations, additions, or improvements shall be performed at the sole expense of the Lessee by reputable workmen and contractors approved by the Town Manager. All permitted alterations, additions, or improvements to the premises shall be and remain the sole property of the Town of Front Royal.

8. MAINTENANCE - The Lessee shall maintain the premises in a clean and safe condition. The Lessee shall surrender the premises to the Town at

the conclusion of the Lease in the same condition and repair as existed at the commencement of the Lease. The Lessee accepts the property "**as is**". It is specifically understood that the Town has no obligation to the Lessee to make any repairs, improvements, or replacements whatsoever to the premises during the period of the Lease. The Town does not warrant or guarantee as to the suitability of the site for any particular purposes.

9. TERMINATION - This Lease may be terminated by either party for any reason thirty (30) days from the date of mailing a written notice of termination to the other party. This Lease will terminate immediately upon the sale of Florist by Lessee or upon any change in use by the Lessee. For the purposes of this Lease, all notices shall be made in writing and shall be delivered by first class mail to the parties at the addresses stated herein, to-wit:

**TOWN OF FRONT ROYAL
c/o Front Royal Town Manager
102 E. Main Street
Front Royal, Virginia 22630
540-635-8007**

**CJMWO Family, LLC
c/o Christopher J. O'Donnell
12520 Paradise Spring Road
Clifton, Virginia 20124
703-582-8112**

In the event of termination by the Town of Front Royal prior to the scheduled expiration of the Lease, the Lessee shall be given a reasonable time to remove any personal property left upon the premises. In the event that

public necessity requires an immediate recovery of the premises by the Town, and the Lessee is unable to remove its personal property from the premises, the parties shall agree as to reasonable compensation to be paid to the Lessee for any loss.

Except as provided herein, any personal property which remains upon the premises upon termination or expiration of the Lease shall become the sole property of the Town of Front Royal.

10. INTERPRETATION - The interpretation of the provisions of this Lease shall be in accordance with the laws of the Commonwealth of Virginia.

11. MODIFICATION AND EXTENSIONS - Modification of the terms and conditions of this Lease and extensions or renewals of this Lease shall not be permitted unless agreed to in writing and executed with the same formality as this Lease. This Lease may be extended for up to three (3) additional five (5) year terms upon the written request of the Lessee and the written consent of the Lessor given at least thirty (30) days prior to the end of each five (5) year term.

GIVEN under our hands this ____ day of _____, 2021.

LESSOR:
TOWN OF FRONT ROYAL, VIRGINIA

By: _____
Steven Hicks, Town Manager

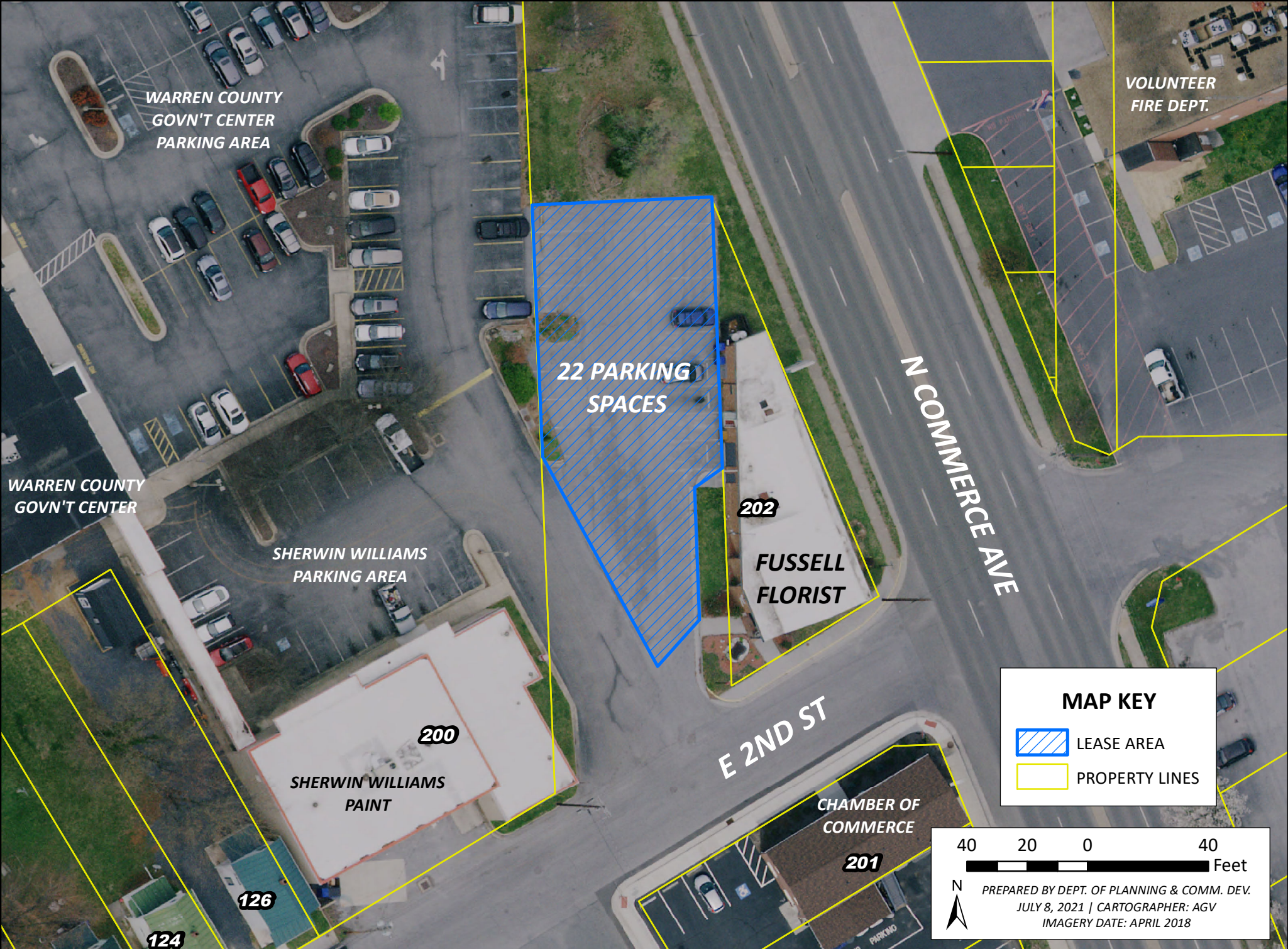
LESSEE:
CJMWO Family, LLC

By: _____
Christopher J. O'Donnell, Manager

APPROVED AS TO FORM:

George M. Sonnett, Jr.
Assistant Town Attorney

PARKING AREA LEASE BETWEEN TOWN OF FRONT ROYAL & FUSSELL FLORIST





Council Agenda Statement

Item #11A

Meeting Date: July 26, 2021

Agenda Item: Policy and Procedures for Special Event Permits

Summary: Council is requested to approve the Policy and Procedures for Special Event Permits as presented. If approved, staff is recommending the policy and procedures go into effect September 1, 2021 to allow staff to complete the new application and attachments.

Note: The Policy and Procedures have been revised from the July 12th work session to reflect minor grammar mistakes found by Council, added "designee" to all Town Manager references for consistency and updated the historical timeline.

Budget/Funding: None

Meetings: Work Sessions held on June 14th and July 12th. Information Sessions held June 17th and June 21st.
Public Hearing to receive public input on June 28th.

Proposed Motion: I move that Council approve the Policy and Procedures for Special Event Permits as presented and effective September 1, 2021.

Approved By: _____

Moved _____ Seconded _____

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

SPECIAL EVENT PERMIT POLICIES AND PROCEDURES



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DRAFT

DEFINITIONS

AFTER ACTION REPORT – analyzing *what* happened, *why* it happened, and *how* it can be done better by the participants and those responsible for the project or event in subsequent years.

AMPLIFY – increase the volume of the noise coming through a microphone and/or speakers so that everyone in the vicinity of you can hear.

CERTIFICATE OF LIABILITY INSURANCE (COI) – a document that verifies the existence of general liability insurance coverage and summarizes the key aspects and conditions of the policy. The Virginia Risk Sharing Association (VRSA) Tenant Use Liability Insurance Program is available.

CODE OF CONDUCT – posted in Town of Front Royal public space/property for all the public to adhere to at all times.

DECORATIONS/STRUCTURES – props, displays, tents, inflatables, amusement rides, booths, wagons, carts, and all similar types of property which might tend to harm town land or street areas, including aesthetic interests.

DOWNTOWN AREA – includes Main Street, Chester Street, Crescent Street, Peyton Street, Laura Virginia Hale, High Street, Kidd Lane, Water Street, Jackson Street and portions of Church Street and Blue Ridge Avenue, and the Town Commons Area Parking Lot. This area also includes the Town Commons Area that includes the Gazebo, Pavilion, Parking Lot, and Visitor Center.

EVENT ORGANIZER – the individual(s) who signs, or whose authorized representative(s), an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Also referred to as the “applicant”.

GATHERING – an assembly or meeting of less than twenty-five (25) individuals, held for a specific purpose.

PARADE – procession, with or without vehicles, requiring closure of town streets to normal traffic; any march, demonstration, procession, or motorcade upon public space that interferes with or presents a significant probability of interfering with the normal flow or regulation of pedestrian or vehicular traffic upon public space.

PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY – any street, sidewalk, alley, or any other property of the Town which is open to the public.

RACES/WALKS – a long-distance race or walk organized as a fundraising event.

RECURRING EVENT – occurring again periodically or repeatedly within the same day, week, or month.

SPECIAL EVENT – an outdoor event where a public forum of expressive activity occurs on any public space/properties/right-of-way during a particular interval of time hosted outside of the event organizers’ normal business or organization programs or activities, where the public is invited.

SPONTANEOUS GATHERING – an unplanned or unannounced coming together of persons which may occur in response to unforeseen circumstances.

SPONSOR – an individual or organization that pays some or all of the costs involved in staging a special event in return for advertising or similar recognition.

TOWN SPONSORED OR CO-SPONSORED EVENTS – all events the Town of Front Royal sponsors entirely or in conjunction with another organization.

APPLICATIONS TO RESERVE PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY

The Town of Front Royal has made available to civic organizations, the ability to reserve a public property/space/right-of-way by submitting a completed application in accordance with the below policies and procedures to the Town Manager’s Office, or Manager’s designee for review. Information on the application will be used to define and determine permit eligibility through measurable criteria.

A separate application is required for Parades, Races/Walks, and Processions, or similar. Matrix does not apply.

SPECIAL EVENTS MATRIX CRITERIA

All applications will be reviewed by the Town Manager, or Manager’s designee on the basis of the following criteria to determine the appropriate event category and assist in the decision to approve the application.

1. Purpose - Community & Destination Benefit
2. Demonstrated History of Event Success
3. Evidence of Partnership - multiple businesses participating.
4. Attendance Figures
5. Organizational Structure & Management Capability
6. Business Benefit – Direct Spending
7. Funding Capacity
8. Overnight Stays / Room Nights
9. Target Market Alignment
10. Evaluation & Measurement Plan

- Events scoring below 33 are categorized as a Community Gathering.
- Events scoring between 33 and 42 are categorized as a Community Special Event.
- Events scoring 43 and above are categorized as a Tourism Special Event.

SPECIAL EVENTS CATEGORIES THAT REQUIRE A PERMIT IDENTIFIED BY THE MATRIX

COMMUNITY GATHERING

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the Event organizer to draw approximately 25 people or less.

- Applications accepted between twelve (12) months and thirty (30) days prior to event.
- Reservation Fee: \$50.00 (non-refundable) This includes use of electricity and water. If these services are not applicable, the reservation fee is \$25.00. Refundable if cancelled within 24 – 48 hours.
- Reservation Date accepted upon written request to Town Manager, or Manager's designee
- Applicants responsible for a completed application 30 days prior to event including payment of fees and Certificate of Liability Insurance.
- No applications accepted if received less than 30 days before event.
- Permit will be issued within 15 days of event. No changes to the permit will be allowed unless specifically authorized by the Town Manager, or Manager's designee
- Each civic organization is allowed eight (8) permits in a calendar year.
- Each event is permitted for up to six (6) hours per event.
- Unlimited events are granted throughout the year.
- Closures of streets/parking lots will not be allowed
- Recurring events are not allowed

COMMUNITY

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the event organizer to draw up to approximately 500 people.

- Applications accepted between twelve (12) months and thirty (30) days prior to event.
- Reservation Fee: \$100.00 (non-refundable) This includes use of electricity, water and public works. If services are not applicable, reservation Fee: \$50.00. Refundable if event is cancelled within 24-48 hours.
- Reservation Date accepted upon written request to Town Manager, or Manager's designee
- Applicants responsible for a completed application 30 days prior to event including payment of fees and Certificate of Liability Insurance.
- No applications accepted if received less than 30 days before event.

- Permit will be issued within 15 days of event. No changes to the permit will be allowed unless specifically authorized by the Town Manager, or Manager's designee
- Each civic organization is allowed four (4) permits in a calendar year.
- Each event is permitted, regardless of closure, up to ten (10) hours per day per event.
- Unlimited events are granted throughout the year.
- No full closure of streets will be allowed; however the closures of partial streets/parking lots will be considered with payment of the following fees:
 - o Closure of Partial Street/Town Commons Parking Lot - \$100.00*
 - o Closure of Town Commons Parking Lot - \$50.00*
- Event Organizer shall notify business/residents of the scheduled event and closures no longer than 10 days before the event
- Recurring Events are not allowed

* in addition to reservation fee (non-refundable). Refundable if cancelled within 24-48 hours.

Combinations of partial and full street closures are limited to two (2) per month per civic organization in the Downtown Area.

TOURISM

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the event organizer to draw more than 500 people.

- Applications accepted between twelve (12) months and six (6) months prior to event
- Reservation Fee: \$200.00 (non-refundable) This includes use of electricity, water and public works. Refundable if event is cancelled within 24-48 hours.
- Reservation Date accepted upon written request to Town Manager, or Manager's designee
- Applicants responsible for a completed application forty-five (45) days prior to event (including payment of fees and Certificate of Liability Insurance).
- No applications accepted if received less than six (6) months before event.
- Permit will be issued within thirty (30) days of event. No changes to the permit will be allowed unless specifically authorized by the Town Manager, or Manager's designee
- Each event is permitted, regardless of closure, up to twelve (12) hours per day per event.
- A maximum amount of two (2) permits shall be allowed per year, per civic organization
- Full and partial closure of streets/parking lots will be allowed with payment of the following fees:
 - o Closure of Full Street - \$100.00*
 - o Closure of Full Street/Parking Lot - \$150.00*
 - o Closure of Partial Street/Town Commons Parking Lot - \$100.00*
 - o Closure of Partial Street/Town Parking Lot - \$50.00*
- Event Organizer shall notify business/residents of the scheduled event and closures no longer than thirty (30) days before the event

- Recurring Events are not allowed

* in addition to reservation fee (non-refundable). Refundable if cancelled within 24-48 hours.

Combinations of partial and full street closures are limited to two (2) per month per civic organization in the Downtown Area.

CERTIFICATE OF LIABILITY INSURANCE REQUIREMENT

A certificate of liability insurance is required for all permitted special events held on any public space/properties/right-of-way. All applicants are to provide a *CERTIFICATE OF LIABILITY INSURANCE* listing insured civic organization, 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 based upon risks associated with the requested special event, in consideration of anticipated attendance and closure(s) of a specific public space/property/right-of-way. The Certificate of Liability Insurance shall list the following directly on the certificate:

1. Event Name
2. Event Date
3. Event Location and any specific closures.
4. Town listed as "Additional Insured."
5. Minimum \$1,000,000 (depending on event)

PERMITS NOT REQUIRED ON PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY

All public space/properties/right-of-way are public gathering places and are open to all residents and visitors in the community to enjoy at any time without a reservation. The Code of Conduct posted at all these areas are required to be adhered to. Any gatherings over 25 or more individuals gathered for specific event, will require a special event permit.

Spontaneous Events as defined in these policy and procedures, do not require a permit. The Code of Conduct applies to these events.

Town Sponsored or Co-Sponsored events as defined in these policy and procedures take precedence over all special events. An application is required for co-sponsored events from the civic organization who is the co-sponsor with the Town. Matrix and fees do not apply.

ATTACHMENTS

1. TOWN CODE CHAPTER 72 SPECIAL EVENTS
2. CODE OF CONDUCT
3. APPLICATION INSTRUCTIONS & GUIDELINES
4. MATRIX
5. AFTER ACTION REPORT
6. VRSA/TULIP GUIDELINES

HISTORICAL TIMELINE OF SPECIAL EVENTS POLICY & PROCEDURES

May 10 th , 2021	Work Session: Update on Proposed Special Events Policy and Procedures
June 1 st , 2021	Special Meeting: Public Hearing – An Ordinance to Amend Chapter 72 Special Events in its entirety to reflect new Policy and Procedures.
June 14 th , 2021	Work Session: Proposed Policy and Procedures to Hold Special Events on Town Property.
June 17 th , 2021	Open Forum: Public Input Meeting.
June 21 st , 2021	Open Forum: Public Input Meeting.
June 28 th , 2021	Regular Meeting: Public Hearing to Receive Public Comments and Concerns Pertaining to the Proposed Policy and Procedures for Special Event Permits.
July 12 th , 2021	Work Session: Updated Proposed Policy and Procedures to Hold Special Events on Town Property.



Council Agenda Statement

Item # 11B

Meeting Date: July 26, 2021

Agenda Item: FY22 Budget Amendment for Tourism and Contract Amendment for JLL

Summary: Council is requested to approve a FY22 Budget Amendment in the amount of \$74,070 and to approve a contract amendment with JLL Inc. Currently the Town of Front Royal employs five (5) Visitor Center Staff on a temporary employment basis. The contract modification would allow the Town to receive funds from JLL that reimburses for the expense of staffing the Visitors Center.

The contract amendment would also allow for JLL to provide the temporary Visitor Center Staff with direction in Destination Marketing Organization "Best Practices" and Standard Operating Procedures.

Once the Destination Marketing Organization Board is established, the intent is for the Board to employ the Temporary Town staff.

Budget/Funding:

1000-3410209	General Fund Reimbursement	\$	74,070.00
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Expenses:

1205-41001	Full Time Salary	\$	21,840.00
1205-41003	Part-Time Salary	\$	44,070.00
1205-42001	FICA	\$	5,040.00
1205-42002	VRS	\$	3,120.00

Meetings: Work Session April 12th, 2021

Proposed Motion: I propose that Council approve a FY22 Budget Amendment in the amount of \$74,070 and approve a contract amendment allowing JLL Inc to provide the Visitors Center Staff with direction to receive funds from JLL Inc to reimburse for the expense of staffing tourism.

Approved By: _____

Moved _____ Seconded _____

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



Town of Front Royal, Virginia

Purchasing, Department of Finance

TOWN OF FRONT ROYAL CONTRACT MODIFICATION Per Destination Marketing Organization Request for Proposals

JONES LANG LASALLE AMERICAS, INC. (JLL) and the TOWN OF FRONT ROYAL (TOWN) hereby modify the contract for Destination Marketing Organization with an original effective date of January 26th, 2021.

Whereas:

The TOWN wishes to clarify the reimbursable expenses and firmly establish the working relationship from the above effective date of contract until the Destination Marketing Organization Board is established and capable of its own accounts payable.

Currently, the TOWN and the COUNTY OF WARREN, VA (COUNTY) have executed a Memorandum of Agreement (Attachment B) that assigns tourism authority to the Joint Tourism Committee, fiscal responsibility to the COUNTY OF WARREN, VA. Separately, the TOWN is temporarily staffing the Visitor Center at a \$15.00 hourly rate.

Whereas:

The TOWN wishes to provide JLL with reimbursable salary expenses until the Destination Marketing Organization Board is established. The TOWN requests JLL invoice the expenses as per the MOA and JLL will reimburse the TOWN Fifty (50) percent when paid by the County per the MOA invoicing process.

Whereas:

JLL will provide the TOWN with standard operating procedures and direct TOWN staff on Destination Marketing Organization best practices through a single temporary part-time employee, the Destination Services Manager, with a \$21.00 hourly rate.

JLL

BY: BDR
NAME: Bethanie DeRose
TITLE: Senior Vice President
DATE: 7/15/21

TOWN OF FRONT ROYAL

BY: Steven W. Hicks
NAME: Steven W. Hicks
TITLE: Town Manager
DATE: 7/15/2021

APPROVED AS TO FORM

BY: Douglas W. Napier
NAME: Douglas W. Napier
TITLE: Town Attorney
DATE: 07-15-2021

Purchasing, Department of Finance
102 E Main Street
Front Royal, VA 22630
Phone 540-636-6889



Council Agenda Statement

Item # 11C

Meeting Date: July 26, 2021

Agenda Item: Joint Tourism Memorandum of Agreement with Warren County & Destination Marketing Organization Contract

Summary: The Town of Front Royal and Warren County jointly entered into a Memorandum of Agreement (MOA) in January 2021, to jointly procure the consulting services of a Destination Marketing Organization and give the Joint Tourism Committee (JTC) tourism authority. The statement of needs within the Request for Proposals was for the Destination Marketing Organization to assist the Town, County and JTC in creating and establishing the contract, bylaws, and articles of incorporation for a stand-alone Joint Tourism Board (Board). Town Council also authorized the Town Manager to negotiate with the County to finalize the MOA to establish a Board during the May 10, 2021 Work Session. As a result, a meeting was held on May 18, 2021, where the Town and the County agreed to establish a Board. It should be noted, the County Board of Supervisors plan to approve the MOA at their August 3, 2021 board meeting.

Therefore, Council is requested to approve a new MOA with the County and the Destination Marketing Organization contract that will establish the Joint Tourism Board. Additionally, Council is requested to give the Mayor authorization to execute the MOA and for the Town Manager to execute the contract.

Upon approval of all documents, the January 4, 2021 Front Royal-Warren County Joint Tourism Committee MOA is to be rescinded.

Budget/Funding:

No additional funding is requested. The FY22 budget includes \$200,000.00 for the Destination Marketing Organization contract.

Meetings:

January 4, 2021 - Work Session held before Special Meeting

May 10, 2021 - Work Session to authorize the Town Manager to negotiate MOA

May 18, 2021 - Town and County Meeting to agree to a Joint Tourism Board

Proposed Motion:

I move that Council approve a new Memorandum of Agreement (MOA) with Warren County to establish a Joint Tourism Board and authorize the Mayor to execute the MOA and the Town Manager to execute the Destination Marketing Organization contract and any related documents on behalf of the Town Council. I further move that Council rescind the approved January 4, 2021 Front Royal-Warren County Joint Tourism Committee MOA upon approval of all documents.

Approved By: _____

Moved _____ Seconded _____

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

Memorandum of Agreement

*Of the Board of Supervisors of Warren County
And the Town of Front Royal*

FRONT ROYAL-WARREN COUNTY JOINT TOURISM COMMITTEE

This **MEMORANDUM OF AGREEMENT** made this 5th day of January, 2021 by and between the **Town of Front Royal, Virginia**, hereinafter referred to as the "Town", and the **County of Warren, Virginia**, hereinafter referred to as the "County", collectively hereinafter referred to as the "Parties", stipulates that the County and the Town agree to the following:

I. PURPOSE

Since June 21, 1993, the Town had been responsible for funding the Visitor's Center and tourism for the community as the vast majority of hotels, motels, and restaurants that benefitted from tourism were located inside the limits of the Town. However, there was significant growth of the lodging industry in the County and outside of the Town's limits. As a result, the County adopted an ordinance that increased the transient occupancy tax from two percent (2%) to five percent (5%). This increase became effective on July 1, 2017.

Upon the County adopting aforementioned ordinance, the County and Town entered into a Memorandum of Agreement that established the Front Royal-Warren County Joint Tourism Advisory Committee (hereinafter the "Advisory Committee"). The Town and County wished to put additional resources into branding and marketing the community as a destination and to provide additional support and to enhance the restaurants, lodging establishments, and the many amenities to the community. The Town and County appointed the Advisory Committee to advise, assist, support, and advocate for tourism policies, program, and activities to market and promote Front Royal-Warren County and its environs, and to serve as the "local tourism industry organization" referred to in Section 58.1-3819 of the Code of Virginia, as amended.

Currently the Town and County desire to contribute financially to a Joint Tourism Program that will contract with a Destination Marketing Organization (hereinafter referred to as "DMO") to provide visitor services, marketing and advertising for the community, research, and more. The Advisory Committee will serve an oversight role for strategic planning and budgeting as well as a partner liaison. The Town and County have issued a Request for Proposals and have mutually selected a best value Independent Contractor to serve in this DMO role.

The Town and County now wish to amend the Advisory Committee's name to "Front Royal Warren County Joint Tourism Committee," hereinafter referred to as "Committee". Further, the Town and County wish to enter into a new Memorandum of Agreement to establish the Committee and to define the working relationship between the Town and County for the conduct of work of the Joint Tourism Program.

II. DEFINITIONS

Best Value – referred to in Virginia Code Section 2.2-4301 of the Virginia Public Procurement Act as amended, the overall combination of quality, price, and various elements of required services that in total are optimal relative to the public body's needs.

Destination Marketing Organization (DMO) – a qualified offeror which submits a proposal in response to a competitively negotiated public contract, or Request for Proposals (RFP). The Committee, the Town, and County shall mutually agree upon the offeror as providing the best value through each of their service as members of the Evaluation Committee for the DMO.

Independent Contractor – DMO selected as a result of competitive negotiations. The DMO understands and agrees that the relationship of the DMO to the Town and County arising out of the Contract shall be that of Independent Contractor. It is understood that the DMO, and its staff and employees, are not employees of the Town or County and are, therefore, not entitled to any benefits. The DMO shall be responsible for reporting and accounting for all State, Federal, Social Security, and local taxes where applicable.

Local Lodging Partner – Referred to in Va. Code § 58.1-3819 of the Code of Virginia as amended includes hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.

Plan of Work – The Committee's established objectives and strategies that support the Joint Tourism Plan for achieving the goals set forth in paragraph VI "Goals of Committee" herein.

Tourism - In accordance with Code of Virginia § 58.1-3819 as amended, attracts travelers to the locality, increases occupancy at lodging properties, and generates tourism revenues in the locality.

III. OBLIGATIONS

The Committee shall:

1. Direct, promote and manage tourism development in the Front Royal-Warren County community.
2. Create, develop, and oversee the Joint Tourism Development Plan through the DMO contract to increase overall tourism revenue.
3. Encourage individuals, businesses and the Town and County to invest in tourism development as an integral part of overall economic development.
4. Assist various regional and state organizations in planning and implementing a regional tourism development plan.
5. Submit an annual budget by January 1st of each and every year to the Town and County that includes the DMO budget and a funding plan that includes any grant and/or donations/gifts.

The Town of Front Royal shall:

1. Assign authority to the Committee to direct, promote, and manage tourism development in the Front Royal community.
2. Enter into a competitively negotiated contract, pursuant to the Virginia Public Procurement Act, with the DMO mutually selected by the Committee.
3. Annually budget and appropriate to the DMO, at a minimum, the amount of its transient occupancy tax designated for tourism and travel marketing based upon Section 58.1-3819 of the Virginia Code, as amended.
4. Pay half (1/2) of all invoices to Warren County upon approval from the Committee or their appropriate subcommittee.
5. Encourage individuals and businesses to invest in tourism development as an integral part of overall economic development.

The County of Warren, Virginia shall:

1. Assign authority to the Committee to direct, promote, and manage tourism development in the Warren County community.
2. Enter into a competitively negotiated contract, pursuant to the Virginia Public Procurement Act, with the DMO mutually selected by the Committee.
3. Annually budget and appropriate to the DMO, at a minimum, the amount of its transient occupancy tax designated for tourism and travel marketing based upon Section 58.1-3819 of the Virginia Code, as amended.
4. Pay all invoices including DMO invoices upon approval from the Committee or their appropriate subcommittee.
5. Encourage individuals and businesses to invest in tourism development as an integral part of overall economic development.

IV. COMPOSITION

A. The Committee shall consist of eleven (11) members each appointed to a four-year term as follows:

- Town of Front Royal Town Manager Designee
- Warren County Administrator Designee,
- President of the Front Royal-Warren County Chamber of Commerce,
- One member of Town Council and alternate member,
- One member of the County Board of Supervisors and alternate member,
- Three members appointed by the Front Royal Town Council,
- Three members appointed by the Warren County Board of Supervisors.

One member from each the Town and the County shall be a representative from a local lodging partner.

B. The officers of the Committee shall be appointed for a two-year term. The Committee shall elect officers each July and fill vacancies as required during the intervening months. The officers shall include the following:

- i. Chairman: develops an agenda and presides over meetings, reports quarterly to the Warren County Board of Supervisors and the Front Royal Town Council, and as agreed upon by the Committee, represents the committee on other tourism development committees and organizations, as appropriate
- ii. Vice-Chairman: serves in the absence of the Chairman and oversees the Plan of Work
- iii. Secretary: maintains the minutes of the meetings and issues notices of meetings as provided herein
- iv. Treasurer: develops an annual budget of funds made available to the Committee

The offices of Secretary and Treasurer may be combined if the Committee so votes

C. The Committee may utilize any existing tourism subcommittees or appoint such subcommittees or advisory groups as necessary for the conduct of its work. The Chairman of the Committee shall be an ex officio member of all subcommittees or groups.

D. Members of the Committee may be reimbursed for their actual expenses. Claims for expenses by committee members shall be submitted to either the Town or County and paid in accordance with the governing procedures and allocated funding for such claims.

V. FINANCIAL MATTERS

- A. The Committee is authorized to apply for, accept, and expend gifts, grants, or donations from public or private sources to enable the Committee to carry out its objectives.
- B. Submit an annual budget by January 1st of each and every year to the Town and County that includes the DMO budget and a funding plan that includes any grant and/or donations/gifts.
- C. The total amount of the calendar year 2021 DMO contract shall be \$600,000 of which will be split equally between the Town and County. Future year allocations will be determined based upon the budget presented by the Joint tourism committee no later than January 1st.
- D. The Committee shall maintain fiscal records.
- E. Each tourism project that is approved by the Committee shall include an approved project budget and funding plan. The funding plan shall include any grant, and/or private funds that may be used toward the project.

VI. ADMINISTRATIVE MATTERS

- A. The Committee shall make quarterly reports to the Front Royal Town Council and Warren County Board of Supervisors.
- B. No individual member of the Committee shall make representations or commitments on the Committee's behalf without formal approval or endorsement by the majority of the membership of the Committee.

VII. MEETINGS

- A. The Committee shall meet every other month on the second Wednesday of the month. Notice of time and place of regular meetings shall be emailed by the Secretary to the Committee and interested parties at least fourteen (14) days in advance of each meeting. Special meetings may be called by the Chairman or on request of three members of the Committee by emailed notice at least seven (7) days in advance of the date of such special meetings. Emergency meetings may be convened by the Chairman with a 24-hour telephone notice attempt to reach all members.
- B. Meetings shall be open to the general public and news media within the provisions of the Virginia Freedom of Information Act.
- C. The Committee, if voted upon, shall endeavor to hold its meetings in various locations of the Town/County in order to facilitate citizen involvement.
- D. A quorum shall consist of a majority of the members.

E. Minutes of all meetings shall be kept and retained by the Secretary.

F. Robert's Rules of Order shall govern the conduct of all meetings.

VIII. GOALS OF THE COMMITTEE

Consistent with its purpose, the Committee shall establish objectives and strategies (Plan of Work) that support the Joint Tourism Plan for achieving the goals set forth below. In doing so, the Committee shall provide recommendations to both the Town Council and the County Board of Supervisors.

1. *Citizen Understanding* - Increase the economic value of tourism and travels to the Town of Front Royal and County of Warren and its citizens and businesses and encourages inter-community collaboration on all matters relating to tourism development and promotion.
2. *Tourism*- Broaden awareness of the community's existing attractions, both natural and man-made, its heritage and historic sites, and services provided for travelers. This effort shall include awareness within the tourism industry and among the traveling public, with emphasis on regional initiatives whenever possible.
3. *Hospitality* - Ensure that travelers to and through Front Royal-Warren County are served hospitably and have ready access to information on tourist services and points of interest.
4. *Tourism Development* - Pursue with the two Economic Development Authorities of both the Town and of the County (if such Authorities exist), Town of Front Royal, and County of Warren an overall economic development program to include the development of additional visitor accommodations such as lodging and conference facilities, restaurants, campgrounds, public parks, and other attractions.
5. *Scenic Beauty* - Encourage programs whose purpose(s) are to preserve and enhance the scenic beauty of the Town and County, particularly along its public highways.

IX. AMENDMENTS

This Memorandum of Agreement may be amended or altered in whole or in part upon approval by the Front Royal Town Council and the Warren County Board of Supervisors. This Memorandum of Agreement may be terminated by either party with ninety (90) days written notice given to the other party prior to the end of any given fiscal year.

X. SEAL

The Committee may have a seal or logotype that identifies its purposes for use in any brochures, letterheads, and other official publications issued by the Committee on its behalf. The Committee may authorize the use of such a graphic by others when such use helps further the Committee's goals and objectives.

FOR THE COUNTY OF WARREN, VIRGINIA

Cheryl L. Cullers

Cheryl L. Cullers, Chair, Board of Supervisors

Attest:

Edwin C. Daley

Dr. Edwin C. Daley, Interim County Administrator

Approved by the Front Royal Town Council on the 4 day of January, 2021.

FOR THE TOWN OF FRONT ROYAL, VIRGINIA

Chris W. Holloway

Chris W. Holloway, Mayor, Town of Front Royal

Attest:

Tina L. Presley

Tina L. Presley, Clerk of Town Council

Approved as to Form:

Senior Asst. County Attorney, County of Warren, Virginia

Douglas Napier, Town Attorney, Town of Front Royal

rescind



Council Agenda Statement

Item # 11D

Meeting Date: July 26, 2021

Agenda Item: Emergency Ordinance to Enact Town Code Chapter 172 – Welfare, Health and Safety, Prohibiting Any Business Located in the Town Corporate Limits from Requiring the COVID-19 Vaccines as a Condition of Employment

Summary: Councilman Lloyd has requested that Council consider the approval of an emergency ordinance that would enact Town Code Chapter 172 – Welfare, Health and Safety, Prohibiting Any Business Located in the Town Corporate Limits from Requiring the COVID-19 Vaccines as a Condition of Employment, as presented.

Note: Per Town Charter § 38.

An emergency measure is an ordinance or resolution to provide for immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least three members of the council shall be required to pass any ordinance or resolution as an emergency measure. Effective July 1, 1994, the affirmative vote of at least four members of the Council shall be required to pass any ordinance or resolution as an emergency measure. In case there shall be a tie among the members of the council, the vote of the mayor, in event of such tie, shall be controlling (1937, c. 44; 1993, c. 479)

Budget/Funding: None

Meetings: Work Sessions held February 16th, March 8th, June 14th and July 12th

Proposed Motion:

I move that Council approve an emergency ordinance that would enact Town Code Chapter 172 – Welfare, Health and Safety, Prohibiting Any Business Located in the Town Corporate Limits from Requiring the COVID-19 Vaccines as a Condition of Employment, as presented.

Approved By: _____

Moved _____ Seconded _____

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

**AN EMERGENCY ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
FRONT ROYAL, VIRGINIA, TO ENACT TOWN CODE CHAPTER 172 WELFARE,
HEALTH AND SAFETY PROHIBITING ANY BUSINESS LOCATED IN THE TOWN
CORPORATE LIMITS FROM REQUIRING THE COVID-19 VACCINES AS A
CONDITION OF EMPLOYMENT**

WHEREAS, an Emergency Ordinance is being proposed that would prohibit any business or entity from operating in Town limits from requiring its employees, volunteers, members, etc. to receive any COVID-19 vaccines as a condition of employment, membership, etc.;

WHEREAS, an emergency ordinance is appropriate for the immediate preservation of the public peace, property, health or safety;

WHEREAS, the entity that operates the only hospital and the majority of health facilities in town, and is one of the largest employers in the Town, has retroactively stated that all employees must receive one of the available COVID-19 vaccines or be “subject to suspension or termination;”

WHEREAS, although exemptions are available, management of this entity has stated that these exemptions will be “carefully...evaluated.” Several employees have stated to Town Council that they read this to mean that the entity will deny many requests for exemptions that they believe to be valid;

WHEREAS, numerous employees at the same employer have contacted Town Council members to describe a campaign of what they have described as “harassment,” “coercion,” and “undue influence,” including the public sharing of vaccination status among fellow employees, personnel walking through the halls of a facility calling out the names of those who have not received the vaccination, and other egregious acts;

WHEREAS, The Belmont Report was written by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. The Commission, created as a result of the National Research Act of 1974, was charged with identifying the basic ethical principles that should underlie the conduct of biomedical and behavioral research involving human subjects and developing guidelines to assure that such research is conducted in accordance with those principles. It remains a reference point for conduct in drug trials;

WHEREAS, of informed consent, Belmont Report states, "An agreement to participate in research constitutes a valid consent only if voluntarily given. This element of informed consent requires conditions free of coercion or undue influence;”

WHEREAS, the Belmont Report defined “coercion” as a situation in which an “overt threat of harm is intentionally presented by one person to another in order to obtain compliance...Unjustifiable pressures usually occur when persons of authority or commanding influence--especially where possible sanctions are involved-- urge a course of action for a subject...[U]ndue influence would include actions such as manipulating a person's choice through the controlling influence of a close relative and threatening to withdraw health services to which an individual would otherwise be entitled;”

WHEREAS, a significant number of employees have stated their intention to leave the facility rather than comply with the mandate, creating the possibility of a mass unemployment event and the additional possibility of shortages at health facilities throughout Town;

WHEREAS, all of these circumstances together justify emergency action by Town Council as an action justified for the immediate preservation of the public peace, property, health or safety;

WHEREAS, Town Council discussed this ordinance in work sessions held February 16, 2021, March 8, 2021, June 14, 2021 and July 12, 2021;

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that this emergency ordinance be approved and enacted as Chapter 172

Chapter 172

WELFARE, HEALTH AND SAFETY

Sections:

172-1 LEGISLATIVE AUTHORITY; PURPOSE

172-2 POLICY

172-3 MEDICAL FREEDOM RECOGNIZED

172-3 PENALTIES

172-1 LEGISLATIVE AUTHORITY; PURPOSE

This Chapter is enacted pursuant to the provisions of the Charter of the Town of Front Royal, Virginia, being Chapter 200 of the Municipal Code of the Town of Front Royal, sub - Chapter V therein, § 18, Subparagraphs Eighth, Ninth, and Twenty-Fifth, particularly for the purposes of securing Town inhabitants from contagious, infectious, or other dangerous diseases, promoting or maintaining the security, general welfare, comfort, education, morals, peace, government, health, trade, commerce, and industries of the Town and its inhabitants, not in conflict with the Constitution of the Commonwealth of Virginia, or the Constitution of the United States.

172-2 POLICY

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

freedom and liberty of its residents and inhabitants in all aspects of their lives, including in matters of health, medicine, and welfare.

172-3 MEDICAL FREEDOM RECOGNIZED

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

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

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

172-4 PENALTIES

An aggrieved party shall be entitled to injunctive relief, and the Town shall work with the employer to remediate any such discrimination. Any employer that violates this ordinance shall be civilly liable for attorney's fees, lost wages, benefits, opportunities and other damages that a court of law shall deem appropriate. The Town in its discretion may pursue a claim on behalf of an aggrieved party.

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

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

Lori A. Cockrell __ Yes __ No

Jacob L. Meza __ Yes __ No

Gary L. Gillispie __ Yes __ No

Letasha T. Thompson __ Yes __ No

E. Scott Lloyd __ Yes __ No

Joseph E. McFadden __ Yes __ No

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Council Agenda Statement

Item # 12

Meeting Date: July 26, 2021

CLOSED MEETING

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the following purposes pursuant to Section 2.2-3711 of the Freedom of Information Act of the Code of Virginia:

- (1) Discussion or consideration of the disposition of publicly held real property, specifically, the conveyance of the Town's interest in two different pieces property it owns with others outside the Town limits; all where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of Town Council, all pursuant to Subsection A.3 of that Section.
- (2) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, specifically, on-going litigation against the Warren County EDA and Jennifer McDonald, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; pursuant to Subsection A. 7. of that Section.

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.

Approved By: _____

Moved _____ Seconded _____

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