



PICTURES: FRED A 5:00PM – COUNCIL/STAFF 6:00PM – GROUP PICTURE 6:30PM

REGULAR TOWN COUNCIL MEETING

Monday, January 24, 2021, at 7:00pm in the Warren County Government Center Board Room

View LIVE on Comcast/Xfinity Access Channel 16 or <https://www.frontroyalva.com/673/Town-Hall-Live>

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES – *I move that Council approve the Work Session and Regular Meeting Minutes of December 13, 2021, as presented.*
5. ADDITION/DELETION OF ITEMS FROM THE AGENDA
[Items added will be placed as the last item under Business Items. Unanimous vote is required to add/delete]
6. RECOGNITIONS/AWARDS/REPORTS–
 - Recognition of Retirement for David W. Jenkins Director of Energy Services
 - Recognition of Solid Waste Employees
7. PUBLIC HEARING
 - A. Ordinance Amendment to Chapter 175 Pertaining to Short Term Rentals – *Lauren Kopishke*
8. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS
9. REPORTS
 - a. Report of Town Manager
 - b. Report of Councilmembers
 - c. Report of the Mayor
10. CONSENT AGENDA ITEMS - *I move that Council approve the Consent Agenda as presented.*
[Items removed for further discussion will be placed as the first item under Business Items. Unanimous vote is not required to move]
 - A. Join the Virginia Health Insurance Plan (VAHIP) – *Laura McIntosh*
 - B. Order of Business for Regular Meeting Agendas for 2022 – *Tina Presley*
 - C. Appointments to 2022 Audit/Finance Committee – *Mayor Holloway*
 - D. Appointments to 2022 Town Scholarship Committee – *Mayor Holloway*
 - E. Sole Source Purchase of Neptune Water Meters – *BJ Wilson*
 - F. FY22 Budget Amendment for Virginia Local Choice Health Benefit Program's Adverse Experience Adjustment – *BJ Wilson*
 - G. Water Plant SCADA System Procurement – *BJ Wilson*
 - H. Contract for Executive Search Services for Town Attorney Position – *BJ Wilson*
11. BUSINESS ITEMS
 - A. Refer to Planning Commission Signs/Lights for Vape-Oriented Businesses – *Lauren Kopishke*
 - B. Refer to Planning Commission Text Amendments to Town Code Chapter 148 – *Lauren Kopishke*
 - C. Appointment of Interim Town Attorney
 - D. Nominations to Board of Zoning Appeals
12. ADJOURN



TOWN COUNCIL REGULAR MEETING MINUTES

December 13, 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 Gillispie

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman E. Scott Lloyd
Councilman Joseph E. McFadden
Councilwoman Amber F. Morris
Councilman Letasha T. Thompson

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Town Attorney Douglas W. Napier
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Vice Mayor Cockrell *moved, seconded by Councilman McFadden that Council approve the Work Session Minutes of November 8th, Regular Meeting Minutes of November 22nd and Special Meeting Minutes of December 1st, 2021, as presented.*

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA

Vice Mayor Cockrell moved, seconded by Councilman McFadden to move Consent Agenda Item 10C "Resolution to Adopt Schedule of Fees for Town Building Department" to 11C under Business Items.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

RECOGNITIONS/AWARDS/REPORTS –

Recognition of Retirement for William “Billy” D. Sears, Sign Tech in Streets Division of Public Works – Town Council expressed their congratulations with the presentation of a plaque and gift to Mr. Sears. Town Manager Hicks read Mr. Sears work history with the Town.

Town Attorney Doug Napier announced his retirement, noting that December 31, 2021, would be his last day with the Town. Town Council expressed their congratulations with the presentation of a plaque. Mayor Holloway thanked him for serving the community well. Vice Mayor Cockrell noted that he has 44 years of government service and thanked him for all his hard work. Councilman Gillispie expressed that he would “truly miss him”.

PUBLIC HEARINGS – Ordinance Amendment to Chapter 4 – Disclosures of Certain Employees
Mayor Holloway opened the public hearing, since no one spoke he closed the public hearing

Vice Mayor Cockrell moved seconded by Councilman Thompson that Council approve the ordinance amendments to Town Code Chapter 4-44 and 4-45 as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Matt Tederick, 1st Street, expressed his congratulations to Mr. Napier. He proceeded to remind Council of an article in the Warren County Report pertaining to the most recent request from the Planning Commission to investigate their concerns of a land development from Mayor Holloway and the report that was a result of that investigation. He suggested that a member of the Planning Commission resign as a result of their actions after the report was released.

REPORTS

A. Town Manager Report – Steven Hicks advised that Town Business Offices would be closed on December 23rd and 24th for the Christmas holiday and wished everyone a Merry Christmas.

B. Town Council Reports –

Councilmen Gillispie wished employees and citizens a Merry Christmas.

Vice Mayor Cockrell reminded the citizens that the Comprehensive Plan Survey closes on December 31st and encouraged everyone to take it since only about 350 have taken it thus far and the Town had hoped for 3,000. She wished everyone a Merry Christmas.

Councilman Thompson noted she attended a meeting last week with various organizations gathering their input on those citizens who may not have the opportunity to take the Comprehensive Plan Survey such as the House of Hope, Women’s Shelter, etc. She thanked Planning Director Kopishke and Planning Commission Board Member Connie Marshner for organizing the meeting. She noted that she attended the Employee Holiday Luncheon and was excited to see the employees excited about their bonuses. She wished everyone a Merry Christmas.

Councilman Lloyd thanked Mr. Napier for his many years of service. He thanked Mr. Tederick for his comments and wished everyone a Merry Christmas.

Councilwoman Morris thanked Mr. Napier and Mr. Tederick. She noted that she too attended the Employee Holiday Luncheon and wished everyone a Merry Christmas and a Happy New Year.

Councilman McFadden wished everyone a Merry Christmas.

C. Mayor Report – Mayor Holloway thanked the employees for all they do. He wished everyone a Merry Christmas and a Happy New Year. Mr. Hicks explained an issue pertaining to the Christmas lights in the downtown area and noted that it was being investigated.

CONSENT AGENDA ITEMS

A. Virginia Inland Port Request for Deed of Vacation and Easement

Council approved the request of the Virginia Inland Port to approve the Deed of Vacation and Easement, attached as Exhibit "A", together with its accompanying plat attached as Exhibit "B", be accepted and consented to by the Town Council, and upon execution, released for recordation at the owner's expense.

B. Resolution to Appoint Town Manager as Acting Building Official

Council approved a Resolution that would appoint Town Manager Steven Hicks as the Town of Front Royal's Acting Building Official with the understanding that the Town Manager shall not become the permanent Building Official but shall resign from the position of Acting Building Official immediately upon the hiring and appointment of a Building Official, as presented.

C. Resolution to Adopt a Schedule of Fees for Town Building Department MOVED TO BUSINESS ITEMS

D. Update Resolution Pertaining to Establishment of a Town Building Department

Council approved an updated resolution as it pertains to the Town's Building Department, as presented.

E. Update Resolution to Include Stipends for FREDA and Board of Building Code Appeals

Council approved a resolution that adds the stipends for the Front Royal EDA and the Local Board of Building Appeals, as presented.

Councilman Gillispie moved seconded by Vice Mayor Cockrell that Council approve the Consent Agenda as presented recognizing moving Item 10C to 11C.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS**A. Appointments to Front Royal Economic Development Authority**

Vice Mayor Cockrell moved seconded by Councilman Thompson that Council appoint members to the Front Royal Economic Development Authority: Isaac Rushing term ending December 13, 2022; David Gedney term ending December 13, 2022; Richard Novak term ending December 13, 2023; Mark Tapsak term ending December 13, 2023; C. Frank Stankiewicz term ending December 13, 2024; James W. Crowell, Jr. term ending December 13, 2024; and Nick Bass term ending December 13, 2025.

B. Appointments to the Environmental Sustainability Advisory Committee

Vice Mayor Cockrell moved seconded by Councilman Thompson that Council appoint members to the Environmental Sustainability Advisory Committee: Hershel L. Finch term ending December 13, 2022; Justin Proctor term ending December 13, 2023; Jerome' Ray term ending December 13, 2024.

C. Resolution to Adopt a Schedule of Fees for Town Building Department MOVED FROM CONSENT

Vice Mayor Cockrell moved seconded by Councilman McFadden that Council approve a resolution that adopts the Commercial and Residential Schedule of Fees for the Town's Building Department and allows the Town Manager to amend the Commercial and Residential Schedule of Fee from time to time for the Town's Building Department. as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

CLOSED MEETING –

Councilman Lloyd moved seconded by Vice Mayor Cockrell that Council convene and go into Closed Meeting pursuant to Section 2.2-3711. of the Code of Virginia, as follows:

(1) With respect to a joint endeavor with organizations located in the Town to consider provision of health care services: (a) discussion or consideration of the investment of public funds in, where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, in accordance with Subsection A. 6.; **AND** (b) the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Subsection A. 29.

(2) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, specific to the Local Board of Building Code Appeals and the Front Royal Board of Zoning Appeals, in accordance w/ Subsection A. 1.

Councilman Gillispie 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 Town 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, Councilmembers Gillispie, Lloyd, McFadden, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

Mayor Holloway adjourned the meeting.

Approved by Town Council

Date: _____

DRAFT



TOWN COUNCIL WORK SESSION MINUTES
Monday, December 13th, 2021 at 6:00 PM
Warren County Government Center Caucus Room

Request to Replace Influent Pumps at Wastewater Treatment Plant – Finance Director BJ Wilson, explained that the 40-year-old influent pumps for the Town’s Wastewater Treatment Plant needed to be replaced due to a lack of availability of replacement parts. He noted that he did not have the bids for the project yet, but that the Town’s Civil Engineering Firm had estimated a total project cost of \$1 million dollars which would require a possible budget transfer related public hearing at the January 2022 Regular Town Council Meeting.

Councilman Gillispie asked how much was already budgeted for the project. Mr. Wilson noted that while there were no funds already allocated for the project, there would be enough included in those set aside for the I&I Abatement as well as left over from the CCTV Project to cover the cost.

Virginia Inland Port Request for Consent to Deed of Deed of Vacation and Easement – Town Attorney, Doug Napier, explained that Virginia Inland Port LLC wanted to relocate a twenty-foot sewer easement located on their property at 300 Winners Court. An attorney representing the property owners, Will Gibson, added that the proposal included moving the easement, so it ran along the edge of the property rather than directly through the center. Council all agreed to keep the request on the Consent Agenda for the Regular Meeting that would directly follow this Work Session.

Resolution to Appoint Town Manager as Acting Building Official – Town Manager, Steven Hicks, informed Council that he had previously been the Building Code Official in James City County. He recommended his appointment for a twelve-month period with plans of outsourcing or hiring a New Building Code Official in that time. Council all agreed to keep the Resolution on the Consent Agenda for the Regular Meeting that would directly follow this Work Session.

Resolution to Adopt Schedule of Fees for Town Building Department – Planning & Zoning Director Lauren Kopishke, presented Council with the recommended Schedule of Fees for the Town’s new Building Department. She noted that it was modeled after the fee schedule currently used by Warren County’s Building Department, with minimal changes to reflect the hourly rates of the Town’s third-party contractor. Town Manager Hicks added that it was not required to make the Schedule of Fees a Town Ordinance, which would allow Council and Staff to easily make changes as necessary.

Mayor Holloway asked if the inspection fees would be paid directly to the third-party contractor. Ms. Kopishke explained that all fees would be paid to the Town, and that the third-party would send the Town an itemized invoice including permit numbers, allowing Town Staff to easily keep track. Councilman Gillispie opposed reinspection fees and voice a desire to ensure business and customer friendliness. Ms. Kopishke

urged council to send her any comments or notes they had so she and staff could make the appropriate changes.

Update Resolution Pertaining to Establishment of a Town Building Department – Mr. Hicks explained that Land Disturbing Permits would continue to be issued by the Warren County Building Department until the Department of Environmental Quality and Water Board Authority could declare the Town a Virginia Erosion and Sediment Control Program (VESCP) and Virginia Stormwater Management Program (VSMP) Authority. He noted that the Building Department was still scheduled to begin accepting applications on January 3rd, 2022, but that he did not anticipate the Town be able to take over Land Disturbance Permits until March of 2022.

Updated Resolution to Include Stipends for FREDA and Board of Building Code Appeals – Mr. Hicks reminded Council that they had previously agreed to approve a \$200 stipend for Front Royal Economic Development Authority (FREDA) members. He also explained that Town Staff was working towards the establishment of a Board of Building Code Appeals that would be made up of five members to be appointed by Town Council.

Open Discussion – Councilman Gillispie discussed a house fire that had recently occurred on Short Street in Town. He understood that the Fire Department had difficulty locating a hydrant and asked that Town Staff investigate the issue.

Mayor Adjourned the Work Session at 6:40 P.M.

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris & Thompson, Town Manager Steven Hicks, Town Attorney Napier, Finance Director BJ Wilson, Planning and Zoning Director Lauren Kopishke, Clerk of Council Tina Presley, and Deputy Clerk of Council Mary Ellen Lynn.

Approved by Town Council

Date: -----



Council Agenda Statement

Item # 07

Meeting Date: January 24, 2022

Agenda Item: PUBLIC HEARING – Ordinance Amendment to Chapter 175 Pertaining to Short-Term Rentals

Summary: Town Council met in numerous work sessions in 2021 and one Liaison Committee Meeting to discuss short-term rentals within the Corporate Town Limits of Front Royal. At their October 12, 2021, Work Session Council recommended moving forward with the proposed amendments to the Town Code by referring them to the Planning Commission for review. At their November 22nd meeting, Council approved referring to the Planning Commission the review and recommendation of short-term text amendments to the Town Code. Planning Commission held a public hearing for short-term rentals on December 15, 2021. There was no public comment. The Planning Commission asked staff to make additional revisions to the ordinance and bring it back to their January 19, 2022, meeting.

Update: At the January 19, 2022, Regular meeting, the Planning Commission voted to table the Short-Term Rental Ordinance until February. The Commission wishes to consider additional substantive changes to the ordinance and scheduled a work session for February 2, 2022. Staff's understanding is that the proposed substantive changes are related to the appropriateness of this use in residential zones. Staff advised the Planning Commission that the purpose of requiring a Special Use Permit and permitting the use in all zoning districts is to allow for a case-by-case determination of appropriateness.

Budget/Funding: None

Meetings: Various Work Sessions in 2021, Liaison Committee Meeting September 16, 2021, Regular Meeting November 22, 2021 and Work Session January 10, 2022.

Proposed Motion: I move that Council approve the proposed amendments to Chapter 175 that would add Short-term rentals to the Town Code as presented.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____

**ORDINANCE TO AMEND CHAPTER 175-3 (DEFINITIONS) AND ENACT CHAPTER 175-151
(SHORT-TERM RENTALS) OF THE FRONT ROYAL TOWN CODE**

WHEREAS, Town Council met in several work sessions discussing short-term rentals within the corporate town limits of the Town of Front Royal; and,

WHEREAS, on November 22, 2021, Town Council approved referring to the Planning Commission the review and recommendation of short-term rental text amendments; and,

WHEREAS, on December 15, 2021, the Planning Commission held a public hearing on short-term rentals; and; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia that Chapter 175-3 and 175-151 of the Front Royal Town Code hereby be amended and enacted as follows:

Definition-

Short-Term Rental – the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the §15.2-983, as amended, of Virginia State Code.

Short-Term Rental Facility - A residential building or accessory structure, other than a hotel, motel, or bed-and-breakfast home, where lodging is provided for compensation on a short-term basis, and open to the public or transient guests. The maximum number of occupants shall not exceed ten (10) unless determined appropriate by Town Council.

Short-Term Rental Owner - Any person or entity that meets the definition of “operator” as defined in §15.2-983, as amended, of Virginia State Code.

§ 175- 151 Short-Term Rentals

Permitted Zones

Short-term rentals shall be permitted in all zones by Special Use Permit and shall at a minimum meet the following requirements:

- A. The owner of a dwelling unit to be used for a short-term rental shall apply for a Special Use Permit through the Planning Department and receive approval from Town Council prior to utilizing the dwelling unit as a short-term rental. Town Council may impose conditions necessary to mitigate adverse effects of the use on neighboring properties.
- B. The one-time application fee shall be \$400, unless stated by Town Council, the approval does not have a time limit. There will be no additional fees for staff inspections.
- C. Staff will conduct inspections on a complaint basis to ensure compliance with the performance standards listed in this section, along with any additional conditions imposed by Town Council, if applicable. The Zoning Administrator may revoke a permit for noncompliance with these performance standards at any time.
- D. The maximum number of occupants in the dwelling unit shall be determined by the number of bedrooms; there shall be no more than 2 adults per bedroom. However, the maximum number of occupants shall not exceed 10 unless approved by Council.

- E. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards.
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the 2015 or 2018 Uniform Statewide Building Code (2018 Version required usage beginning July 1, 2022); and a carbon monoxide detector must be installed on each floor in every dwelling.
- G. The owner of a dwelling used for short-term rentals shall give the Town written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards upon a twenty-four-hour notice.
- H. A property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to Town staff, public safety officials and, if applicable, the HOA of the subdivision. The plan must be provided as part of the rental contract.
- I. If the property is located within a subdivision of governed by a homeowner's association, the Planning Department must receive proof that a notification to operate the short-term rental was sent to the HOA or acknowledgement of covenants.
- J. The short-term rental shall have a "land line" with local phone service. The phone number servicing the short-term rental shall be included in the property management plan.
- K. The owners of the short-term rental shall provide an emergency evacuation plan for the dwelling and the neighborhood.
- L. A copy of Chapter 106 of the Town of Front Royal Code relative to noise must be provided at the short-term dwelling.
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation by the Zoning Administrator.
- N. All outdoor burning shall be in compliance with Chapter 78 of the Town of Front Royal Code.

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 _____ 2022, upon the following recorded vote:

Lori A. Cockrell __Yes __No

Gary L. Gillispie __Yes __No

Letasha T. Thompson __Yes __No

E. Scott Lloyd __Yes __No

Joseph E. McFadden __Yes __No

Amber F. Morris __Yes __No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on November 8, and November 15, 2022.

Approved as to form and legality:

Town Attorney

Date: ____/____/____

SHORT TERM RENTAL PROPERTY MANAGEMENT PLAN

(Permit Holder/Property Owner Name)

(Property Address)

(Phone Number)

(Email Address)

IN CASE OF AN EMERGENCY

If there is an emergency, or there are questions in regards to the property, please contact (owner) at (phone number) or (property manager) at (phone number). If the emergency require immediate assistance place call the following or 911.

Front Royal Police Department: 540-635-2111 or 911, 900 Monroe Ave, Front Royal, VA 22630

Front royal Volunteer Fire & Rescue: 540-635-2540 or 911, 221 N commerce Ave, Front Royal, VA 22630

Warren Memorial Hospital: 540-636-0300 or 911, 351 Valley Health Way, Front Royal, VA 22630

Electrical Outage: 540-635-3027, 1101 Manassas Avenue, Front Royal, VA 22630. Outages may be reported online at <https://www.frontroyalva.com/FormCenter/Energy-Services-6/Report-Electric-Problem-46>

Emergency Evacuation: (Give turn-by-turn directions to major highway or interstate)

OCCUPANCY

The Special Use Permit limits the occupancy for this short-term rental at (number) People and (number) Bedrooms.

NOISE

It shall be a violation of Chapter 106 of the Front Royal Town Code for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration, or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such person's lawful and peaceful enjoyment of property owned or rented by him.

PARKING

Parking is limited to (number) cars in the driveway. Under no circumstances should cars park along the roadway.

TRASH AND RECYCLING

All trash and recycling shall be placed in containers provided by the owner.

- Trash receptacles are located (Clarify location of trash bags and receptacles)
- Trash is collected (State the day of the week trash is picked up by the Town and where the container is to be placed on trash day)

CHECK-IN & CHECK-OUT

Provide details

WIFI/PHONE/ETC

Provide details for special amenities if available

SPECIFIC PROPERTY DETAILS

Provide details regarding acreage, landscape, property boundaries (no trespassing notice), unique characteristic, warnings, kitchen use, house amenities, HVAC, etc.

SHORT TERM RENTAL PROPERTY MANAGEMENT PLAN

AREA ATTRACTIONS

List area attractions and distance to location.

- Attractions: i.e., Shenandoah National Park, Shenandoah River State Park, Skyline Caverns, Golf Courses, Canoe Companies
- Groceries & Convenience: i.e., Walmart, Target, Martins, CVS
- Restaurants
- Wineries & Breweries

SPECIFIC PROPERTY REGULATIONS

May be dictated by approved conditions or owner preference, examples below

- No shooting of firearms
- No outdoor fire burning
- No fireworks
- No ATVs

ATTACHMENTS

- ☐ Property Plat showing
 - parking areas,
 - trash receptacles
 - property boundaries
- ☐ Dwelling Evacuation Plan to nearest State Road
 - Map included

Property Owner's Signature



Council Consent Agenda Statement

Item # 10

Meeting Date: January 24, 2022

Agenda Item: Join the Virginia Health Insurance Plan (VAHIP)

Summary: Council is requested to approve the Town joining the Virginia Health Insurance Plan (VAHIP) and for the Town Manager to execute all documents needed to make the transition.

Budget/Funding: VAHIP will be incorporated into the FY23 Proposed Budget

Meetings: Work Session January 10, 2022

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 Town joining the Virginia Health Insurance Plan (VAHIP) and for the Town Manager to execute all documents needed to make the transition.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____



Gallagher

Insurance | Risk Management | Consulting

The Town of Front Royal Virginia Health Insurance Pool

Virginia Health Insurance Pool (VAHIP) will go into effect as of 7/1/2022. Gallagher operates 23 pools across the nation for mostly public entity clients; with our oldest pool still in operation since 1976. The clients like this model for the following reasons:

- Intergovernmental agreement
- Allowed by the State, Regulated by the DOI
- Member Driven
- Financial vehicle
- Preserve plan design freedom
- Conservatively funded and reserved
- Managed by the State's preeminent public sector vendors
- Fully-transparent
- **Stable, Budget-able, and Predictable**

There are numerous core advantages over the current arrangement with The Local Choice. Over the past few years, The Town of Front Royal has sporadic renewals along with not knowing what the increase will be until February before the July 1 effective date. This has caused budgetary concerns and guessing. Further, there is no transparency into the plan itself which leads to ineffective management of the plan. Any wellness initiatives that are implemented will be based on trends and not actual understanding of the claims within The Town of Front Royal. The core advantages in moving to the VAHIP model are:

- ✓ Provides financial stability – reducing healthcare spend and increasing predictability with our average renewal across all pools at 1-3% year over year
- ✓ Participation in Rx Rebates
- ✓ 100% transparency into all claims data with monthly claims reporting and reviews with the Gallagher team
- ✓ Ability to create claims reserves – no penalty to exit VAHIP
- ✓ Conservatively managed by pricing actuaries
- ✓ Completely flexible plan designs and eligibility
- ✓ Efficient customized electronic benefits administration platform
- ✓ Dedicated wellness consultant for pool members

VAHIP is modeled after our North Carolina pool which has grown to 21 entities in four years; with an average renewal increase of 1.2% pool wide since its inception. In addition, when a reserve is built up past the need of the entity, the money can be reallocated back into the entity to improve benefits, reduce contribution, limit contribution increases, give wellness incentives (gym memberships, credits, etc.) or even reallocate to a different purpose within The Town of Front Royal.

The model includes consulting services, strategic advising, customer support, communication, change management, claim reporting, reserve and contributions analysis and much more. The projected annual savings for The Town of Front Royal is \$108,000.



Council Consent Agenda Statement

Item # 10B

Meeting Date: January 24, 2022

Agenda Item: Order of Business for Regular Meeting Agendas for 2022

Summary: Council is requested to approve the order of business for regular meeting agendas for 2022 as presented. If approved public hearings will be heard before public comment.

Budget/Funding: None

Meetings: Work Session held January 10, 2022

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 order of business for regular meeting agendas for 2022 as presented.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____



REGULAR TOWN COUNCIL MEETING

Monday, January 24, 2022 @ 7:00pm
Warren County Government Center

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
5. ADDITION/DELETION OF ITEMS
6. RECOGNITIONS/AWARDS
7. PRESENTATIONS
8. PUBLIC HEARINGS
9. PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)
10. REPORTS
 - a. Report of Town Manager
 - b. Report of Councilmembers.
 - c. Report of the Mayor
11. CONSENT AGENDA ITEMS
12. BUSINESS ITEMS
13. CLOSED MEETING



Council Consent Agenda Statement

Item # 10C

Meeting Date: January 24, 2022

Agenda Item: Appointments to 2022 Audit/Finance Committee

Summary: Council is requested to appoint Councilmembers McFadden and Morris to the Audit and Finance Committee, said term ending December 31, 2022.

Budget/Funding: None

Meetings: Work Session January 10, 2022

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 appoint Councilmembers McFadden and Morris to the Audit and Finance Committee, said term ending December 31, 2022.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____



Council Consent Agenda Statement

Item # 10D

Meeting Date: January 24, 2022

Agenda Item: Appointments to 2022 Town Scholarship Committee

Summary: Council is requested to appoint Councilmembers Thompson and Gillispie to the 2022 Town Scholarship Committee.

Budget/Funding: None

Meetings: Work Session January 10, 2022

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 appoint Councilmembers Thompson and Gillispie to the 2022 Town Scholarship Committee.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____



Council Consent Agenda Statement

Item # 10E

Meeting Date: January 24, 2022

Agenda Item: Sole Source Purchase of Neptune Water Meters

Summary: Council is requested to approve the sole source purchase of Neptune water meter components totaling \$65,523.00.

Breakdown of quotes as follows:

2" – 6" Unitized Measuring Elements	\$46,500.00
Compound Meters	\$11,575.00
ProCoder R900I Registers	\$ 7,448.00
Total	\$65,523.00

Budget/Funding: 9617-R47001

Meetings: Work Session January 10, 2022

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 sole source purchase of Neptune water meter components totaling \$65,523.00.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE

102 E. MAIN STREET

P.O. BOX 1560

Front Royal, Va. 22630

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

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

December 9, 2021

To: Tina Presley, Senior Executive Assistant

From: B.J. Wilson
Director of Finance

Re: Request to Add Agenda Item

The Town's purchase of various sizes of Neptune water meters in the amount of \$65,523.00 qualifies as a sole source procurement in accordance with the Virginia Public Procurement Act because Core & Main is the only source practicably available. The Neptune water meters are already in use by the Town, and the remote reading radio devices which the Town currently uses will only work with these water meters. It would be unreasonably expensive to purchase any other type of water meter. Core & Main is the exclusive distributor for Neptune water meters for the Virginia, West Virginia, and Maryland markets.

Staff recommends Council award the purchase of Neptune water meters per the Core & Main quote for \$65,523.00. Town Council is requested to review and approve the award.

Attached to this memo are copies of the quotes and a sole source letter from Neptune. Please add this agenda item to the January 2022 Town Council Regular Meeting.

Funding for this request is encumbered in the Public Works line item 9617-R47001 Meter Reading - Water.



Core & Main
842 Panorama Road
Montross, VA 22520
Phone (804) 493-8085

Robert B. Boyer

12/8/2021

Town of Front Royal
Front Royal, VA 22630
540-635-7819

rboyer@frontroyalva.com

SUBJECT: 2" – 6" T/F UME'S (UNITIZED MEASURING ELEMENTS)

UME'S WITH PROCODER)R900I REGISTERS W/6' ANTENNAS

Your Cost:

5 - 2" T/F UME	\$ 2,100.00 EACH
6 – 3" T/F UME	\$ 2,600.00 EACH
3 – 4" T/F UME	\$ 2,800.00 EACH
3 – 6" T/F UME	<u>\$ 4,000.00 EACH</u>
TOTAL	\$ 46,500.00

Neptune is currently quoting a 2/25/22 ship date on UME's/

Due to increasing costs of raw materials, production, shipping and other factors, Pricing & Delivery Times are subject to change without notice. We strive to maintain adequate inventory, and keep price increases to a minimum. Please help us by forecasting your future needs 90 days out if possible, and place orders ASAP. We can then order & allocate materials to you, and ship when you're ready.

Thank you,
Debbie Hennage
Inside Sales

Cc: Charles Dye

Local Knowledge
Local Experience
Local Service, Nationwide®



Core & Main
842 Panorama Road
Montross, VA 22520
Phone (804) 493-8085

Robert B. Boyer

12/8/2021

Director of Public Works
Town of Front Royal
PO Box 1560
Front Royal, VA 22630
540-635-7819

rboyer@frontroyalva.com

SUBJECT: 2" T-10 & 3" T/F Compound Meters

Your Cost:

5 – 2" T-10 Meters, USG, ProCoder)R900i	\$ 875.00 each
2 – 3" T/F Compound Meters, USG, ProCoder)R900i	<u>\$ 3,600.00 each</u>
TOTAL	\$11,575.00

Due to increasing costs of raw materials, production, shipping and other factors, Pricing & Delivery Times are subject to change without notice. We strive to maintain adequate inventory, and keep price increases to a minimum. Please help us by forecasting your future needs 90 days out if possible, and place orders ASAP. We can then order & allocate materials to you, and ship when you're ready.

Thank you,
Debbie Hennage
Inside Sales

Cc: Charles Dye

Local Knowledge
Local Experience
Local Service, Nationwide®



Core & Main
842 Panorama Road
Montross, VA 22520
Phone (804) 493-8085

Robert B. Boyer

12/8/2021

Town of Front Royal
Front Royal, VA 22630
540-635-7819

rboyer@frontroyalva.com

SUBJECT: PROCODER)R900I REGISTERS ONLY

Your Cost: PROCODER)R900I REGISTERS ONLY W/6' ANTENNAS

28 – ProCoder)R900i Registers Only, w/6' Antenna	<u>\$ 266.00 each</u>
Various sizes, types	TOTAL \$7,448.00

When ordering, please specify the size & type registers needed.

T-10, HP Turbine or T/F Compound, Turbine Side.

For reference on the T/F Compound Meters:

2" T/F – 5/8" T-10 Disc Side/2" HPT Turbine Side

3" T/F – 5/8" T-10 Disc Side/ 3" T/T Turbine Side

4" T/F – 3/4" T-10 Disc Side/4" T/T Turbine Side

6" T/F – 1" T-10 Disc side/6" T/T Turbine Side

Due to increasing costs of raw materials, production, shipping and other factors, Pricing & Delivery Times are subject to change without notice. We strive to maintain adequate inventory, and keep price increases to a minimum. Please help us by forecasting your future needs 90 days out if possible, and place orders ASAP. We can then order & allocate materials to you, and ship when you're ready.

Thank you,
Debbie Hennage
Inside Sales

Cc: Charles Dye

Local Knowledge
Local Experience
Local Service, Nationwide®



January 10, 2020

To whom this may concern:

Neptune Technology Group Inc. sells and services Neptune meters, parts and AMR systems through trained and certified distributors throughout the United States and Canada.

Core and Main, located in Martinsburg, WV is Neptune's exclusive distributor for the Virginia, West Virginia and Maryland markets.

Please let me know if I can be of further assistance.

Sincerely,

Mitch D. Elliott

Southeast Regional Manager



Council Agenda Statement

Item # 10F

Meeting Date: January 24, 2022

Agenda Item: FY22 Budget Amendment for Virginia Local Choice Health Benefit Program's Adverse Experience Adjustment

Summary: Council is requested to approve a FY22 Budget Amendment in the amount of \$176,547 and intra-fund budget transfers totaling \$132,292.00 to allocate funds for the Town's estimated liability to the Commonwealth of Virginia's Local Choice health benefit program's adverse experience adjustment. The adverse experience adjustment is the Town's liability due to TLC for exiting TLC's health benefit program.

Budget Amendment:	1000-3510110 G/F Appropriated Funds Forward	\$44,255.00
	9203-45309 Benefits & Insurance Adverse Exp Adj	\$44,255.00
	9401-3510110 Electric Fund Appropriated Funds Forward	\$35,115.00
	9499-49004 Electric Fund Transfer to G/F	\$35,115.00
	9601-3510110 Water Fund Appropriated Funds Forward	\$35,983.00
	9699-49004 Water Fund Transfer to G/F	\$35,983.00
	9801-3510110 Sewer Fund Appropriated Funds Forward	\$31,637.00
	9899-49004 Sewer Fund Transfer to G/F	\$31,637.00
	4203-3510110 Solid Waste Funds Forward	\$29,557.00
	4299-49004 Solid Waste Transfer to G/F	\$29,557.00
	Total Budget Amendment	\$176,547.00

Intra-Fund Transfer

1000-3510102 G/F Transfer From Electric Fund	\$35,115.00
1000-3510101 G/F Transfer From Water Fund	\$35,983.00
1000-3510107 G/F Transfer From Sewer Fund	\$31,637.00
1000-3510104 G/F Transfer From Refuse Fund	\$29,557.00
9203-45309 Benefits & Insurance Adverse Experience Adj	\$132,292.00
Total Budget Transfer	\$132,292.00

Meetings: Work Session January 10, 2022

Proposed Motion: I move that Council approve a FY22 Budget Amendment in the amount of \$176,547.00 and intra-fund transfers totaling \$132,292.00 to allocate funds for the Town's estimated liability to the Commonwealth of Virginia's Local Choice health benefit program's adverse experience adjustment.

Approved By: _____

Moved _____ **Seconded** _____

Cockrell _____ **Gillispie** _____ **Lloyd** _____ **McFadden** _____ **Morris** _____ **Thompson** _____



Council Agenda Statement

Item # 10G

Meeting Date: January 24, 2022

Agenda Item: Water Plant SCADA System Procurement

Summary: Council is requested to award a contract in the amount of \$103,923.00 to DR Control LLC for the Water Plant's SCADA & Telemetry Upgrade.

Budget/Funding: 9601-43002 Water Treatment Plant Professional Services \$103,923.00

Meetings: Work Session January 20, 2022

Proposed Motion: I move that Council award a contract in the amount of \$103,923.00 to DR Control LLC for the Water Plant's SCADA & Telemetry Upgrade.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE

102 E. MAIN STREET

P.O. BOX 1560

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

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

DATE: JANUARY 18, 2022

TO: FRONT ROYAL MAYOR & TOWN COUNCIL

FROM: B. J. WILSON, DIRECTOR OF FINANCE

RE: EMERGENCY PROCUREMENT WATER TREATMENT PLANT SCADA

Staff is requesting Council to approve emergency procurement to upgrade the Water Treatment Plant's (WTP) Supervisory Control and Data Acquisition (SCADA) and Telemetry System. The SCADA system monitors data from water storage tanks, pump station, chemical feed pumps, and many other components related to the treatment of water.

The WTP SCADA System is more than 15 years old. Upgrading the Water Treatment Plant SCADA System will help alleviate the need to have the water treatment plant physically staffed 24 hours a day/7 days a week by a Class 1 Operator.

The Town's Water Treatment Plant as well as surrounding localities are currently experiencing staffing shortages, particularly Class 1 Operators. Based upon the Code of Virginia the Town of Front Royal's Water Plant must be operated by a Class 1 Operator.

Upgrading the Town's SCADA system will allow the Town to reduce the number of hours that the WTP is physically staffed, while also allowing the capability for staff to monitor operations remotely as well as be alerted should a problem occur. This will help prevent the Town from violating the Code of Virginia and potentially incurring violations from the Virginia Department of Environmental Quality.

The Town of Front Royal's Procedure for Purchasing and Procurement Manual states:

Emergency Purchases:

In cases of emergency, a contract may be awarded or purchases may be made without competitive pricing, bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. In such cases, during regular working hours, the Purchasing Agent will authorize the purchase order. If the Purchasing Agent is not available, the Finance Director or the Town Manager will make the authorization. For an emergency at other hours, purchases may be made directly by the using department, with the approval of the director. When emergency expenditures have been incurred, the Small Purchase process is used, and the purchase requisition is labeled "EMERGENCY". When the Purchasing Office is next open, the requisition document issued as confirming such purchase will be forwarded to the Purchasing Agent, along with the certification by the department director stating the facts of the emergency and any change in appropriations necessitated by the emergency.

Staff feels that emergency procurement is necessary due to the urgency of upgrading the Water Treatment Plant's SCADA to help remain in compliance as well as prevent potential violations.

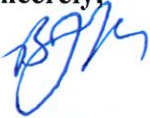
Issuing an invitation to bid or soliciting for an RFP will delay the project from starting 30-60 days. In addition to the staffing shortages, the impact of COVID-19 raises additional concern for maintaining proper staffing of Class 1 operators.

Staff has obtained three written quotes to upgrade the Water Treatment Plant's SCADA and Telemetry System as follows:

<u>Vendor Name</u>	<u>Amount of Quote</u>
DR Controls	\$103,923
M.C. Dean Building Intelligence Option 1 + Non-optional Items	\$132,796
Instrulogic Controls Automation Instrumentation	\$323,672

Staff feels that the Town has attempted to make competitive pricing as practicable under the circumstances and recommends Council awarding a contract to DR Controls to upgrade the Water Treatment Plant's SCADA and Telemetry System.

Sincerely,



B.J. Wilson,
Director of Finance

Memo



Town of Front Royal Public Works

TO: BJ Wilson, Director of Finance
FROM: Robert Boyer, Public Works Director
CC: Mike Kisner, Manager of Water Treatment
DATE: January 18, 2022
RE: Emergency Procurement Recommendation for SCADA System

The Public Works Department has reviewed three proposals received for updating the water treatment plants current SCADA system that's 15 years old. There are several benefits to updating the current SCADA like allowing us to adjust the shifts at the treatment plant to keep us in compliance with the Virginia Department of Health regulations for the Town's class 1 treatment plant. The current system is very hard to find parts for since it's outdated and no longer sold by vendors.

We recommend moving forward with purchasing a system from the lower bidder DR Controls out of Salem, Virginia at a price of **\$103,923.00** for their SCADA system. We believe that DR Controls SCADA system would be the best fit with our water plant and distribution system, this system will take roughly 6 months to install and get it operational.

DR Controls LLC
1511 Mill Race Drive
Salem, VA 24153
540-588-9214
drcontrolsllc@gmail.com

DR Controls



Quality and Integrity

ADDRESS

Michael Kisner
Town of Front Royal
PO BOX 1560
Front Royal, VA 22630

Estimate 1589

DATE 01/14/2022

ACTIVITY

QTY

RATE

AMOUNT

PROJECT

1

103,923.00

103,923.00

Water Plant SCADA & Telemetry Upgrade - Phase 1

DR Controls will provide two new servers with redundant Ignition Pro installed and programed per the Town of Front Royal request for quote and consultation with the Plant operators. We will also provide and configure 3 operator workstations. The new SCADA system will be configured to communicate via Ethernet to the 8 remote locations.

DR Controls will provide RTU cabinets at the Water Treatment Plant and each of the 8 remote locations (4H Tank, 4H Pump Station, Raw Water Pump Station, Guard Hill Tank, Guard Hill Pump Station, Fairgrounds Tank, Jamestown Tank and Jamestown Pump Station). This price includes the choice of VHF radio, UHF radio or cellular communications as is deemed appropriate after we perform testing. Testing is included in the proposal price. If cellular communications is chosen for a location, the cell service will be provided by the owner unless the owner would like to purchase the service from DR Controls as an additional charge.

TOTAL

\$103,923.00

Accepted By

Accepted Date



Council Consent Agenda Statement

Item # 10H

Meeting Date: January 24, 2022

Agenda Item: Contract for Executive Search Services for Town Attorney Position

Summary: Council is requested to approve the award of a contract in the amount of \$24,500.00 to Baker Tillys US LLP for executive search services for the Town Attorney position.

Budget/Funding: 2201-43002 Town Attorney Professional Services \$24,500.00

Meetings: Work Session January 20, 2022

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 contract in the amount of \$24,500.00 to Baker Tillys US LLP for executive search services for the Town Attorney position.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____



Council Agenda Statement

Item # 11A

Meeting Date: January 24, 2022

Agenda Item: Refer to Planning Commission Signs/Lights for Vape-Oriented Businesses

Summary: Council is requested to approve referring to the Planning Commission the review of sign and light regulations for vape-oriented businesses located in the Town Corporate Limits and bring back recommendations to Town Council in a work session.

Budget/Funding: None

Meetings: Work Session January 10, 2022

Proposed Motion: I move that Council refer to the Planning Commission the review of sign and light regulations for vape-oriented businesses located in the Town Corporate Limits and bring back recommendations to Town Council in a work session.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____



Council Agenda Statement

Item # 11B

Meeting Date: January 24, 2022

Agenda Item: Refer to Planning Commission Text Amendments to Chapter 148 (Subdivision/Land Development)

Summary: Council is requested to refer to the Planning Commission Text Amendments to Chapter 148 (Subdivision/Land Development) to remove Planning Commission from any plan review beyond the scope of the state code as presented.

Budget/Funding: None

Meetings: Work Session January 20, 2022

Proposed Motion: I move that Council refer to the Planning Commission Text Amendments to Chapter 148 (Subdivision/Land Development) to remove Planning Commission from any plan review beyond the scope of the state code as presented.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____

2. The application shall be accompanied by a nonrefundable filing fee in the amount set in the schedule of fees.
3. In the event that a Special Use Permit approval is required for any element of the plan or any features therein, a Special Use Permit application shall be made in conjunction with the preliminary application. The Special Use Permit Application may be processed concurrently with the plan, but the SUP must be acted upon by the Planning Commission and approved by the Town Council following standard SUP procedures prior to any approval of the plan.

B. Preliminary Plan Detail Requirements

The preliminary plan shall indicate the proposed layout of the major subdivision including supplemental information and data required for the location of proposed lots, parcels, streets, storm drainage and public utilities. The preliminary plan or any portion thereof involving engineering, planning, landscape architecture or land surveying shall be prepared by qualified professionals licensed as same in the Commonwealth of Virginia. The preliminary plan shall be prepared in accordance with the detail requirements of Section 148-1010.

C. Supplemental Data to Accompany a Preliminary Plan

1. Environmental impact statement.
2. Existing and proposed proffers, if applicable.

D. Preliminary Plan Review Procedures

1. The Director shall determine whether the submitted preliminary plan application is complete, in accord with this Chapter. The Director must notify the applicant of any items that are required to make the application complete and eligible for official submission within ten (10) business days of submission. The date of official acceptance of the plan by the Town shall be noted on the application.

~~g. Preliminary plan approval does not authorize the construction of improvements within the subdivision development plan.~~

- h. Once a preliminary plan is approved, it shall be valid for a period of five (5) years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by the commission, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary plan approval, and upon 90 days' written notice by certified mail to the subdivider, the

Deleted: <#>Review by the Planning Commission.¶

¶ The commission shall take action on the preliminary plan within 60 days of submission of a complete application. However, if approval of a feature or features of the preliminary plan by a state agency or public authority is necessary, the commission shall have 30 additional days to take action, for a total of 90 days from the submission date of a complete application. When submission to a state agency or public authority is necessary, the commission or agent shall forward the preliminary plan to the appropriate state agency or agencies for review within 10 business days of receipt of such preliminary plan. The state agency or agencies are then required by the Virginia Code to provide review comments within 45 days of receipt of the preliminary plan. Upon receipt of the approvals from all state agencies, the commission shall act upon the preliminary plan within 35 days.¶

¶ b. The Director shall communicate the decision of the commission to the applicant, in writing. If the plan is disapproved, the reasons for disapproval shall be specifically enumerated and the modifications or corrections necessary to permit approval shall be identified.¶

¶ c. If the commission or agent fails to approve or disapprove the preliminary plan within 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.¶

¶ d. The Planning Commission shall deny approval of a preliminary plan if it is not in conformance with the Town Code, and all deficiencies on the plan must be addressed by the applicant prior to approval. The Commission may approve the plan if there are only minor deficiencies to correct by writing the deficiencies on the plan with a note that states "These deficiencies will be corrected on the major subdivision submission".¶

¶ e. Approval of a preliminary plan does not constitute acceptance of a plat for recording and does not constitute a guaranty of approval of the final subdivision plat. ¶

¶ f. When a preliminary plan has been approved or approved subject to any conditions, no subsequent changes or amendments in the Town Code shall be applied to adversely affect the right of the applicant to commence and to complete final plan approval. If such Chapter is amended after preliminary approval of such plan, the plan will be rendered nonconforming and will be subject to all requirements placed on such nonconformities.¶

lot size. This shall be done on a lot-by-lot basis. This tentative approval does not guarantee the issuance of a permit for a septic system when construction occurs. The State Health Department reserves the right to withdraw any tentative approval at the time a permit for a septic system is applied for.

D. Major Subdivision Review Procedures

1. The Director shall determine whether the submitted plats, plans and application is complete, in accord with this Chapter. The Director must notify the applicant of any items that are required to make the application complete and eligible for official submission within ten (10) business days of submission. The date of official acceptance of the plan by the Town shall be noted on the application.

E. As-built Survey Required

1. An as-built plan is required for all subdivision development plans. The as-built drawing shall be prepared in accordance with the detail requirements of Section 148-1025

148-320 FINAL SUBDIVISION PLAT RECORDATION REQUIREMENTS

The purpose of good subdivision and site development design is to create a functional and attractive development, to minimize adverse impacts and to ensure that a project will be an asset to the general welfare of the community. To promote this purpose, all subdivision and site development plans shall conform to the standard herein, which are designed to result in a well-planned community without adding unnecessarily to the cost of development.

A. Conditions and Procedures.

1. After approval and with all endorsements indicated on the final subdivision plat, the owner or agent shall record the approved plat in the office of the Clerk of the Circuit Court within six (6) months following the date of approval and shall immediately provide a copy of the recorded plat to the Director. No subdivision plat may be legally recorded unless it bears the required Town endorsements.
2. Such plat shall be filed and recorded in the office of the Clerk of the Circuit Court where deeds are admitted to record for the lands contained in the plat and indexed in the general index of deeds under the names of the owners of lands signing such plat and under the name of the subdivision.
3. Any plat not recorded within six (6) months after approval shall be considered void, and such approval shall be considered withdrawn. The Director shall mark the plat "VOID" and return it to the applicant.
4. The recordation of such plat shall operate to transfer in fee simple to the Town such portion of the premises platted and set apart for streets, alleys or other public use and to transfer to the Town any easement indicated on such plat to create a public right of passage over the same; but nothing contained in this section shall affect any right of a subdivider of land heretofore validly reserved.

Deleted: 2. Review by the Planning Commission. §

- a. The commission shall take action on the subdivision plat and plan within 60 days of submission. However, if approval of a feature or features of the proposed subdivision by a state agency or public authority is necessary, the commission or agent shall forward the plan and plat to the appropriate state agency or agencies for review within 10 business days of receipt of such plats and plans. Upon receipt of the approvals from all state agencies, the commission shall act upon the subdivision within 35 days.
 - b. The Director shall communicate the decision of the commission to the applicant, in writing. If the plan or plat is disapproved, the reasons for disapproval shall be specifically enumerated and the modifications or corrections necessary to permit approval shall be identified.
 - c. The commission or agent shall act on any subdivision plan and plat that it has previously disapproved within 45 days after the plan has been modified, corrected and resubmitted for approval.
 - d. The Planning Commission shall review the plan and plat and shall ensure that all requirements and standards of the Town Code have been met and that any appropriate changes from the preliminary plan have been made.
 - e. If the review is favorable, the Planning Commission shall authorize the Director to endorse the plan and plat on behalf of the Planning Commission and to forward it to the Town Council for consideration.
 - f. An appropriate number of paper prints of the plan and plat and the requisite performance bond shall be forwarded to the Town Council.
 - g. If the plan and plat is not approved by the Planning Commission, the reasons for such disapproval shall be transmitted, in writing, to the applicant and shall be sent to the Town Council for review.
3. Review by the Town Council. §
- a. The recommendation of the Planning Commission shall be forwarded to the Town Council for action within sixty (60) days from the date of action by the Commission unless an extension is requested by the applicant. If the commission or other agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B, the subdivider, after 10-days' written notice to the commission, or agent, may petition the circuit court for the Town of Front Royal in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.
 - b. A performance guaranty, cash or other bond to insure the satisfactory installation of improvements as required shall be submitted before the major subdivision application is placed on the Town Council agenda for consideration and approval.

... (1)

Deleted: by the Town Council

Deleted: by the Town Council

3. A complete list of any and all proffers or other conditions that may be attached to the property through a zoning map amendment, conditional zoning, or special exception approval, in their entirety.
4. A detailed estimate, prepared by a certified professional engineer, of the costs for construction and installation of the following on-site and off-site improvements:
 - a. Any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, located within the subdivision and maintained by the Town, the Commonwealth, or any other public agency.
 - b. Any other site-related improvements required by this Ordinance or the Town Code for vehicular ingress and egress, including traffic signalization and control, public streets, structures necessary to ensure stability of critical slopes and for storm water management facilities.
 - c. Cost estimates must be based on per-unit quantities and costs for respective public or private-sector construction within the Northern Shenandoah Valley. The estimates must include a reasonable allowance for estimated administrative costs, inflation during the anticipated time of project completion (determined using the most recent yearly rate of change in the Consumer Price Index or Construction Cost Index), and potential damage to existing roads, utilities or other public facilities.
 - d. Each cost estimate must include an estimated time frame for phasing and completion of all improvements.
 - e. Cost estimates, including estimated time frames, will be reviewed and approved, approved with revisions, or disapproved by the Director of Environmental Services.
5. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Town Attorney as to their legal sufficiency.
6. If applicable, a record plat showing any proposed easements and/or rights-of-way to be dedicated for utility or street construction.

D. Major Site Development Plan Review Procedures

1. The Director shall determine whether the submitted plan and application is complete, in accord with this Chapter. The Director must notify the applicant of any items that are required to make the application complete and eligible for official submission within ten (10) business days of submission. The date of official acceptance of the plan by the Town shall be noted on the application.

E. As-built Plan Required

Deleted: <#>Review by the Planning Commission. ¶

- a. The commission shall take action on the major site development plan within 60 days of submission. However, if approval of a feature or features of the plan by a state agency or public authority is necessary, the commission or agent shall forward the plat and plan to the appropriate state agency or agencies for review within 10 business days of receipt of such plan. Upon receipt of the approvals from all state agencies, the commission shall act upon the site development plan within 35 days. ¶
 - b. The Director shall communicate the decision of the commission to the applicant, in writing. If the plan is disapproved, the reasons for disapproval shall be specifically enumerated and the modifications or corrections necessary to permit approval shall be identified. ¶
 - c. The commission or agent shall act on any major site development plan that it has previously disapproved within 45 days after the plan has been modified, corrected and resubmitted for approval. ¶
 - d. The Planning Commission shall review the plan and shall ensure that all requirements and standards of the Town Code have been met and that any appropriate changes from the preliminary plan have been made. ¶
 - e. An approved major site development plan shall be valid for a period of not less than five years from the date of approval thereof or for such longer period as the local planning commission or other agent may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A site plan shall be deemed final once it has been reviewed and approved by the locality if the only requirement remaining to be satisfied in order to obtain a building permit is the posting of any bonds and escrows. Upon application of the subdivider or developer filed prior to expiration of a recorded plat or final site plan, the local planning commission or other agent may grant one or more extensions of such approval for additional periods as the commission or other agent may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension. ¶
 - f. Where a site development plan has been approved, or approved subject to any conditions, prior to the effective date of an ordinance, no subsequent changes or amendments to the Zoning Ordinance and Subdivision Ordinance or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any item for which the site development plan approval was granted. ¶
 3. Revisions to site development plan design. ¶
- Any revisions to an approved site development plan must be approved by the Town in accord with the procedures of this Chapter prior to making design changes in the field. The extent of the revisions will determine whether or not the revision can be approved administratively or requires re-review by the Planning Commission. ¶

appropriate use of the land between such highway and the proposed subdivision. Such distances shall be determined with due consideration of the minimum distance required for ingress and egress to the main thoroughfare. The right-of-way of any highway or street projected across any railroad or limited access highway shall be of adequate width to provide for the cuts or fills required for any future separation of grades.

F. Approach Angle and Alignment. All streets shall approach each other at an angle of not less than eighty degrees (80°) unless the Town shall approve a lesser angle of approach for reasons of terrain, contour or the matching of existing patterns. Street jogs with a center-line offset of less than one hundred twenty-five (125) feet shall not be permitted. Town Council may authorize a waiver to this requirement if no other reasonable alternative exists and it is demonstrated that the deviation will not result significant traffic problems.

G. Street Grades. Center-line grades for all streets shall not exceed ten percent (10%). The grade of cul-de-sac turnarounds shall not exceed four percent (4%).

H. Cul-de-sac and Dead-end Streets.

1. Dead-end streets shall be prohibited, except for the circumstances listed below.
 - a. Dead-end streets shall be permitted as stubs to permit future extensions to adjoining land or future phases of a subdivision or development.
 - b. Dead end streets shall be permitted where, in the opinion of the Director, interconnectivity is not desired or feasible for the proposed type of subdivision or development.
2. In such instances when dead-end streets are allowed, they shall be designed as cul-de-sac streets.
3. Cul-de-sac streets shall not exceed eight hundred (800) feet in length and shall not furnish access to more than twenty-five (25) individual lots.
4. Any dead-end street intended for access to an adjoining property or created as the result of stage development shall be provided with a temporary all-weather turnaround within the subdivision. Such dead-end streets shall not exceed eight hundred (800) feet in length from the center line of the nearest road intersection.
5. Except for permanently designed cul-de-sac streets, the turnaround right-of-way of dead-end streets shall be placed adjacent to the tract on the subdivision stage boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
6. All dead-end and cul-de-sac streets shall be provided at the closed end with a turnaround whose minimum radius shall be forty (40) feet.

Deleted: Planning Commission

OWNER - Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations; also applicant, developer and subdivider.

PARTIAL STREET - See "half street".

PERFORMANCE BOND - Security in the form of a cash deposit, surety bond or instrument of credit, approved by the governing body and Town Attorney, in an amount equal to the full cost of improvements required by these regulations and providing for completion of said improvement within a definite period.

PLAN - A drawing, other than a plat, prepared by the appropriate professional, showing a proposed or tentative project and/or course of action and prepared in accordance with the requirements of this ordinance and/or other applicable local, state or federal regulations.

PLAN AND PROFILE - A detailed engineering drawing showing both the plan view and a profile view of required and/or existing infrastructure improvements and generally included with and made a part of the submission of a Site Development or Subdivision Development plan.

PLANNING COMMISSION - The Planning Commission of the Town of Front Royal, Virginia.

PLAT - A drawing of a specific tract or parcel of land made to scale prepared by a land surveyor or engineer licensed in the Commonwealth of Virginia. The drawing shall be prepared in accordance with the requirements of this ordinance and conform to the Standards for Plats of the Virginia State Library Board (17VAC15-60-10 et seq.)

PRELIMINARY PLAN - The preliminary drawing or drawings, described in these regulations, including the supplemental information and data required herein, indicating the proposed layout of the subdivision and related information that is submitted to the Director for preliminary approval.

Deleted: Planning Commission

PRELIMINARY PLAT - See "Preliminary Plan".

PRIMARY SUBDIVIDED PARCEL - The object of or reason for the subdivision request, to include all portions of the source tract submitted for approval as new subdivided lots which are to be developed in some fashion by the erection of buildings or construction of improvements thereon or which are to be sold following subdivision to other individuals or entities.

PROPERTY - Any tract, lot or parcel of land or several of the same collected together for the purpose of subdividing or developing.

PRO RATA FEE - The fee paid by the subdivider or developer for a proportionate share of the cost of construction under the general drainage improvement program for a designated stormwater drainage improvement area.

PUBLIC IMPROVEMENT - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, off-street parking area, lot improvement or other facility for which the local government may



Council Agenda Statement

Item # 11C

Meeting Date: January 24, 2022

Agenda Item: Appointment of Interim Town Attorney

Summary: Council is requested to appoint James E. Cornwell, Jr. Esq as the Interim Town Attorney for the Town of Front Royal until such time Council appoints a full-time Town Attorney.

Budget/Funding: 2201-43002 Town Attorney Professional Services

Meetings: Work Session held January 10, 2022

Proposed Motion: I move that Council appoint James E. Cornwell, Jr. Esq. as the Interim Town Attorney for the Town of Front Royal until such time a full-time Town Attorney is appointed.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____



Council Agenda Statement

Item # 11D

Meeting Date: January 24, 2022

Agenda Item: Nominations for Board of Zoning Appeals

Summary: Council is requested to nominate members to the Board of Zoning Appeals to the Judge of the Circuit Court for unexpired terms.

Budget/Funding: None

Meetings: Work Session January 10 and 20, 2022

Proposed Motion: I move that Council nominate the following two members to the Board of Zoning Appeals to the Judge of the Circuit Court: _____ to an unexpired term ending May 1, 2025, and _____ to an unexpired term ending May 1, 2024.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____