



REGULAR TOWN COUNCIL MEETING

Monday, February 28, 2022, at 7:00pm

Warren County Government Center Board Room

View LIVE on Government 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 Minutes of January 10th, Special Work Session Minutes of January 20th and February 2nd, and Regular Meeting Minutes of January 24th, 2022, 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/Welcome of New Police Officer Tim Elliott
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. Approval of Town's Freedom of Information Act (FOIA) Policy – *Tina Presley*
 - B. FY22 Budget Amendment for Fleet Maintenance Building – *BJ Wilson*
 - C. Purchase of Additional Message Board - *BJ Wilson*
 - D. Purchase of Police Vehicle - *BJ Wilson*
 - E. Additional Water Usage for New Building at 195 Toray Drive – *Kathy Leidich*
 - F. Deeds of Easement for Existing and New Waterline at 190 Toray Drive and To Relocate Waterline Easements at 195 Toray Drive -*Kathy Leidich*
 - G. FY22 Budget Amendment to Accept Funds from Virginia Risk Sharing Association- *BJ Wilson*
11. BUSINESS ITEMS
 - A. Resolution for Updates to Employee Handbook: Stand-by pay (a.k.a. on-call pay) – *Laura McIntosh*
 - B. Nomination to the Board of Zoning Appeals - *Mayor Holloway*
12. ADJOURN



TOWN COUNCIL WORK SESSION MINUTES

Monday, January 10th, 2022, at 6:00 PM

Town Hall Conference Room

Work Session can be viewed in entirety at <https://www.frontroyalva.com/655/Meetings>

Town Manager Steven Hicks recommended Council amend their Closed Meeting Motion to include “other personnel issues.”

Closed Meeting:

Vice Mayor Cockrell moved, seconded by Councilman Thompson, that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 and 2.2-3712 of the Code of Virginia, for the following purposes:

1. pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, consultation with legal counsel and briefings by staff members or consultants pertaining to probable litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; "probable litigation" meaning litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by a known party, more specifically, claims related to alleged damage to private property by the Town.

2. pursuant to Section 2.2 3711(A)(1) of the Code of Virginia, the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, specifically members of the Town Planning Commission, the Town Board of Zoning Appeals and the Local Board of Building Code Appeals and other personnel issues.

Vote: Yes – Councilmembers Cockrell, Gillispie, Morris & Thompson

No – N/A

Abstain – N/A

Absent – Councilmembers Lloyd & McFadden

ROLL CALL

Councilmen Lloyd and McFadden joined the Closed Meeting after Roll Call.

Councilman Thompson moved, seconded by Councilman McFadden, 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 – Mayor Holloway, Councilmembers Cockrell, Gillispie, Lloyd, McFadden, Morris & Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Due to technical difficulties, Agenda item 3 was moved ahead of Agenda item 2.

Order of Business for Regular Meeting Agendas: Deputy Clerk of Council Mary Ellen Lynn presented Council with a Draft Order of Business as recommended by Clerk of Council Tina Presley. Councilman McFadden noted his appreciation of the thoughtful change to place public hearings before public comments. Town Manager Hicks added his recommendation to add a section to the public hearing and public comment sign-up sheets that would distinguish Town residents and Town business owners from non-residents, which would allow Town residents and town business owners to speak first. Council all agreed to add the recommended changes to the Consent Agenda for their next Regular Meeting.

Virginia Health Care Insurance Pool: Risk Manager, Laura McIntosh, introduced Cherri Hershman from Gallagher, the Towns Health Insurance Consultant, to discuss the possibility of a Virginia Health Insurance Pool (VAHIP). Ms. Hershman explained that Gallagher manages twenty-three insurance pools across the country. She noted the many benefits and cost savings that would come with joining the VAHIP, which would officially go into effect on July 1st, 2022.

Town Manager Hicks expressed his wish for the Town, as an organization, to be known for taking care of its employees, offering good benefits, and carrying good insurance. Councilman Thompson asked about Wellness Plan options and if they could lower insurance premiums as a wellness incentive. Councilman Gillispie asked for confirmation that Town Employees would have prescription and drug benefits. Council all agreed to participate in the VAHIP and approved adding it to the Consent Agenda for their next Regular Meeting.

Appointments:

Audit/Finance Committee: Mayor Holloway appointed Councilmembers McFadden and Morris to the Audit/Finance Committee.

Town Scholarship Committee: Mayor Holloway appointed Councilmembers Gillispie and Thompson to the Town Scholarship Committee.

Sole Source Purchase of Neptune Water Meters: Finance Director, BJ Wilson, informed Council that Town Staff was 95% complete with the Radio Water Metering Project. The Sole Sourced request presented was for the large sized meters needed to finish the project. Council all agreed to add the purchase to the Consent Agenda for their next Regular Meeting.

Ordinance Amendments:

Short-Term Rentals: Planning and Zoning Director Lauren Kopishke, noted that there had been no speakers during the Planning Commission's Public Hearing regarding the proposed ordinance changes for Short-Term Rentals. Councilwoman Morris asked where in the Town Code Short-Term rentals were currently prohibited. Councilwoman Thompson pointed out that the provision requiring driveway parking could present problems for homes that only have on-street parking. Councilman McFadden expressed his support of the required Management Plan. Ms. Kopishke explained that the way the proposed changes were written, would give Council the most control, noting that should Council wish, Town Staff could include less provisions.

Vape/Vape Oriented Businesses: Planning and Zoning Director Lauren Kopishke, pointed out that there were currently no regulations in Town to prevent Vape/Vape Oriented Businesses from opening and operating. She recommended taking a closer look at secondary effects such as non-conforming signs and lights. Councilman Gillispie explained that he did not wish to place any regulations on property owners and that the market would 'work itself out.'

Capital Improvement Project: Assistant Town Manager Kathy Leidich, Energy Services Director David Jenkins, and Public Works Director Robbie Boyer, presented their Capital Improvement Plan for the new fiscal year.

Open Discussion: Councilman Gillispie followed up about the possible Fire Hydrant issue on Short Street.

Mayor Adjourned the Work Session at 9:47 P.M.

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd (remotely due to illness), McFadden, Morris & Thompson, Town Manager Steven Hicks, Assistant Town Manager Kathy Leidich, Town Attorney James E. Cornwell Jr., Finance Director BJ Wilson, Planning and Zoning Director Lauren Kopishke, Energy Services Director David Jenkins, Public Works Director Robbie Boyer, Risk Manager Laura McIntosh, and Deputy Clerk of Council Mary Ellen Lynn.

Approved by Town Council

Date: -----



TOWN COUNCIL SPECIAL WORK SESSION MINUTES

Thursday, January 20, 2022, at 6:00pm in Town Hall Conference Room

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.

Councilwoman notified Council that she would be participating remotely via phone due to not feeling well. Mayor Holloway was absent.

CLOSED MEETING

Councilman Gillispie moved, seconded by Councilwoman Thompson that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 and 2.2-3712 of the Code of Virginia, for the following purpose: pursuant to Section 2.2 3711(A)(1) of the Code of Virginia, the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, specifically members of the Town Board of Zoning Appeals, Town Local Building Code of Appeals, and the Town Joint Tourism Committee

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris (via phone) and Thompson

No – N/A Absent – N/A Abstain – N/A ROLL CALL

Councilman McFadden moved, seconded by Councilman Gillispie 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, Councilmembers Gillispie, Lloyd, McFadden, Morris (via phone) and Thompson

No – N/A Absent – N/A Abstain – N/A ROLL CALL

Existing Conditions Report – Comp Plan Update – Planning Director Lauren Kopishke gave an overview of the report noting it was broken down in the following areas: demographic data, housing units data, poverty rate, economic data, broadband access and geographic standpoint. She noted that the report would go to the Planning Commission next month. There was additional discussion amongst Council regarding the higher priced costs, median income, poverty level, employment, renter data, data being outdated and number of new houses. Ms. Kopishke noted that the survey report was received today from Summitt but reminded them that the survey has not closed yet and that when it did there would be options to place online for the public. She noted that she would relay to Summitt their concerns with the data. While a copy of the number of permits received was questioned, Town Manager Steven Hicks asked to allow for the new system to get up and running first before distributing that data.

Chapter 148 (Subdivision and Land Development) Proposed Text Amendments – Ms. Kopishke advised that a resolution was approved April 2021 by Council to remove the Planning Commission from any plan review beyond the scope of the state code. She explained that removing the text “shaves off” a two-month review process. Mr. Hicks explained that the amendments will allow only what the state code allows. Councilman McFadden read text from staff in April 2021 that explained what happened then and where they are now. Council agreed to refer the text amendment to the Planning Commission at their next regularly scheduled meeting on January 24, 2022.

Water Plant SCADA System Procurement – Finance Director BJ Wilson explained that the current Supervisory Control and Data Acquisition (SCADA) system for the Water Treatment Plant was 15 years old and needed upgrading. He explained that the upgrade would help alleviate the need to have the Water Treatment Plant physically staffed 24 hours a day, seven days a week. Council was advised that it would be on their regularly scheduled meeting on January 24, 2022, for formal approval.

Contract for Executive Search Services for Town Attorney Position – Mr. Wilson explained that this contract with Baker Tilly US, LLP, was a cooperative contract that the Town is “piggy backing” on with Loudoun County, Virginia to search for the Town’s next Town Attorney. Council agreed to add the contract to their regularly scheduled meeting on January 24, 2022, for formal approval.

FY23 Council Initiatives Review – Mr. Hicks went over the list of initiatives with his recommendations for this year’s budget. There was a lot of feedback and discussion on various items with much discussion pertaining to the Town trolley.

FY23 Police Department Budget Overview – Police Chief Kahle Magalis gave a presentation pertaining to the FY23 Police Department’s proposed budget noting the surplus was not sufficient to run the department. Suggestions included deferring the replacement of vehicles until 2024 and rearranging initiatives to take care of employees’ merit increase and health insurance premiums. Mr. Hicks recapped that he would develop a balanced budget with no tax increase and fund the police department.

Open Discussion/Town Manager Update – Mr. Hicks gave an overview of a resolution to recognize Front Royal as a Destination Marketing Organization and Town as its Chief Liaison. Council agreed to not discuss this item as it was too late to focus. He asked Council to look for people to serve on the Joint Tourism Committee. He advised that the Front Royal EDA had their first meeting today.

Council asked that a FOIA Policy be brought to Council to review and to discuss what could be done to memorialize former Mayor George Banks.

Vice Mayor Cockrell adjourned the meeting at 10:51pm.

PRESENT: Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris (*remote via phone*) and Thompson, Town Manager Steven Hicks, Assistant Town Attorney Sonnett, Finance Director BJ Wilson, Planning and Zoning Director Lauren Kopishke, Clerk of Council Tina Presley, Fleet Manager Don McPaters, Chief of Police Kahle Magalis.
ABSENT: Mayor Holloway

Approved by Town Council

Date: _____



TOWN COUNCIL REGULAR MEETING MINUTES

January 24, 2022 @ 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 Town Manager Steven W. Hicks

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
Assistant Town Attorney George Sonnett
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Thompson moved, seconded by Councilman McFadden that Council approve the Work Session Minutes and Regular Meeting Minutes of December 13, 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

Councilman Gillispie moved, seconded by Vice Mayor Cockrell to add a Closed Meeting to the agenda as #12 on the agenda.

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

No – Councilwoman Thompson

Absent – N/A

Abstain – N/A

ROLL CALL

Failed due to the vote being required to be unanimous.

RECOGNITIONS/AWARDS/REPORTS –

Recognition of Solid Waste Employees – The Mayor and Council recognized and voiced appreciation to the following Town employees for their commitment and outstanding service to the Town for cleaning up refuse at Kendrick Lane Apartments and going above and beyond making Front Royal a great place to live. Those recognized were Eric Jorgensen, Jorge Guerrero, Paul Breed, Dwayne Craig, James (EJ) Swindell and James Walker. Town Manager Hicks noted that solid waste is collected during all types of weather and voiced his appreciation to the solid waste crew for what they do every day.

Recognition of Retirement for David W. Jenkins, Director of Energy Services Department – The Mayor and Council recognized and voiced appreciation and congratulations to Mr. Jenkins for his 30 years of service in the Town’s Energy Services Department with the presentation of a plaque and a gift.

PUBLIC HEARINGS – Ordinance Amendment to Chapter 175 Pertaining to Short Term Rentals

Mayor Holloway opened the public hearing, since no one spoke he closed the public hearing.

Town Manager Hicks recommended keeping the public hearing open until Council’s next regular scheduled meeting to allow for additional comments and for Council to take action at that time.

Councilman Thompson suggested removing “having a land line” in the ordinance. Council supported this removal.

Councilwoman Thompson moved, seconded by Vice Mayor Cockrell to continue the public hearing until the next regular scheduled meeting.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Mr. Hicks reminded Council that the continued public hearing will occur at the February 28, 2022 regular Council meeting.

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

George Cline, Jr., [Town business owner], voiced concern over the Town’s New Building Department. He gave a list of questions that he did not expect answers to tonight. He noted that the concerns were not only from him but on behalf of the Warren County Builder’s Association as well with an invitation to their meetings on the 4th Wednesday of every month at 7:00pm.

Gene Kilby. [Town resident] reminded Council of the recent passing of former Councilmember and Mayor George Banks. He asked Council to consider naming a street after him (portion of Edgemont Avenue), noting that he was the first African American Mayor of Front Royal and an active player in the community. He gave the Clerk a history of Mr. Banks and his service.

Michael Shotten, [County resident], voiced concern over the snow still on the sidewalks as he observed a citizen in a wheelchair trying to maneuver around them. He noted that he helped the citizen but voiced

frustration that it had been two weeks since the snowfall and the sidewalks in Town were still not clear. He asked Council to take immediate action.

Tom Sayre, [Town resident] questioned the need to spend \$24,500 for an executive search for a new Town Attorney when the Town had an Assistant Town Attorney already in place.

REPORTS

A. Town Manager Report – Mr. Hicks noted that both commercial and residential residents are responsible for removing snow [from sidewalks] following a storm event and will continue to get the message out. He continued that action will be taken for those who do not comply. He thanked Mr. Shotten for his concerns. Mr. Hicks asked Council to consider a special work session on either February 1st or 2nd that would include budget items and a closed meeting. He also recognized, on behalf of local government, one of his mentors former County Administrator of Chesterfield County, Virginia Jay Stegmaier, had passed away last week.

B. Town Council Reports –

Councilman Thompson thanked Mr. Cline for his concerns and questions and asked that he send those questions to the Clerk of Council. Mrs. Thompson advised that she spoke during Mr. Banks' funeral and read a message from Chelsea Moran who expressed her support and sentiments along with others for former Mayor George Banks. She thanked Mr. Shotten for helping a citizen and expressing his concerns. She questioned the process of why a phone call (instead of letter) would not be suffice to property owners. Mr. Hicks advised that the process will be revisited. Mr. Thompson advised Mr. Sayre that the company Council is choosing is the same company used to select Mr. Hicks to choose the Town Attorney.

Councilman Gillispie thanked Mr. Shotten noting that sidewalks are always a problem during heaving snows and agreed with his concerns. He suggested that the code be reviewed. Mr. Gillispie thanked Mr. Kilby and advised him that Council has spoken previously on how to honor Mr. Banks and that the Town is working on it.

Vice Mayor Cockrell thanked the Town Employees again for cleaning up Kendrick Lane Apartments trash issue. She thanked Mr. Jenkins for his years of service and congratulated him on his retirement. She advised Mr. Shotten that a lot of citizens and businesses are not aware that it is not the Town's responsibility to clean sidewalks or shovel out mailboxes. Mrs. Cockrell mentioned that the community was grieving this weekend over a tragic accident and asked to remember those who are having a rough time.

C. Mayor Report – Mayor Holloway thanked all of Town staff that was involved in snow removal throughout the day and night.

A 5-minutes recess was called by Mayor Holloway.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

CONSENT AGENDA ITEMS

A. Join the Virginia Health Insurance Plan (VAHIP)

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

B. Order of Business for Regular Meeting Agendas for 2022

Council approved the order of business for regular meetings agenda for 2022 as presented.

C. Appointments to 2022 Audit/Finance Committee

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

D. Appointments to 2022 Town Scholarship Committee

Council appointed Councilmembers Thompson and Gillispie to the 2022 Town Scholarship Committee.

E. Sole Source Purchase of Neptune Water Meters

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

F. FY22 Budget Amendment for Virginia Local Choice Health Benefit Program's Adverse Experience Adjustment

Council approved 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.

G. Water Plant SCADA System Procurement

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

H. Contract for Executive Search Services for Town Attorney Position

Council approved 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.

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

Councilwoman Thompson noted that Consent Item A. (Join the Virginia Health Insurance Plan (VAHIP)) was to find the best health insurance rates for Town employees.

Councilman McFadden noted that Consent Agenda Item B. (Order of Business for Regular Meeting Agendas for 2022) was how we are changing the business on the agenda.

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. Refer to Planning Commission Signs/Lights for Vape-Oriented Businesses

Councilman McFadden moved, seconded by Councilwoman Morris 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.

Councilman Thompson moved, seconded by Councilwoman Morris to amend the motion to remove “vape-oriented businesses” to reflect all businesses with lights and signs.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

on the amendment to the original motion

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

on the original motion as amended

Mr. Hicks recommended advertising the public hearing for this item to run concurrently with the Planning Commission Public Hearing. Council agreed.

B. Refer to Planning Commission Text Amendments to Town Code Chapter 148

Councilwoman Thompson moved, seconded by Councilman McFadden 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.

Councilman Lloyd advised that this was discussed in a work session and the amendments will be in line with the state code and reduce conflict.

Councilman McFadden advised that it streamlines things.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Mr. Hicks recommended advertising the public hearing for this item to run concurrently with the Planning Commission Public Hearing. Council agreed.

C. Appointment of Interim Town Attorney

Councilman McFadden moved, seconded by Vice Mayor Cockrell that Council approve a contract and 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.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

D. Nominations to Board of Zoning Appeals

Councilwoman Thompson moved, seconded by Councilman McFadden that Council nominate the following two members to the Board of Zoning Appeals to the Judge of the Circuit Court: Christine Erin to an unexpired term ending May 1, 2025, and Michael S. Williams to an unexpired term ending May 1, 2024.

Council confirmed that the special work session will be held February 2, 2022 at 6:30pm.

Mayor Holloway adjourned the meeting at 8:11pm.

Approved by Town Council

Date: _____



TOWN COUNCIL SPECIAL WORK SESSION MINUTES

Wednesday, February 2, 2022, at 6:30pm in the Police Department Community Meeting Room

The following minutes are a summary of items on the agenda. This meeting was not videotaped.

FY22 Budget Amendment to Accept Funds from Virginia Risk Sharing Association (VRSA) – Finance Director BJ Wilson advised Council that the Town would be receiving funds from the Town's insurance carrier for a police car that was damaged in an accident. Council agreed to add the budget amendment to the February 28th regular agenda to accept the funds.

Draft Freedom of Information Act (FOIA) Policy – Clerk of Council Tina Presley gave a brief overview of the revisions to the Town's current FOIA Policy. Council suggested minor changes and once revised agreed to add to the February 28th regular agenda for approval.

Discover Front Royal FY23 Budget and Joint Tourism MOA 501(c)(6) – Town Manager Steven Hicks introduced virtually Bethanie DeRose, Senior Vice President of Strategic Advisory and Asset Management for JLL/Hotels & Hospitality Group. Ms. DeRose went through a presentation that was previously handed out to Council. There were various questions pertaining to the Income Statement included in Council's packet including but not limited to operating expenses, payroll expenses, advertising, events/sponsorships, and part-time labor at the Visitors Center. Ms. DeRose explained that some of the numbers were tied to the original proposal and are vital to the organization. It was noted that they were still looking for a Tourism Director but could not move forward without becoming a nonprofit. Discussion ensued about various events and how action is tracked. Ms. DeRose explained tracking was through clicks on Facebook, Instagram, Google, etc. to a link back to a page that can be seen what action has been taken. Council was reminded that this was a collaborative effort with the County of Warren.

At this point Ms DeRose hung up and Council discussed the Draft Memorandum of Agreement (MOA) of the Board of Supervisors (BOS) and the Town of Front Royal for the Front Royal-Warren County Joint Tourism. Council was reminded of the Joint Tourism Committee Meeting where creating a 501(c)(6) was the way to go. There was much discussion and many concerns related to but not limited to the wording of the MOA: 1) not having a cap on the funds; 2) the wording "subject to funding" was not written in the agreement; 3) losing "Discover Front Royal" branding; 4) elected officials as non-voting members;

Mr. Wilson explained that Towns does not have to earmark lodging tax to Tourism; however, counties must earmark a percentage. He noted that currently the taxes go into the general fund. Interim Town Attorney Jim Cornwell explained his concerns: 1) who is creating the 501 (c)(6)? 2) Who is on the board? 3) the idea of elected officials not being non-voting members; 4) forming the corporation needs to be specified; 5) by-laws should be attached to the MOA and 6) the County Attorney had not reviewed the MOA. Council agreed that the Interim Town Attorney and the County Attorney work together to find answer to their legal questions; and, to put a cap on the funding.

At this point, Mr. Wilson gave an overview of the Tourism Budget.

Concerns/Questions continued regarding the MOA pertaining to 1) leasing the Visitors Center; 2) transfer of all assets if the 501 (c)(6) is created including the name "Discover Front Royal"; and 3) amount of inventory currently in storage. Council concluded by asking Mr. Cornwell to meet with the County Attorney on clarity of the 501 (c)(6), and to place on the February 15th work session for further discussion.

Fiscal Year 2022-2023 Proposed Budget Presentation – Mr. Hicks and Mr. Wilson gave an overview of the proposed 2022-2023 Budget. There were questions about whether the trolley should be under Tourism.

Advertisement of the 2022 Real Estate and Personal Property Tax Rate – Mr. Wilson advised that the current tax rate was 0.13 for Personal Property and 0.64 for Real Estate and asked to allow staff to advertise at these rates. Council agreed. He explained that it will be in March since he was still waiting on some information from the County.

Open Discussion/Town Manager Updates – Mayor Holloway read the following statement *"Because it was beyond Council's control that the regularly scheduled monthly work session for February falls on Valentine's Day this year, a day which, while not an official holiday, is an important day each year for celebrating relationships with our loved ones, I ask Council's consent to reschedule the work session from February 14 to February 15 at 7:00pm"*.

Councilman Gillispie asked for an update on the clearing the sidewalk of snow/ice. Mr. Hicks advised that Assistant Town Manager Kathleen Leidich is working on a Town Code Amendment that will come before Council in approximately two or three months. He explained that for this year the clearing of sidewalks was not communicated well and a break in the weather has aided in the clearing. He hoped that sidewalks on snow emergency routes targeting ADA compliant ramps will be the focus on enforcing the new ordinance. It was suggested to place notices on utility bills to remind citizens to clear sidewalks. There was also the possibility of contacting the removal of snow from sidewalks in the future.

Mayor Holloway questioned whether dispatchers could playback videos at the pavilion. Major Kevin Nicewarner noted that dispatchers have a LIVE monitor but not the ability to playback, however the IT Department does.

Mr. Hicks advised that himself and several members of Council would be attending 2022 Local Government Day in Richmond tomorrow. He also noted that there is one BZA application. Council agreed to allow Mr. Hicks to interview the applicant and place on the February 28th agenda if he agreed they should be placed on the BZA. Mr. Hicks also advised Council that the Town may be able to join with another locality for the Local Board of Building Code Appeals and once he has determined that they can he will advise Council. Mr. Hicks notified Council that he has registered for Building Code Official training.

Mayor Holloway questioned the costs for a Town Building Inspector. Mr. Hicks explained the process of fees which led into discussion about the fees in the Town's Building Department.

Mr. Cornwell asked that there be a posting on the Town's website regarding everyone who is attending Government Day tomorrow.

It was noted that the work session will be held on Tuesday, February 15th at 7:00pm in Town Hall.

This portion of the meeting ended at 9:45pm.

CLOSED MEETING

Vice Mayor Cocrkell moved, seconded by Councilman Thompson that Town Council convene and go into Closed Meeting for the following purposes:

- 1) to consider a potential amended proposed voluntary economic growth-sharing agreement with the Board of Supervisors of Warren County or potential future annexation issues regarding the area in the vicinity of Route 522 North of the Town of Front Royal, pursuant to the following: a. The discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the Town would be adversely affected, under Va. Code Section 2.2-3711. A. 6 and b. Consultation with legal counsel employed or retained by Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, under Va. Code Section 2.2-3711. A.8 and with respect to a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, to consider the Town's legal position and strategy with respect to potential legal issues concerning Town water and sewer service development fees (connection or tap) fees and related expenses, pursuant to Va. Code Section 2.2-3711. A. 8. of the Code of Virginia, as well as discussion concerning, pursuant to Section 2.2-3711. A. 5. of the Code of Virginia; and,
- 2) for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, discipling or resignation of specific public officers, appointees or employees of any public body specific to the performance of the Town Manager including Executive Director of the Front Royal Economic Development Authority and the position of the Town Attorney, pursuant to Virginia Code Section 2.2-3711.A.1 of the Code of Virginia.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Gillispie moved seconded by Councilwoman Morris 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, Councilmembers Gillispie, Lloyd, McFadden, Morris and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris and Thompson, Town Manager Steven Hicks, Interim Town Attorney Jim Cornwell, Assistant Town Manager Kathleen Leidich, Finance Director BJ Wilson, Public Works Director Robbie Boyer, Major Kevin Nicewarner, Clerk of Council Tina Presley, and members of the press.

Approved by Town Council

Date: _____



Council Agenda Statement

Item # 07

Meeting Date: February 28, 2022

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

Summary: Town Council voted to continue the public hearing on this item at their January 24th regular meeting therefore postponing action until February to allow the Planning Commission to meet and discuss it further at their work session held on February 2nd.

Budget/Funding: None

Meetings: Various Work Sessions in 2021, Liaison Committee Meeting September 16, 2021, Regular Meetings held November 22, 2021, and January 24, 2022 and Work Session held 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* _____

STR ORDINANCE- FINAL FOR PC TO FORWARD TO TC

**ORDINANCE TO AMEND AND RE-ENACT CHAPTER 175-3 AND 175-151
PERTAINING TO SHORT-TERM RENTALS**

Addition to 175-3

Short-term rental- means 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 occupancy. Any residential use that falls within the definition of short-term rental as defined in §15.2-983, as amended, of Virginia State Code

Short-term rental facility - A 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.

Short-term rental:

§ 175- 151 Short-term rentals.

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

- A. The short-term rental owner of a dwelling unit to be used for a short-term rental shall apply for a Special Use Permit through the Department of Planning and Zoning 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.
- C. Staff will conduct an inspection prior to the issuance of the Special Use Permit approval. Additional inspections will be conducted 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.
- D. The maximum number of occupants in the dwelling unit shall be determined by the number of bedrooms; there shall be no more than two (2) adults per bedroom. However, the maximum number of occupants shall not exceed 10 people unless approved by Council.
- E. Parking for the use shall be located in driveways or other designated and approved parking

areas.

- F. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- G. 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.
- H. 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.
- I. 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.
- J. If the property is located within a subdivision governed by a homeowners' association, the Planning Department must receive proof that a notification to operate the short-term rental was sent to the HOA.
- K. The owners of the 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. All outdoor burning shall be in compliance with Chapter 78 of the Town of Front Royal Code.
- N. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation by the Zoning Administrator at any time.

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 _____ and _____, 2022.

Approved as to form and legality:

George Sonnett, Assistant Town Attorney

Date: ____/____/____



Council Consent Agenda Statement

Item # 10A

Meeting Date: February 28, 2022

Agenda Item: Approval of Town's Freedom of Information Act (FOIA) Policy

Summary: Council met in a special work session on February 2nd to discuss the Town's FOIA Policy. There were two requested revisions on page 3.

- moving text around in the 2nd paragraph under COSTS
- to add "based on actual cost" beside cost of thumb drives, flash drives, etc.

Council is requested to approve the Town's FOIA Policy as presented.

Budget/Funding: None

Meetings: Special Work Session held on February 2, 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's FOIA Policy as presented.

Moved _____ Seconded _____

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

The Rights of Requesters and Responsibilities of the Town of Front Royal under The Virginia Freedom of Information Act (draft 2/2/22)

The Freedom of Information Act (FOIA), § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth of Virginia, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth access to public records held by public bodies, public officials, and public employees during regular office hours of the custodian of such records. The custodian will require the requester to provide his name and legal address (VA Code §2.2- 3704). All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The purpose of FOIA is to promote an increased awareness and transparency of government activities and afford residents an opportunity to witness the operations of government.

A public record is any writing or recording — regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format — that is prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

Requester's FOIA Rights

- You have the right to request, to inspect or receive copies of public records, or both.
- You have the right to request that any charges for the requested records be estimated in advance.
- If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, you may contact the FOIA Council for a nonbinding advisory opinion.

How to Make a FOIA Records Request

You may submit a records request in several ways:

Email: foia@frontroyalva.com

U.S. Mail: FOIA Request, Attention: Town Manager Office, 102 E Main St., Front Royal, VA 22630

In Person: 102 E. Main Street, Front Royal, Virginia 22630

Online: via Town of Front Royal's website [Front Royal, VA | Official Website \(frontroyalva.com\)](https://frontroyalva.com)

How to Make a FOIA Records Request for the Police Department:

[Front Royal Police Department | Front Royal, VA \(frontroyalva.com\)](https://frontroyalva.com/police)

Fulfilling Your Request

The Town of Front Royal will respond to your request within five (5) working days of receiving the records request. "Day One" is considered the day after your request is received. The five-day period does not include weekends or holidays. FOIA requires that the Town make one of the following responses to your request within the five (5) working days:

- Provide the records that you have requested in their entirety.
- Withhold all the records requested, because all the records are subject to a specific statutory exemption. If all the records are being withheld, a response in writing will be sent with an explanation of the exemption. The response will identify the volume and subject matter of the records being withheld and state the specific section of the Code of Virginia that allows the records to be withheld.
- Provide some of the records that you have requested but withhold other records. An entire record will not be withheld only if a portion of it is subject to an exemption. In that instance, the portion of the record that may be withheld will be redacted, the remainder of the record will be provided. A written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld will be sent.
- Inform you in writing that the requested records cannot be found or do not exist. However, if we know that another public body has the requested records, contact information for the other public body will be included in the response.
- If the Town of Front Royal cannot respond to a request within the five (5) working days, you will be informed in writing, explaining the conditions that make the response impossible. This will allow us seven (7) additional working days to respond to your request, giving us a total of 12 working days to respond to your request.

If you make a request for a very large number of records, and it is determined that it cannot be provided within twelve (12) working days without disrupting our other organizational responsibilities, the Town may petition the court for additional time to respond to your request. However, FOIA requires that we make a reasonable effort to reach an agreement with you concerning the production of the records before we go to court to ask for more time.

Costs

A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as

set forth in subsection F of § 2.2-3704 of the Code of Virginia.

If requested, an estimate of the charges will be provided prior to supplying the records requested. This will allow you to know about any costs upfront or give the opportunity to modify your request in an attempt to lower the estimated costs. If the estimated cost is more than \$200, a deposit will be required (not to exceed the amount of the estimate), before proceeding with your request. The five (5) working days to respond to a request does not include the time between when we ask for a deposit and a response from the requester. All deposits shall be paid by check or money order made payable to the Town of Front Royal and delivered to the Town Manager's Office (Town Hall, 102 E. Main Street, 2nd Floor). Checks and money orders will be held and only deposited once the request is complete. Any outstanding balance due must be paid before or at the time the responding records are released. If money is owed from a previous FOIA request that has remained unpaid for more than thirty (30) days, the Town of Front Royal will require payment of the past-due bill before responding to a new request.

Costs include items such as staff time, copying costs or any other costs directly related to supplying the requested records. It will not include general overhead costs. Personnel time for responses to FOIA request that require thirty (30) minutes or less of time spent searching will not be charged to you. The time fee charged for responses shall be based upon the annualized Town pay rate, plus the total annual costs of regular Town benefits for the individual(s) preparing a response to a FOIA request. In addition to personnel time, fees charged for copying and other costs shall be as follows (the Town will waive these costs, if \$2.00 or less, for any one-time FOIA request):

- Copies: \$0.15 per page
- Copies larger than 11 x 17 and/or require specialized equipment to reproduce: as determined by responding personnel, based on actual costs
- A double-sided document counts as two (2) pages
- Thumb drive, flash drive, USB, etc: based on actual costs
- Actual mail costs will apply if more than two (2) ounces, otherwise no charge
- Other/specialty items (including audio/video recordings): as determined by responding personnel, based on actual costs

General Guidelines

A request must identify the records needed with "reasonable specificity." It does not refer to or limit the volume or number of records requested; instead, it requires that a request be specific enough to identify and locate records.

A request must ask for existing records or documents. FOIA allows for inspection or copying of records; it does not apply to a situation asking general questions about the work of a department or the Town, nor does it require a department to create a record that does not exist.

Records can be provided in the format in which they were created. For example, if you are requesting records maintained in an Excel database, you may elect to receive those records

electronically, via e-mail, computer disk, thumb/flash drive, etc. or to receive a printed copy of those records. You may be contacted if there are questions about a request, to ensure that the appropriate records are being provided.

Exemptions

The Code of Virginia allows any public body to withhold or exempt (redact) certain records from public disclosure. The Town of Front Royal commonly withholds or exempts records such as:

Common Exemptions:

- Portions of records that contain account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body (VA Code §2.2- 370501(13))
- Personnel records (VA Code § 2.2-3705.1 (1))
- Records subject to attorney-client privilege (VA Code § 2.2-3705.1 (2)) or attorney work product (VA Code § 2.2- 3705.1 (3))
- Vendor proprietary information (VA Code § 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (VA Code§ 2.2-3705.1 (12))
- Plans and information to prevent or respond to terrorist activity (VA Code §2.2-3705.2(4))
- Confidential Tax Information (VA Code §58.1-3)
- Criminal investigative files (VA Code §2.2-3706(A)(2)(a))
- For a full list of exemptions, See VA Code §2.2-3705.1

Policy Regarding the Use of Exemptions

- It is the Town of Front Royal's general policy to exempt any and all records that are allowed to be exempted, redacted, or excluded from production by law
- Any record exempt under the Virginia Code, which the custodian of the record has the option of disclosing, shall not be disclosed

For more information:

The Freedom of Information Advisory Council is available to answer any general questions you may have about FOIA. The Council may be contacted by email at foiacouncil@leg.state.va.us, or by phone at (804) 225-3056 or (toll free) 1-866-448-4100.

THE TOWN OF FRONT ROYAL INTERNAL FOIA POLICY

The Town of Front Royal will abide by the following procedures for responding to a FOIA request whether it be a records request or general questions:

- Once records request and/or general questions are received from any department (except the police department), they are to be sent via email to foia@frontroyalva.com.
- The Town Manager's Office oversees the above email and will determine what applicable department(s) will provide responses to the FOIA records request with a deadline on completing the request. If more time is needed, the department(s) are required to advise the Town Manager as soon as possible.

If it is determined that the request is for answers to general questions, they will be sent to the Town Public Information Officer (PIO) via pio@frontroyalva.com. While general questions are not a FOIA request under FOIA guidelines, it will be considered and answered accordingly. The five (5) working day period does not apply.

- On or before the deadline the applicable department(s) will provide all responsive records (if any) to the Town Manager's Office.
- If needed, the Town Manager's Office will submit records to the Town Attorney's Office for final review to ensure that records are required and/or allowed to be exempted, redacted, or withheld.
- The Town Attorney's Office will transmit all allowable records back to the Town Manager's Office for final coordination and transmittal to the requester, unless specifically asked by the Town Manager for the Town Attorney's Office to complete the transmittal to the requester.

Exceptions

- The Clerk of Council may answer questions or produce records directly related to previous Town Council meeting that may need clarification. The Clerk will determine if a question is to be directed to the PIO.
- The Police Department generally follows their own FOIA Policy but shall direct their legal questions to the Town Attorney, as needed.
- All press releases are reviewed by the Town Manager prior to distribution.

This Policy shall be approved by the Town Council initially and amendments made administratively and approved by the Town Manager as state code and internal procedures change.



Council Agenda Statement

Item # 10B

Meeting Date: February 28, 2022

Agenda Item: FY22 Budget Amendment for Fleet Maintenance Building

Summary: Council is requested to approve a FY22 Budget Amendment in the amount of \$170,000 to increase FY22 budgeted revenues and allocate \$170,000 toward debt service on a new fleet maintenance building.

Revenues for sales tax and meals tax are currently tracking roughly 17% over budgeted revenues and sufficient to cover the expense. Approving this budget amendment will help advance the project sooner and reduce the expenditure in the FY23 budget.

Budget/Funding:	1000-3121101	General Fund Meals Tax Revenue	\$ 85,000.00
	1000-3120101	General Fund Sales Tax Revenue	\$ 85,000.00
	1203-47009	Automotive Maintenance Building & Structures	\$170,000.00

Meetings: Work Session held February 14, 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 an FY22 Budget Amendment in the amount of \$170,000 to increase FY22 budgeted revenues and allocate \$170,000 toward debt service on a new fleet maintenance building.

Moved _____ **Seconded** _____

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



Council Consent Agenda Statement

Item # 10C

Meeting Date: February 28, 2022

Agenda Item: Purchase of Additional Message Board

Summary: Staff is requesting Council to approve a sole source purchase of an additional message board from Traffic Safety Supplies in the amount of \$17,950.00

Currently the Town has two message boards and will sometimes attempt to borrow additional message boards from surrounding localities. The additional message board will be used to notify citizens of significant events in Town and allow the Town to place message board in additional areas, such as when traffic is directed for leaf traffic on Skyline Drive, Town events, or other appropriate notifications.

This purchase is deemed as a sole source as Traffic Safety Supplies is the only known vendor that can meet the necessary requirements for message boards on roadways and render this service.

Budget/Funding: 1205-47001 Tourism Machinery & Equipment \$17,950.00

Meetings: Work Session held February 22, 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 a sole source purchase of an additional message board from Traffic Safety Supplies in the amount of \$17,950.00

Moved _____ **Seconded** _____

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



Council Consent Agenda Statement

Item # 10D

Meeting Date: February 28, 2022

Agenda Item: Purchase of Police Vehicle

Summary: Council is requested to approve the purchase of a 2022 Ford Interceptor Utility from Sheehy Ford of Richmond in the amount of \$34,127.80 to replace Town vehicle that was damaged in a crash.

The Sheehy Ford of Richmond contract is competitively bid by the State of Virginia's Fleet Management Services and authorizes localities to make such purchases.

Budget/Funding:

3102-47005	Police Patrol Motor Vehicles - \$28,437.31
1610-47005	Asset Forfeiture Motor Vehicles – \$5,690.49

(Total funding will be available upon Council approval of FY22 Budget Amendment to receive funds from insurance carrier)

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 the purchase of a 2022 Ford Interceptor Utility from Sheehy Ford of Richmond in the amount of \$34,127.80 to replace Town vehicle that was damaged in a crash.

Moved _____ **Seconded** _____

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



Council Consent Agenda Statement

Item # 10E

Meeting Date: February 28, 2022

Agenda Item: Additional Water Usage for New Building at 195 Toray Drive

Summary: Recently Town staff received a request to amend the utility easements between 190 and 195 Toray Drive to facilitate the extension of a 12-inch water line under Toray Drive. The proposed annual net increase in water usage for the properties located at 190 and 195 Toray drive is 1 million gallons or roughly 2,740 gallons per day (GPD). A capacity analysis of the Town Water Treatment Plant shows the Plant has the capacity to meet this additional demand. The current capacity of the Town's Water Treatment Plant is 4.3 million GPD and its average daily demand is 1.85 million GPD. Section 134-1 D of the Town Code requires sufficient studies and modeling of the Town's utility system prior to the Council consideration of any additional connections or extensions to the system. The capacity analysis that was completed by the Town's consultant fulfills this requirement.

The properties located at 190 and 195 Toray Drive are not located in the Extension Moratorium Area established by Section 134-1 D of the Town Code. Section 134-1 C of the Town Code establishes the Town Manager as the contact for requests to connect to or extend the water/sewer lines in the service corridor and establishes Town Council as the decision-making authority to consider such requests.

Council is requested to approve the utility easements between 190 and 195 Toray Drive to facilitate the extension of a 12-inch water line under Toray Drive.

Budget/Funding: None

Meetings: Work Session held February 15, 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 utility easements between 190 and 195 Toray Drive to facilitate the extension of a 12-inch water line under Toray Drive.

Moved _____ **Seconded** _____

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



Council Consent Agenda Statement

Item # 10F

Meeting Date: February 28, 2022

Agenda Item: Deeds of Easement Granting to the Town Easements for the Existing and New Waterlines on the Property located at 190 Toray Drive and to Relocate Waterline Easements located on 195 Toray Drive.

Summary: Town staff has been working with representatives from the InterChange Group, Inc. to finalize the water/sewer easements and supporting documents for the properties located at 190 and 195 Toray Drive.

The request to amend the utility easements between 190 and 195 Toray Drive was made to facilitate the extension of a 12-inch water line under Toray Drive. As mentioned previously, the proposed annual net increase in water usage for the properties located at 190 and 195 Toray drive would be 1 million gallons or roughly 2,740 gallons per day (GPD). A capacity analysis of the Town Water Treatment Plant shows the Plant has the capacity to meet this additional demand. The current capacity of the Town's Water Treatment Plant is 4.3 million GPD and its average daily demand is 1.85 million GPD. Section 134-1 D of the Town Code requires sufficient studies and modeling of the Town's utility system prior to the Council consideration of any additional connections or extensions to the system. The capacity analysis that was completed by the Town's consultant fulfills this requirement.

The properties located at 190 and 195 Toray Drive are not located in the Extension Moratorium Area established by Section 134-1 D of the Town Code. Section 134-1 C of the Town Code establishes the Town Manager as the contact for requests to connect to or extend the water/sewer lines in the service corridor and establishes Town Council as the decision-making authority to consider such requests.

Budget/Funding: None

Meetings: Work Session held February 15, 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 Deeds of Easements Granting the Town Utility Easements for the Existing and New Waterlines on the Property located at 190 Toray Drive and to Relocate Waterline Easements located on 195 Toray Drive.

Moved _____ Seconded _____

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

THIS DOCUMENT WAS PREPARED BY:
LISA ANNE HAWKINS (VSB# 44738)
HAWKINS LAW PLC
P.O. BOX 4
BRIDGEWATER, VIRGINIA 22812

Tax Map Numbers: 12-G-1-2-1A1

This deed is exempt from taxation under Virginia Code § 58.1-81 I(A)(3).

This **DEED OF EASEMENT**, made this ___ day of _____, 2022 (this "Agreement"), is by and between **LISPEN, LLC**, a Virginia limited liability company, Grantor ("Property Owner"), and the **TOWN OF FRONT ROYAL, VIRGINIA**, a body politic, Grantee (the "Town"). **IPS2, LLC**, a Virginia limited liability company, additional Grantor ("Ground Lessee") joins in this instrument as an additional grantor to evidence its consent to the easements granted in this instrument.

W I T N E S S E T H:

WHEREAS, Property Owner is the owner of Warren County Tax Map Parcel 12 G 1 2 1A1 shown as "New TM 12G-1-2-1A1" (the "Property") on the plat dated June 28, 2017, prepared by Hal T. Benner, L.S., entitled "Lot Line Adjustment & Vacation Between Tax Map 12-83A, 12-84, 12-G-1-2-1A, & 12-G-1-2-3A," attached to and recorded with the Owner's Consent and Dedication thereof in the Office of the Clerk of the Circuit Court of Warren County, Virginia, as Instrument 180000929 (the "2017 Plat"), which Property was acquired by Property Owner by deed recorded in the Office of the Clerk of the Circuit Court of Warren County, Virginia as Instrument No. 160005240, and Property Owner is the fee simple owner of the Property as of the date hereof;

WHEREAS, Property Owner wishes to grant unto the Town of Front Royal, Virginia easements and rights-of-way for the installation and maintenance of water lines onto, over and through a portion of the Property, and to that end have caused to be prepared this instrument.

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00) cash in hand paid by Grantee to Grantor, receipt of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors and assigns, the following rights in the Property, situated in the North River Magisterial District of Warren County, Virginia, to-wit:

The privileges, easements, and rights-of-way in perpetuity to construct, lay, maintain, repair, inspect, improve and operate within the respective easements granted hereby, mains, works, systems, water meters, and water meters with vaults, (herein "Water Facilities") and a sanitary sewer main (herein "Sewer Facilities"), and all other appurtenant facilities necessary for the operation of such utilities through, over, upon, across and under those portions of the Property of Grantor shown and described on the Plat as "Addition to 50' Waterline Easement for Fire Hydrant and Water Vault," and "Addition to 30' Waterline & Sanitary Sewer Easement" (the "Waterline Easements") on plat attached hereto and made a part hereof dated October 14, 2021, revised February 18, 2022, prepared by Hal T. Benner, L.S., of Benner & Assoc., Inc., entitled "Public Waterline and Sanitary Sewer Easements on Tax Parcels 12G-1-2-1A1 and 12G-12-2A" (the "New Easement Plat"). Reference is made to the New Easement Plat for the exact location and dimension of the Waterline Easements hereby granted and the property over which they cross. This dedication is made with the free consent and in accordance with the desire of Property Owner.

These easements and rights-of-way shall be for the construction, installation, inspection, repair and maintenance of mains, works, and systems for the transmission of water and waste water, including, but not limited to, water meters, fire hydrants, and water meter vaults (herein “facilities”) over, across and under the Waterline Easements on the Property of Grantor, with the location and width of said easements and rights-of-way as shown on the New Easement Plat.

There are also hereby conveyed rights-of-way of ingress, egress, and access over, upon, and across the Property of the Grantor to the above-described easements for the purpose of allowing access to facilities located thereon by the employees, agents, and contractors of Grantee.

These easements are subject to all existing easements, rights-of-way, and restrictions and are further subject to the following conditions:

1. Once accepted by the Grantee from Grantor following construction, the Grantee shall assume all responsibility for repair, maintenance, reconstruction and replacement of the Water Facilities within the easements. Nothing contained herein shall be construed to require the Grantee to install, repair, or maintain any portion of any water and sewer service laterals providing utilities to any improvements located on the property.

2. The Water Facilities and the Sewer Facilities, once constructed by the Grantor and accepted by the Grantee, shall become the property of Grantee.

The further terms and conditions of this grant are as follows:

- (a) That Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said Waterline Easements, that may in any manner, in Grantee’s sole judgment, endanger or interfere with the proper and

efficient operation of the facilities, and Grantee shall have all such other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easements and rights-of-way herein granted for the aforesaid purpose. Nothing contained herein shall be construed to require Grantee to install, repair or maintain any portion of any water service laterals providing utilities to any improvements located on the Property.

(b) That the granting of the easements and rights-of-way hereinafter described neither expressly nor impliedly constitutes any payment, nor the waiver of any obligation for the payment, by Grantor or its successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.

(c) That Grantee will exercise reasonable care to protect the Property of the Grantor from damage or injury occasioned in the enjoyment of the easements and rights-of-way herein granted, and to promptly repair the said property or reimburse the Grantor for any property damaged beyond repair.

(d) That, if Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to these easements and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall, at the expense of Grantee, be removed from the property of Grantor.

(e) That once constructed and installed, the facilities shall become the property of the Grantee and Grantor shall have no right, title, interest, estate or claim whatsoever in facilities by virtue of the rights conveyed herein.

(f) That the easements are non-exclusive.

(g) That facilities installed pursuant to the easement shall be underground, except for manhole and vault covers which shall be flush with adjacent grade, except as is otherwise consistent with best practices or as shown on plans approved by Grantor.

(h) That Grantor retains the right to use the surface areas of such encumbered parcel for any use not inconsistent with the rights granted the Grantee, including use of the easements areas for pavement, drives, curbing, sidewalks and landscaping.

(i) That Grantor reserves the right to require Grantee to relocate its facilities to another location on the affected parcel, subject to the conveyance of similar easements and rights-of-way, all at the cost and expense of the Grantor.

GROUND LESSEE CONSENT

As Ground Lessee under the Ground Lease made as of November 30, 2021, pursuant to which it has a leasehold estate in Warren County Tax Parcel 12G-1-2-1A1, IPS2, LLC joins in this instrument to evidence its consent to the grant of easements as set forth herein.

Remainder of page intentionally left blank; signature pages follow.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed and delivered on due authority.

PROPERTY OWNER:

LISPEN, LLC,
a Virginia limited liability company

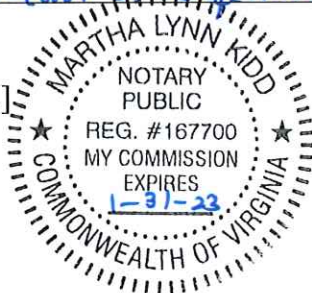
By: InterChange Group, Inc., its Manager

By: [Signature] (SEAL)
Name: Kevin D. Longenecker
Its: Assistant Secretary

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Rockingham, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 22nd day of February, 2022 on behalf of Lisper, LLC, by InterChange Group, Inc., its Manager, by Kevin D. Longenecker, its Assistant Secretary

[SEAL]



Martha L Kidd.
Notary Public
Notary Public Registration No.: 167700
My Commission Expires: 1-31-2023

GROUND LESSEE:

IPS2, LLC,
a Virginia limited liability company

By: [Signature] (SEAL)
Dean M. Nichols, Manager

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Harrisonburg, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 21st day of February, 2022 on behalf of IPS2, LLC, by Dean M. Nichols, its Manager.

[SEAL]



[Signature]
Notary Public
Notary Public Registration No.: 7968301
My Commission Expires: 11-30-25

[Signature]

APPROVED AS TO FORM:

James E. Cornwell, Jr., Interim Town Attorney

Date: _____

The foregoing Deed of Easement is hereby approved and conveyance is hereby accepted by the Town of Front Royal, Virginia, as evidenced by the signature of the undersigned, who is authorized to do so on behalf of the Town, as evidenced by a Resolution adopted by the Town Council.

TOWN:

TOWN OF FRONT ROYAL, VIRGINIA

By: _____ (SEAL)

Name: _____

Title: _____

ATTEST:

Tina Presley, Clerk of Council

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

I, _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____, Mayor and Tina Presley, Clerk, whose names are signed on behalf of the Town of Front Royal, Virginia, to the foregoing Deed of Easement bearing the date of February __, 2022, have each this day personally appeared and acknowledged the same before me in my State and County aforesaid.

[SEAL]

Notary Public
Notary Public Registration No.: _____
My Commission Expires: _____

LIENHOLDER CONSENT

Truist Bank, a North Carolina banking corporation, as lienholder of the Virginia Deed of Trust and Security Agreement dated as of December 14, 2021, of record in the Clerk's Office of the Circuit Court of Warren County, Virginia as Instrument #210010657, naming BB&T-VA Collateral Service Corporation as Trustee, consents to this Deed of Easement, and agrees that in the event of a foreclosure or other sale of the property encumbered by such Deed of Trust whether by judicial or non-judicial proceeding, the property shall be sold subject to the Waterline Easements dedicated to public use by this instrument.

LENDER: TRUIST BANK

BY: _____

Name:

Title:

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF _____, to wit:

The foregoing instrument was acknowledgment before me in the aforesaid jurisdiction this ____ day of _____, 2022, by _____ who is _____ of Truist Bank, on its behalf.

[SEAL]

Notary Public Registration No.: _____

My commission expires: _____

TRUSTEE: BB&T-VA COLLATERAL SERVICE CORPORATION

BY: _____

Name:

Title:

The foregoing instrument was acknowledgment before me in the aforesaid jurisdiction this ____ day of _____, 2022, by _____ who is _____ of BB&T-VA Collateral Service Corporation, on its behalf.

[SEAL]

Notary Public Registration No.: _____

My commission expires: _____

**PUBLIC WATERLINE AND SANITARY SEWER EASEMENTS
ON TAX PARCELS 12G-1-2-1A1 AND 12G-12-2A**

NORTH RIVER MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA

OCTOBER 14, 2021

REVISED FEBRUARY 18, 2022

WINCHESTER ROAD
ROUTE 522/ROUTE 340
(VARIABLE R/W)

LISPEN, L. L.C.
TM 12-84
INSTRUMENT # 160005240

SYSCO MDSE & SUPPLY CHAIN
TM 12-85

20' SANITARY SEWER
EASEMENT
INST. # 180000929

LISPEN, L.L.C.
TM 12G-1-2-1A1
INSTRUMENT # 160005240

LISPEN, L.L.C.
TM 12-83A
INSTRUMENT # 160005240

TORAY DRIVE

ADDITIONS TO EASEMENTS
DETAIL ON SHEET 4

20' PUBLIC
WATERLINE EASEMENT
SHEET 2 OF 4

20' PUBLIC SANITARY
SEWER EASEMENT
SHEET 2 OF 4

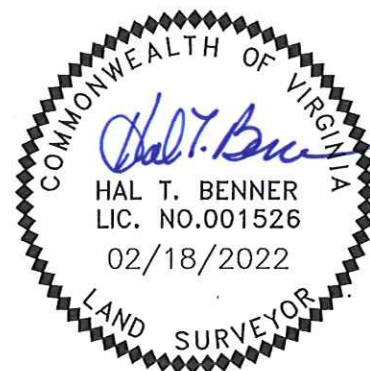
PLEASANT VALLEY ESTATES
LOT 5A
TM 12-G-1-2-5A
DB 551/117

LOT 2A
6.5093 ACRES
SHEN VALLEY LLC
TM 12G-12-2A
INSTRUMENT # 0500026301

KHATIB LAND COMPANY
TM 12-8

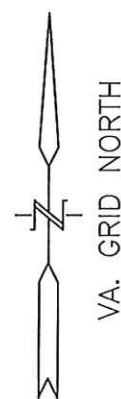
SHEN VALLEY LLC
TM 12G-12-4A

COMMONWEALTH OF VIRGINIA
VIRGINIA PORT AUTHORITY
TM 12-81



BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267

REF# 020515
DRAWING: 020515 VACATION & EASEMENT PLAT.dwg
CRD: 020515



SCALE: 1"=100'

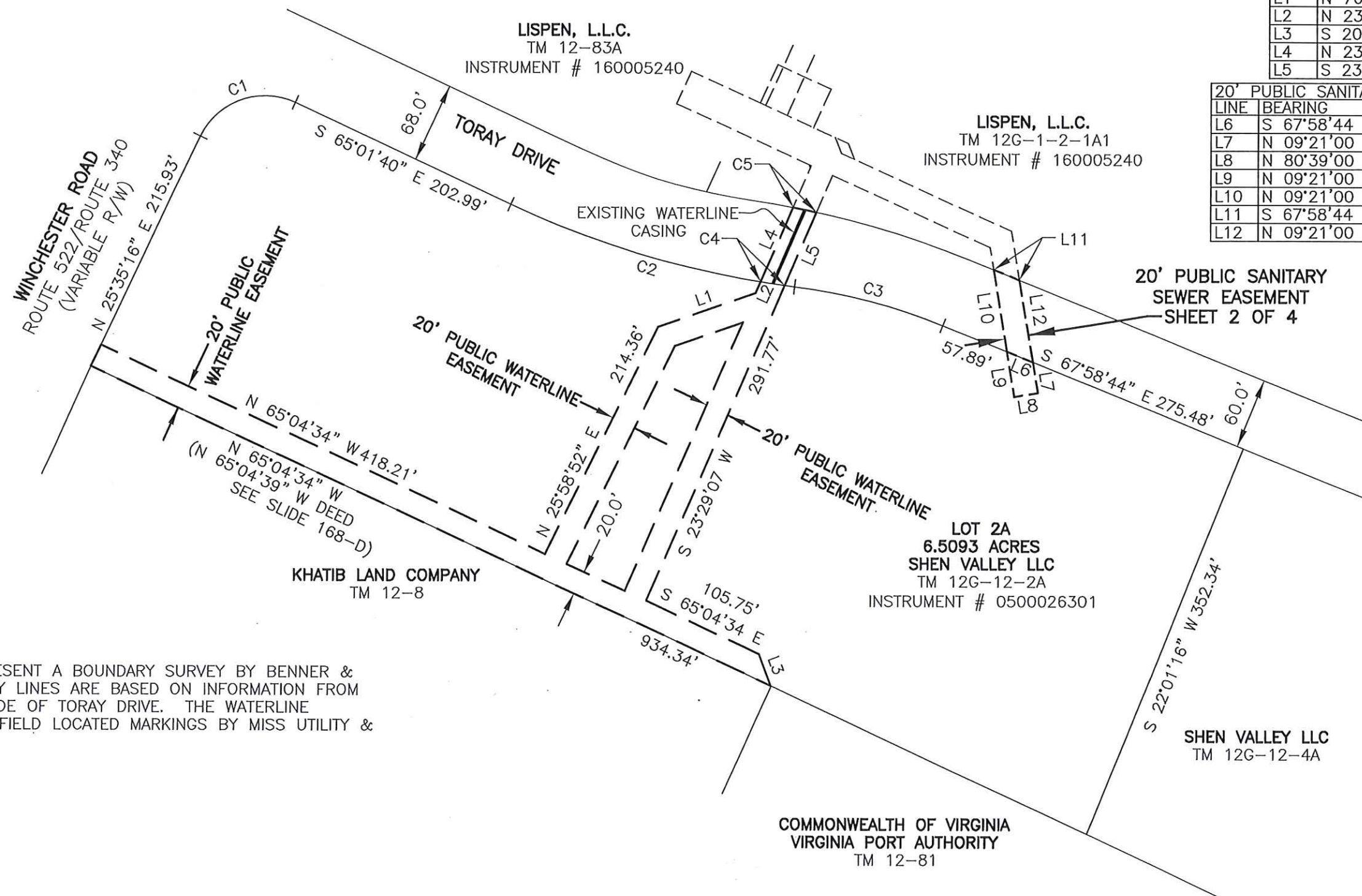
- = SET IRON PIN
- = FOUND IRON PIN
- ⊙ = FOUND AXEL
- Δ = POINT

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	60.00'	93.92'	84.62'	N 70°07'57" E	89°41'10"
C2	800.00'	251.19'	250.16'	N 74°01'22" W	17°59'25"
C3	500.00'	131.25'	130.87'	N 75°29'54" W	15°02'23"

20' PUBLIC WATERLINE EASEMENT					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C4	800.00'	20.72'	20.72'	N 81°39'56" W	01°29'02"
C5	800.00'	20.45'	20.45'	S 78°31'03" E	01°27'52"

20' PUBLIC WATERLINE EASEMENT		
LINE	BEARING	DISTANCE
L1	N 70°42'18" E	87.60'
L2	N 23°29'07" E	10.35'
L3	S 20°26'46" E	28.47'
L4	N 23°29'07" E	68.79'
L5	S 23°29'07" E	67.63'

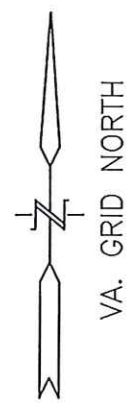
20' PUBLIC SANITARY SEWER EASEMENT		
LINE	BEARING	DISTANCE
L6	S 67°58'44" E	23.42'
L7	N 09°21'00" W	26.55'
L8	N 80°39'00" E	20.00'
L9	N 09°21'00" W	38.75'
L10	N 09°21'00" W	70.27'
L11	S 67°58'44" E	23.42'
L12	N 09°21'00" W	70.27'



THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY BY BENNER & ASSOCIATES. THE PROPERTY LINES ARE BASED ON INFORMATION FROM SURVEYS ON THE NORTH SIDE OF TORAY DRIVE. THE WATERLINE EASEMENTS ARE BASED ON FIELD LOCATED MARKINGS BY MISS UTILITY & ENGINEERING DRAWINGS.

BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 020515
DRAWING: 020515 VACATION & EASEMENT PLAT.dwg
CRD: 020515

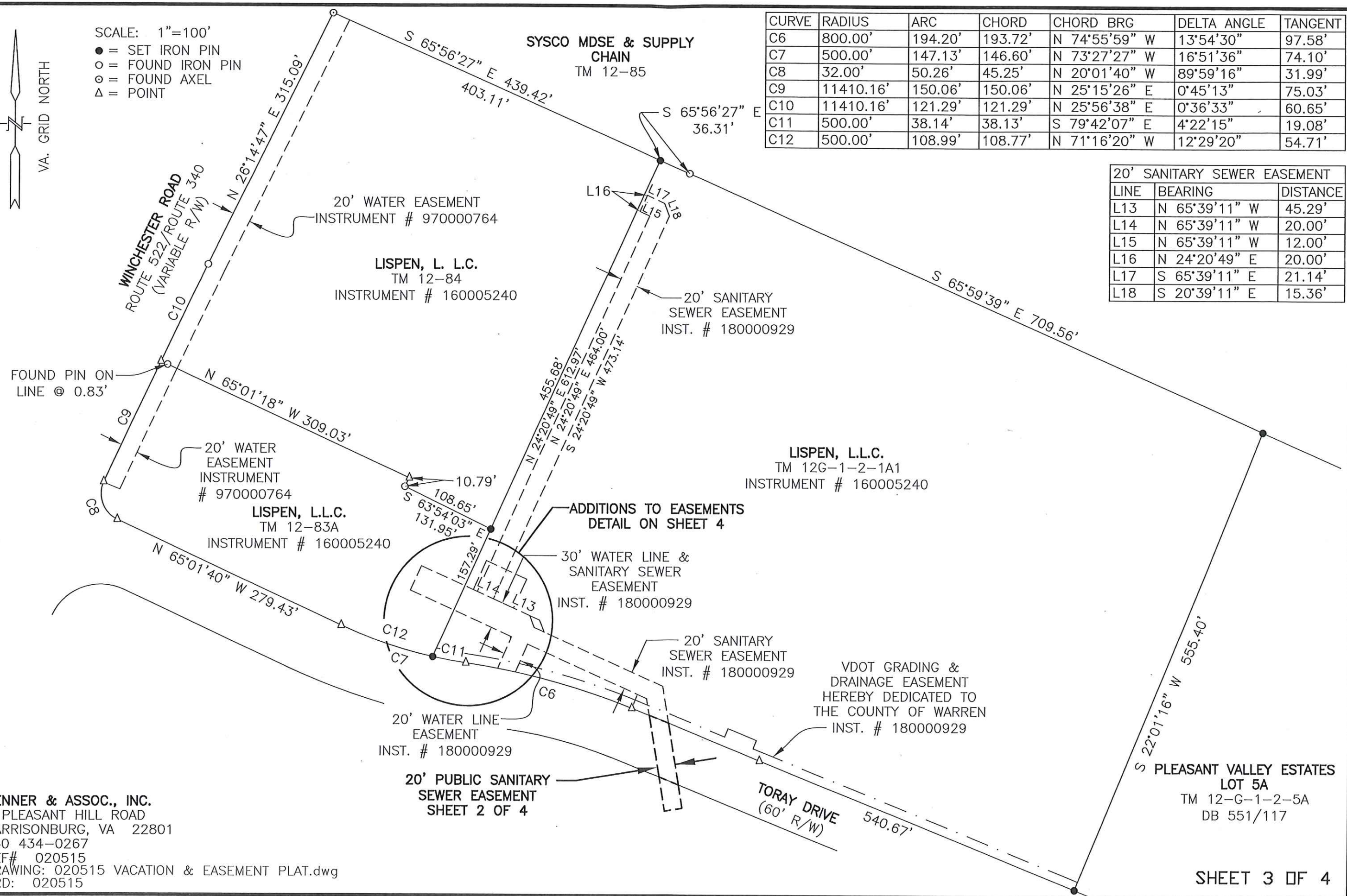
COMMONWEALTH OF VIRGINIA
VIRGINIA PORT AUTHORITY
TM 12-81



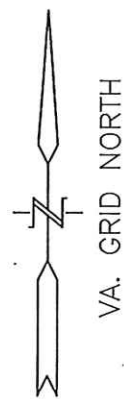
SCALE: 1"=100'
● = SET IRON PIN
○ = FOUND IRON PIN
⊙ = FOUND AXEL
△ = POINT

CURVE	RADIUS	ARC	CHORD	CHORD BRG	DELTA ANGLE	TANGENT
C6	800.00'	194.20'	193.72'	N 74°55'59" W	13°54'30"	97.58'
C7	500.00'	147.13'	146.60'	N 73°27'27" W	16°51'36"	74.10'
C8	32.00'	50.26'	45.25'	N 20°01'40" W	89°59'16"	31.99'
C9	11410.16'	150.06'	150.06'	N 25°15'26" E	0°45'13"	75.03'
C10	11410.16'	121.29'	121.29'	N 25°56'38" E	0°36'33"	60.65'
C11	500.00'	38.14'	38.13'	S 79°42'07" E	4°22'15"	19.08'
C12	500.00'	108.99'	108.77'	N 71°16'20" W	12°29'20"	54.71'

20' SANITARY SEWER EASEMENT		
LINE	BEARING	DISTANCE
L13	N 65°39'11" W	45.29'
L14	N 65°39'11" W	20.00'
L15	N 65°39'11" W	12.00'
L16	N 24°20'49" E	20.00'
L17	S 65°39'11" E	21.14'
L18	S 20°39'11" E	15.36'



BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 020515
DRAWING: 020515 VACATION & EASEMENT PLAT.dwg
CRD: 020515



SCALE: 1"=20'
● = SET IRON PIN
Δ = POINT

LISPEN, L.L.C.
TM 12-83A
INSTRUMENT # 160005240

20' SANITARY SEWER EASEMENT
INST. # 180000929

LISPEN, L.L.C.
TM 12G-1-2-1A1
INSTRUMENT # 160005240

ADDITION TO
50' WATERLINE
EASEMENT
FOR FIRE HYDRANT
& WATER VAULT

ADDITION TO 30'
WATERLINE & SANITARY
SEWER EASEMENT

ADDITION TO 30'
WATER LINE & SANITARY
SEWER EASEMENT

20' SANITARY SEWER
EASEMENT
INST. # 180000929

20' WATER LINE
EASEMENT
INST. # 180000929

NEW EASEMENTS		
LINE	BEARING	DISTANCE
L19	S 65°39'11" E	64.62'
L20	N 24°20'49" E	35.77'
L21	S 65°39'11" E	50.00'
L22	S 24°20'49" W	35.77'
L23	N 65°39'11" W	50.00'
L24	S 65°39'11" E	20.29'
L25	S 65°39'11" E	12.00'
L26	S 21°05'02" E	14.25'
L27	N 65°39'11" W	12.00'
L28	N 23°29'07" E	36.27'
L29	N 21°05'02" W	3.20'
L30	S 65°39'11" E	2.25'
L31	S 23°29'07" W	2.25'

BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 020515
DRAWING: 020515 VACATION & EASEMENT PLAT.dwg
CRD: 020515

THIS DOCUMENT WAS PREPARED BY:
LISA ANNE HAWKINS (VSB# 44738)
HAWKINS LAW PLC
P.O. BOX 4
BRIDGEWATER, VIRGINIA 22812

Tax Map Numbers: 12-G-1-2-2A

This deed is exempt from taxation under Virginia Code § 58.1-81 l(A)(3).

THIS DEED OF EASEMENT is made and entered into this ____ day of _____, 20____, by and between **SHEN VALLEY, L.L.C.**, a Virginia limited liability company, **GRANTOR**, and **TOWN OF FRONT ROYAL, VIRGINIA**, a municipal corporation, **GRANTEE**, whose mailing address is 102 E. Main Street, Front Royal, VA 22630.

WHEREAS, Grantor is the owner of Lot 2A as shown on that plat attached hereto and made a part hereof dated October 14, 2021, revised February 18, 2022, prepared by Hal T. Benner, L.S., of Benner & Assoc., Inc., entitled "Public Waterline and Sanitary Sewer Easements on Tax Parcels 12G-1-2-1A1 and 12G-12-2A" (the "Plat"), having acquired the same by deed recorded in the Clerk's Office of the Circuit Court of Warren County, Virginia as Instrument No. 050002630 ("Lot 2A"); and,

WHEREAS, Grantor wishes to grant unto the Town of Front Royal, Virginia easements and rights-of-way for the installation and maintenance of sanitary sewer lines and water lines onto, over and through a portion of the aforesaid lot, and to that end have caused to be prepared this instrument.

WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00) cash in hand paid by Grantee to Grantor, receipt of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors and assigns, the following rights in the aforesaid Lot 2A, Tax Map No. 12-G-1-2-2A, situated in the North River Magisterial District of Warren County, Virginia, to-wit:

The privileges, easements, and rights-of-way in perpetuity to construct, lay, maintain, repair, inspect, improve and operate within the respective easements granted hereby, mains, works, systems, water meters, and water meters with vaults, (herein "Water Facilities") and a sanitary sewer main (herein "Sewer Facilities"), and all other appurtenant facilities necessary for the operation of such utilities through, upon, across and under those portions of the property of Grantor shown and described on the Plat as "20' Public Waterline Easement" (the "Waterline Easements") and "20' Public Sanitary Sewer Easement" (the "Sanitary Sewer Easement").

These easements and rights-of-way shall be for the construction, installation, inspection, repair and maintenance of mains, works, and systems for the transmission of water and the collection and transmission of sewage, and waste water, including, but not limited to, water meters and water meter vaults (herein "facilities")over, across and under the Waterline Easements and Sanitary Sewer Easements on the property of Grantor, with the location and width of said easements and rights-of-way as shown on the Plat. The parcel encumbered by this instrument is known and designated as Lot 2A on the Plat.

There are also hereby conveyed rights-of-way of ingress, egress, and access over, upon, and across the property of the Grantor to the above-described easements for the purpose of

allowing access to facilities located thereon by the employees, agents, and contractors of Grantee.

These easements are subject to all existing easements, rights-of-way, and restrictions and are further subject to the following conditions:

1. Once accepted by the Grantee from Grantor following construction, the Grantee shall assume all responsibility for repair, maintenance, reconstruction and replacement of the Water Facilities within the easements. Nothing contained herein shall be construed to require the Grantee to install, repair, or maintain any portion of any water and sewer service laterals providing utilities to any improvements located on the aforesaid Lot 2A.

2. The Water Facilities and the Sewer Facilities, once constructed by the Grantor and accepted by the Grantee, shall become the property of Grantee.

The further terms and conditions of this grant are as follows:

(a) That Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said Waterline Easements and Sanitary Sewer Easements, that may in any manner, in Grantee's sole judgment, endanger or interfere with the proper and efficient operation of the facilities, and Grantee shall have all such other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easements and rights-of-way herein granted for the aforesaid purpose.

(b) That the granting of the easements and rights-of-way hereinafter described neither expressly nor impliedly constitutes any payment, nor the waiver of any obligation for the payment, by Grantor or its successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.

(c) That Grantee will exercise reasonable care to protect the property of the Grantor from damage or injury occasioned in the enjoyment of the easements and rights-of-way herein granted, and to promptly repair the said property or reimburse the Grantor for any property damaged beyond repair.

(d) That, if Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to these easements and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall, at the expense of Grantee, be removed from the property of Grantor.

(e) That once constructed and installed, the facilities shall become the property of the Grantee and Grantor shall have no right, title, interest, estate or claim whatsoever in facilities by virtue of the rights conveyed herein.

(f) That the easements are non-exclusive.

(g) That facilities installed pursuant to the easement shall be underground, except for manhole and vault covers which shall be flush with adjacent grade, except as is otherwise consistent with best practices or as shown on plans approved by Grantor.

(h) That Grantor retains the right to use the surface areas of such encumbered parcel for any use not inconsistent with the rights granted the Grantee, including use of the easements areas for pavement, drives, curbing, sidewalks and landscaping.

(i) That Grantor reserves the right to require Grantee to relocate its facilities to another location on the affected parcel, subject to the conveyance of similar easements and rights-of-way, all at the cost and expense of the Grantor.

IN WITNESS WHEREOF, Shen Valley, L.L.C. has caused this instrument to be executed and delivered on due authority.

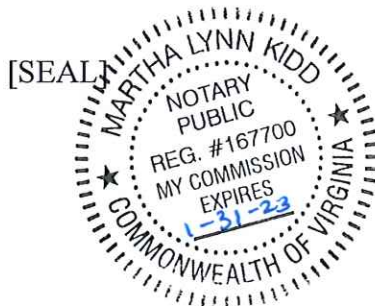
SHEN VALLEY, L.L.C.,
a Virginia limited liability company

By: InterChange Group, Inc., its Manager

By: [Signature] (SEAL)
Name: Kevin D. Longenecker
Its: Assistant Secretary

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Rockingham, to-wit:

The foregoing instrument was acknowledged before me in the jurisdiction aforesaid this 22nd day of February, 2022 on behalf of Shen Valley, L.L.C., by InterChange Group, Inc., its Manager, by Kevin D. Longenecker, its Assistant Secretary.



Martha Kidd
Notary Public
Notary Public Registration No.: 167700
My Commission Expires: 1/31/2023

APPROVED AS TO FORM:

James E. Cornwell, Jr., Interim Town Attorney

Date: _____

The foregoing conveyance is hereby accepted by the Town of Front Royal, Virginia, as evidenced by the signature of the undersigned, who is authorized to accept this conveyance on behalf of the Town, as evidenced by a Resolution adopted by the Town Council.

IN WITNESS WHEREOF, the Town of Front Royal has caused this instrument to be executed and delivered on due authority.

TOWN OF FRONT ROYAL, VIRGINIA

By: _____ (SEAL)
Name: _____
Title: _____

ATTEST:

Tina Presley, Clerk of Council

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

I, _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____, Mayor and Tina Presley, Clerk, whose names are signed on behalf of the Town of Front Royal, Virginia, to the foregoing Deed of Easement bearing the date of February __, 2022, have each this day personally appeared and acknowledged the same before me in my State and County aforesaid.

My Commission Expires: _____

Notary Public Registration No.: _____

Given under my hand this ____ day of _____, 2020.

[SEAL]

NOTARY PUBLIC

LIENHOLDER CONSENT TO DEED OF EASEMENT

Wells Fargo Bank, National Association, as lienholder of (a) the Credit Line Deed of Trust and Assignment of Rents and Leases dated as of February 20, 2015, of record in the Clerk's Office of the Circuit Court of Warren County, Virginia as Instrument #150000819, naming TRSTE, Inc., a Virginia corporation, as Trustee, and (b) the Deed of Trust and Assignment of Rents dated May 15, 2006, of record in the aforesaid Clerk's Office as Instrument #060005683, naming TRSTE, Inc., a Virginia corporation, as Trustee, consents to this Deed of Easement, and agrees that in the event of a foreclosure or other sale of the property encumbered by such Deed of Trust whether by judicial or non-judicial proceeding, the property shall be sold subject to this Waterline Easement dedicated to public use by this instrument.

LENDER: WELLS FARGO BANK, N.A.

BY: _____
Name: _____
Title: _____

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF _____, to wit:

The foregoing instrument was acknowledgment before me in the aforesaid jurisdiction this ____ day of _____, 2022, by _____ who is _____ of Wells Fargo Bank, N.A. on its behalf.

[SEAL]

Notary Public Registration No.: _____
My commission expires: _____

TRUSTEE:

TRSTE, INC., a Virginia corporation

BY: _____

Name: _____

Title: _____

The foregoing Lienholder Consent to Deed of Easement was acknowledgment before me in the aforesaid jurisdiction this ____ day of _____, 2022, by _____ who is _____ of TRSTE, INC., on its behalf.

[SEAL]

Notary Public Registration No.: _____

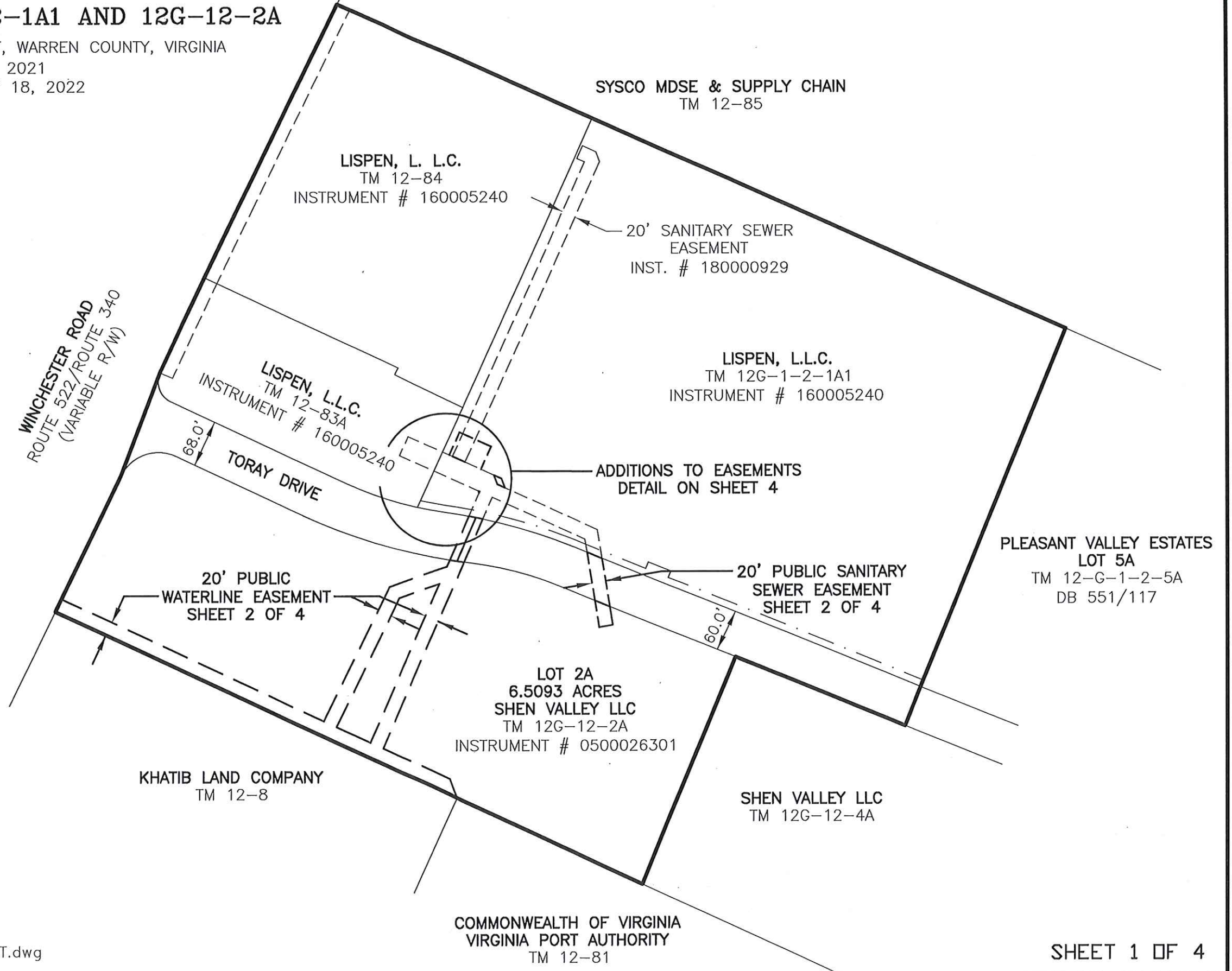
My commission expires: _____

**PUBLIC WATERLINE AND SANITARY SEWER EASEMENTS
ON TAX PARCELS 12G-1-2-1A1 AND 12G-12-2A**

NORTH RIVER MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA

OCTOBER 14, 2021

REVISED FEBRUARY 18, 2022



BENNER & ASSOC., INC.

8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801

540 434-0267

REF# 020515

DRAWING: 020515 VACATION & EASEMENT PLAT.dwg

CRD: 020515



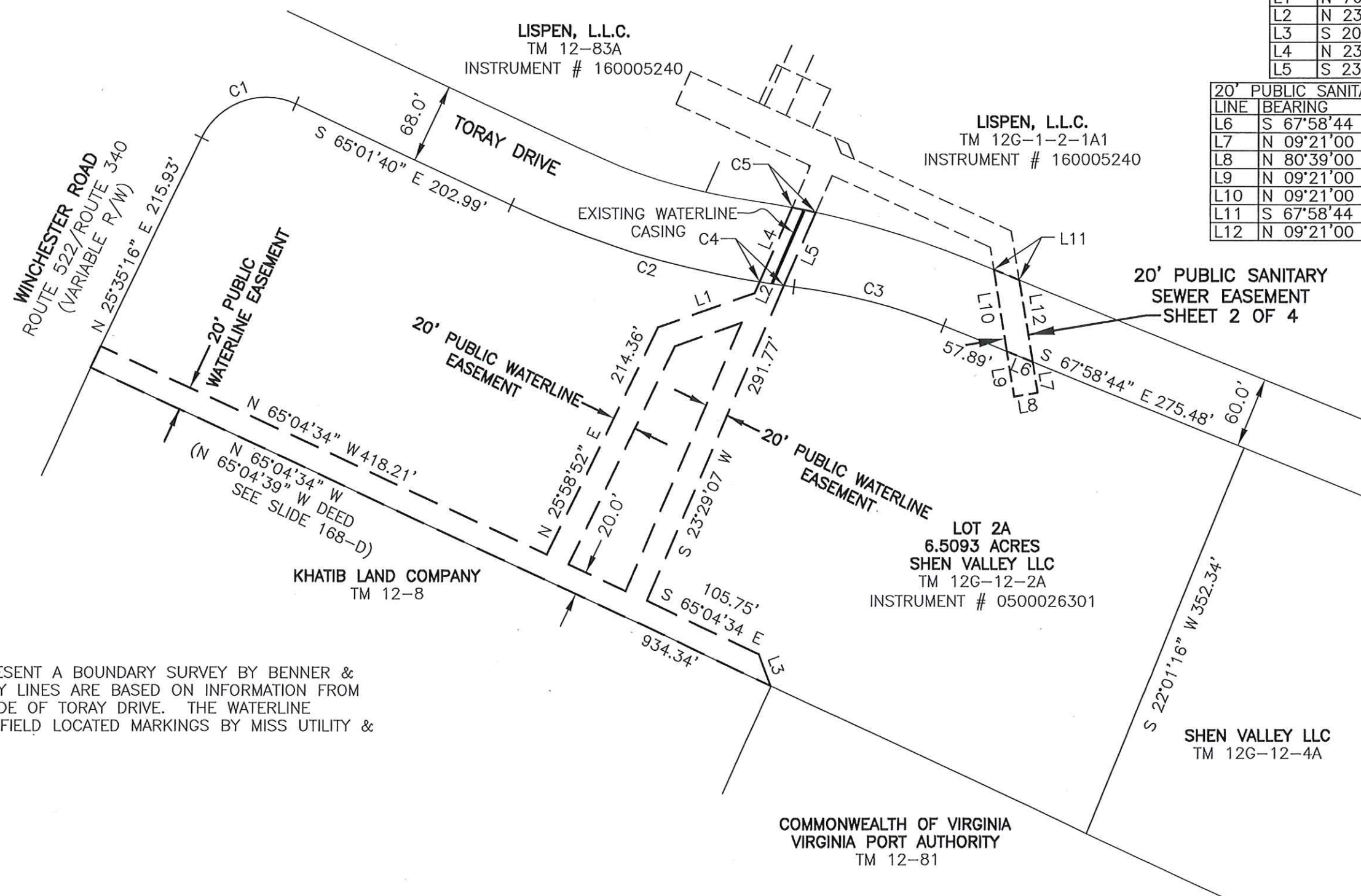
SCALE: 1"=100'
● = SET IRON PIN
○ = FOUND IRON PIN
⊙ = FOUND AXEL
Δ = POINT

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	60.00'	93.92'	84.62'	N 70°07'57" E	89°41'10"
C2	800.00'	251.19'	250.16'	N 74°01'22" W	17°59'25"
C3	500.00'	131.25'	130.87'	N 75°29'54" W	15°02'23"

20' PUBLIC WATERLINE EASEMENT					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C4	800.00'	20.72'	20.72'	N 81°39'56" W	01°29'02"
C5	800.00'	20.45'	20.45'	S 78°31'03" E	01°27'52"

20' PUBLIC WATERLINE EASEMENT		
LINE	BEARING	DISTANCE
L1	N 70°42'18" E	87.60'
L2	N 23°29'07" E	10.35'
L3	S 20°26'46" E	28.47'
L4	N 23°29'07" E	68.79'
L5	S 23°29'07" E	67.63'

20' PUBLIC SANITARY SEWER EASEMENT		
LINE	BEARING	DISTANCE
L6	S 67°58'44" E	23.42'
L7	N 09°21'00" W	26.55'
L8	N 80°39'00" E	20.00'
L9	N 09°21'00" W	38.75'
L10	N 09°21'00" W	70.27'
L11	S 67°58'44" E	23.42'
L12	N 09°21'00" W	70.27'



THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY BY BENNER & ASSOCIATES. THE PROPERTY LINES ARE BASED ON INFORMATION FROM SURVEYS ON THE NORTH SIDE OF TORAY DRIVE. THE WATERLINE EASEMENTS ARE BASED ON FIELD LOCATED MARKINGS BY MISS UTILITY & ENGINEERING DRAWINGS.

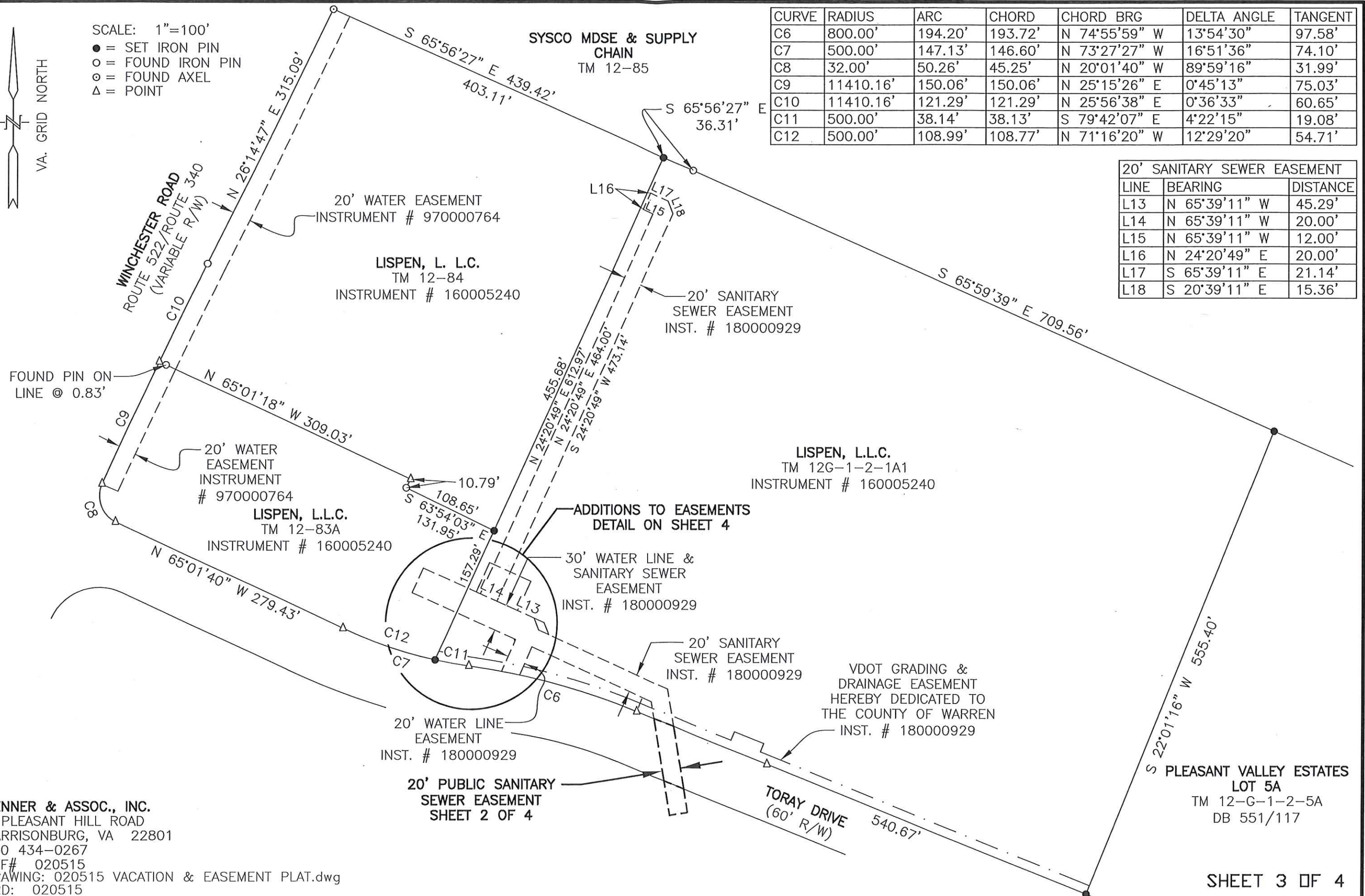
BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 020515
DRAWING: 020515 VACATION & EASEMENT PLAT.dwg
CRD: 020515



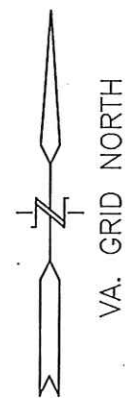
SCALE: 1"=100'
● = SET IRON PIN
○ = FOUND IRON PIN
⊙ = FOUND AXEL
△ = POINT

CURVE	RADIUS	ARC	CHORD	CHORD BRG	DELTA ANGLE	TANGENT
C6	800.00'	194.20'	193.72'	N 74°55'59" W	13°54'30"	97.58'
C7	500.00'	147.13'	146.60'	N 73°27'27" W	16°51'36"	74.10'
C8	32.00'	50.26'	45.25'	N 20°01'40" W	89°59'16"	31.99'
C9	11410.16'	150.06'	150.06'	N 25°15'26" E	0°45'13"	75.03'
C10	11410.16'	121.29'	121.29'	N 25°56'38" E	0°36'33"	60.65'
C11	500.00'	38.14'	38.13'	S 79°42'07" E	4°22'15"	19.08'
C12	500.00'	108.99'	108.77'	N 71°16'20" W	12°29'20"	54.71'

20' SANITARY SEWER EASEMENT		
LINE	BEARING	DISTANCE
L13	N 65°39'11" W	45.29'
L14	N 65°39'11" W	20.00'
L15	N 65°39'11" W	12.00'
L16	N 24°20'49" E	20.00'
L17	S 65°39'11" E	21.14'
L18	S 20°39'11" E	15.36'



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SCALE: 1"=20'
● = SET IRON PIN
Δ = POINT

LISPEN, L.L.C.
TM 12-83A
INSTRUMENT # 160005240

LISPEN, L.L.C.
TM 12G-1-2-1A1
INSTRUMENT # 160005240

NEW EASEMENTS		
LINE	BEARING	DISTANCE
L19	S 65°39'11" E	64.62'
L20	N 24°20'49" E	35.77'
L21	S 65°39'11" E	50.00'
L22	S 24°20'49" W	35.77'
L23	N 65°39'11" W	50.00'
L24	S 65°39'11" E	20.29'
L25	S 65°39'11" E	12.00'
L26	S 21°05'02" E	14.25'
L27	N 65°39'11" W	12.00'
L28	N 23°29'07" E	36.27'
L29	N 21°05'02" W	3.20'
L30	S 65°39'11" E	2.25'
L31	S 23°29'07" W	2.25'

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CRD: 020515



Council Agenda Statement

Item # 10G

Meeting Date: February 28, 2022

Agenda Item: FY22 Budget Amendment to Accept Funds from the Virginia Risk Sharing Association

Summary: Council is requested to approve a FY22 Budget Amendment in the amount of \$32,628.69 to receive funds from Virginia Risk Sharing Association (VRSA) from a Town vehicle involved in an accident and to allow the Town Manager to approve the purchase of a replacement vehicle.

Budget/Funding:	1000-3410205	General Fund Insurance Recovery	\$32,628.69
	3102-47005	Police Patrol Motor Vehicles	\$32,628.69

Meetings: N/A

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 FY22 Budget Amendment in the amount of \$32,628.69 to receive funds from Virginia Risk Sharing Association (VRSA) from a Town vehicle involved in an accident and to allow the Town Manager to approve the purchase of a replacement vehicle.

Moved _____ Seconded _____

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



Council Agenda Statement

Item # 11A

Meeting Date: February 28, 2022

Agenda Item: Resolution to Update Employee Handbook – Stand by Pay (a.k.a. on-call pay)

Summary: Council is asked to approve a Resolution to update to the Town's Employee Handbook to change the amount of compensation an employee receives when serving in a stand-by (on-call) capacity. Current compensation is one (1) hour of an employee's regular pay for each 24-hour day served. When an employee is on-call, he/she must remain close to work with the ability to immediately respond when necessary. In an effort to improve processes, remain competitive in the job market, retain employees, and improve overall morale, staff recommends changing the compensation received to thirty-five dollars (\$35.00) for each 24-hour day Monday through Friday, and sixty dollars (\$60.00) for each 24-hour period on Saturday, Sunday, or observed holiday. The resolution would be effective March 1, 2022.

Budget/Funding: Additional annual expense of approximately \$15,000 has been incorporated into the proposed FY23 budget. Impact to FY22 Budget of approximately \$6,250 can be offset from savings realized from vacant positions.

Meetings: Work Session held February 15, 2022

Proposed Motion: I move that Council approve a resolution to update to the Town's Employee Handbook to change the amount of compensation an employee receives when serving in a stand-by (on-call) capacity to thirty-five dollars (\$35.00) for each 24-hour day Monday through Friday, and sixty dollars (\$60.00) for each 24-hour period on Saturday, Sunday, or observed holiday effective March 1, 2022.

Moved _____ *Seconded* _____

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

RESOLUTION

STAND-BY (ON CALL) COMPENSATION

WHEREAS, currently compensation is one (1) hour of an employee's regular pay for each 24-hour day served. When an employee is on-call, he/she must remain close to work with the ability to immediately respond when necessary; and,

WHEREAS, in an effort to improve processes, remain competitive in the job market, retain employees, and improve overall morale, staff recommends changing the compensation received to thirty-five dollars (\$35.00) for each 24-hour day Monday through Friday, and sixty dollars (\$60.00) for each 24-hour period on Saturday, Sunday, or observed holiday.

NOW THEREFORE BE IT RESOLVED, that the Mayor and the Town Council approve the changes to the Town of Front Royal Employee Handbook as presented, effective March 1, 2022.

APPROVED:

Chris W. Holloway, Mayor

Attest:

Tina L. Presley, Clerk of Council

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

Scott Lloyd	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Lori A. Cockrell	<u>Yes/No</u>	Amber F. Morris	<u>Yes/No</u>
Chris Holloway	<u>Yes/No</u>	Letasha T. Thompson	<u>Yes/No</u>

Approved as to Form and Legality:

George Sonnett, Assistant Town Attorney

Dated: _____



Council Agenda Statement

Item # 11B

Meeting Date: February 28, 2022

Agenda Item: Nomination to the Board of Zoning Appeals

Summary: Council is requested to approve a nomination to the Circuit Court Judge for a member on the Board of Zoning Appeals (BZA) to fill an unexpired term ending May 1, 2023 that was held by Ronald Flores who resigned in October 2021.

Budget/Funding: None

Meetings: Special Work Session held February 23, 2022

Proposed Motion: I move that Council nominate Amanda J. McCarthy to the Board of Zoning Appeals to fill an unexpired term ending May 1, 2023.

Moved _____ *Seconded* _____

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