



REGULAR TOWN COUNCIL MEETING

Monday, March 28, 2022, at 7:00pm in 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 February 15th, Special Work Session Minutes of February 24th and March 14th, Regular Meeting Minutes of February 28th, and Special Meeting Minutes of March 14, 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–
 - Welcome of new Police Officers and a Communications Officer at the Police Department
 - Promotion of Officer to Sergeant at the Police Department
 - Retirement of Police Department Canine Maverick
7. PUBLIC HEARINGS
 - A. Special Use Permit for Campground Facility from Poe’s River Edge, LLC – *Lauren Kopishke*
 - B. Partial Vacation of an Existing 20’ Sanitary Sewer Easement at 195 Toray Drive – *Kathy Leidich*
 - C. Approval of Real and Personal Property Tax Rate for FY2022-2023 – *BJ Wilson*
 - D. Ordinance to Amend/Re-enact Chapter 134 Pertaining to an Increase in Sewer Service Rates – *BJ Wilson*
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. Award Contract for Curb and Gutter Installation – *BJ Wilson*
 - B. Duck Street Culvert Repair – *BJ Wilson*
 - C. FY22 Budget Amendment to Accept Law Enforcement Block Grant – *BJ Wilson*
 - D. Resolution to Submit Virginia Smart Scale Pre-Application for Happy Creek Road Phase II – *Kathy Leidich*
11. BUSINESS ITEMS
 - A. Resolution for a Request for Water and Sewer Services in the Route 340/522 Corridor for Commercial and Industrial Uses – *Steven Hicks*
 - B. Proclamation for Arbor Day 2022 – *Steven Hicks*
 - C. Front Royal-Warren County Joint Tourism Agreement
12. CLOSED MEETING
13. ADJOURN



TOWN COUNCIL WORK SESSION MINUTES

Tuesday, February 15th, 2022 at 7:00 PM

Town Hall Conference Room

The following minutes are a summary of items on the agenda. Meeting can be viewed in its entirety at <https://www.frontroyalva.com/655/Meetings>

Special Events Schedule/Ideas for 2022 Presentation – Special Events and Public Arts Coordinator Lizi Lewis presented Council with an overview of Special Events planned for the upcoming year to include an Independence Day Celebration, Various Safety Events in Partnership with the Front Royal Police Department, “Front Porch Fridays,” Music at the Gazebo, and a Christmas Tree Lighting Ceremony. She also highlighted various co-sponsoring opportunities such as the Front Royal Cardinals All Star Game, The Festival of Leaves, Hometown Halloween, and a Christmas Market. Councilwoman Morris asked if there was an opportunity for the Town to incorporate a walk-through or drive-through Christmas Light display.

Water Meter Waiver Request – Poe’s River Edge LLC – Assistant Town Manager Kathy Leidich explained that the Town had received a letter from Poe’s River LLC requesting a waiver from Town Code Section 134-38.D requiring a separate water meter at the property line for each property served. She noted that the Town Code was very clear and therefore Town Staff recommended denying the request. Councilwoman Morris disagreed on the Town Codes clarity. Finance Director Wilson added that the Town does not allow different property owners to share a water line.

Town Manager Hicks recommended Town staff take another look and carefully review the Town Code for other options. He stated that, if necessary, Council could make an exception without the need to change the Town Code.

Proposed Consent Agenda Items for Regular Meeting of February 28th:

FY22 Budget Amendment for Fleet Maintenance Building – Council all agreed to add the amendment to the Consent Agenda for their next Regular Meeting.

Purchase of Additional Message Board – Council all agreed to add the Message Board Purchase to the Consent Agenda for their next Regular Meeting.

Purchase of Police Vehicle – Council all agreed to add the Police Vehicle Purchase to the Consent Agenda for their next Regular Meeting.

Additional Water Usage for New Building at 195 Toray Drive in Rt. 340/522 Corridor – Council all agreed to add the request to the Consent Agenda for their next Regular Meeting.

Deeds of Easement Granting to the Town Easements for the Existing and New Waterlines on the Property Located 190 Toray Drive and to Vacate and Relocate Sewer and Waterline Easements Located on 195 Toray Drive – Council all agreed to add the request to the Consent Agenda for their next Regular Meeting.

Update Employee Handbook: Stand-by pay (a.k.a. on-call pay) – Councilwoman Thompson asked that this item be removed from the Consent Agenda so it could be highlighted during the next Regular Council Meeting. Council all agreed.

Continued Discussion on Draft Memorandum of Agreement (MOA) of the Board of Supervisors and the Town Council for the Front Royal-Warren County Joint Tourism dated 1/28/22 – Council stated that they had received an updated version of the Memorandum of Agreement from the Board of Supervisors just hours prior to the Work Session. Town Staff did not receive the revisions.

Councilwoman Thompson explained that after discussions with JLL, the Town's contracted Tourism Firm, the Town could keep their Destination Marketing Organization (DMO) status, regardless of the agreement. Councilwoman Morris added that if the Town decided to stop funding the Joint Tourism group, the DMO would remain in possession of the town.

Vice Mayor Cockrell requested a joint meeting with the Board of Supervisors to finalize and agree on the details.

Open Discussion:

Nuisance/Dilapidated Properties – Councilwoman Thompson asked for an update on how the Town's new Building Department was helping remedy the many dilapidated buildings throughout Town. Town Manager Hicks explained that he would cover this topic in his presentation for the next agenda item.

Building Code Update – Town Manager, Steven Hicks, gave a presentation that included a general overview and updates on the Town's new Building Code Department. He explained that the fee schedule was set up in a way that would allow for self-sufficiency and eliminate the need to subsidize the department.

Councilman Gillispie asked Council to allow George Cline, President of the Warren County Builders Association to speak and share some concerns. Council all agree to allow it.

Following an open discussion with Mr. Cline, as well as several other members of the Warren County Builders Association, Council requested a Special Meeting be called as soon as possible to address their concerns.

A Certificate of Public Need or Certificate-of-Need (CON) Laws Require Healthcare Providers Wishing to Open or Expand a Healthcare Facility to First Prove to a Regulatory Body that there are Community Needs. A Need for Broader Healthcare, such as Women's Care – Councilwoman Morris stated her wish for the Town to establish a Certificate of Need (CON) to open the door for competing healthcare providers, specifically those offering specialty services. Council all agreed and asked what the next steps would be.

Board of Zoning Appeals and Local Building Code of Appeals Update – Town Manager Hicks explained that he and Planning Director, Lauren Kopishke had interviewed a candidate for the Board of Zoning Appeals and recommended Council appoint her. Councilman Lloyd asked if they could have a Closed Session to interview her at their next meeting as well.

Vice Mayor Adjourned the Work Session at 10:58 P.M.

PRESENT: Vice Mayor Cockrell, Councilmembers Gillispie, Lloyd, McFadden, Morris & Thompson, Town Manager Steven Hicks, Assistant Town Manager Kathy Leidich, Town Attorney James E. Cornwell Jr., Assistant Town Attorney George Sonnett, Finance Director BJ Wilson, Planning and Zoning Director Lauren Kopishke, Public Works Director Robbie Boyer, Special Events & Public Arts Coordinator Lizi Lewis, and Deputy Clerk of Council Mary Ellen Lynn.

Approved by Town Council

Date: -----

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TOWN COUNCIL SPECIAL WORK SESSION MINUTES

Wednesday, February 23, 2022, at 6:00pm

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.

CLOSED MEETING – Interview for Board of Zoning Appeals

Councilman Gillispie moved, seconded by Councilman McFadden that Town Council convene and go into Closed Meeting for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body specific to an interview for Board of Zoning Appeals Vacancy, 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

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Discussion of the Town's Building Department – Town Manager Steven Hicks gave Council an overview of eight (8) options and sufficiency as it pertains to the Town's Building Department. They included: Option 1 – Permit Technician and Third-Party Plan Review and Inspections (no change); Option 2 – Permit Technician and Hire Combo Plan Reviewer/Inspector (not self sufficient); Option 3 – Permit Technician and Hire Building Code Combo Plan Reviewer/Inspector (not self sufficient); Option 4 – Permit Technician and Combo Plan Reviewer/Inspector (self sufficient); Option 5 – Permit Technician and Building Code Combo Plan Reviewer/Inspector (self sufficient); Option 6 – Builders Can Pick their Third party Building Inspection (self sufficient); Option 7 – Town/County Memorandum of Agreement where County of Warren performs E&S Inspection (self sufficient); Option 8 – Town/County Memorandum of Agreement where Town performs E&S Inspection only (self sufficient). There was much discussion with Council noting various concerns: no certainty what the future holds and whether development would be enough to sustain the department; citizens of Front Royal are County of Warren citizens as well; therefore, having to pay taxes for both entities; the County's fees have not been revisited since 2012; how to handle those who are waiting to apply for a permit; and not to lose the staff the Town currently hired for the building department. Steven noted he would contact the County Administrator tomorrow with an update on the Council's February 28th meeting. It was also suggested to place this item on the Liaison Committee Agenda.

Discussion on Draft Memorandum of Agreement (MOA) of the Board of Supervisors and Town Council for the Front Royal-Warren County Joint Tourism – Interim Town Attorney Jim Cornwell called in to answer any questions needed of him. Councilwoman Thompson gave Council an overview of the Joint Tourism Meeting she recently attended. She noted that the Town can keep the Destination Marketing Organization (DMO) or get rid of it and updated them on the non-voting status of elected officials. She advised that the Committee has asked for an audit of the Town's Tourism Budget with the audit committee to consist of Councilwoman Thompson, Supervisor Oates, Finance Director BJ Wilson, JLL Finance Representative and Committee Representative Carrie Barnhart. She noted that Council's concerns have all been addressed and asked that Council move to vote on the MOA.

Vice Mayor Cockrell questioned whether a percentage of transient (lodging) tax the Town collected could go towards the tourism budget rather than placing a number. It was agreed that Mr. Wilson would give the Council a percentage based on previous years.

Proposed Solution to Water Meter Waiver Request – Poe's River Edge LLC – Mr. Hicks advised Council that staff has been meeting with Mr. Poe and a solution/recommendation has been given to him. Director of Public Works Robbie Boyer gave Council a brief overview of the solution. It was confirmed that Mr. Poe would be responsible for maintenance, pay all connection fees and usage and the Town Code would not have to be amended.

CLOSED MEETING - Personnel

Councilman McFadden moved, seconded by Councilwoman Morris that Town Council convene and go into Closed Meeting 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 the role as Executive Director of the Front Royal Economic Development Authority, 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 Vice Mayor 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 (remote via phone), Assistant Town Manager Kathleen Leidich, Finance Director BJ Wilson, Public Works Director Robbie Boyer, Director of Planning Lauren Kopishke, and members of the press.

ABSENT: Clerk of Council Tina Presley but wrote minutes from video.

Approved by Town Council

Date: _____



TOWN COUNCIL REGULAR MEETING MINUTES

February 28, 2022 @ 7:00PM
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 Tristan Thompson

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

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Assistant Town Attorney George Sonnett for James E. Cornwell, Jr.
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman McFadden moved, seconded by Councilman Morris 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.

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 - NONE

RECOGNITIONS/AWARDS/REPORTS –

Recognition/Welcome of New Police Officer Tim Elliott – Police Chief Magalis introduced Officer Elliott and Council welcomed him into his new role.

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

Director of Planning Lauren Kopishke gave an overview of the changes to the ordinance since the last time the ordinance was before Council.

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

Councilwoman Thompson moved, seconded by Councilman McFadden to approve the proposed amendments to Chapter 175 that would add short-term rentals to the Town Code as amended to remove *O. If the property is located in the R-1 district, the short-term rental facility shall be the owner's principal residence.*

Councilman Lloyd questioned why the definition of Short-Term Rental Owner was removed. Ms. Kopishke explained that it conflicted with other definitions. She also noted that all the requests for short-term rentals would be special use permits with a one-time application fee of \$400.00, that would go before Council for final approval. Ms. Kopishke advised Council that Chris Brock and John Ware, current employees in the Planning Department, would be performing the inspections.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Tom Sayre, [Town resident] suggested moving inspections back to the County. He noted that there are historical lows of housing in Virginia. He continued that he visited with Governor Youngkin who was in Front Royal recently speaking to an Ukraine Church expressing prayer and togetherness for all.

REPORTS

A. Town Manager Report – Mr. Hicks reminded Council that a Liaison Committee Meeting will be held on Thursday, March 3rd at 6:00pm in the Warren County Government Center. He gave an update on the proposed Memorandum of Agreement with the County of Warren pertaining to Joint Tourism that will be discussed at the Liaison Meeting as well.

B. Town Council Reports –

Councilman Thompson advised that she had received the names from residents on Edgemont Avenue to change the name of that street to Banks Boulevard, Street or Avenue. She requested it be placed on an upcoming work session.

Councilman Gillispie advised that he traveled to Salem, Virginia to attend the State Wrestling Tournament and expressed pride in Warren County and Skyline High Schools for representing the community well. He also gave a shout out to State Champion Dustin Gue.

Vice Mayor Cockrell congratulated the Skyline Boys Basketball team for winning the Regional Championship and heading to State for further competition. She also recognized a student of hers “Madison” a young lady who was interested to see government in action.

Councilman Lloyd encouraged fellow councilmembers to have an open mind when discussing the Tourism MOA during the Liaison Committee Meeting.

C. Mayor Report – Mayor Holloway commented on the tragedy in Ukraine and asked for prayer.

CONSENT AGENDA ITEMS

Vice Mayor Cockrell gave an update on the various grammar changes to the FOIA Policy and that she had spoken to the Clerk of Council and felt there was no need to remove the policy from the consent agenda as the changes did not change the content.

Vice Mayor Cockrell moved, seconded by Councilwoman Morris to move 10C “Purchase of Additional Message Board” to Business Items 11C.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

A. Approval of Town’s Freedom of Information Act (FOIA) Policy
Council approved the Town’s FOIA Policy as presented.

B. FY22 Budget Amendment for Fleet Maintenance Building
Council approved 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.

~~C. Purchase of Additional Message Board removed and placed as Business Item 11C~~

D. Purchase of Police Vehicle
Council approved 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.

E. Additional Water Usage for New Building at 195 Toray Drive
Council approved the utility easements between 190 and 195 Toray Drive to facilitate the extension of a 12-inch water line under Toray Drive.

F. Deeds of Easement for Existing and New Waterline at 190 Toray Drive and To Relocate Waterline Easements at 195 Toray Drive
Council approved 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.

G. FY22 Budget Amendment to Accept Funds from Virginia Risk Sharing Association
Council approved 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.

Vice Mayor Cockrell moved, seconded by Councilman McFadden that Council approve the Consent Agenda without 10C “Purchase of Additional Message Board”, 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

BUSINESS ITEMS

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

Councilwoman Thompson moved, seconded by Councilwoman Morris 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.

Councilman Thompson clarified that the stand by pay is an addition to regular hourly compensation.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

B. Nomination to the Board of Zoning Appeals

Vice Mayor Cockrell moved, seconded by Councilwoman Thompson that Council nominate Amanda J. McCarthy to the Board of Zoning Appeals to fill an unexpired term ending May 1, 2023.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

C. Purchase of Additional Message Board

Councilwoman Thompson moved, seconded by Councilman McFadden that Council approve a sole source purchase of an additional message board from Traffic Safety Supplies in the amount of \$17,950.00

Town Manager Hicks explained that the extra message board is for employee and public safety.

Vice Mayor Cockrell explained that the additional message board is a want not a need because the Town already has two boards; and the only time several boards are needed is during "leaf season".

Councilmembers noted that the Town has had to borrow signs and those signs may not always be available. and that the purchase was a sole source.

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

No – Vice Mayor Cockrell

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor Holloway adjourned the meeting at 7:45pm.

Approved by Town Council

Date: _____



TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, March 14, 2022

immediately held after the work session in the Town Hall Conference Room

The following minutes are a summary of items on the agenda. Meeting can be viewed in entirety at <https://www.frontroyalva.com/655/Meetings>

ROLL CALL PRESENT: Mayor Chris W. Holloway (via remote-sick)
Vice Mayor Lori A. Cockrell (via remote-sick)
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
Clerk of Council Tina L. Presley

APPOINTED STAFF ABSENT: James E. Cornwell, Jr., Interim Town Attorney

Draft Memorandum of Agreement (MOA) of the Board of Supervisors and Town Council to Promote and Support Development in Front Royal, Virginia Regarding Building Code Enforcement

Councilman McFadden moved, seconded by Councilman Gillispie that Council approve the Memorandum of Agreement (MOA) between the Board of Supervisors and Town Council to promote and support development in Front Royal, Virginia regarding building code enforcement with one revision to #5 of the MOA that the agreement would continue until January 1, 2027, or can be terminated following a sixty (60) day written notice from the Town to the County. I further move that Council rescind Resolutions June 1, 2021 "Establishment of the Building Codes and Environmental Division"; December 13, 2021 "Updated June 1, 2021, Resolution"; December 13, 2021 "Appointment of Acting Building Official" and December 13, 2021 "Building Permit Fees for Residential and Commercial" upon full execution of the MOA from the Town Council and the Board of Supervisors.

Councilman McFadden reminded Council of the consensus between the Council and Board of Supervisors at their recently held joint meeting [March 3rd]. He explained that the agreement Council received today at 4:45pm from the Board of Supervisors had been revised and did not reflect the consensus.

Councilman Lloyd suggested that Council review the audio recording of the March 3rd meeting to clarify that a consensus was met which include five years or sixty days. The most current agreement states five years and then sixty days. He noted that Council has discussed a 50% subsidy of third-party inspections to go into effect April 1st if the Town were to continue with the Building Department.

Councilwoman Morris advised that she was ready to vote to give the Building Department back to Warren County but expressed dissatisfaction on receiving a revised agreement right before Council was to begin their meeting. She noted that the Town could counter but it would prolong the inevitable and agreed with Councilman Lloyd that the Town could compromise by the 50% subsidy of third-party inspections. She advised that she had called other localities about their fees and voiced disappointed by Warren County's fee schedule.

Councilwoman Thompson voiced her discouragement that the agreement is being "bounced" back and forth and suggested moving forward.

Councilman Gillispie advised that he supports "sending" the building department back to the County of Warren and that five years would be enough time for the Town to get the "bugs" worked out.

Vice Mayor Cockrell advised that fees are needed to cover the department and Warren County's fees currently do not. She noted that Town citizens are County citizens therefore they are paying taxes to subsidize the County Building Department.

Director of Planning Lauren Kopishke advised Council that since [January 3] there are 69 permits in the system and the department has received three complaints.

Councilman Lloyd asked to hear from George Cline of the Warren County Builders Association who was present in the audience. Mr. Cline advised Council of a 12-month agreement he was made aware of and voiced his frustration on the "ping pong" between the Town and County.

There was much continued discussion amongst Council until the Mayor called for a vote.

Councilman Lloyd disclosed that while he currently had no building plans he may in the future.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor Adjourned the Special Meeting at 10:49 P.M.

Approved by Town Council

Date: -----



TOWN COUNCIL WORK SESSION MINUTES

Monday, March 14, 2022 at 7:00 PM

Town Hall Conference Room

The following minutes are a summary of items on the agenda. Meeting can be viewed in its entirety at <https://www.frontroyalva.com/655/Meetings>

Town Manager Hicks confirmed, and it was verified that Mayor Holloway and Vice Mayor Cockrell were both attending the meeting remotely due to not feeling well.

Poes' River Edge LLL Special Use Permit Campground Facility – Director of Planning Lauren Kopishke gave a brief overview of the request for the special use permit as well as contingencies associated with the permit. She noted that there were no speakers at the Planning Commission Public Hearing, and they voted unanimously to refer it to the Town Council. Ms. Kopishke explained by-right usage and that the water issue has been worked out. Councilman Lloyd voiced his fear of campgrounds becoming permanent housing. It was noted that 180 days is allowed, and that the development would not begin until conditions were met. Councilman McFadden confirmed that transient taxes would be collected. Council agreed to move forward with a public hearing.

Deed of Partial Vacation of Easement Vacating the 20-foot Sewer Easement Located on 195 Toray Drive – Assistant Town Manager Kathy Leidich briefed Council on the vacation of the sewer easement at 195 Toray Drive. Council did not have any questions and moved it forward to a public hearing.

FY22-23 Proposed Annual Budget (Additional Discussion) – Finance Director BJ Wilson gave a brief overview of the budget reminding Council that the tax rate would remain the same with a public hearing scheduled on March 28th. Councilman Gillispie requested that a line item be added to include a Drug Court Coordinator for \$40,000.00. He noted that Valley Health and the Warren County Sheriff's Department would be contributing as well. Councilman Lloyd questioned the opioid settlement funds and how they could be used toward the coordinator position. It was noted that the specifications for use of the funds had not been released and there was no timeframe on when that would happen. Town Manager Steven Hicks explained in more depth about the contributions and how they would be distributed in the upcoming budget and for FY23-24. Police Chief Kahle Magalis voiced his support and gave a history and overview of the Drug Court, noting its success rate. Much discussion ensued and it was agreed to have Mr. Wilson bring back options for placement of the position in the upcoming budget at the next work session.

Ordinance Amendment to Town Code Chapter 134 Pertaining to Sewer Rates – Mr. Wilson gave an overview of the 2.25% increase in sewer rates that Council would be voting on at a public hearing on March 28th. He explained the increase was being used to repair infrastructure due to a DEQ consent order.

Vice Mayor Cockrell noted that she had other questions about the budget but for sake of time agreed to send them to Mr. Hicks to answer through email and for him to distribute to Council.

Discover Front Royal FY23 Budget and Draft Joint Tourism Memorandum of Agreement (MOA) – Mr. Hicks advised that the MOA in front of Council tonight was received in his office at 4:45pm with the highlighted revisions. He continued to go over the revisions noting the difference between what was discussed at the most recent joint meeting with the County of Warren on March 3rd and tonight. Councilwoman Morris voiced frustration on receiving a document so close to their meeting start time and suggested that going forward this did not happen again. She also voiced concern that the Board of Supervisors had not had a chance to view the MOA. Mrs. Cockrell suggested keeping the original wording of the MOA that was discussed at the joint meeting and Council agreed. Mr. Hicks will send back to Warren County with those sentiments.

Draft Resolution for Water and Sewer Services in the Route 340/522 Corridor for Commercial and Industrial Uses – Mrs. Cockrell confirmed that there would not be any additional costs. It was noted that any infrastructure will be done by the developer based off the study. Council agreed that the resolution would be placed on the March 28th agenda for formal approval.

Items Proposed Consent Agenda Items on March 28th Agenda: Mr. Hicks advised that the following items would be placed on the Consent Agenda for March 28th unless Council advised otherwise. Council had no questions on any item.

- Award Contract for Curb and Gutter Installation
- Duck Street Culvert Repair
- FY22 Budget Amendment to Accept Law Enforcement Block Grant
- Proclamation for Arbor Day
- Resolution for Submission of VA Smart Scale Pre-Application for the Happy Creek Road Phase II Project

Edgemont Avenue Street Name Change to Banks Boulevard, Street, Avenue – Councilwoman Thompson passed out information regarding the street name change that included a map, Town Code Section and petition from residents who lived along the street(s) who were in favor of the change. She explained that the name change would include a portion of Edgemont Avenue and Scranton Avenue and per the petition would be re-named to George E. Banks Avenue. Town Attorney advised that per state code the street name change would require a public hearing to approve an ordinance that would be recorded at the courthouse. It was also noted that all those affected would need to have their addresses changed. Councilman Gillispie suggested another way to honor Mr. Banks would be to place street signs along Commerce Avenue that would state George E. Banks Memorial Highway. It was noted that this would require only the approval of a Resolution by Council and the signs could be constructed in-house. He also suggested the placement of a memorial plaque to be installed at the Town Commons Area. The Clerk of Council Tina Presley noted the next public hearing would be April 25th as the public hearing would not meet the advertising guidelines for March 28th. There was not a consensus of Council to advertise for a public hearing.

Proposed Comprehensive Plan – New Urbanism Presentation – Mr. Lloyd gave Council a presentation on New Urbanism and asked that Leon Krier be invited to a work session in May.

Closed Meeting

Councilman McFadden moved, seconded by Councilman Gillispie that Town Council convene and go into Closed Meeting for the following 1) 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 Town Manager's performance in his role as Interim Building Code Official, Town Attorney position. Board of Zoning Appeals Vacancy and Environmental Sustainability Advisory Committee (ESAC) Vacancy, pursuant to Virginia Code §2.2-3711. A.1 of the Code of Virginia; and 2)with respect to a commercial enterprise located in the Town's corporate limits which the Town furnishes public utilities: (a.) 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 governmental unit would be adversely affected, pursuant to Virginia Code Section 2.2-3711.A.6 of the Code of Virginia; and, (b.) discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code §2.2-3711.A.29 of the Code of Virginia.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor Adjourned the Work Session and began their scheduled Special Meeting.

PRESENT: Mayor Holloway (remote-sick); Vice Mayor Cockrell(remote-sick), Councilmembers Gillispie, Lloyd, McFadden, Morris and Thompson, Town Manager Steven Hicks, Assistant Town Manager Kathy Leidich, Assistant Town Attorney George Sonnett, Finance Director BJ Wilson, Planning and Zoning Director Lauren Kopishke, Public Works Director Robbie Boyer and members of the public and press.

Approved by Town Council

Date: -----



Council Agenda Statement

Item #07A

Meeting Date: March 28, 2022

Agenda Item: PUBLIC HEARING – Special Use Permit for Campground Facility from Poe’s River Edge LLC

Summary: Council is requested to consider approval of a Special Use Permit application submitted by Poe’s River Edge, LLC requesting permission to operate a commercial recreation facility located at the western terminus of Kendrick Lane past the railroad trestle (Tax Map #20A1-3-5A1). The proposed facility will operate as a 200-site campground facility. The parcel is zoned I-2. Per Town Code Chapter 175-65.B. Commercial recreation facilities are permitted only with a Special Use Permit. Staff recommends approval of the Special Use Permit contingent upon the following conditions:

- Town Code requirements for water line access to the site are followed.
- The applicant provides a letter from the Virginia Department of Health stating septic facilities are adequate.
- The applicant provides hours of operation information to staff.
- All comments and requests from the Fire Marshal are adhered to.

The Planning Commission held a public hearing on the Special Use Permit request and there were no speakers. Letters were sent to adjoining property owners notifying them of the public hearing tonight.

Budget/Funding: None

Meetings: Planning Commission Meeting held February 16, 2022; Council Work Session held March 14, 2022

Proposed Motion: I move that Council approve a Special Use Permit for Poe’s River Edge, LLC to operate a 200-site campground commercial recreation facility on property located at the western terminus of Kendrick Lane (tax map #20A1-3-5A1) contingent upon the following conditions:

- Town Code requirements for water line access to the site are followed.
- The applicant provides a letter from the Virginia Department of Health stating septic facilities are adequate.
- The applicant provides hours of operation information to staff.
- All comments and request from the Fire Marshal are adhered to.

Moved _____ Seconded _____

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

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



STAFF REPORT FOR SPECIAL USE APPLICATION #FRSPU-3016-2021

APPLICATION #:

FRSPU-3016-2021

APPLICANT:

Poe's River Edge, LLC

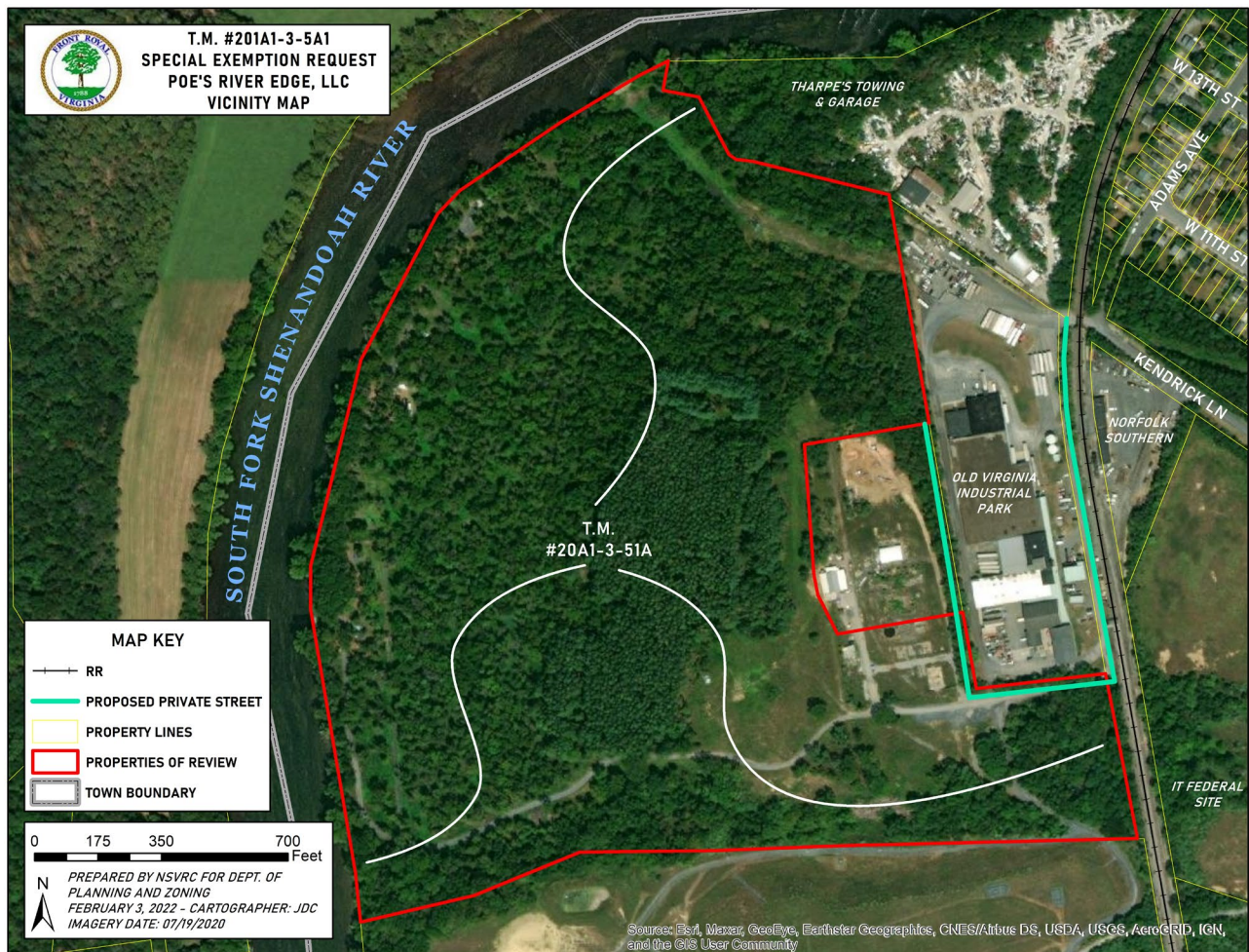
SUMMARY OF REQUEST:

A Special Use Permit Application was submitted by Poe's River Edge LLC for a new 200 site campground classified as a commercial recreation facility in the I-2 district per Code Chapter 175-65.B

GENERAL INFORMATION:

Property Owner(s)	Poe's River Edge, LLC
Existing Zoning	I-2 Industrial Employment District
Tax Identification	T.M. #20A1-3-5A1
Location	The property is located at the western terminus of Kendrick Lane past the railroad trestle, between the Southfork Shenandoah River to the west and the Norfolk Southern Railroad to the east.
Surrounding use and Zoning	The properties of review are abutted by properties classified as either I-2 Industrial Employment District or MCD Mixed-Use Campus Development District. Most of the immediately adjoining properties are industrial use-oriented businesses, except for the former Avtex site to the south which is a vacant lot.
Comprehensive Plan review	The properties of review are located within the South Fork Industrial Planning Area per the 1997 Comprehensive Plan Front Royal Planning Areas map. However, the parcels of review are excluded from the South Fork Industrial Planning Area Existing Land Use map (dated January 1997) and Future Land Use map (dated September 1997) due to their proximity to the former Avtex Fibers site which is an Environmental Protection Agency designated Superfund Site.

VICINITY MAP



Background, Analysis, and Staff Findings

Poe's River Edge LLC is seeking approval for a 200 site campground facility. The facility will permit camping for up to 180 consecutive days and will operate year round. The facility will be accessed by an 18' wide access road and be constructed in phases based on approval from the Health Department stating that septic facilities are adequate. The site will be served by water and the Applicant has agreed to abide by all Town Code requirements for water provisions.

The Special Use Permit Application was submitted for a new, commercial recreation facility in the I-2 district per Code Chapter 175-65.B. The Zoning administrator determined that the Applicant's request for a campground would require a Special Use Permit because a campground can be considered a commercial recreation facility. Chapter 175.10.4 of the Zoning Ordinance states

"Commercial outdoor recreation, including athletic and park facilities, amphitheaters, stadiums, botanical gardens, campgrounds and seasonal recreational facilities, subject to the standards of Section 175-10.10.D"

A Special Use Permit application cannot be approved until the Planning Commission holds a public hearing to review and provide a recommendation to Town Council per 175-136.

Although this outdoor recreational facilities is located in the I-2, staff believes the requirements outlined 175-10.10.D are still applicable.

Review and comment of proposed private street per Section 175-10.10.D requirements:

1. A minimum of 50% of the lot area shall be designated as open space.

Staff Comment: Per the submitted plan, this requirement is met.

2. Buildings and structures used in association with outdoor recreation, hospital, school and churches shall be setback from adjoining property lines by a distance of 200 feet, except that the setback specified under Section 175-10.6 shall apply along property lines abutting a public road or the Shenandoah River.

Staff Comment: The submitted plan shows the location of proposed buildings and/ or other structures at sufficient distances from the property lines.

3. Amphitheaters, stadiums and other similar activities that involve the outdoor gathering of large groups of people shall submit a traffic impact study for evaluation by the Town during the special use permit application process if the total number of attendees is anticipated to exceed 2,500 persons. Gatherings of people above 2,500 may only be permitted by the Town on a temporary basis.

Staff Comment: Not applicable to this application, the number of campers will not exceed 2500 people.

4. All outdoor lighting shall be reviewed and approved during the special use permit process. If outdoor lighting is authorized by special use permit, such lighting shall be designed so that light fixtures and the light that they emit minimize light glare to adjoining properties and the night-sky.

Staff Comment: Staff will include a condition stating that lighting will adhere to Town Code requirements.

5. Campgrounds, and similar facilities, shall comply with all requirements of the Virginia Department of Health, except that in no circumstance shall a campground not be provided with public bathroom facilities with either public utilities or an approved independent well and sanitary sewer system.

Staff Comment: Staff will include a condition stating that Virginia Department of Health requirements will be adhered to.

6. The hours of operation for outdoor activities shall be defined on any special use permit that may be approved by the Town.

Staff Comment: The Applicant will provide hours of operation prior to the issuance of Building permits.

Staff Recommendation:

Staff recommends conditional approval of the private street provided that:

- 1.) Town Code requirements for water line access to the site are followed
- 2.) The Applicant provides a letter from the Virginia Department of Health stating septic facilities are adequate.
- 3.) The Applicant provides hours of operations information to staff.
- 4.) All comments and requests from the Fire Marshall are adhered to.

Attachments:

- A. Application Forms
- B. Campground Plan
- C. Comments from the Fire Marshall



COUNTY OF WARREN

Department of Fire & Rescue Services

200 Skyline Vista Drive, Suite 200

Front Royal, Virginia 22630

Phone: (540) 636-3830

Fax: (540) 636-9986

Email: jbonzano@warrencountyfire.com

James G. Bonzano, II
Fire Chief

Memorandum

BOARD OF SUPERVISORS

CHAIRMAN
Cheryl L. Cullers
*South River
District*

VICE CHAIR
Archie A. Fox
*Fork
District*

Tony F. Carter
*Happy Creek
District*

Delores R. Oates
*North River
District*

Walter J. Mabe
*Shenandoah
District*

Dr. Edwin Daley
County Administrator

TO: Lauren Kopishke, Director of Planning

FROM: Gerry R. Maiatico, Fire Marshal

DATE: February 10, 2022

SUBJECT: TFR SUP – Kendrick Lane Campground

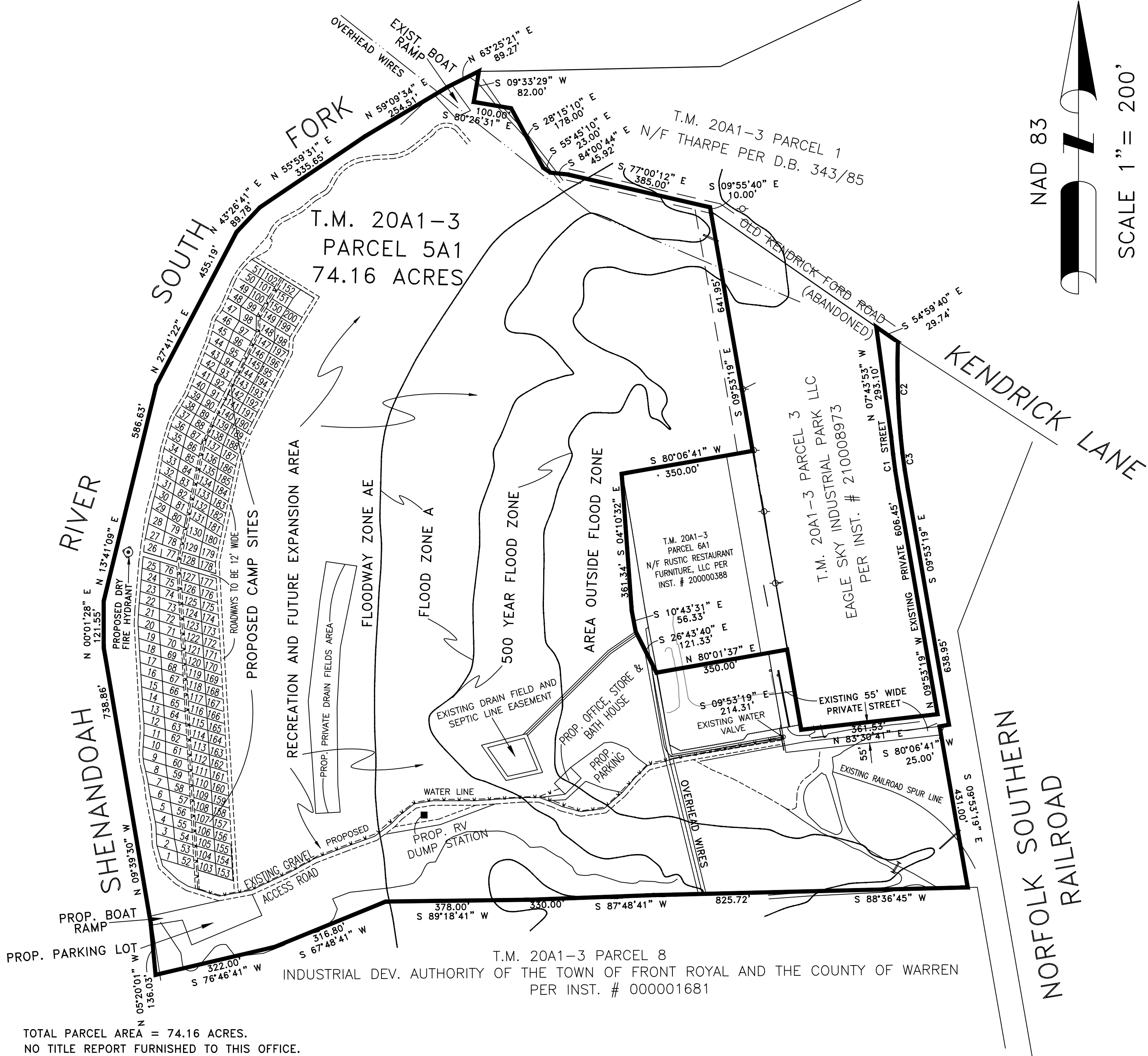
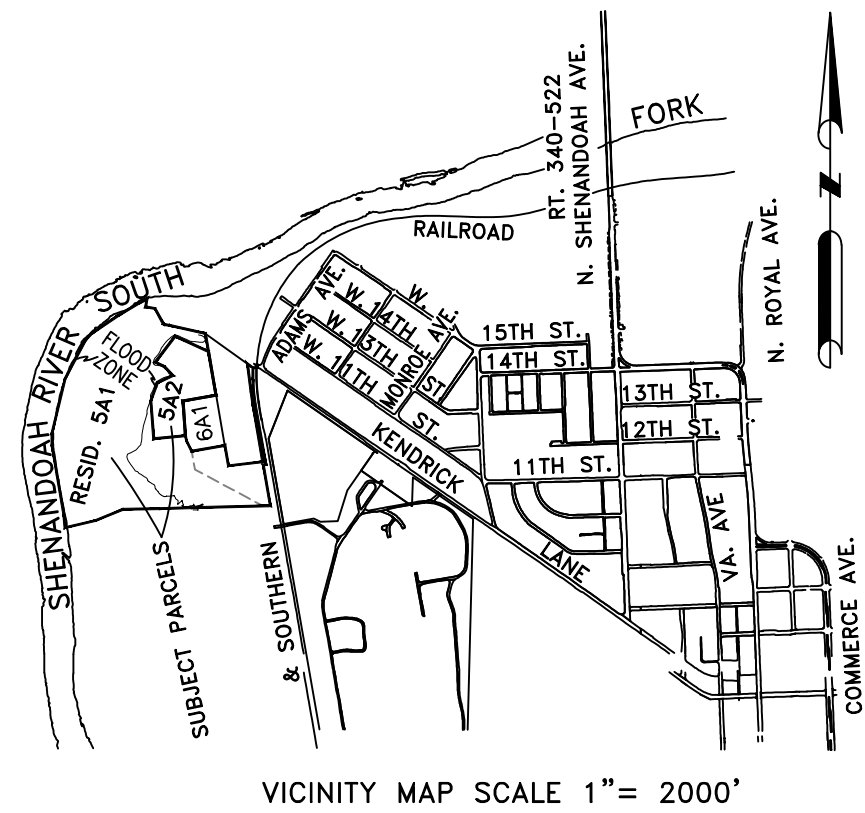
After review and discussion of the proposed campground on Kendrick Lane identified by Tax Map No. 20A1-3-5-A1 the following comments are offered by the Department of Fire and Rescue Services:

1. Access roads shall meet width standards to ensure fire apparatus access. The applicant has offered 18-foot-wide primary access roads with 12 foot wide one way roads between campsites. Additionally, a cut through road should be provided at minimum in the middle of the site. All roads shall provide all weather access.
2. A means for fire suppression water should be provided for the campsites. This can be achieved through provided a dry fire hydrant that meet fire and rescue standards or by providing municipal fire hydrants on the TFR System.
3. The evacuation plan for flood events should be submitted to the Warren County Office of Emergency Management for review and comment to ensure river monitoring and notifications meet standards consistent with local standards.

Should you require any additional information, please feel free to contact me.

CAMPGROUND TO BE ACCESSED FROM KENDRICK LANE ALONG AN EXISTING PRIVATE STREET.
A PROPOSED 1 STORY AND BASEMENT OFFICE/STORE/BATHHOUSE TO BE CONSTRUCTED AS SHOWN.
A PROPOSED RV DUMPSTATION CONNECTED TO PRIVATE DRAIN FIELD WILL BE PROVIDED AS SHOWN.

TOTAL NUMBER OF PROPOSED CAMP SITES SHOWN = 200.
MINIMUM PROPOSED CAMP SITE SIZE = 30' X 45'.
ACCESS ROADS BETWEEN CAMP SITES TO BE 12' WIDE.
MAIN ACCESS ROADS TO CAMP SITES TO BE 18' WIDE.
CAMP SITES WILL BE FOR RV, TRAILER AND TENT CAMPING.
CAMP SITES WILL BE SERVED BY:
TOWN WATER IN ACCORDANCE WITH TOWN METERING AND SUPPLY REGULATIONS.
ESTIMATED DAILY WATER USE FOR AN RV SITE IS 30 GALLONS PER DAY.
SEWER FROM PRIVATE DRAIN FIELD SITES TO BE ENGINEERED TO ACCOMODATE CAMP SITES,
BATHHOUSE, RV DUMPSTATION, STORE AND APPROVED BY WARREN COUNTY HEALTH DEPT.
ELECTRIC FROM TOWN OF FRONT ROYAL ELECTRIC SERVICE.
EACH CAMP SITE UTILITY HOOKUP TO BE IN CONFORMANCE WITH FLOOD PROOFING REQUIREMENTS.

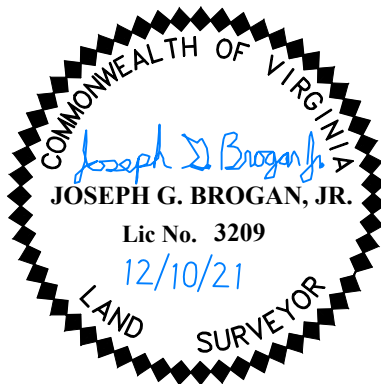
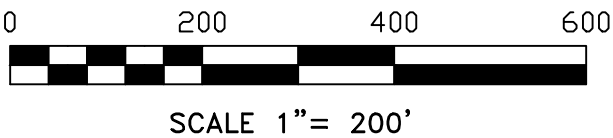


TOTAL PARCEL AREA = 74.16 ACRES.
NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: POE'S RIVER EDGE LLC
PER INSTRUMENT # 180004663.
PROPERTY ZONED I-2.
FEMA FLOOD ZONES PER FIRM MAP NO. 51187C0112C
EFFECTIVE DATE JUNE 3, 2008.

PLAT SHOWING PROPOSED CAMP GROUND
ON TAX MAP 20A1-3 PARCEL 5A1
FORK MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

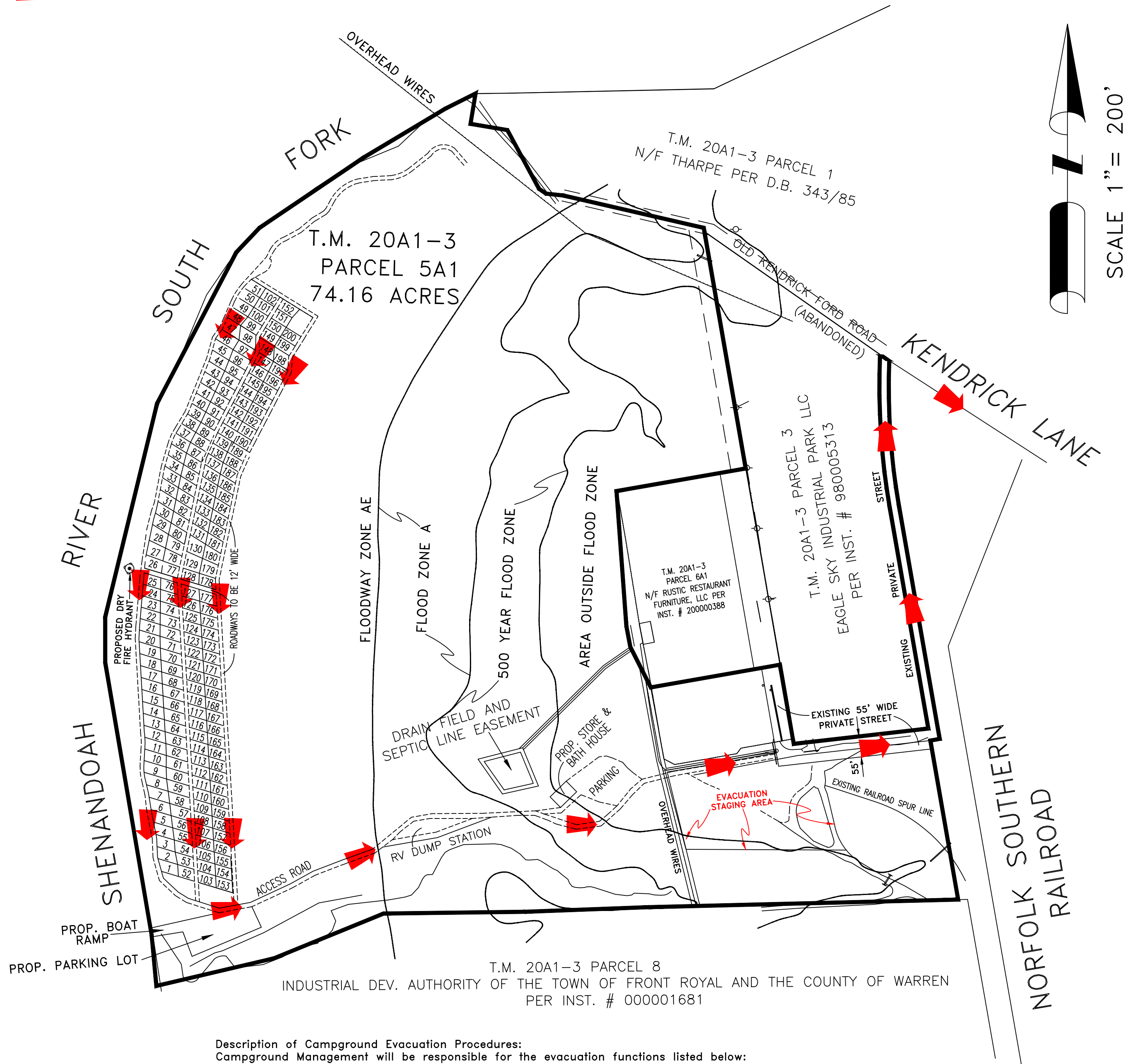
PREPARED BY
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578, FRONT ROYAL, VA. 22630
tel&fax (540) 635-5657
DECEMBER 10, 2021

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1695.30'	134.14'	134.10'	N 07°37'19" W	4°32'00"
C2	1943.08'	248.47'	248.30'	N 01°41'31" W	7°19'36"
C3	1670.30'	132.16'	132.12'	S 07°37'19" E	4°32'00"



↑ DENOTES EVACUATION DIRECTION ARROW.

EVACUATION PLAN



Description of Campground Evacuation Procedures:

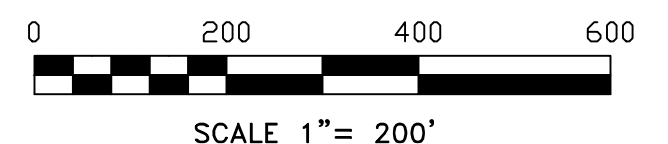
Campground Management will be responsible for the evacuation functions listed below:

1. Inform each guest of the impending disaster, if any is known. Notice shall be verbal if possible or else by public address using megaphone.
2. If Campground Management is aware of any special needs for fragile, handicapped, elderly or disabled individuals within the facility, staff will try to assist these individuals to the best of their abilities in the particular situation. However, it will be each persons responsibility to care for themselves in all cases.
3. Prior to any advance warning for evacuation, guests will be advised that all propane devices be isolated and shut-off, all electrical and water hookups be disconnected, all doors, windows and all property located outside their RV unit be secured, and leave immediately to the predetermined location.
4. Transportation of campground guests and RVs will NOT the responsibility of Campground Management. The most current contact information for local taxi and towing services will be posted at the office for guests to make contact and arrange transport as needed. In the event of possible harm to persons in an emergency, Campground Management will use best judgment to assist in the transport of persons only, (no personal property), off site to a safer location if available.
5. Campground Management will monitor potential Flood Forecasts via the National Weather Service, State and Local Emergency Service announcements. Online flood gauges will be monitored and local emergency services will be consulted to determine any threat of Flooding. The River Banks on Subject Property are between 8 and 12 feet higher than the river level so the risk of flash flooding from a fast moving storm is minimal.

Evacuation Route Procedures will be as follows:

The Campground is accessed via a 2 lane roadway from Kendrick Lane which will be kept open to traffic, any gates will remain open to allow traffic flow in the event of an emergency.

Camp sites on the Southern end will evacuate first and a staging area situated outside the Fema Flood Zone will be available to avoid any bottle neck situations while exiting the campground.



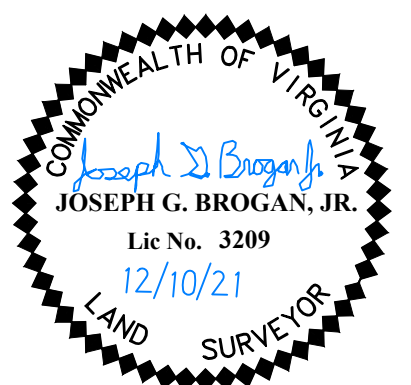
PLAT SHOWING PROPOSED CAMP GROUND
ON TAX MAP 20A1-3 PARCEL 5A1

FORK MAGISTERIAL DISTRICT

TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

SHEET 2 OF 2

PREPARED BY
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578, FRONT ROYAL, VA. 22630
tel&fax (540) 635-5657
DECEMBER 10, 2021





Council Agenda Statement

Item #07B

Meeting Date: March 28, 2022

Agenda Item: PUBLIC HEARING – Partial Vacation of an Existing 20' Sanitary Sewer Easement at 195 Toray Dr

Summary: Council is requested to consider approval of a Deed of Partial Vacation of Easement between the Town of Front Royal and Lispen, LLC for a 20' sanitary sewer easement located at 195 Toray Drive (Tax Map #12-G-1-2-1A1), pursuant to Virginia Code §15.2-1800(B). The Deeds of Easement were approved by Council on February 28, 2022. It was determined by staff that the partial vacation required a public hearing to complete the process.

Budget/Funding: None

Meetings: Work Session held March 14, 2022

Proposed Motion: I move that Council approve a Deed of Partial Vacation of Easement between the Town of Front Royal and Lispen, LLC for a 20' sanitary sewer easement located at 195 Toray Drive (Tax Map #12-G-1-2-1A1). I further move that the Mayor and Town Staff execute all necessary documents, as presented.

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 1(A)(3).

This **DEED OF PARTIAL VACATION OF EASEMENT**, made this ___ day of _____, 2022 (this “Agreement”), is by and between the **TOWN OF FRONT ROYAL, VIRGINIA**, a body politic, Grantor (the “Town”) and **LISPEN, LLC**, a Virginia limited liability company, Grantee (“Property Owner”).

W I T N E S S E T H:

WHEREAS, Property Owner dedicated to public use certain easements for water and sewer (the “Existing Easements”) as shown and depicted 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”);

WHEREAS, Property Owner has requested, and the Town has agreed to vacate a portion of the public sanitary sewer easement dedicated on the 2017 Plat, all on the terms set forth in this instrument; and

WHEREAS, the proposed partial vacation of easement crosses a portion of the property 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 (the “Property”), and Property Owner is the fee simple owner of the Property as of the date hereof.

NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged:

PARTIAL VACATION OF SANITARY SEWER EASEMENT

The Town, pursuant to resolution of Town Council passed on _____, 20____, following a duly advertised public hearing, does hereby vacate and release, and quitclaims to Property Owner, that portion of the Existing Easements shown as “20’ Sanitary Sewer Easement Inst. # 180000929 Hereby Vacated” on the attached plat dated February 21, 2022, prepared by Hal T. Benner, L.S., entitled “Vacation of a 20’ Sanitary Sewer Easement on Tax Parcel 12-G-1-2-1A1” (the “Vacation Plat”), and all sanitary sewer facilities located therein. No other portion of the Existing Easements is vacated by this instrument.

SIGNATURE PAGE FOLLOWS.

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

APPROVED AS TO FORM:

James E. Cornwell, Jr., Interim Town Attorney

Date: _____

TOWN:

TOWN OF FRONT ROYAL, VIRGINIA

By: _____ (SEAL)
Chris W. Holloway, Mayor

ATTEST:

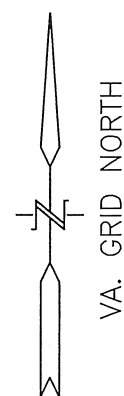
Tina Presley, Clerk of Council

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

I, _____, a Notary Public in and for the State and County aforesaid, do hereby certify that Chris W. Holloway, 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.

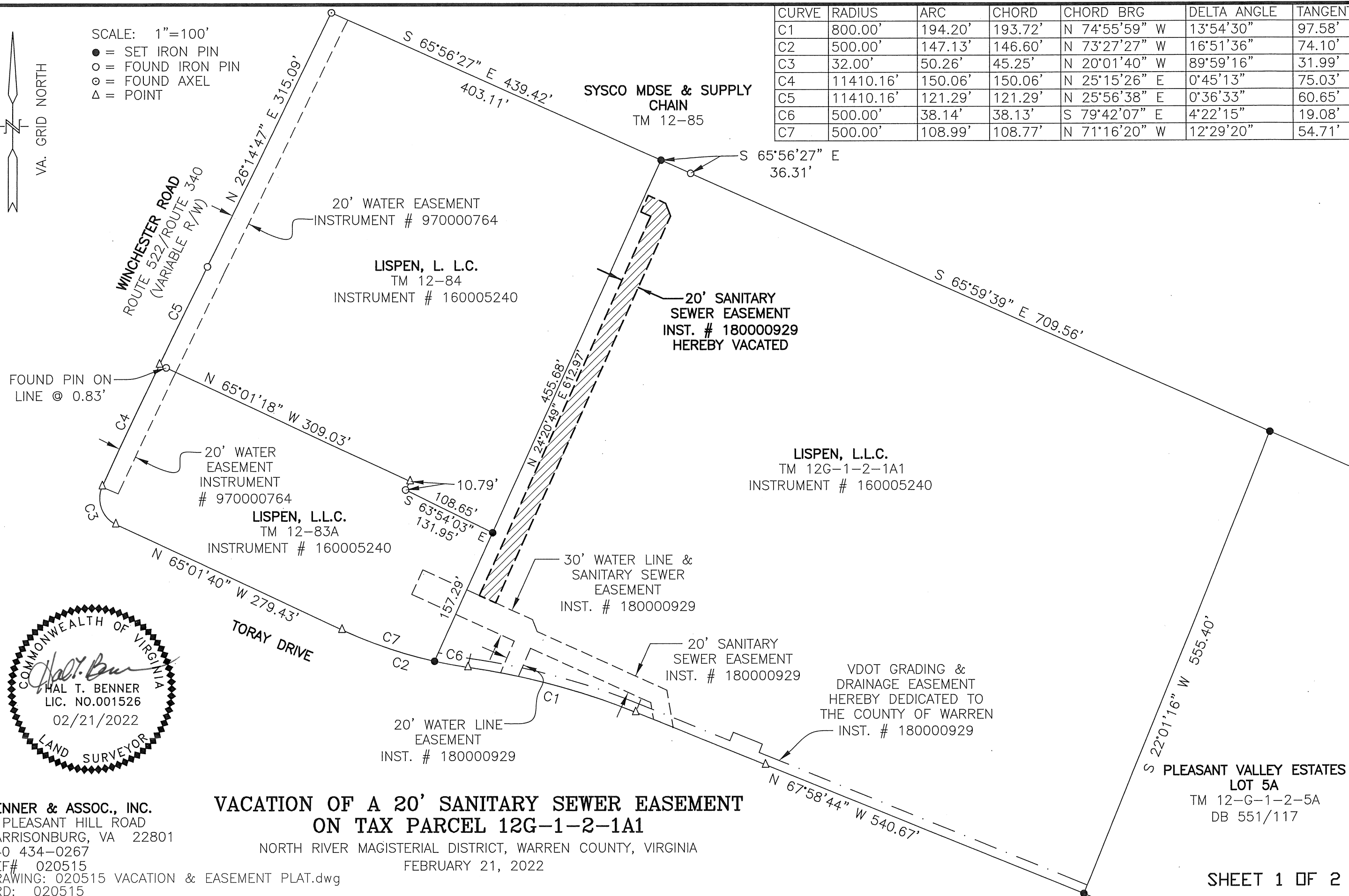
[SEAL]

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



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

CURVE	RADIUS	ARC	CHORD	CHORD BRG	DELTA ANGLE	TANGENT
C1	800.00'	194.20'	193.72'	N 74°55'59" W	13°54'30"	97.58'
C2	500.00'	147.13'	146.60'	N 73°27'27" W	16°51'36"	74.10'
C3	32.00'	50.26'	45.25'	N 20°01'40" W	89°59'16"	31.99'
C4	11410.16'	150.06'	150.06'	N 25°15'26" E	0°45'13"	75.03'
C5	11410.16'	121.29'	121.29'	N 25°56'38" E	0°36'33"	60.65'
C6	500.00'	38.14'	38.13'	S 79°42'07" E	4°22'15"	19.08'
C7	500.00'	108.99'	108.77'	N 71°16'20" W	12°29'20"	54.71'



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

**VACATION OF A 20' SANITARY SEWER EASEMENT
ON TAX PARCEL 12G-1-2-1A1**

NORTH RIVER MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA
FEBRUARY 21, 2022

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



Council Agenda Statement

Item #07C

Meeting Date: March 28, 2022

Agenda Item: PUBLIC HEARING - Approval of Real and Personal Property Tax Rate for FY2022-2023

Summary: Council is requested to consider approval of the real property tax rate for Fiscal Year 2022-2023 at \$0.13 per \$100 assessed value, which represents no increase over the current year's rates and has remained near \$0.13 since 2014; and the personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase since 2014; the personal property tax relief rate (PPTR) for qualifying vehicles at a rate of 49% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524.

Budget/Funding: FY23 proposed revenues have been budgeted based upon tax rates remaining the same and personal property tax relief being adjusted to 49% for qualifying vehicles.

Meetings: Work Session held February 2, 2022

Proposed Motion: I move that Council approve the real property tax rate for Fiscal Year 2022-2023 at \$0.13 per \$100 assessed value, which represents no increase over the current year's rates and has remained near \$0.13 since 2014; and the personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase since 2014; the personal property tax relief rate (PPTR) for qualifying vehicles at a rate of 49% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524.

Moved _____ Seconded _____

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



Council Agenda Statement

Item #07D

Meeting Date: March 28, 2022

Agenda Item: PUBLIC HEARING – Ordinance to Amend/Re-enact Chapter 134 Pertaining to an Increase in Sewer Service Rates

Summary: Council is requested to consider approval of an ordinance to amend and re-enact Front Royal Town Code Sections 134-22.1 and 134-22.4 that would increase sewer service rates, as presented. Upon approval the ordinance would be effective July 1, 2022. The Town's legal authority to impose such fees and rates for sewer service can be found in Virginia Code §15.2-2119, §15.2-2111 and §15.2-2122.

NOTE: The increase of approximately 2.25% was recommended based upon the Town consultant's updated water and sewer rate analysis and using funds from the American Rescue Plan Act (ARPA) for major water and sewer capital projects. Typically, residential accounts use approximately 5,500 gallons of sewer monthly. Currently the monthly charge for 5,500 gallons of sewer usage is \$54.58; the recommended rate increase would equate to a monthly charge of \$55.82; an increase of \$1.24 monthly.

Budget/Funding: Sewer rate increase has been incorporated into the FY23 Proposed Budget

Meetings: Work Session held March 14, 2022, and other budget discussions.

Proposed Motion: I move that Council approve an ordinance to amend and re-enact Front Royal Town Code Sections 134-22.1 and 134-22.4 that would increase sewer service rates effective July 1, 2022, as presented.

Moved _____ Seconded _____

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

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE
CHAPTER 134-22.1 AND 134-22.4 PERTAINING TO SANITARY SEWER SERVICE RATES**

134-22.1 SANITARY SEWER SERVICE RATES

The monthly base rates for sanitary sewer service usage shall be as follows:

A. Base rate, up to three thousand (3,000) gallons per month: ~~seventeen dollars and thirty-three cents (\$17.33)~~ **seventeen dollars and seventy-two cents (\$17.72).**

B. All sanitary sewer service usage exceeding three thousand (3,000) gallons per month: ~~fourteen dollars and ninety cents (\$14.90)~~ **fifteen dollars and twenty-four cents (\$15.24)** per month, for each one thousand (1,000) gallons thereafter.

134-22.4 SEWER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES

A. In-Town Laundries: The monthly rates for sewer service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

1. All sanitary sewer service usage for the first one hundred thousand (100,000) gallons: ~~fifteen dollars and ninety-eight cents (\$15.98)~~ **sixteen dollars and thirty-four cents (\$16.34)** per one thousand (1,000) gallons.

2. All sanitary sewer usage from one hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: ~~fourteen dollars and fifty-two cents (\$14.52)~~ **fourteen dollars and eighty-five cents (\$14.85)** per one thousand (1,000) gallons.

3. All sanitary sewer service usage above five hundred thousand (500,000) gallons: ~~thirteen dollars and eighty cents (\$13.80)~~ **fourteen dollars and eleven cents (\$14.11)** per thousand (1,000) gallons.

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

Amber F. Morris __ Yes __ No

Gary L. Gillispie __ Yes __ No

Letasha T. Thompson __ Yes __ No

E. Scott Lloyd __ Yes __ No

Joseph E. McFadden __ Yes __ No

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

Approved as to form and legality:

George Sonnett, Assistant Town Attorney

Date: ____/____/____



Council Consent Agenda Statement

Item # 10A

Meeting Date: March 28, 2022

Agenda Item: Award Contract for Curb and Gutter Installation

Summary: Council is requested to consider approval of a bid for a curb and gutter installation contract in the amount of \$414,882.00 to Imperio Construction.

Budget/Funding: Funding is available in line item: 4500-47927 Highway Maintenance Street Reconstruction

Meetings: Work Session held March 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 a bid for a curb and gutter installation contract in the amount of \$414,882.00 to Imperio Construction.

Moved _____ *Seconded* _____

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



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: March 14, 2022
To: Tina Presley, Senior Executive Assistant
From: B.J. Wilson, Director of Finance
RE: Request to add action item to Town Council Agenda

Purchasing received a request from the Department of Public Works' Streets Division to competitively bid out firm fixed pricing for curb and gutter installation services. On March 9th, 2022, I held a public bid opening and received nine (9) bids, of which three (3), were deemed non-responsive in accordance with the Virginia Public Procurement Act.

Town staff has reviewed the submitted bids and recommends awarding the curb and gutter installation contract in the amount of \$414,882.00 to Imperio Construction out of Falls Church, VA, the lowest responsive and responsible bidder.

Please find attached the bid tabulation, recommendation letter, and contract for services. Please add this consent item to Council's March 28th, 2022 Regular Town Council Meeting.

Funding has been budgeted for and is available in the following line items: 4500-47927 Highway Maintenance Street Reconstruction.

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

Memo



Town of Front Royal Public Works

TO: BJ Wilson, Director of Finance
FROM: Steve Scheulen, Infrastructure Manager
CC: Robert Boyer, Director Public Works
DATE: March 14, 2022
RE: Curb & Gutter Bid

Public Works has reviewed and approved bid results for the 2022 curb & gutter bid. Staff requests to move forward with award to Imperio Construction.

Funding will be covered under 4500-7927 Street Reconstruction.

Steve Scheulen, Infrastructure Manager

(Steve Scheulen)

Robert Boyer

Robert B. Boyer

Town of Front Royal, VA IFB #03-2022 CURB & GUTTER INSTALLATION BID/PROPOSAL OPENING DATE: 3/9/2022 BID/PROPOSAL OPENING TIME: 2:00 PM											
		*RISING SUN INC. MARSHALL,VA	*WILLY GENERAL CONTRACTORS LLC CHESTERFIELD, VA	IMPERIO CONSTRUCTION FALLS CHURCH,VA	*M&F CONCRETE INC. MANASSAS, VA	ESPINA PAVING INC. WOODBIDGE,VA	NORTH CONSTRUCTION INC. ASHBURN,VA	FINLEY ASPHALT & SEALING MANASSAS,VA	BUSHONG CONTRACTING CORP. WOODSTOCK,VA	BRIGHT CONTRUCTION GROUP FAIRFAX, VA	ASBURN CONTRACTING CORP. STERLING, VA
QTY	ITEM DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
9,000 LF	PER LINEAR FOOT INSTALLATION OF CG-6 CURB & GUTTER PER TECHNICAL SPECIFICATIONS			\$41.97/LF		\$105.00/LF	\$107.00/LF	\$57.69/LF	\$60.48/LF	\$60.00/LF	\$48.00/LF
SUBTOTAL				\$377,730.00		\$945,000.00	\$963,000.00	\$519,210.00	\$544,320.00	\$540,000.00	\$432,000.00
100 LF	REMOVAL OF EXISTING CURB			\$11.97/LF		\$49.00/LF	\$1.00/LF	\$57.69/LF	\$35.00/LF	\$106.85/LF	\$25.00/LF
SUBTOTAL				\$1,197.00		\$4,900.00	\$100.00	\$5,769.00	\$3,500.00	\$10,685.00	\$2,500.00
1,500 SQ/FT	PER SQUARE FOOT INSTALLATION OF CG-9 CONCRETE APRONS TECHNICAL SPECIFCATIONS			\$23.97/SQ-FT		\$14.50/SQ-FT	\$19.60/SQ-FT	\$22.15/SQ-FT	\$11.95/SQ-FT	\$24.00/SQ-FT	\$18.00/SQ-FT
SUBTOTAL				\$35,955.00		\$21,750.00	\$29,400.00	\$33,225.00	\$17,925.00	\$36,000.00	\$27,000.00
Total Bid		Non-Responsive	Non-Responsive	\$414,882.00	Non-Responsive	\$971,650.00	\$992,500.00	\$558,204.00	\$565,745.00	\$586,685.00	\$461,500.00

*DENOTES NON-RESPONSIVE BID
The VENDOR SPREAD SHEET is generated from the initial, raw information collected. No award decision has been made.

Prepared by: BJ Wilson, VCA

CONSTRUCTION AGREEMENT

AGREEMENT (sometimes referred to as "Town/Contractor Agreement" or "Agreement") made as of the _____ day of _____, _____.

BETWEEN the Town of Front Royal, acting by and through its Town Council (the "Owner" or "Town"), Virginia, and

The Contractor: IMPERIO CONSTRUCTION LL
7900 SYCAMORE DRIVE
FALLS CHURCH, VIRGINIA 22042

The Project: IFB#03-2022 CURB & GUTTER INSTALLTION

The Town and the Contractor agree as set forth below.

Article 1

The Contract Documents

- 1.1 The Contract Documents include the Advertisement or Invitation for Bids, Request for Proposals, Information for Bidders, Town of Front Royal/Contractor Agreement, the Conditions of the Contract (General and Supplementary), the Drawings, the Specifications to include any Surveys, Bids, Bonds, Notice of Award, and all Addenda issued prior to and all Modifications issued after execution of the Agreement. These form the Contract and are as fully a part of the Contract as if attached to the Agreement.

Article 2

Statement of the Work

- 2.1 The Contractor shall furnish all supervision, labor, materials and equipment needed for the construction of the Project, as required by the contract documents.

Article 3

Contract Time and Liquidated Damages

- 3.1 Time is of the essence. The work to be performed under this Contract shall commence within thirty (30) calendar days after issuance of the Notice to Proceed.
- 3.2 In case the Contractor shall fail to finally complete the work hereunder in accordance with the Specifications and to the satisfaction of the Owner within the time stated in the Owner/Contractor Agreement or any written extension thereof by the Owner, the Contractor shall and will pay to the

Due to the parties' inability to estimate the Owner's actual damages with precision, the sum is hereby agreed upon, fixed and determined by the parties hereto as the liquidated damages that the Owner will suffer by reason of said delay, default and inability to use said improvements at the time specified for completion, and not as a penalty. Owner shall and may deduct and retain the amount of such liquidated damages out of any monies, which may be due or become due from it to the Contractor.

Contract Price and Payments to the Contractor

- Owner's Authorized Representative**

- ## Notice

- The Contractor: IMPERIO CONSTRUCTION LLC
7900 SYCAMORE DRIVE
FALLS CHURCH, VIRGINIA 22042

Article 7
Miscellaneous

- 7.1 **Services Rendered:** Contractor shall complete, maintain, and submit to the Town all records and reports and lists of services rendered when such services are rendered.
- 7.2 **Licenses and Permits:** Contractor agrees that it has procured all licenses, permits, or other like permission required by law to conduct or engage in the activity provided for in this Contract; that it will procure all additional licenses, permits, or like permission required by law during the term of this Contract; and that it will keep such licenses, permits, and permissions in full force and effect during the term of this Contract.
- 7.3 **Taxes:** Contractor shall pay all County, Town, State, and Federal taxes required by law and resulting from the work or traceable thereto, under whatever name levied. Said taxes shall not be in addition the Contract price between the Town of Front Royal and Contractor, as the taxes shall be solely an obligation of the Contractor and not the Town, and the Town shall be held harmless for same by the Contractor.
- 7.4 **Independent Contractor:** Contractor understands and agrees that the relationship of service provider to the Town arising out of this Contract shall be that of independent contractor. It is understood that the Contractor, or its staff and employees, are not employees of the Town and are, therefore, not entitled to any benefits provided employees of the Town. Contractor shall be responsible for reporting and accounting for all State, Federal, Social Security, and local taxes where applicable.
- 7.5. **Business License Requirement:** If a business is located within the Town of Front Royal, it is unlawful to conduct or engage in that business without obtaining a business license
- 7.6 **Non-Discrimination:** During the performance of this contract, the Contractor agrees as follows:
- a. The Contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or natural origin, age, disability, or any basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Contractor. The Contractor agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this nondiscrimination clause.
 - b. The Contractor in all solicitations or advertisements for employees placed by or on behalf of the Contractor will state that the Contractor is an equal opportunity employer.
The Town of Front Royal does not discriminate against faith-based organizations.
 - c. Notices, advertisements, and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purposes of meeting the requirements of this section.
 - d. The Contractor agrees to provide a drug-free workplace for the Contractor's employees and applicants for employment; to post in conspicuous places, available to employees

and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of controlled substances or marijuana is prohibited in the Contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; and state in all solicitations or advertisements for employees placed by or on behalf of the Contractor that the Contractor maintains a drug-free workplace. For the purpose of this paragraph, "drug-free workplace" means a site for the performance of work done in connection with the Contract awarded to a Contractor in accordance with this procurement transaction.

The Contractor will include the provisions of the foregoing paragraphs a, b, c, and d in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

- 7.7 **Compliance with Federal Immigration Law:** The Contractor does not and shall not during the performance of a Contract for goods and services in the Commonwealth, knowingly employ an unauthorized alien as defined in the Federal Immigration Reform and Control Act of 1986.
- 7.8 **Compliance with State Law:** The Contractor shall comply with Section 2.2-4311.2 of the Code of Virginia pertaining to foreign and domestic businesses authorized to transact business in the Commonwealth.
- 7.9 **Termination for Cause:** The Contractor may be terminated by the Town upon fifteen (15) days written notice to the Contractor to the address on record, in the event of substantial failure or default of the Contractor to perform in accordance with the terms hereof, through no fault of the Town.
- 7.10 **Termination for Convenience:** The obligation to provide further services under the Contract may be terminated by the Town for its convenience and not for cause upon fifteen (15) days written notice. The Contractor shall be compensated for work performed through the date of termination and for termination expenses, including any expenses directly attributable to termination and for which the Contractor is not otherwise compensated. Termination expenses shall not, however, include loss profits on services not performed as a result of such termination for convenience.
- 7.11 **Notice:** Any notice which is required to be given, or which may be given under the Contract, shall be sent to those mailing addresses noted within the first page of the contract.
- 7.12 **Non-Assignability:** The Contractor understands that the Contract is a contract for professional services of the Contractor and that it is made by the Town in reliance on the Contractor's skills and knowledge in the activity to be conducted and as represented by the Contractor. Accordingly, the Contract is non-assignable by Contractor without the express written advance permission of the Town.

- 7.13 **Insurance:** The Contractor shall procure and maintain general liability insurances shown below, with the Town named as “Additional Insured”, for protection from claims arising out of performance of services caused by a negligent, reckless, or willful error, omission or act for which Contractor is legally liable. The Contractor shall deliver to the Town upon execution of the Contract certificates of such insurance. Such insurance shall provide for coverage in the following amounts and be effective through the date of the end of the Project unless as further specified in general or supplemental conditions prepared by the Engineer and made a part of this Agreement:

Comprehensive General Liability: \$1,000,000 minimum per incident

Automobile Liability: \$1,000,000 bodily injury and \$1,000,000 property damage

Workers Compensation: As required by law

- 7.14 **Indemnification:** Service Provider agrees to defend, indemnify, and hold harmless the Town of Front Royal and its members of Council, officers, directors, agents, employees and volunteers against any and all claims of injuries, death, damage to property, theft, patent claims, suits, liabilities, judgements, costs and expenses (including reasonable attorney fees) which may otherwise accrue against the Town in consequence of the granting of a Contract which may otherwise result therefrom, if it shall be determined that the act was caused through negligence or error, or omission of the Service Provider or his or her employees, or that of the Subcontractor or his or her employees, if any; and the Service Provider shall, at his or her own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith; and if any judgement shall be rendered against the Town in any such action, the Service Provider shall, at his or her own expense, satisfy and discharge the same. The Service Provider expressly understands and agrees that any performance bond or insurance protection required by this Contract, or otherwise provided by the Service Provider shall in no way limit the responsibility to indemnify, keep and save harmless and defend the Town as herein provided. The provisions of this section shall survive the completions, terminations or expiration of the Contract.
- 7.15 **Entire Contract:** The Contract constitutes the entire agreement between the parties pertaining to the subject matter of the Contract and supersedes all prior or contemporaneous agreements and understandings of the parties in connection with the subject matter. No modification of the Contract shall be effective unless made in writing and signed by both parties.
- 7.16 **Standard of Care:** Contractor shall perform the services herein described expeditiously and diligently and in accordance with the standard of care and skill ordinarily exercised under similar conditions by reputable members of its profession or trade practicing in the same or similar locality within the Commonwealth of Virginia existing as of the date such services are provided and in accordance with all applicable laws, codes, and regulations in effect as of the date such services are provided.

This Agreement executed the day and year first written above.

THE TOWN OF FRONT ROYAL

Acting by and through its Town Council

CONTRACTOR

By: _____

By: _____

Title: _____

Title: _____

Reviewed and Approved as to Form:

By: _____

Title: _____

DRAFT



Council Consent Agenda Statement

Item # 10B

Meeting Date: March 28, 2022

Agenda Item: Duck Street Culvert Repair

Summary: Council is requested to consider approval of an award to General Excavations, Inc. in the amount of \$53,500.00 for repairs to a culvert located on Duck Street due to storm water damage.

NOTE: The award is cooperative contracting through a clause in the Frederick County Request for Proposals (RFP) 2019-10C awarded to General Excavations, Inc on January 24, 2019, and renewed on February 29, 2022. The Town is authorized through the Virginia Public Procurement Act, (VPPA) §2.2-4304 to purchase from another public body's contract if such clause is stated in the solicitation.

Budget/Funding: 4500-47927 Highway Maintenance Street Reconstruction \$53,500.00

Meetings: Work Session held March 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 the award to General Excavations, Inc. in the amount of \$53,500.00 for the completion of repairs to a culvert located on Duck Street due to storm water damage.

Moved _____ **Seconded** _____

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



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: March 8, 2022
To: Tina Presley, Senior Executive Assistant
From: B.J. Wilson, Director of Finance
RE: Request to add Consent item to Town Council's Regular Meeting

Purchasing and Public Works coordinated a procurement solution to repair a culvert located on Duck Street due to storm water damage. The procurement method is cooperative contracting through a clause in the Frederick County RFP 2019-10C awarded to General Excavations, Inc on January 24, 2019 and renewed on 2-29-2022.

The Town is authorized through the Virginia Public Procurement Act, (V.P.P.A) § 2.2-4304 joint and cooperative procurement to purchase from another public body's contract if such clause is stated in the solicitation even if they did not participate in the solicitation process.

Council is requested to review and approve the award to General Excavations in the amount of \$53,500.00 for the successful completion of the culvert repairs. Attached to this memo is a recommendation memo from Robbie Boyer, Public Works Director, General Excavation's quote, Frederick County's RFP 2019-10C, the resulting contract with proposal submittal summary sheet, and the recent contract renewal.

Funding for this contract is available in 4500-47927 Highway Maintenance Street Reconstruction-line item.

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

GENERAL EXCAVATION, INC.
9757 RIDER ROAD
WARRENTON, VA 20187
PHONE (540) 439-2202
FAX (540) 439-3795

March 7, 2022

Town of Front Royal Department of Public Works
800 Crosby Road
Front Royal, VA 22630

Re: Duck Street Stormwater Improvements

Attention: Steve Scheulen

Dear Mr. Scheulen,

It is our pleasure to provide the following proposal to **FURNISH AND INSTALL** the items as listed herein generally described as **DUCK STREET STORMWATER IMPROVEMENTS.**

Item No. Description of work

- I. STORM SEWER:*
A: Furnish and install storm sewer pipe and (2) DI-7 off-street grate structures at existing storm crossing located adjacent to 362 W. Duck Street
B. Remove existing HDPE pipe
B. Tie into existing 18" HDPE pipe north of existing storm sewer crossing
C. Tie into existing 24" CMP pipe south of existing storm sewer crossing
- II. GRADING*
A: Grade slope to top elevation of proposed DI-7 structures north and south of storm sewer crossing
B: Backfill crossing to match existing elevation of roadway
- III. CONCRETE WORK:*
A: Excavation and backfill for curb and gutter.
B: Furnish and install 140 LF CG-6
C. Furnish and install 14 SY Paved Flume
- IV. SEEDING:*
A: Furnish and install EC-2 matting on disturbed slopes
B: Hand seed all disturbed areas

The combined total cost for the preceding proposal is **\$53,500.00 LUMP SUM.**

SUPPLEMENTAL CONDITIONS

The preceding proposal is based on the following supplemental conditions:

1-. QUALIFICATIONS:

- 1-1. Price includes purchase and installation of 30" HDPE pipe to replace existing crossing. Should the proposed pipe conflict with the existing sanitary sewer, the Town of Front Royal shall be responsible for any additional cost for necessary adjustments.
- 1-2. All work shall be performed under traffic. All traffic control is included in the lump sum price.
- 1-3. All aggregate material is excluded. Aggregate material shall be provided by the Town of Front Royal.
- 1-4. Lump sum price excludes all asphalt placement
- 1-5. All costs for disposal of excess material (including concrete) are excluded from this lump sum price.

2-. PAYMENT CONDITIONS and TERMS:

- 2-1. This proposal expires 30 days after the date of this offer.
- 2-2. Monthly progress payment requests will be submitted on the 25th of each month for work completed and material stored through the end of the month.
 - 2-2.1. Payment is due in full by the 10th of the following month.
 - 2-2.1.1. Unpaid accounts will accrue finance charges at 1.50% per month (18% annual), and will be considered just cause for work stoppage, and/or additional costs for demobilization, remobilization, etc.
 - 2-2.1.2. Unpaid accounts which are referred for legal action for collection shall be subject to all costs associated with said collection, such as legal/attorney's fees, court fees, professional fees, etc.
- 2-4. Rental of our equipment or personnel shall not become part of this contract or be incorporated into a change order. Billing will be by separate invoice and is due within Ten (10) days of billing date.

3-. CONTRACT PROVISIONS:

- 3-1. This offer shall not be binding unless fully incorporated into a mutually agreeable contract or signed herein. Should any language contained within said contract conflict with this proposal, this proposal shall govern.
 - 3-1.1. In the event any portion of work identified in this proposal is ordered prior to a contract, this offer shall serve as the contract and agreement.
- 3-2. Prior to entering into a formal or informal contract, General Excavation, Inc. reserves the right to ascertain financial information pertinent to this project to protect itself against insolvency.
- 3-3. Should, during the construction of the project, General Excavation, Inc. discover a reducing material, technique, installation, etc., it may provide a proposal to perform the work as a VALUE ENGINEERING modification. In the event a Value Engineering Proposal is accepted or incorporated into the work, General Excavation, Inc. shall be entitled to 50% of the net savings, after expenses.

EXCLUSIONS

Provision, payment or installation of additional work OR the following items are excluded from this offer, but may be included for cost plus 20%:

1. Engineering, stakeout, layout, cut sheets, flagging, AS BUILT drawings.
2. Soils testing, compaction testing, soil samples, CBR testing or results.
3. Permits, fees, bonds, plan costs.
4. Temporary site facilities, such as sanitary facilities, sheds, parking lots or roads, buildings, water, electric, etc.
5. Hazardous material handling, removal, or disposal.
6. Removal, maintenance, or upgrading of erosion controls after initial installation.
7. Wash rack or water for construction entrance.
8. Undercutting below subgrade or removal of more than ____” of topsoil from fill areas, or backfill of same.
9. Hand excavation or backfill.
10. Footing, caissons, pile cap, grade beam, raker berm, lag board, or pit excavating, handling or disposal.
11. Test pit for, locate, relocate, remove, support, brace, protect, tap, cap, plug existing uncharted utilities, wells, septic systems, etc.
12. Interior/exterior building wall/retaining wall excavation or backfill.
13. Aeration, liming, discing, plowing, wet down, ripping, scarifying, soil manipulation of existing subsurface soil, or soil conditioning to obtain compaction or stabilization.
14. Pumping, ditching, dewatering, well points, spring capping, or stream diversion.
15. Porous, granular, or select fills/backfills (i.e. stone, gravel, surge stone, rock, bankrun, soil blending, etc.) unless specifically stated in description of work.
16. Underdrains, lime/cement stabilization, filter cloth, subgrade stabilization, compaction of cut area or soil conditioning.
17. Foundation drains or roof drains.
18. Rock drilling, blasting wedging or ripping.
19. Sheet piling, shoring, bracing, underpinning.
20. Debris, spoil or surplus from other trades.
21. Off-site borrow or disposal of surplus from our operations.
22. Furnish select topsoil, process existing topsoil for landscaping or respread topsoil.
23. Permanent or temporary seeding or sodding.
24. Landscaping, relocation of plants, trees, shrubs.
25. Selective clearing, tree trimming, tree wells, tree protection.
26. Concrete barriers, barrels, lights, signs, crash cushion barriers, maintenance of traffic.
27. Saw cut or neat line asphalt or concrete surface.
28. Excavation, backfill or installation for sanitary sewer, storm sewer, water lines, electrical, mechanical, plumbing, telephone, etc.
29. Water line filling by truck.
30. Meters, backflow devices, check valves, Siamese connections and/or post indicator valves.
31. Stone bedding for utilities exceeding minimum requirements.
32. Paved ditches, sod ditches or swales.
33. Boring or tunneling.
34. Concrete cradles, encasements, piers.
35. Permanent patch, overlay or seal capping for road crossings.
36. Cathodic protection.
37. Irrigation systems or drains.
38. Wells or septic systems.
39. Trench drains.
40. Electrical or mechanical monitoring devices.
41. Electrical hook-up for pumping stations.
42. Flushing, cleaning or muck out of existing storm sewer lines, waterways, conveyance channels, appurtenances, etc.

- 43. Street signs, traffic signs, or pavement markings, guardrail.
- 44. Signalization, light fixtures, electric.
- 45. Power pole, telephone pole, guy wires or other utility line (overhead or underground) bracing, relocating or supporting.
- 46. Soil poisoning for termites, or inhibiting plant life growth.
- 47. Removal of surface or subsurface trash, debris, tires, appliances, auto's or other such material.

We hope the preceding proposal meets with your approval and should you be in need of further information or clarification, please call us.

Respectfully Submitted,
General Excavation, Inc.



Mark Rowles
Project Manager

ACCEPTANCE

Accepted By: _____

Signature: _____

Title: _____



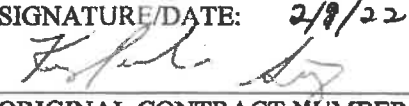
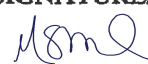
County of Frederick, Virginia
FINANCE DEPARTMENT
107 N. Kent Street, 3rd Floor
Winchester, VA 22601
Phone: (540) 665-5610
www.fcva.us/purchasing

CONTRACT RENEWAL

COUNTY CONTRACT NAME: Heavy Equipment Services	RENEWAL DATE: 12-22-2021
COUNTY CONTRACT NUMBER: 2019-10C_3	RENEWAL NUMBER: #3 (1 remaining)

The Contract is hereby modified as follows:

1. The above referenced contract is hereby extended, as outlined within the original contract documents, for a period of one (1) year(s) commencing January 24, 2022 and shall terminate January 24, 2023.
2. Pricing shall increase 7% per attached fee schedule and is based on current 2021 CPI schedule.

COUNTY OF FREDERICK REQUESTING DEPARTMENT: Public Works	CONTRACTOR'S BUSINESS NAME/ADDRESS: General Excavation, Inc. 9757 Rider Road Warrenton, Virginia 20187
DEPARTMENT AUTHORIZED SIGNATURE/DATE:  2-9-2022	CONTRACTOR'S AUTHORIZED SIGNATURE/DATE: 2/9/22  Karen Fink
CONTRACT/PURCHASING MANAGER SIGNATURE/DATE:  2/9/2022	ORIGINAL CONTRACT NUMBER and DATE: RFP 2019-10C January 24, 2019

GENERAL EXCAVATION, INC.

9757 RIDER ROAD
WARRENTON, VA 20187
T 540.439.2202 | F 540.439.3795

February 9, 2022

County of Frederick, Virginia
107 N. Kent Street
Winchester, VA 22601

Attn: Joe Wilder

Subject: CONTRACT 2019-10C_3 RENEWAL #3

Mr. Wilder:

Adjusted hourly rental rates for the Heavy Equipment Services are listed below, rounded to the nearest dollar for accounting/billing purposes. Consumer Price Index data used to calculate rate increases was taken from the Bureau of Labor Statistics December 2021 News Release.

Sincerely,



Mark Rowles
Project Manager
General Excavation, Inc.

Item #	Description	Adjusted Unit Rate
1	Crawler loader CAT 963	\$118.00
2	330 Excavator	\$139.00
3	Backhoe, Rubber tire	\$70.00
4	Backhoe w/ breaker	\$107.00
5	Excavator Hoe Ram	\$268.00
6	Crawler Dozer D-3/JD 450	\$75.00
7	Crawler Dozer D-6	\$107.00
8	Motorgrader 120 hp	\$128.00
9	Rubber tire loader	\$134.00
10	Skid Steer, 40 HP	\$75.00
11	Dump truck, Tandem	\$80.00
12	Single Axle Dump Truck 8 Ton	\$54.00
13	Dump Truck 1 Ton	\$54.00
14	Vibratory roller DP 60"	\$70.00
15	Vibratory roller DP 84"	\$86.00
16	Pickup Truck w/ Foreman	\$80.00
17	Skilled Labor	\$32.00
18	Articulating Rock Truck	\$128.00
19	Rollback truck	\$86.00
20	Tractor-lowboy	\$134.00
21	135 JD/138 Komatsu Excavator	\$102.00
22	TB 290/175 Takeuchi Mini Excavator	\$86.00
23	650 JD/ D39 Komatsu Dozer	\$86.00
24	Rubber Tire Excavator w/grading bucket	\$128.00
25	330 Hitachi/305 Volvo Excavator w/thumb	\$155.00
26	Tamper (Jumping Jack)	\$21.00
27	Plate Tamper	\$27.00
28	Trench Roller w/operator	\$54.00
29	Pipe Saw	\$21.00
30	Chain Saw	\$13.00
31	PCMS (message Board)	\$21.00
32	14" Walk Behind Pavement Saw	\$54.00
33	Trench Box	\$107.00
34	Manhole Box	\$107.00
35	Pipe Laser	\$11.00
36	2" Water Pump w/hoses	\$19.00
37	3" Water Pump w/hoses	\$21.00
38	4" Water Pump w/hoses	\$24.00
39	6" Water Pump w/hoses	\$49.00
40	Portable Generator	\$11.00
41	Survey Crew	\$167.00
42	Rollup Traffic Sign and Stand	\$11.00
43	Markup on Parts/Materials	15.00%
44	Markup on Subcontractors Work	10.00%

Item #	Description	Unit Rate	CPI Increase (7%)	Adjusted Unit Rate	Revised Unit Rate
1	Crawler loader CAT 963	\$110.00	\$7.70	\$117.70	\$118.00
2	330 Excavator	\$130.00	\$9.10	\$139.10	\$139.00
3	Backhoe, Rubber tire	\$65.00	\$4.55	\$69.55	\$70.00
4	Backhoe w/ breaker	\$100.00	\$7.00	\$107.00	\$107.00
5	Excavator Hoe Ram	\$250.00	\$17.50	\$267.50	\$268.00
6	Crawler Dozer D-3/JD 450	\$70.00	\$4.90	\$74.90	\$75.00
7	Crawler Dozer D-6	\$100.00	\$7.00	\$107.00	\$107.00
8	Motorgrader 120 hp	\$120.00	\$8.40	\$128.40	\$128.00
9	Rubber tire loader	\$125.00	\$8.75	\$133.75	\$134.00
10	Skid Steer, 40 HP	\$70.00	\$4.90	\$74.90	\$75.00
11	Dump truck, Tandem	\$75.00	\$5.25	\$80.25	\$80.00
12	Single Axle Dump Truck 8 Ton	\$50.00	\$3.50	\$53.50	\$54.00
13	Dump Truck 1 Ton	\$50.00	\$3.50	\$53.50	\$54.00
14	Vibratory roller DP 60"	\$65.00	\$4.55	\$69.55	\$70.00
15	Vibratory roller DP 84"	\$80.00	\$5.60	\$85.60	\$86.00
16	Pickup Truck w/ Foreman	\$75.00	\$5.25	\$80.25	\$80.00
17	Skilled Labor	\$30.00	\$2.10	\$32.10	\$32.00
18	Articulating Rock Truck	\$120.00	\$8.40	\$128.40	\$128.00
19	Rollback truck	\$80.00	\$5.60	\$85.60	\$86.00
20	Tractor-lowboy	\$125.00	\$8.75	\$133.75	\$134.00
21	135 JD/138 Komatsu Excavator	\$95.00	\$6.65	\$101.65	\$102.00
22	TB 290/175 Takeuchi Mini Excavator	\$80.00	\$5.60	\$85.60	\$86.00
23	650 JD/ D39 Komatsu Dozer	\$80.00	\$5.60	\$85.60	\$86.00
24	Rubber Tire Excavator w/grading bucket	\$120.00	\$8.40	\$128.40	\$128.00
25	330 Hitachi/305 Volvo Excavator w/thur	\$145.00	\$10.15	\$155.15	\$155.00
26	Tamper (Jumping Jack)	\$20.00	\$1.40	\$21.40	\$21.00
27	Plate Tamper	\$25.00	\$1.75	\$26.75	\$27.00
28	Trench Roller w/operator	\$50.00	\$3.50	\$53.50	\$54.00
29	Pipe Saw	\$20.00	\$1.40	\$21.40	\$21.00
30	Chain Saw	\$12.00	\$0.84	\$12.84	\$13.00
31	PCMS (message Board)	\$20.00	\$1.40	\$21.40	\$21.00
32	14" Walk Behind Pavement Saw	\$50.00	\$3.50	\$53.50	\$54.00
33	Trench Box	\$100.00	\$7.00	\$107.00	\$107.00
34	Manhole Box	\$100.00	\$7.00	\$107.00	\$107.00
35	Pipe Laser	\$10.00	\$0.70	\$10.70	\$11.00
36	2" Water Pump w/hoses	\$18.00	\$1.26	\$19.26	\$19.00
37	3" Water Pump w/hoses	\$20.00	\$1.40	\$21.40	\$21.00
38	4" Water Pump w/hoses	\$22.00	\$1.54	\$23.54	\$24.00
39	6" Water Pump w/hoses	\$46.00	\$3.22	\$49.22	\$49.00
40	Portable Generator	\$10.00	\$0.70	\$10.70	\$11.00
41	Survey Crew	\$156.00	\$10.92	\$166.92	\$167.00
42	Rollup Traffic Sign and Stand	\$10.00	\$0.70	\$10.70	\$11.00
43	Markup on Parts/Materials	15.00%	N/A	15.00%	15.00%
44	Markup on Subcontractors Work	10.00%	N/A	10.00%	10.00%

NEWS RELEASE

BUREAU OF LABOR STATISTICS

U. S. D E P A R T M E N T O F L A B O R



**Transmission of material in this release is embargoed until
8:30 a.m. (ET) January 12, 2022**

USDL-22-0018

Technical information: (202) 691-7000 • cpi_info@bls.gov • www.bls.gov/cpi
Media Contact: (202) 691-5902 • PressOffice@bls.gov

CONSUMER PRICE INDEX – DECEMBER 2021

The Consumer Price Index for All Urban Consumers (CPI-U) increased 0.5 percent in December on a seasonally adjusted basis after rising 0.8 percent in November, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index increased 7.0 percent before seasonal adjustment.

Increases in the indexes for shelter and for used cars and trucks were the largest contributors to the seasonally adjusted all items increase. The food index also contributed, although it increased less than in recent months, rising 0.5 percent in December. The energy index declined in December, ending a long series of increases; it fell 0.4 percent as the indexes for gasoline and natural gas both decreased.

The index for all items less food and energy rose 0.6 percent in December following a 0.5-percent increase in November. This was the sixth time in the last 9 months it has increased at least 0.5 percent. Along with the indexes for shelter and for used cars and trucks, the indexes for household furnishings and operations, apparel, new vehicles, and medical care all increased in December. As in November, the indexes for motor vehicle insurance and recreation were among the few to decline over the month.

The all items index rose 7.0 percent for the 12 months ending December, the largest 12-month increase since the period ending June 1982. The all items less food and energy index rose 5.5 percent, the largest 12-month change since the period ending February 1991. The energy index rose 29.3 percent over the last year, and the food index increased 6.3 percent.

Chart 1. One-month percent change in CPI for All Urban Consumers (CPI-U), seasonally adjusted, Dec. 2020 - Dec. 2021
Percent change

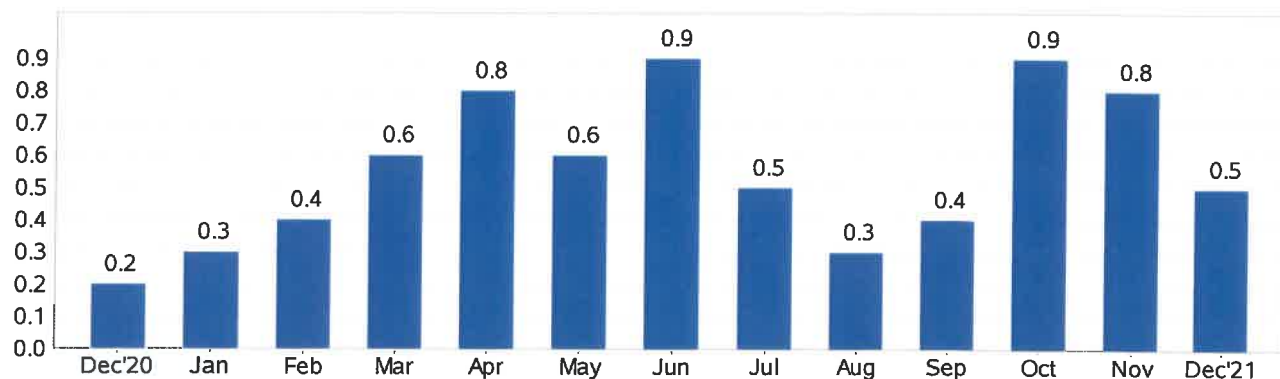


Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Dec. 2020 - Dec. 2021
Percent change

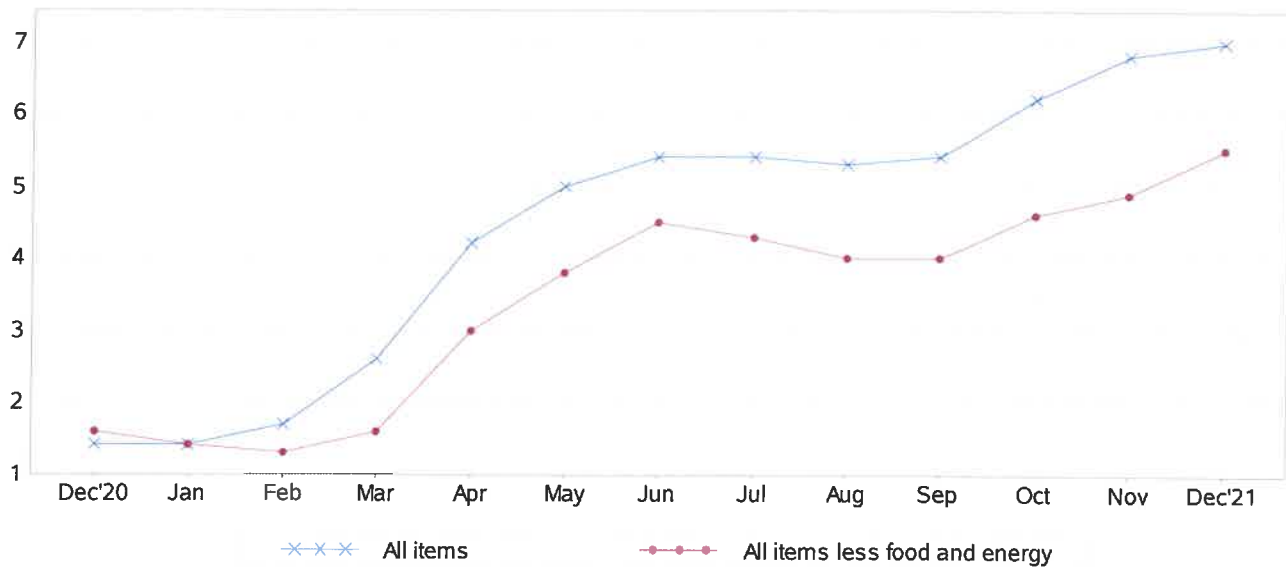


Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average

	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Dec. 2021
	Jun. 2021	Jul. 2021	Aug. 2021	Sep. 2021	Oct. 2021	Nov. 2021	Dec. 2021	
All items.....	0.9	0.5	0.3	0.4	0.9	0.8	0.5	7.0
Food.....	0.8	0.7	0.4	0.9	0.9	0.7	0.5	6.3
Food at home.....	0.8	0.7	0.4	1.2	1.0	0.8	0.4	6.5
Food away from home ¹	0.7	0.8	0.4	0.5	0.8	0.6	0.6	6.0
Energy.....	1.5	1.6	2.0	1.3	4.8	3.5	-0.4	29.3
Energy commodities.....	2.6	2.3	2.7	1.3	6.2	5.9	-0.6	48.9
Gasoline (all types).....	2.5	2.4	2.8	1.2	6.1	6.1	-0.5	49.6
Fuel oil ¹	2.9	0.6	-2.1	3.9	12.3	3.5	-2.4	41.0
Energy services.....	0.2	0.8	1.1	1.2	3.0	0.3	-0.1	10.4
Electricity.....	-0.3	0.4	1.0	0.8	1.8	0.3	0.3	6.3
Utility (piped) gas service.....	1.7	2.2	1.6	2.7	6.6	0.6	-1.2	24.1
All items less food and energy.....	0.9	0.3	0.1	0.2	0.6	0.5	0.6	5.5
Commodities less food and energy								
commodities.....	2.2	0.5	0.3	0.2	1.0	0.9	1.2	10.7
New vehicles.....	2.0	1.7	1.2	1.3	1.4	1.1	1.0	11.8
Used cars and trucks.....	10.5	0.2	-1.5	-0.7	2.5	2.5	3.5	37.3
Apparel.....	0.7	0.0	0.4	-1.1	0.0	1.3	1.7	5.8
Medical care commodities ¹	-0.4	0.2	-0.2	0.3	0.6	0.1	0.0	0.4
Services less energy services.....	0.4	0.3	0.0	0.2	0.4	0.4	0.3	3.7
Shelter.....	0.5	0.4	0.2	0.4	0.5	0.5	0.4	4.1
Transportation services.....	1.5	-1.1	-2.3	-0.5	0.4	0.7	-0.3	4.2
Medical care services.....	0.0	0.3	0.3	-0.1	0.5	0.3	0.3	2.5

¹ Not seasonally adjusted.



Council Agenda Statement

Item #10C

Meeting Date: March 28, 2022

Agenda Item: FY22 Budget Amendment to Accept Local Law Enforcement Block Grant

Summary: Council is requested to consider approval of a budget amendment in the amount of \$2,757.00 to accept a Local Law Enforcement Block Grant from the Virginia Department of Criminal Justice Services to strengthen Crime Control.

Budget/Funding:	1000-3310010	General Fund Grant Proceeds	\$2,757.00
	3108-45409	Police Emergency Services – Police Supplies	\$2,757.00

Meetings: Work Session held March 14, 2022

Proposed Motion: I move that Council approve a budget amendment in the amount of \$2,757.00 to accept a Local Law Enforcement Block Grant from the Virginia Department of Criminal Justice Services.

Approved By: _____

Moved _____ Seconded _____

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



Council Consent Agenda Statement

Item # 10D

Meeting Date: March 28, 2022

Agenda Item: Resolution to Submit Virginia Smart Scale Pre-Application for Happy Creek Road Phase II

Summary: Council is requested to consider approval of a resolution for submission of Virginia's SMART SCALE Pre-application for the Happy Creek Road Phase II Project as presented.

Budget/Funding: None

Meetings: Work Session held March 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 a resolution for submission of Virginia's SMART SCALE Pre-application for the Happy Creek Road Phase II Project as presented.

Moved _____ *Seconded* _____

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

RESOLUTION

Submission of Virginia's SMART SCALE Pre-Application for the Happy Creek Road Phase II Project

WHEREAS, Virginia's SMART SCALE is choosing transportation projects for funding and ensuring the best use of limited tax dollars. Projects are required to "tie into" the State's Plan and meet critical transportation needs. Projects could be approved up to 100%; and,

WHEREAS, the process consists of a 2-year application process, a 4-year project completion for a total of 6 years. Funding runs on a 2-year cycle type of funding alternates; and,

WHEREAS, the design of the project must comply with all Virginia Department of Transportation (VDOT) standards and all applications are required to have the governing body submit an approved resolution with the completed application; and,

WHEREAS, the Happy Creek Road Phase II design will include bike lanes and curb and gutter on both sides of the road with an attached sidewalk on the south side. The new design will include realignment of the s-curve west of Ewell Street and stormwater management to enhance safety for pedestrian and vehicular traffic/ Project has been estimated to cost approximately \$9,757,882; and,

NOW THEREFORE BE IT RESOVED, that the Front Royal Town Council approve the submission of a pre-application for the Virginia SMART SCALE at 100% funding for the Happy Creek Road Phase II Project.

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 _____, 2022 upon the following recorded vote:

Lori A. Cockrell ___ Yes ___ No
Letasha T. Thompson ___ Yes ___ No
Joseph E. McFadden ___ Yes ___ No

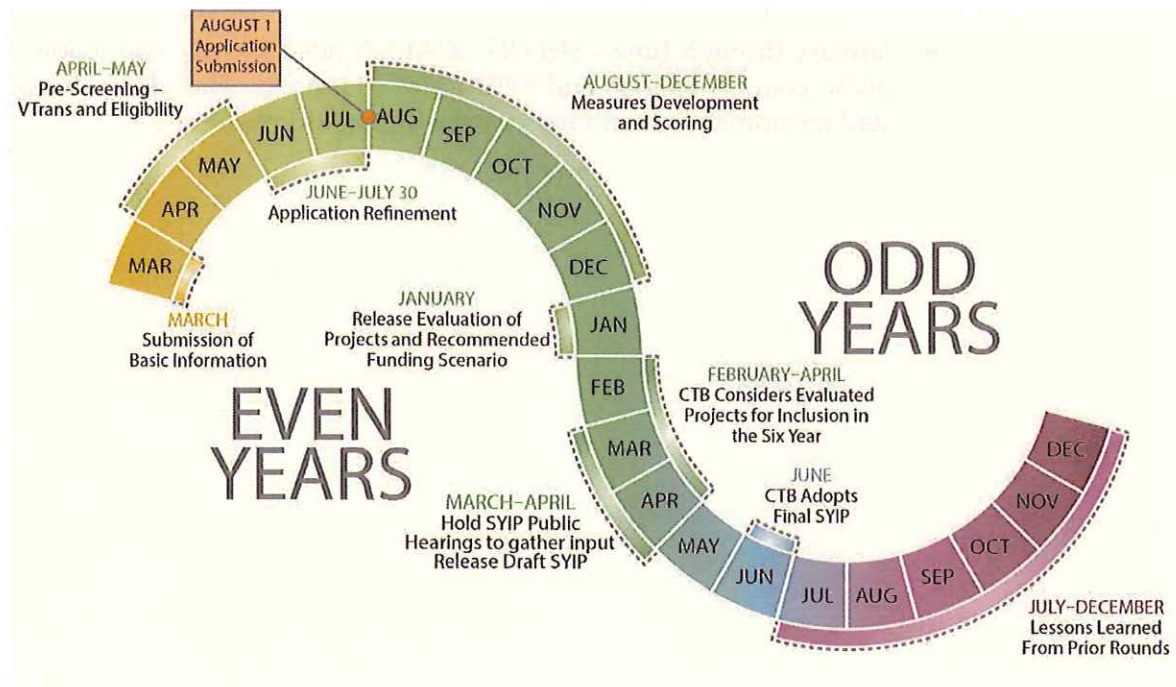
Gary L. Gillispie ___ Yes ___ No
E. Scott Lloyd ___ Yes ___ No
Amber F. Morris ___ Yes ___ No

Approved as to Form and Legality:

George Sonnett, Assistant Town Attorney

Dated: _____

Figure 1.1 Anticipated SMART SCALE Biennial Cycle



As currently identified, the application and evaluation process timeline will generally proceed as follows (if day does not fall on business day, the first business day after will be used):

- **Winter/Spring:** - Early coordination with DRPT and VDOT prior to application submissions. Recommend engagement of P4P and Pre-Scoping Module resources.
- **March 1st** - Call for applications and notification of estimated amount of funding available.
- **March 1st through March 31st** - Applicants create pre-application containing sufficient basic project information for project screening and eligibility review.
- **April 1st** - Deadline to complete pre-application. No new applications will be allowed after April 1st.
- **April 1st through May 31st** - Pre-screening to see if project meet VTrans Mid-term Need and are eligible for SMART SCALE funding.
- **June 1 through July 30th** - Application refinement.
- **August 1st** - Final applications due. All applications will be made public after the deadline to submit has passed.
- **August through December** - Submitted projects are screened, evaluated and scored.

- **January CTB Meeting** – Results of SMART SCALE screening and evaluations are made public along with the staff recommended funding scenario.
- **January through June** – SMART SCALE-funded projects will follow existing public comment period and SYIP approval process. The CTB may modify the staff recommended funding scenario through formal action.

Happy Creek Road Phase II



Town of Front Royal Happy Creek Road Preliminary Cost Estimate



Phase II Segment

250ft west of Entrance to 1174 Happy Creek Rd. to Shenandoah Shores Rd. (0.63 mi)

Estimated Construction Cost	\$5,751,800
PE & Permitting (20% of Est. Construction Cost)	\$1,150,400
Preliminary Right of Way and Easements	\$411,082
Utility Relocation	\$0
Environmental Mitigation	\$0
Contingency (30% of Est. Construction Cost)	\$1,725,600
CEI (12.5% of Est. Construction Cost)*	\$719,000
TOTAL PROJECT COST (FY 20\$)	\$9,757,882



The Town of Front Royal will be submitting a VDOT Smart Scale Pre-Application for Phase II of the Happy Creek Road project by April 1st. Pre-Applications for this program will be screened in the April/May timeframe and finalized by July 30th to meet the August 1st Application deadline. Should the Town's Application be successful, funding would be available in FY 2028.



Council Agenda Statement

Item #11A

Meeting Date: March 28, 2022

Agenda Item: Resolution for a Request for Water and Sewer Services in the Route 340/522 Corridor for Commercial and Industrial Uses

Summary: Council is requested to consider approval of a resolution that would provide water and sewer services to out of town lots located on the Route 522/340 Corridor, specifically Tax Map parcels 4-41, 12-6, 12-6E and 12-9 for commercial and industrial uses contingent upon the:

- 1) the developer funds an infrastructure study,
- 2) the developer funds and constructs the infrastructure improvements per the study,
- 3) developer must follow provisions provided in Chapter 134 of the Town Code,
- 4) main water/sewer pipe originating from Route 340/522, not residential subdivision to avoid increasing residential land use capacity,
- 5) stipulate commercial use for PILOT portion of the property and industrial use for the remaining portion,
- 6) stipulate no increase in residential development per Town policy/practice,
- 7) this approved/signed resolution will only apply to the proposed development on the aforesaid lots,
- 8) any new development proposals will require a new resolution from the Warren County Board of Supervisors

Budget/Funding: None

Meetings: Work Session held March 14, 2022

Proposed Motion: I move that Council approve a resolution that would provide water and sewer services to out of town lots located on the Route 522/340 Corridor, specifically Tax Map parcels 4-41, 12-6, 12-6E and 12-9 for commercial and industrial uses contingent upon the 1) the developer funds an infrastructure study, 2) the developer funds and constructs the infrastructure improvements per the study, 3) developer must follow provisions provided in Chapter 134 of the Town Code, 4) main water/sewer pipe originating from Route 340/522, not residential subdivision to avoid increasing residential land use capacity, 5) stipulate commercial use for PILOT portion of the property and industrial use for the remaining portion, 6) stipulate no increase in residential development per Town policy/practice, 7) this approved/signed resolution will only apply to the proposed development on the aforesaid lots, and 8) any new development proposals will require a new resolution from the Warren County Board of Supervisors, as presented.

Moved _____ Seconded _____

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

RESOLUTION

To Provide Water and Sewer Services to Certain Out-of-Town Lots

WHEREAS, the Town of Front Royal, Virginia (the “Town”) provides certain water and sewer services to some out-of-Town commercial and industrial users; and,

WHEREAS, the Warren County Board of Supervisors has requested the Town of Front Royal provide water and sewer services to Warren County tax parcels 4-41, 12-6, 12-6E and 12-9 for commercial and industrial uses; and,

WHEREAS, the Town will consider providing water and sewer services to the Warren County tax parcels 4-41, 12-6, 12-6E and 12-9 upon the following conditions 1) the developer funds an infrastructure study, 2) the developer funds and constructs the infrastructure improvements per the study, 3) developer must follow provisions provided in Chapter 134 of the Town Code, 4) main water/sewer pipe originating from Route 340/522, not residential subdivision to avoid increasing residential land use capacity, 5) stipulate commercial use for PILOT portion of the property and industrial use for the remaining portion, 6) stipulate no increase in residential development per Town policy/practice, 7) this approved/signed resolution will only apply to the proposed development on the aforesaid lots, and 8) any new development proposals will require a new resolution from the Warren County Board of Supervisors; and,

NOW THEREFORE BE IT RESOVED, that the Front Royal Town Council approves this resolution with the specified conditions in order for the Town to consider the provision of water and sewer services to Warren County tax parcels 4-41, 12-6, 12-6E and 12-9 for commercial and industrial uses, as presented.

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 _____, 2022 upon the following recorded vote:

Lori A. Cockrell ☐ Yes ☐ No
Letasha T. Thompson ☐ Yes ☐ No
Joseph E. McFadden ☐ Yes ☐ No

Gary L. Gillispie ☐ Yes ☐ No
E. Scott Lloyd ☐ Yes ☐ No
Amber F. Morris ☐ Yes ☐ No

Approved as to Form and Legality:

George Sonnett, Assistant Town Attorney

Dated: _____



WATER AND SEWER AVAILABILITY REQUEST		
PROPERTY LOCATION EXHIBIT		
WARREN COUNTY, VIRGINIA		
DATE: 12-10-21	PROJECT ID: 7872	DESIGNED BY: MEW
SCALE: 1 inch = 200 feet		

WATER AND SEWER AVAILABILITY REQUEST
PROPERTY LOCATION EXHIBIT



Greenway Engineering, Inc.
151 Windy Hill Lane
Winchester, VA 22602
T: 540.662.4185
F: 540.722.4185
www.GreenwayEng.com

WINCHESTER, VA | STERLING, VA | MARTINSBURG, WV

RESOLUTION



of the Board of Supervisors of Warren County Requesting that the Town of Front Royal, Virginia Provide Water and Sewer Services to Certain Out-of-Town Lots

WHEREAS, the Town of Front Royal, Virginia (the “Town”) provides certain water and sewer services to some out-of-Town residents; and

WHEREAS, the County wants to request that the Town provide water and sewer services to Warren County tax parcels 4-41, 12-6, 12-6E and 12-9 for commercial and industrial uses.

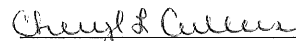
NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Warren, Virginia hereby requests that the Town of Front Royal extend and provide water and sewer services to Warren County tax parcels 4-41, 12-6, 12-6E, and 12-9 for commercial and industrial uses. This Resolution does not provide any zoning approval and use of these tax parcels for commercial and industrial purposes is subject to the County’s Zoning Ordinance and consideration by the Board of Supervisors, if necessary, of a rezoning request in the future.

CERTIFICATE

The undersigned Edwin C. Daley, Clerk of the Board of Supervisors of Warren County, Virginia, hereby certifies the foregoing constitutes a true and correct copy of a Resolution Requesting that the Town of Front Royal, Virginia Provide Water and Sewer Services to Certain out-of-Town Lots adopted at a regular meeting duly held and called on March 1, 2022, for which proper notice was given. A record of the roll-call vote by the Board is as follows:

Name	Aye	Nay	Abstain	Absent
Cheryl L. Cullers, Chair	✓			
Delores R. Oates, Vice Chair	✓			
Jerome K. “Jay” Butler	✓			
Vicky L. Cook	✓			
Walter J. “Walt” Mabe				✓

Adopted: March 1, 2022


Cheryl L. Cullers, Chair
Warren County Board of Supervisors

ATTEST:


Edwin C. Daley, Clerk
Warren County Board of Supervisors



Council Consent Agenda Statement

Item # 11B

Meeting Date: March 28, 2022

Agenda Item: Proclamation for Arbor Day

Summary: Council is requested to consider approval of a Proclamation proclaiming April 23, 2022 as Arbor Day in the Town of Front Royal, Virginia, as presented.

Budget/Funding: None

Meetings: Work Session held March 14, 2022

Proposed Motion: I move that Council approve a Proclamation proclaiming April 23, 2022 as Arbor Day in the Town of Front Royal, Virginia, as presented.

Moved _____ *Seconded* _____

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



OFFICIAL PROCLAMATION

WHEREAS in 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees, and

WHEREAS this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS Arbor Day is now observed throughout the nation and the world, and

WHEREAS trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife, and

WHEREAS trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products, and

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS trees — wherever they are planted — are a source of joy and spiritual renewal.

NOW, THEREFORE, I Chris W. Holloway, Mayor of the Town of Front Royal do hereby proclaim April 23, 2022 as ARBOR DAY in the Town of Front Royal and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED THIS 28 day of March, 2022

Mayor Chris W. Holloway

Attest
Clerk of Council Tina L. Presley



Council Consent Agenda Statement

Item # 11C

Meeting Date: March 28, 2022

Agenda Item: Front Royal-Warren County Joint Tourism Agreement with the County of Warren

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

The County and the Town entered into a Memorandum of Agreement (MOA) that established the Front Royal-Warren County Joint Tourism Advisory Committee, hereinafter the "Committee". The Town and County appointed the Advisory Committee to advise, assist, support, and advocate for tourism policies, program, and activities to market and promote Front Royal-Warren County and its environs, and to serve as the "local tourism industry organization" referred to in Section 58.1-3819 of the Code of Virginia, as amended. In January 2021, the Town and County entered into an updated Memorandum of Agreement, tasking the Committee to direct, promote, and manage tourism development in the Front Royal and Warren County.

Council is requested to consider approval of a Front Royal-Warren County Joint Tourism Agreement with the County of Warren adopted by Warren County Board of Supervisors (BOS) on March 22, 2022, as presented.

The highlighted areas are what was brought to the attention of the BOS at their March 22, 2022 meeting by County Administrator Ed Dailey. The document is officially called an agreement not an MOA.

Budget/Funding: Fund Discover Front Royal at minimum of 50% not to exceed 70% of 5-year rolling average of actual revenue received from transient occupancy by the Town and shall not exceed amount funded by County.

FY23 Budget proposed match of \$200,000.00

Meetings: Work Session held March 14, 2022

Proposed Motion: I move that Council approve a Front Royal-Warren County Joint Tourism Agreement with the County of Warren adopted by Warren County Board of Supervisors (BOS) on March 22, 2022, as presented.

Moved _____ Seconded _____

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

FRONT ROYAL–WARREN COUNTY JOINT TOURISM AGREEMENT

This FRONT ROYAL-WARREN COUNTY JOINT TOURISM AGREEMENT (the “Agreement”) made this ____ day of _____, 2022 by and between the **Town of Front Royal, Virginia**, hereinafter referred to as the “Town”, and the **County of Warren, Virginia**, hereinafter referred to as the “County”, collectively hereinafter referred to as the “Parties”, and stipulates that the Parties agree to the following:

I. PURPOSE

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

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

In January 2021, the Parties entered into an updated Memorandum of Agreement, tasking the Committee to direct, promote, and manage tourism development in the Front Royal and Warren County community after the Parties mutually selected a tourism marketing firm to set up a “Destination Marketing Organization”, hereinafter referred to as “DMO”. The procurement method was competitive negotiation, pursuant to the Virginia Public Procurement Act, where the Town solicited and subsequently publicly contracted with the tourism marketing firm. While the County was assigned fiscal responsibility, both Parties equally appropriated and contributed to payment upon Committee approval.

Presently, all appropriations, roles, and responsibilities of the Committee and Parties shall remain until a 501c6 non-profit organization titled Discover Front Royal is established. Discover Front Royal shall become the DMO of Front Royal and Warren County and shall serve as the sole tourism authority for the Parties. **Prior to any tourism expenditures outside of this agreement, the Town or County shall consult with Discover Front Royal.** In partnership with the Town of Front Royal’s Special Event Policies and Procedures, special events categorized as a “Community Gathering” or “Community”, may be hosted by the Parties. Notwithstanding anything else in this Agreement, the Town and County may conduct tourism activities outside of this Agreement.

II. DEFINITIONS

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

Tourism – In accordance with Va. Code § 58.1-3819 and the Town of Front Royal Special Event Permit Policies and Procedures, as amended, attracts travelers to the locality, increases occupancy at lodging properties, and generates tourism revenues in the locality.

Community Gathering/Event – Referred to in the Town of Front Royal's Special Event Permit Policies and Procedures, as amended, draw attendance less than 1,000 people, and are intended, in general to benefit the residents of Front Royal and Warren County.

III. OBLIGATIONS

The Committee shall:

1. It is anticipated that a non-profit 501c6 organization named Discover Front Royal shall be created. The Committee shall select and appoint the non-profit Board Members. Once the non-profit is created, the Committee shall dissolve.

Discover Front Royal shall:

1. Become the Virginia Tourism Corporation's (VTC) "Destination Marketing Organization" of record.
2. Accept transfer of all assets, social media, and any other content previously created for and associated with "Discover Front Royal".
3. Manage the Plan of Work and Visitors Center by directing and promoting tourism in the Front Royal-Warren County community to increase overall tourism revenue.
4. Submit and present upcoming fiscal budget by January 1st each year to the Parties that includes the budget, funding plan, and all grants, donations, and gifts. Funding shall be provided on a fiscal year basis starting on July 1 and ending on June 30 of each year.
5. Be funded in equal shares by the Parties. It is the Parties intention that the minimum funding will be 50%, not to exceed 70% of the 5-year rolling average of actual revenue received from the transient occupancy tax collected by the Town, subject to appropriation year to year.
6. Encourage individuals, businesses and both Parties to achieve "Goals of Parties" outlined in section IV.
7. Agree to the terms of this Agreement once it is created.

The Town of Front Royal shall:

1. Designate one member of Council and one member of Town staff to the Discover Front Royal Board as non-voting members to achieve "Goals of Parties" outlined in section IV.

2. Fund half of the budget, along with the County, of Discover Front Royal. Such amount to be funded will be decided by the Parties each year as part of their respective budget process and paid quarterly, provided that such minimum Town funding will be 50%, not to exceed 70% of the 5-year rolling average of actual revenue received from the transient occupancy tax collected by the Town. Until the nonprofit is created and operational, the Town shall remit payment of the funding to the County, which is the fiscal agent for the payment of tourism expenses.
3. Lease the Visitors Center to Discover Front Royal for \$1 per year.
4. Transfer the VTC "Destination Marketing Organization" recording and designation to Discover Front Royal.
5. Transfer all tourism related licenses, entitlements, and intellectual and personal property, including but not limited to all merchandise, the "Discover Front Royal" slogan, all social media, and any other content previously created for or associated with "Discover Front Royal" or tourism to Discover Front Royal.

The County of Warren, Virginia shall:

1. Designate one member of the Board of Supervisors and one member of County staff to the Discover Front Royal Board as non-voting members to achieve "Goals of Parties" outlined in section IV.
2. Fund half of the budget, along with the Town, of Discover Front Royal. Such amount to be funded will be decided by the Parties each year as part of their respective budget process and paid quarterly, provided that such minimum County funding will be 50%, not to exceed 70% of the 5-year rolling average of actual revenue received from the transient occupancy tax collected by the Town.
3. The County shall continue to serve as the fiscal agent and to collect $\frac{1}{2}$ of the funds to be used for tourism from the Town and to pay such approved tourism bills from tourism designated funds only until the nonprofit has been created and is operational.

IV. GOALS OF PARTIES

1. *Citizen Understanding* - Increase the economic value of tourism and travel to the Town of Front Royal and County of Warren and its citizens and businesses and encourages inter-community collaboration on all matters relating to tourism development and promotion.
2. *Tourism* - Broaden awareness of the community's existing attractions, both natural and man-made, its heritage and historic sites, and services provided for travelers. This effort shall include awareness within the tourism industry and among the traveling public, with emphasis on regional initiatives whenever possible.
3. *Hospitality* - Ensure that travelers to and through Front Royal-Warren County are served hospitably and have ready access to information on tourist services and points of interest.

4. *Tourism Development* - Pursue with the two Economic Development Authorities of both Parties, an overall economic development program to include the development of additional visitor accommodations such as lodging and conference facilities, restaurants, campgrounds, public parks, and other attractions.
5. *Scenic Beauty* - Encourage programs whose purpose(s) are to preserve and enhance the scenic beauty of the Parties, particularly along its public highways.

V. AMENDMENTS

This Agreement may be amended or altered in whole or in part upon approval by the Front Royal Town Council and the Warren County Board of Supervisors. This Agreement shall continue each fiscal year starting July 1 and ending June 30 unless terminated by either party by March 1 of any year.

Approved by the County of Warren Board of Supervisors on the 22nd day of March 2022.

FOR THE COUNTY OF WARREN, VIRGINIA

Cheryl L. Cullers

Cheryl L. Cullers, Chair, Board of Supervisors

Attest:

Edwin C. Daley

Dr. Edwin C. Daley, County Administrator

Approved by the Front Royal Town Council on the ____ day of _____, 2022.

FOR THE TOWN OF FRONT ROYAL, VIRGINIA

Chris W. Holloway, Mayor, Town of Front Royal

Attest:

Tina L. Presley, Clerk of Town Council



Council Consent Agenda Statement

Item # 12

Meeting Date: March 28, 2022

CLOSED MEETING

Motion to Go into Closed Meeting

I move that Town Council convene and go into Closed Meeting for the following:

- 1) 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 Town Manager's performance in his role as Executive Director of the Front Royal Economic Development Authority (FREDA), Town Attorney position and Board of Zoning Appeals (BZA) Vacancy, pursuant to Virginia Code §2.2-3711. A.1 of the Code of Virginia.

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

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

Moved _____ Seconded _____

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