



TOWN COUNCIL WORK SESSION

Monday, July 11, 2022 @ 7:00pm in the Town Hall Conference Room

View online LIVE at <https://www.frontroyalva.com/673/Town-Hall-Live>

1. Items Slated for Public Hearings on July 25 and August 22
 - A. Proposed Ordinance Amendments to Town Code Chapter 16 – Industrial Development Authority and Update on the Front Royal Economic Development Authority By-Laws – *Steven Hicks*
 - B. Proposed Ordinance Amendments to Chapter 175 – Data Centers – *Lauren Kopishke*
2. Items Slated for Consent Agenda for July 25th Regular Council Meeting – *BJ Wilson*
 - A. Bid for Three-Phase Transformers
 - B. Bid for Concrete
 - C. FY23 Budget Amendment to Receive Funds from the Anti-Litter Council
3. Proposed Ordinance Amendments to chapter 4 – Administration of Government – *Tina Presley*
4. Condemnation Resolution for Redundant Waterline for the Route 522 North Corridor – *Kathy Leidich*
5. Board of Zoning Appeals (BZA) Special Use Permits– *Lauren Kopishke*
6. E. Main Street Walking Mall Kickoff – *Steven Hicks*
7. Appoint Non-Elected Representative to Northern Shenandoah Valley Regional Commission – *Steven Hicks*
8. Liaison Committee Meeting Items for July 21st
9. Open Discussion
10. Adjourn



Work Session Agenda Statement

Item # 01A

Meeting Date: July 11, 2022

Agenda Item: Proposed Ordinance Amendments to Town Code Chapter 16 – Industrial Development Authority and Update on the Front Royal Economic Development Authority By-Laws

Summary: Council held a joint meeting with the Front Royal Economic Development Authority (FREDA) on June 22, 2022 to discuss various amendments to Town Code Chapter 16 - Industrial Development. During the meeting it was agreed to advertise for a public hearing the various amendments agreed to by both entities. The public hearing will be held on July 25th. After review by Deputy Town Attorney Sonnett it was suggested to remove "*Development Areas*" in the title of 16-6.

During the meeting on June 22nd, both entities reviewed the FREDA By-Laws and various amendments were agreed upon. FREDA will be approving the By-Laws at their regular meeting on July 14th and subsequently will be approved by Council on July 25th. A public hearing is not required to approve the FREDA By-Laws.

Budget/Funding: N/A

Staff Recommendation: Council to hold a public hearing on the Town Code amendments to Chapter 16 as presented and approve the FREDA By-Laws as presented at their July 25th Regular Meeting.

Chapter 16**INDUSTRIAL DEVELOPMENT AUTHORITY****Sections:**

- 16-1 (RESERVED)**
- 16-2 (RESERVED)**
- 16-3 ESTABLISHMENT**
- 16-4 BOARD OF DIRECTORS; TERMS AND QUALIFICATIONS OF OFFICE**
- 16-5 OFFICERS**
- 16-6 POWERS, DUTIES, AND LIMITATIONS; DEVELOPMENT AREAS**

Revised/Re-codified 3-11-85. (*Chapter 2-43 of the 1965 Code; adopted 12-11-67*). Other amendments noted where applicable. The Entire Chapter was repealed and re-enacted on July 13, 2020.

16-1 (RESERVED)**16-2 (RESERVED)****16-3 ESTABLISHMENT**

There is hereby created, pursuant to Title 15.2, Chapter 49, the Industrial Development and Revenue Bond Act, of the Code of Virginia, by the Town Council of the Town of Front Royal, Virginia, a political subdivision of the Commonwealth of Virginia ("Town Council") to be known as the Economic Development Authority of the Town of Front Royal, Virginia, also to be known as the "Front Royal EDA".

16-4 BOARD OF DIRECTORS: TERMS AND QUALIFICATIONS OF OFFICE

- A. The Front Royal EDA created in this Chapter shall be governed by a Board of Directors composed of seven (7) Directors to be appointed by Town Council. Appointments shall be for terms of four (4) years, except appointments to fill vacancies which shall be for the unexpired portion of such term. If, at the end of any term of office of any Director, a successor shall not have been appointed or qualified, the Director whose term of office shall have expired shall continue to hold office until his successor shall be appointed and qualified.
- B. The seven (7) Directors of the Front Royal EDA shall be appointed initially for terms of one (1), two (2), three (3) and four (4) years, two (2) being appointed for one-year terms; two (2) being appointed for two-year terms; two (2) being appointed for three-year terms and one (1) being appointed for a four (4)-year term. Subsequent appointments shall be for terms of four (4) years, except appointments to fill vacancies, which shall be for the unexpired terms.

- C. Each Director shall, before entering upon his duties, take and subscribe the oath prescribed by Va. Code § 49-1, or its successor provision.
- D. No Director shall be an officer or employee of the Town of Front Royal or the County of Warren.
- E. Each Director shall be a resident of the Town of Front Royal or Warren County when appointed as a Director the Front Royal EDA. Residents of Warren County must own a business within the corporate limits of the Town of Front Royal. When a Director ceases to be a resident of the Town of Front Royal, or if a resident of Warren County ceases to be owner of a business within the corporate limits of the Town of Front Royal or ceases to be a resident of Warren County, that Director's office shall become immediately vacant and a new Director may be appointed for the remainder of the term.
- F. **The Directors shall receive no salary but receive a stipend per resolution approved by Town Council for meeting attendance. Reimbursement for necessary traveling and other expenses incurred in the performance of their duties shall be at the Executive Director's discretion.** ~~The Directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by Town Council, not to exceed \$200.00 per meeting or official representation, or such other amount as may from time to time be set by the Code of Virginia, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.~~
- G. Four (4) members of the Board of Directors of the Front Royal EDA shall constitute a quorum of the Board of Directors for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the Front Royal EDA shall be leased or disposed of in any manner without a majority vote of all members of the Board of Directors. No vacancy in the membership of the Board of Directors shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.
- H. The Board of Directors of the Front Royal EDA shall keep **detailed** minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by Va. Code § 30-140 or its successors provision, it shall arrange to have the same audited annually. Copies of such audit shall be furnished to Town Council annually and shall be open to public inspection.
- I. As a condition to service of office, each Director of the Front Royal EDA shall timely complete and file, in accordance with all requirements of the Code of Virginia, the Statement of Economic Disclosure and comply with all requirements; **and to complete training, of the State and Local Government Conflict of Interests Act (provided by the Virginia Conflict of Interest and Ethics Advisory Council) and the Virginia Freedom of Information Advisory Council (provided by the Freedom of Information Advisory Council) within two months of starting their position, and then once every two years based on the date of the last completed training.**

- J. The Board of Directors of the **Town Front Royal** EDA shall, upon its formation, promptly promulgate and execute Bylaws, which shall not become effective until ratified by Town Council; and upon ratification by Town Council, shall be binding upon the **Town Front Royal** EDA and its Board of Directors and each of its Directors in each Director's official position as such.

16-5 OFFICERS

The Board of Directors of the Front Royal EDA shall elect from its membership a Chairman, a Vice-Chairman, and from its membership or not, as they desire, a Secretary and a Treasurer, or a Secretary-Treasurer, who shall continue to hold such office until their respective successors are elected.

16-6 POWERS, DUTIES, AND LIMITATIONS; **DEVELOPMENT AREAS**

- A. In general and except as expressly set forth in this Chapter, the Front Royal EDA, its Board of Directors, and its individual Directors shall have and exercise all powers and duties and be subject to all duties and responsibilities and shall enjoy all exemptions from liability, as shall be set forth in the Industrial Development and Revenue Bond Act, Code of Virginia, 1950, §§ 15.2-4900 *et seq.*, as amended, or its successor provisions.
- B. Town Council hereby exercises its power and discretion, under the Industrial Development and Revenue Bond Act of the Code of Virginia and under this Chapter, to limit the type and number of facilities that the Front Royal EDA may finance or assist with financing or facilitate for development under this Chapter. Within any development or redevelopment area or facility the Front Royal EDA or Town Council or a developer proposes for promotion, development, redevelopment, financing, or assist with financing using the Front Royal EDA as a development or redevelopment promoter or facilitator, it may do so only (i) under the authority of this Chapter and under the authority of the Industrial Development and Revenue Bond Act. **and further, (ii) the Front Royal EDA may only cause, promote, finance, assist with financing, or facilitate such development or redevelopment such facilities as may be provided for in an economic development, redevelopment, financing, financing assistance, and/or or performance agreement or other similar agreement or agreements as may from time to time be jointly agreed in writing upon between the Front Royal EDA's Board of Directors and Town Council prior to the Front Royal EDA entering into any agreement or memorandum of understanding or similar type agreement or arrangement with any third party. Any Town EDA development, redevelopment, promotional, or financing or similar type agreement or arrangement not in conformity with this provision shall be null and void.**
- C. All agreements, arrangements, and instruments which purports to be legally binding and to which the **Town Front Royal** EDA is a party shall be reviewed by a qualified and licensed attorney-at-law **selected by Town Council** and shall have affixed there to the signature and date of such signing by such attorney with the notation "Approved as to Legal Form" prior to execution thereof by the **Town Front Royal** EDA. Any **Town Front Royal** EDA

agreement, arrangement, or instrument development, redevelopment or financing agreement or arrangement not in conformity with this provision shall be null and void.

- D. The Front Royal EDA and its Board of Directors shall have all powers, duties, liabilities, immunities from liabilities, and shall have such limitations upon its authority as set forth in the Industrial Development and Revenue Bond Act of the Code of Virginia and as set forth in in this Chapter, particularly 16-6 (A) and (B) herein.

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2022, upon the following recorded vote:

Lori A. Cockrell	___ Yes ___ No	Gary L. Gillispie	___ Yes ___ No
Letasha T. Thompson	___ Yes ___ No	Amber F. Morris	___ Yes ___ No
Joseph E. McFadden	___ Yes ___ No	Zachary Jackson	___ Yes ___ No

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

Approved as to form and legality:

George Sonnett, Deputy Town Attorney

Date: ____/____/____



Work Session Agenda Statement

Item # 01B

Meeting Date: July 11, 2022

Agenda Item: Proposed Ordinance Amendments to Chapter 175 - Data Centers

Summary: An amendment to Chapter 175 of the Town of Front Royal zoning ordinance to add the definition of data center, green roof, solar roof, and vegetative roof to 175-3; add data center as a use permitted by Special Use Permit in the (I-2) zoning district, revise special use permit uses in the (I-2) zoning district, 175-65; and to add supplemental regulations for data centers, 175-152.

The Planning Commission held a work session July 6, 2022 to discuss the text amendment. Staff was directed to move data centers from “by-right” to “special use” to a public hearing slated for August 17, 2022.

With a Special Use permit any Data Center application will have to have two public hearings and be approved by Council.

Text Amendment	• Requires two public hearings • PC review • Council approval	we are in this phase now
Comprehensive Plan Amendment	• Requires two public hearings • PC review • Council approval	These two processes are typically done concurrently , Rezoning price is dependent on acreage
Rezoning	• Requires two public hearings • Proffers • PC review • Council approval	
Special Use Permit Application	• Requires two public hearings • PC review • Council approval	
Site Plan Submission	• PC review and approval	

Budget/Funding: N/A

Staff Recommendation: Staff recommends approval of the text amendment at a public hearing slated to be held August 22, 2022 by Town Council. This amendment will supplement the Towns Economic Development efforts and help with the marketability of the Towns industrial zoned areas.

AN AMENDMENT TO CHAPTER 175 OF THE TOWN OF FRONT ROYAL ZONING ORDINANCE TO ADD THE DEFINITION OF DATA CENTER, GREEN ROOF, SOLAR ROOF, AND VEGETATIVE ROOF TO 175-3; ADD DATA CENTER AS A USE PERMITTED BY SPECIAL USE PERMIT IN THE (I-2) ZONING DISTRICT, REVISE PERMITTED USES IN THE (I-2) ZONING DISTRICT, 175-65; AND TO ADD SUPPLEMENTAL REGULATIONS FOR DATA CENTERS, 175-152.

Chapter 175 Zoning

175-3. DEFINITIONS

DATA CENTER

A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations, which may also include other associated utility infrastructure to support sustained operations.

GREEN ROOF

A green roof is a solar roof or vegetative roof.

SOLAR ROOF

A solar roofing system that generates reusable energy, which reusable energy accounts for at least 2.5 percent of the total electric energy used by the building to which the solar roofing system is attached.

VEGETATIVE ROOF

A roofing system designed in accordance with the Virginia Stormwater Management Program's standards and specifications for green roofs, as set forth in the Virginia Stormwater BMP Clearinghouse, in which at least 50 percent of the total roofing area is vegetative.

INDUSTRIAL EMPLOYMENT DISTRICT (I-2)

175-64 STATEMENT OF INTENT (I-2)

The I-2 Industrial Employment District is designed to:

- A. Enable the establishment of industrial and employment uses and structures in appropriate locations of the town.
- B. Prevent land or structures from being used in a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable risk of fire, explosion, radioactivity, or other hazardous condition; noise or vibration, smoke, dust, odor, or other form of air pollution; electrical or other disturbance, glare, or heat; liquid or solid waste; or other condition that would ~~detract from the~~ **adversely affect nearby** residential and commercial areas.
- C. Provide controls and standards for the establishment of industrial and employment uses and structures in keeping with the purposes of this Article and the Front Royal Comprehensive Plan.

175-65 USE REGULATIONS (I-2)

A. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the I-2 District, the following uses of land and buildings are permitted by-right in the I-2 District:

RESIDENTIAL:

Caretaker **or Guard** quarters

COMMERCIAL:

Automobile and truck sales lots and leasing agencies, in accordance with 175-44.E

Automobile garage (auto repair)

Automobile service stations (gas stations)

Business Offices

Coal and wood yards, lumberyards, and feed/seed stores

Commercial nurseries, greenhouses, and garden centers

Commuter parking facilities

Contractor's offices, display rooms and storage

Furniture stores

Lumber and building supply

Professional Offices

Technology Business **including internet service providers, software design and development, content developers, internet-based sales, and service, inbound or outbound call centers**

Veterinary hospitals

INDUSTRIAL:

Distribution facilities

Light Manufacturing

Woodworking and upholstery shop.

Wholesale

ORGANIZATIONAL:

Buildings used primarily for federal, state, county, or local government purposes

Laboratory, pharmaceutical and/or medical

Schools

Public protection facilities: fire departments, rescue squads, police stations, or substations

MISCELLANEOUS:

Accessory uses, structures, and buildings

Home occupations

Open Space

Public facilities.

Public parks and playgrounds

Public utilities

Signs, as set forth in Section 175-106

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator

B. The following uses are permitted within the I-2 District only by approval of a **Special Use Permit**, except as prohibited or restricted by separate restrictions of record that may pertain to property within the I-2 District:

RESIDENTIAL:

COMMERCIAL:

Airport (including heliports)

Assembly Halls.

Barber and beauty shops

Catering Services

Clubs

Data Centers, in accordance with 175-152

Daycare and daycare facilities

Kennels

Recreation facility, commercial

Restaurant, including drive-in restaurants

Retail Stores

INDUSTRIAL:

Automobile Graveyard

Hazardous Material Storage

Heavy Manufacturing

Medium Manufacturing

Scrap metal processing

ORGANIZATIONAL:

Schools

MISCELLANEOUS:

Solar roofs

Vegetative roofs

Any use permitted under Section 175-65.A., or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-67, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Communications Towers and cable television facilities, with wireless telephone (cell phone) communications tower subject to the supplemental provisions prescribed in Section 175-110.4.

Conservation Areas

Mini-warehouses

Parking Structures

175-66 AREA REGULATIONS (I-2)

- A. Minimum lot size: ~~twenty thousand (20,000) square feet~~ **One (1) Acre.**
- B. Minimum lot width: ~~eighty (80) feet~~ **one hundred fifty (150) feet.**
- C. Minimum district size: ten (10) acres.

175-67 MAXIMUM HEIGHT OF BUILDINGS (I-2)

- A. All buildings/structures: seventy-five (75) feet, except as provided for in Section 175-65B.
- B. Exemptions to height requirements:
 - 1. Chimneys and flues.
 - 2. Cooling towers.
 - 3. Flagpoles.
 - 4. Radio and communications towers.
 - 5. Parapet walls up to four (4) feet above the height of the building on which the wall rests.
 - 6. Water towers.
 - 7. Elevator towers.

175-68 MINIMUM YARD DIMENSIONS (I-2)

- A. All structures:
 - 1. Front: twenty-five (25) feet.
 - 2. Side: ~~ten (10) feet~~ **fifteen (15) feet for principal structure, 10 feet for accessory structure.**
 - 3. Rear: ~~zero (0)~~ **fifteen (15) feet for principal structure, 10 feet for accessory structure**
 - 4. Corner side: twenty-five (25) feet.
- B. Transitional requirements, when adjoining a residential district
 - 1. Side: forty (40) feet.
 - 2. Rear: forty (40) feet.
 - 3. All transitional yards shall be landscaped in accordance with Section 148-44.

175-69 LOT COVERAGE (I-2)

- A. Maximum building coverage: - fifty percent (50%).
- B. Maximum impervious surface coverage: - seventy-five percent (75%).

175-70 PERFORMANCE STANDARDS (I-2)

The following performance standards shall apply to all uses within the I-2 Industrial Employment District:

- A. Vibration:

1. No continuous, frequent, or repetitive vibrations shall be produced which are discernible to a person of normal sensitivities, without instruments, on land that is not zoned for industrial uses.
2. Vibrations from temporary construction and vehicles leaving the property (such as trucks or trains) are excluded. Vibrations from on-site equipment or vehicles that remain primarily on-site are included.
3. Vibrations of no more than five (5) minutes on **any** ~~one (1)~~ day between the hours of 7:00 a.m. and 7:00 p.m. shall not be deemed continuous, frequent, or repetitive.

B. Glare:

1. Any operation or activity producing intense light or glare shall be performed in such a manner as not to create a glare effect across lot lines. Direct illumination from any source shall be screened from adjoining properties.

C. Heat:

1. Heat from an industrial use shall not at any time cause a temperature increase in the air on any adjacent property in excess of ten degrees Fahrenheit (10 F.).
2. Heat from an industrial use shall not at any time cause a temperature increase in a stream, wetland, lake, or any other body of water, at or beyond the property line of the lot on which it is located, that would have an adverse effect on any aquatic life.

D. Liquid or Solid Wastes:

1. No industrial use shall result in the discharge of liquid or solid waste into any public sewer, private sewage system, public waters or into the ground except in compliance with applicable federal, state, or local laws governing such discharge.
2. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects.
3. All discharges into any public sewer shall comply with the provisions of Section 134-2, et seq.

E. Smoke and Particulate Matter:

1. Open storage and open processing operations, including on-site transportation movements which are the source of windborne dust or other particulate matter or which involve dust or other particulate air contaminant generating equipment (such as used in paint spraying, grain handling, sand or gravel processing or sandblasting) shall be conducted so that dust and other particulate air contaminants are not transported in visible quantities across the boundary line of the tract on which the industrial use is located.

2. All industrial uses shall comply with state and federal air pollution control regulations.

F. Toxic and Hazardous Materials:

1. All toxic and hazardous materials used in industrial operations shall be registered with the Front Royal Fire Department for purposes of safety.
2. Activities involving the storage or use of materials or products which decompose by detonation shall be registered with the Front Royal Fire Department.
3. Explosives shall be stored, used, and manufactured in accordance with applicable state and federal regulations.

G. Odor:

1. No continuous, frequent, or repetitive emission of odors or odor-causing substances of such intensity and character as to be detrimental to the health and welfare of the public or neighboring landowners or to interfere with the comfort of the public or neighboring landowners at or beyond the property line shall be permitted. Any such odor or odor causing activity or substance shall be removed, stopped, or so modified as to remove the odor.
2. An odor which is evident no more than once in any one (1) day for a period not exceeding five minutes shall not be deemed as continuous, frequent, or repetitive within the meaning of these regulations.

H. Noise:

1. No industrial activity shall generate noise that tends to have an annoying or disruptive effect upon uses located beyond the property boundary.
2. Where technical evidence of violation is warranted, sound levels shall be measured at locations specified in Section 175-71 with a sound level meter and associated octave band filter, manufactured in accordance with the American Standards Association. Measurements shall be made using the flat network of the sound level meter. No sound pressure level shall exceed the decibel levels in the octave bands shown herein.

3. Maximum permitted sound levels (in decibels):

Octave Band Cycles Per Second	Maximum Permitted Sound Level in Decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	41
2400 to 4800	38
Above 4800	35

4. Noise resulting from temporary construction activity between the hours of 7:00 a.m. and 7:00 p.m. shall be exempt from this section.

I. Screening:

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building.
2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met.
 - a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
 - b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be a minimum of six (6) feet unless an alternative height is approved by the Planning Commission during the review of a site plan.
3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-70.I.2.b.
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction, or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.

- e. Pre-manufactured buildings.
 - f. Vending machines.
 - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.
- 4. All sites and parking areas shall be landscaped in accordance with the provisions of **~~Sections 148-46, 148-47 and 148-48~~ the Town of Front Royal's Landscaping Preservation and Planting Guide.**
 - 5. Automobile graveyards and junkyards, including those in existence at the time of the adoption of this chapter, shall completely screen, on any side open to view from a public road, the operation or use by a solid masonry wall, a uniformly colored solid fence, or dense evergreen plantings at least six (6) feet in height at the time of planting.

175-71 LOCATIONS FOR DETERMINATION OF PERFORMANCE STANDARDS (I-2)

Measurements may be made at ground level or at habitable levels of buildings. Measurements shall be made at the property boundary of the parcel where the industrial use is located.

175-72 ADMINISTRATION/ENFORCEMENT OF PERFORMANCE STANDARDS (I-2)

A. Before a building permit or zoning permit shall be issued or construction commenced on any uses in this district or a permit issued for a new use, the development plans shall be submitted to the Zoning Administrator for review. Sufficient detail shall be provided on said plans to show compliance with the substantive provisions of this chapter and compliance of the operations and processes to the performance standards.

B. Determinations of a violation shall be made pursuant to a test using either the senses of the Zoning Administrator and a second municipal official/employee or using equipment before notice of violation is issued. The operator of an industrial use shall be given written notice of the time and place of the test and given a reasonable opportunity to witness the test.

C. The Zoning Administrator will notify landowners and business operators/tenants in writing of violations and will then seek compliance. When notified of a violation, a landowner or tenant will have the opportunity to demonstrate that the operation predates the application of this Article and is therefore a valid nonconforming use. A finding of violation may be appealed to the Board of Zoning Appeals and then to the courts.

D. If a violation exists and the operator fails to take satisfactory action within two (2) weeks, the Zoning Administrator shall take or cause to be taken such action as is appropriate to cause correction of such violation. Failure to obey lawful orders concerning correction of such violation

shall be punishable as provided generally for violations in the Zoning Ordinance and in other laws or regulations affecting the case.

175-73 OFF-STREET PARKING AND LOADING (I-2)

A. Parking space requirements:

1. Industrial uses/manufacturing/distribution areas: one (1) space per employee one (1) space for every vehicle used on site, plus one (1) space per delivery/loading bay.
2. Automobile garages: two (2) spaces per service bay, or two (2) spaces for every three hundred sixty (360) square feet. Every such facility shall have a minimum of three (3) spaces.
3. Industrial uses/office component: one (1) space per three hundred (300) square feet of office area.
4. Other uses not specifically enumerated: see Section 175-104.

B. Location: Minimum setback for loading areas, driveways, and parking: five (5) feet from side and rear property lines for parking areas with fewer than fifteen (15) spaces and five (5) feet from front property line except where driveway entrance is located. All parking areas with fifteen (15) or more spaces shall meet the requirements of Section 148-48.

C. Loading space requirements:

1. Number: one (1) space for first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional forty thousand (40,000) square feet or fraction thereof. For purposes of this section, gross floor area shall include gross outdoor storage areas, covered or uncovered.
2. Size of space: minimum twelve (12) feet wide and fifty-five (55) feet in length, with a minimum clear height of fifteen (15) feet.

175-152. Data Centers

A. STATEMENT OF INTENT

These requirements are intended to ensure that the development of data centers, where allowed, is consistent with the goals of the Comprehensive Plan; promote public health, safety, and welfare by improving air quality and reducing dust, glare, and noise; promote traffic safety by defining circulation patterns; and provide for the protection of the appearance and value of neighboring properties.

B. DEVELOPMENT STANDARDS

All facilities shall be subject to the use limitations and development standards set forth in the underlying land use district; in addition, shall be subject to the following supplemental regulations:

SITE DESIGN & LAYOUT

C. Access And Internal Circulation

1. Access and internal circulation shall be designed so as not to impede traffic on a public street. Access by the following means may be approved:
 - a. Provision of shared entrances, interparcel connection and travelways, or on-site service drives connecting adjacent properties.
 - b. Access from a secondary public street as opposed to the corridor highway.
 - c. Access points, for lots located at an intersection, shall be located the maximum distance possible from existing or proposed intersections.
 - d. The internal streets of a commercial, office, or industrial complex.

D. Setbacks

1. Setbacks. Minimum yard depth shall be as follows:
 - a. Front: 100 feet for structures; 50 feet for parking lots
 - b. Rear and side: 50 feet for structures; 25 feet for parking lots.
 - c. Reductions to required minimum yard depth may be granted by the Town of Front Royal Town Council and/or Planning Commission, as applicable, where, on account of topographical, depth of lot, or other circumstances applicable to the subject property, without such relief use of the subject property would be effectively prohibited or unreasonably restricted.

E. Parking and Landscaping

1. One (1) space per employee on the major shift and one (1) space for every vehicle used on site, plus one (1) space per delivery/loading bay.
2. Landscaping shall be installed in accordance with the requirements of Chapter 156 and the Town's Landscape Preservation and Planting Guide.
3. Parking areas shall be located to the rear or side of the structure(s) or building(s) they are intended to serve whenever possible. Where parking is designed to be located in the front yard setback of the corridor highway, a three-foot berm or wall shall be utilized with a designated street buffer. Where a wall is used, it shall be placed adjacent to the parking areas.

F. Service Areas

1. Loading and service bays. Loading areas, service entrances and service bays shall be oriented and/or screened so as not to be visible from the public right-of-way.

G. Waste Disposal Areas

1. Dumpster and other waste disposal areas shall be completely screened from the public view by means of a board-on-board fence and landscaping, or similar opaque material.

H. Fences

1. Fencing of the property is permitted, provided that fencing along public or private streets is not chain-link, with or without slatted inserts, and does not include barbed wire or other similarly visibly intrusive deterrence device.

I. Mechanical Equipment

1. Mechanical equipment shall be shielded and screened from the public view and designed to be perceived as an integral part of the building.

J. Exterior Lighting

1. Lighting shall be installed in accordance with the requirements of Chapter 148-860.F.

K. Pedestrian And Bicycle Facilities

1. Sidewalks and/or trails for pedestrian and/or bicycle access shall be provided, at a minimum, along any side of a public road that abuts the property upon which the data center is located.

L. Sound regulations shall be in compliance with the underlying zoning district.

BUILDING LOCATION AND TREATMENT

A. Integrated Campus Style Development.

1. All buildings within a property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, vehicular and pedestrian circulation, and other development elements work together functionally and aesthetically. Architectural treatment shall be designed so that all building facades of the same building (whether front, side, or rear) that are visible from the public right-of-way, shall consist of similar architectural treatment in terms of materials, quality, appearance, and detail.

B. Orientation

1. Building facades and entrances should be oriented in a manner toward the primary means of vehicular access.

C. Floor Area

1. The Floor Area Ratio (total building floor area/total lot area) shall not exceed 0.5 except when a Floor-Area Ratio (FAR) bonus for green roofs that cover more than 50% of the roof area are approved.
2. Buildings with green roofs are eligible for floor area bonuses, provided they meet the following minimum standards:
 - a. The site for which the floor area bonus is requested must be located in a commercial or industrial district.
 - b. To be eligible for floor area bonus, a green roof must cover more than 50% of the net roof area (i.e. the total gross area of the roof minus any roof area covered by mechanical equipment) or 2,000 square feet of contiguous roof area, whichever is greater.
 - c. Documentation must be submitted demonstrating that the roof can support the additional load of plants, soil, and retained water, and that an adequate soil depth will be provided for plants to thrive.

- d. The roof area must contain sufficient space for future installations (e.g. mechanical equipment) that will prevent adverse impacts (e.g. removal of or damage to plants or reduction in area) of the green roof.
- e. Plant varieties, soil depths and soil content must comply with Town of Front Royal horticultural standards and guidelines.
- f. Vegetation must be maintained for the life of the building.
- g. Green roofs are subject to periodic inspection by the Department of Planning/Zoning to ensure that the amenity is properly maintained.
- h. Bonus Formula
 - 1. The floor area bonus for qualifying green roofs is calculated as follows: Bonus FAR = (area of roof landscaping in excess of 50% of net roof area / lot area) X .30 X Base FAR.

D. Building Bulk and Mass

- 1. All buildings and parking areas should be designed with treatments to break up the mass and bulk and include at least two of the following design elements:
 - a. change in building height
 - b. building step-backs or recesses
 - c. fenestration
 - d. change in building material, pattern, texture, color; or
 - e. use of accent materials
- 2. The treatment of buildings shall include vertical architectural treatment at least every 50 feet to break down the scale of the building into smaller components.
- 3. Any facade with a blank wall must be screened in a manner approved by the Zoning Administrator to comply with applicable provisions of the Town of Front Royal's Code.
- 4. Architectural details shall continue on all facades visible from the public right-of-way.

E. Materials

- 1. Building materials should be typical of those prevalent in the Town of Front Royal, including stucco, brick, architectural block, wood siding, and standing seam metal roofs.
- 2. No facade visible from adjoining property or the public right-of-way shall be constructed of unadorned cinder block, corrugated metal, or sheet metal.
- 3. All equipment necessary for cooling, ventilating or otherwise operating the data center, to include emergency generators, for any data center constructed in the commercial and industrial districts should be located within an enclosed building.

F. Color

- 1. The permanent color of building materials (to be left unpainted) should primarily be earthen tones, along the corridor. Garish and striking colors should be avoided.

G. Adjoining historic properties

- 1. New construction on properties that adjoin designated historic properties should seek to incorporate the scale, massing, and treatment of the historic property into the new construction.**
- 2. Efforts should be made to relate to the building height, when in proximity to the principal historic structure.**
- 3. New construction should not overshadow the adjoining historic property.**

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____, 2022, upon the following recorded vote:

Lori A. Cockrell	___ Yes ___ No	Gary L. Gillispie	___ Yes ___ No
Letasha T. Thompson	___ Yes ___ No	Amber F. Morris	___ Yes ___ No
Joseph E. McFadden	___ Yes ___ No	Zachary Jackson	___ Yes ___ No

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

Approved as to form and legality:

George Sonnett, Deputy Town Attorney

Date: ____/____/____



Work Session Agenda Statement

Item # 02A

Meeting Date: July 11th, 2022

Agenda Item: Bid for Three Phase Transformers

Summary: Council will be requested to approve a bid for purchase of three phase transformers at the July 25, 2022 regular meeting. The Town solicited for an invitation for bid and will be reviewing responses before the July 25, 2022 regular meeting. Staff will be requesting to award the bid to purchase two three phase pad-mounted transformers.

Budget/Funding: Funding has been budgeted for and is available in the following line items:

94014702 Energy Services Line Extensions

Staff Recommendation: Staff recommends approving the award of contract as presented under the Consent Agenda of the Regular Council Meeting of July 25th.



Work Session Agenda Statement

Item # 02B

Meeting Date: July 11th, 2022

Agenda Item: Bid for Concrete

Summary: Council will be requested to approve multiple bids for concrete on an as-needed bases at the July 25, 2022 regular meeting. The Town solicited for an invitation for bid and will be reviewing responses before the July 25, 2022 regular meeting. Staff will be requesting to award multiple contracts for concrete to allow the Town to source material from multiple vendors due to supply shortages.

Budget/Funding: Funding has been budgeted for and is available in the following line items:

4102-45407	Highway Maintenance – Repair & Maintenance Supplies
4500-45407	VDOT Highway Maintenance – Repair & Maintenance Supplies
450-45477	VDOT Highway Maintenance – Curb & Gutter Reconstruction

Staff Recommendation: Staff recommends approving the award of contract as presented under the Consent Agenda on the Regular Council Meeting of July 25th.



Work Session Agenda Statement

Item # 02C

Meeting Date: July 11, 2022

Agenda Item: FY23 Budget Amendment to Receive Funds from the Anti-Litter Council

Summary: Council will be requested to approve a FY23 Budget Amendment in the amount of \$5,142.25 to receive funds from the Warren County Anti-Litter Council to be used to purchase additional bear proof and regular solid waste receptacles.

Budget/Funding:	1000-3410209	General Fund Reimbursements	\$5,142.25
	4302-47001	General Properties Machinery & Equipment	\$5,142.25

Staff Recommendation: Staff recommends approving the FY23 Budget Amendment as presented under the Consent Agenda on the Regular Council Meeting of July 25th.



Work Session Agenda Statement

Item # 03

Meeting Date: July 11, 2022

Agenda Item: Proposed Amendments to Town Code Chapter 4 – Administration of Government

Summary: At the June 13, 2022 Work Session Council held a Special Meeting at 6:30p that lasted approximately 10 minutes. A work session was scheduled for 7:00pm; however, per Town Code 4-1.D., Council could not begin their work session until 7:00pm. To make better use of Council's time staff is recommending an amendment to the Town Code to allow for work sessions to begin as stated on the agenda. As an example, the June 13th work session agenda would have stated *"to begin immediately after the Special Meeting"*. The second proposed amendment in the same section of the Chapter allows for work sessions to be held as need provided a majority of Council agree to the date, time and location.

Upon further review of Chapter 4 there were several other amendments that are being proposed for Council's consideration. They are highlighted on the attached ordinance and a briefing of each is below:

- 4-1.1 - Remote Participation by Electronic Means – cleaned up to match State Code more clearly as suggested by Deputy Town Attorney.
- 4-6 – applicability of Robert's Rules of Order – removed 10th Edition to reflect current edition
- 4-27 – Town Manager General Responsibilities/Duties – removed supervision of Legal Department as suggested by Deputy Town Attorney
- 4-39 – Town Attorney General Powers and Duties – added supervision of legal department as suggested by Deputy Town Attorney
- 4-44 – Filing Required – Amended to add FREDA, Boards/Commissions and employees to file disclosures and to add FREDA and Executive Director to Training requirement to match State Code more clearly
- Various other minor grammar and updates noted throughout

Budget/Funding: N/A

Staff Recommendation: Council to review all amendments and direct staff to advertise for a public hearing to be held August 22, 2022.

Chapter 4

ADMINISTRATION OF GOVERNMENT

Sections:

TOWN COUNCIL**4-1 TIME OF MEETINGS****4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS****4-2 STANDING COMMITTEES****4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING****4-4 READING/PUBLICATION OF ORDINANCES & EMERGENCY ORDINANCES****4-5 ATTENDANCE OF WITNESSES & PRODUCTION OF BOOKS AND PAPERS****RULES OF ORDER****4-6 APPLICABILITY OF *ROBERT'S RULES OF ORDER*, 10TH EDITION****4-7 SUSPENSION OF RULES****4-8 MAYOR AS PRESIDING OFFICER****4-9 QUESTIONS OF ORDER****4-10 STATEMENT OF QUESTION AND DECLARATION OF RESULT; RECORDED VOTE****4-11 WITHDRAWAL FROM MEETING****4-12 CONDUCT IN ADDRESSING COUNCIL****4-13 PRIORITY IN SPEAKING****4-14 COMMUNICATIONS TO BE IN WRITING****4-15 MOTIONS****4-16 MEETINGS AND ORGANIZATION OF COMMITTEES****4-17 COMMITTEE REPORTS****4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES****4-19 ORDER OF BUSINESS; PLACEMENT OF ITEMS ON THE AGENDA****OFFICERS****4-20 RIGHT OF ENTRY****MAYOR****4-21 EXECUTIVE HEAD****4-22 CONTRACTING DEBT****4-23 RECOMMENDATIONS TO COUNCIL****TOWN MANAGER****4-24 (RESERVED)****4-25 BOND****4-26 POSITION TO BE FULL-TIME; REMOVAL****4-27 GENERAL RESPONSIBILITIES AND DUTIES****4-28 DUTIES AS TOWN TREASURER**

- 4-29 BUDGET AND FINANCIAL ADVICE**
- 4-30 ATTENDANCE AT COUNCIL MEETINGS; RECOMMENDATIONS TO COUNCIL**
- 4-31 EMPLOYMENT AND DISCHARGE OF TOWN EMPLOYEES**
- 4-32 MONTHLY FINANCIAL REPORT**
- 4-33 SINKING FUND; INTEREST ON OUTSTANDING BONDS**
- 4-34 CONTROL OF TOWN-OWNED REAL PROPERTY**
- 4-35 BILLS**
- 4-36 DISPOSITION OF TOWN FUNDS**

TOWN ATTORNEY

- 4-37 ELECTION**
- 4-38 COMPENSATION**
- 4-39 GENERAL POWERS AND DUTIES**
- 4-40 SUITS, PROSECUTIONS AND DEFENSE DUTIES**
- 4-41 REPORTS TO COUNCIL**
- 4-42 ACCOUNTING FOR FUNDS**

TOWN ENGINEER

- 4-43 APPOINTMENT; DUTIES**

DISCLOSURE BY CERTAIN EMPLOYEES

- 4-44 FILING REQUIRED**
- 4-45 APPLICABILITY**

PUBLIC RECORDS

- 4-46 TOWN RECORDS - DEFINITION**
- 4-47 TOWN RECORDS DECLARED PUBLIC PROPERTY**
- 4-48 CUSTODY AND PRESERVATION OF TOWN COUNCIL RECORDS**
- 4-49 RECORDS MANAGEMENT PROGRAM**
- 4-50 RECORDS MANAGER**
- 4-51 DEPARTMENT RECORDS OFFICERS**

AUXILIARY POLICE OFFICERS

- 4-52 APPOINTMENT; POWER AND DUTIES**
- 4-53 RESIDENCY OF TOWN EMPLOYEES**

Revised/Re-codified 3-11-85. (Chapter 2 of the 1965 Code. Section 2-39 "Compensation of Town Attorney" amended 6-14-54; Section 2-4 "Ordinances" amended 6-13-60; Section 2-2 "Appointment of Standing Committees" amended 8-8-60; Section 2A "Regulate Emissions" was amended 11-9-64; 12-14-64; 8-23-65; Section 2-43 "Industrial Development Authority" was added 12-11-67; Section 2-27.1 "Duties include those of Town Treasurer" amended 8-9-71; Amended 4-45 7-27-09; Removed 4-45 (Applicability) 12-13-21. General Provisions regarding Town Council and Town Manager are located in the Town Charter; Chapters I – VI. Other amendments noted where applicable.

TOWN COUNCIL

4-1 TIME OF MEETINGS

A. The Council shall hold one regular meeting in the Warren County Government Center on the fourth Monday of each month at 7:00 p.m.; provided however, the regular meeting in the month of December of each year, shall be on the second Monday of that month, held at the same time and in the same place.

B. In the event that a regular Town Council meeting shall fall on a date designated as a Town holiday, then the regular Council meeting shall be held on the following day (Tuesday) at 7:00 p.m. with location being in the Warren County Government Center or Town Hall whichever is available.

C. In the event that a regular Town Council meeting cannot be conducted at the regular time or location due to circumstances beyond the Town's control, the alternative meeting date shall be the following Monday at 7:00 p.m. in the Warren County Government Center or Town Hall whichever is available.

D. **The Council shall hold one work session in the Town Hall on the second Monday of each month at a time specified by the agenda except for the work session in December which shall be held on the first Monday of that month. In the event that a work session cannot be held due to circumstances beyond the Town's control, the Council may either cancel the work session or reschedule the work session to another date and time. Council may hold additional work sessions as needed provided that a majority of Council agrees to the date, time and location of such work session(s).**

~~D. The Council shall hold one work session in the Town Hall on the second Monday of each month at 7:00 P.M.; provided the work session in the month of December of each year shall be on the first Monday of that month, held at the same time and in the same place. In the event that a work session cannot be held due to circumstances beyond the Town's control the Council has the option to cancel the work session or reschedule the work session to another date and time.~~

4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS

A. Individual members of Town Public Bodies, **as hereinafter defined**, may participate in meetings of Town Public Bodies by electronic communication means from a remote location that is not open to the public, as permitted by Virginia Code § 2.2-3708.1-2., as that Section may from time to time be amended, or by other future applicable law. This **policy ordinance** shall apply to the entire membership of Town Council, **the Planning Commission**, and all other entities however designated, of Town Council created to perform delegated functions of Town Council or Town government or to advise or assist Town Council or Town government, including, but not limited to **the Planning Commission**, ~~the Board of Zoning Appeals~~, the Board of Architectural Review, ~~the Town Economic Development Authority~~ and the Urban Forestry Advisory Committee (collectively, "Public Bodies", or in the singular, "Public Body"). Public

Body members requesting remote participation or the matters that will be considered or voted on at the meeting **notifies the Chair of the Public Body that:**

1. **When** such ~~remote individual~~ Public Body **member's remote** participation is due **to** (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance or (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance.
2. **When** such ~~remote individual~~ Public Body **member's remote** participation is due to **an emergency or** a personal matter and identifies with specificity the nature of the personal matter. Such participation is limited **by the Code of Virginia** to two (2) meetings or 25 % percent of the meetings of the public body per public body member each calendar year, whichever is fewer.

B. Whenever an individual Town Public Body member wishes to participate from a remote location, a quorum of the Public Body shall be physically assembled at the primary or central public meeting location, and arrangements will be made for the voice of the **remote** Public Body member **attending remotely** to be heard by all persons at the primary or central Public Body meeting location. The reason that the **remote** Public Body member is **appearing remotely and** unable to attend the public body meeting **in person** and the remote location from which the Public Body member participates will be recorded in the Public Body meeting minutes. **If participation is approved pursuant to subdivision A.1, the Public Body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision A.2, the Public Body shall also include in its minutes the specific nature of the personal matter cited by the member.**

C. ~~Individual~~ **A** Public Body member's participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provisions of the Virginia Freedom of Information Act.

If a Public Body member's participation from a remote location is challenged, then the Public Body shall vote whether to allow such participation. If the Public Body votes to disapprove of the Public Body member's remote participation because such participation would violate this ordinance or the provisions of the Virginia Freedom of Information Act, such disapproval will be recorded in the Public Body Meeting Minutes with specificity.

D. This **ordinance** applies to all meetings **and** work sessions of **all the Public Bodies. and committees of the Public Body.**

4-2 STANDING COMMITTEES

The Council, as soon as practicable after the qualification of the newly elected members of each Council, may appoint the following standing Committees:

- A. A Street Committee with which the Town Manager may consult on all matters with regard to streets.
- B. A Water Committee with which the Town Manager may consult on all matters with regard to water.
- C. An Electric Committee with which the Town Manager may consult on all electric matters.
- D. A Sewer Committee with which the Town Manager may consult on all matters concerning sewers.

4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING

No proposed ordinance or proposed resolution having the effect of an ordinance shall be considered or passed by the Council unless it shall be submitted in writing.

4-4 READING AND PUBLICATION OF ORDINANCES; AND EMERGENCY ORDINANCES

A. The Clerk of Council shall, upon receipt of ordinances requiring a public hearing, cause such publication as legally prescribed. The public hearing shall be scheduled for the first available meeting after the completion of the publication requirements.

B. Ordinances shall be adopted at the first reading. Ordinances may be read by title only and not verbatim.

C. Ordinances which fail to pass during the first reading of Council, shall fail at that time and shall not be placed on a subsequent meeting agenda for twelve months unless one of the following occurs: (1) there is a change in the membership of Council, (2) one councilmember who initially voted against the ordinance concurs with its placement on the agenda, (3) an ordinance that was defeated for the lack of a second is again placed on the agenda with the concurrence of any ~~councilman~~ councilmember who did not make the initial motion for approval.

D. Emergency ordinances shall take effect immediately upon their passage. An emergency ordinance is an ordinance passed by the Council for the immediate preservation of the public peace, property, health, welfare, safety, or morals. No ordinance granting, enlarging, or affecting any franchise or amending or repealing any ordinance fixing any property tax rate or assessment shall be an emergency ordinance. Ordinances pertaining to the appropriating of money or levying taxes or licenses, or reconsideration of matters at special meetings shall be considered as provided in Town Charter Section 13.

4-5 ATTENDANCE OF WITNESSES & PRODUCTION OF BOOKS AND PAPERS

The Council or any committee thereof when especially authorized, shall have the power to require the attendance of any person as a witness and the production by any person of all proper books and papers when, in the opinion of such body, such attendance or such production is necessary and proper. Summons to attend as witnesses or produce books or papers shall be in writing signed by the presiding officer of the Council or committee thereof and shall be served by the Chief of Police in the same manner as a process to commence an action at law. Such witnesses shall be sworn by the officer presiding at such investigation and shall be liable for perjury or false testimony given at any such investigation. Any person failing or refusing to testify or produce such books or papers may be summoned before the county court and, upon failure to give a satisfactory excuse, shall be fined a sum not exceeding one hundred dollars (\$100) or imprisoned not exceeding thirty (30) days. A right of appeal shall lie to the Circuit Court of the county as in cases of a misdemeanor.

RULES OF ORDER

4-6 APPLICABILITY OF *ROBERT'S RULES OF ORDER*, ~~10TH EDITION~~

The proceedings of the Council, except as its own rules may otherwise provide, shall be governed by the rules of procedure described in ~~the then current edition of~~ *Robert's Rules of Order*, ~~10th Edition~~.

4-7 SUSPENSION OF RULES

No rule adopted by the Council shall be suspended without the concurrence of two-thirds (2/3) of the members elected to the Council.

4-8 MAYOR AS PRESIDING OFFICER

The Mayor, as the presiding officer of the Council, shall enforce the ~~parliamentary~~ rules of procedure, preserve order and decorum and appoint all committees.

4-9 QUESTIONS OF ORDER

At Council meetings, the Mayor shall decide questions of order and may, without vacating the chair, give his reasons for his decision. From any decision of the chair, an appeal may be made to the body in session, the question being "Shall the decision of the chair be sustained?" Upon such appeal no debate shall be allowed if it refers to a question of decorum, but if it relates to the priority of business or to the relevancy or applicability of propositions, the appeal may be debated.

4-10 STATEMENT OF QUESTION AND DECLARATION OF RESULT; RECORDED VOTE

At Council meetings, the Mayor shall state the question and shall declare the result of the vote. He may direct, or any member may demand, a recorded vote, which shall be taken by a call of the roll.

4-11 WITHDRAWAL FROM MEETING

After a member of the Council, at any meeting thereof, has been recorded as present, he shall not, without permission of the Mayor or the presiding officer, absent himself from such meeting until its adjournment.

4-12 CONDUCT IN ADDRESSING COUNCIL

Every member of the Council shall address the presiding officer before speaking, confine himself to the question before the body and avoid all personal or indecorous language. No such member shall interrupt another while speaking except to rise to a point of order, the point to be briefly stated to the presiding officer.

4-13 PRIORITY IN SPEAKING

At Council meetings, the person first to address the chair shall speak first. When two (2) or more members speak at the same time, the presiding officer shall name the one to speak.

4-14 COMMUNICATIONS TO BE IN WRITING

No communication to the Council shall be entertained unless such communication is in writing.

4-15 MOTIONS

Every motion or proposition at a Council meeting, except such as a subsidiary or incidental, shall be in writing. When a motion is made and seconded, it shall be stated by the presiding officer before being debated. A motion or proposition may be withdrawn by the mover at any time before it is decided, amended or otherwise acted upon.

4-16 MEETINGS AND ORGANIZATION OF COMMITTEES

The members of a committee of the **City Town** Council shall meet on the call of the chairman, who shall be the first-named person on the committee. A majority of the committee shall constitute a quorum to do business.

4-17 COMMITTEE REPORTS

Every committee of the **City Town** Council shall, unless otherwise directed, report at the next succeeding regular meeting upon the subject matter referred to it or shall show good cause why

such report is not made. Every such committee shall have authority to report on any matter proper for its consideration, though not specially referred to it. The reports of committees shall be in writing and shall be signed by a majority of its members. The papers referred to therein as well as all written opinions in reference thereto obtained from the attorney for the Town shall be returned with the report.

4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES

No claims against the Town shall be acted upon at any Council meeting, except by unanimous consent, unless the same has been considered and laid on the table for one (1) meeting. Every application for a remission of taxes shall be verified by the oath of the applicant and, without special order, shall stand referred to the next meeting.

4-19 ORDER OF BUSINESS; PLACEMENT AND APPROVAL OF ITEMS ON AGENDAS

1. At the first regular meeting of Town Council, Town Council, by majority vote of a quorum of all members of Council, shall decide upon the order of business for all regular meetings of Town Council for that upcoming calendar year. The order of business shall be reduced to writing and certified by the Mayor and Clerk of Town Council.
2. The order of business shall not be departed from except by the consent of two-thirds (2/3) of the members of the Council present and voting.
3. Items which appear under the heading "Consent Agenda items" are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the "Items for Approval" portion of the order of business.
4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

B. THE PLACEMENT OF ITEMS ON AGENDAS

1. The following items shall be placed on a Council Agenda for a regular meeting or work session provided they are delivered to the office of the Town Manager.
 - a. Items from members of Town Boards or Commissions whose membership is appointed by the Council.
 - b. Items required for decision by the Town Manager, to include citizen requests placed in writing by the citizen or by the Town Manager.
 - c. Items requested by the Mayor to include citizen requests placed in writing.

- d. Items requested by at least two (2) members of Council to be placed on a work session. Items requested by a majority of Council be placed on a regular meeting. In the event of a tie the Mayor will determine the placement.
- e. Items requested from citizens who have appeared at a previous meeting of Council, and who have placed their requests in writing and asked for the matter to be considered at an upcoming meeting of Council.

C. APPROVAL OF PLACEMENT OF ITEMS ON THE AGENDAS

1. The Mayor, or in his absence, the Vice Mayor approves the final regular meeting and work session agendas before publication and shall not remove any item on said agendas placed by at least (2) council members for a work session agenda or a majority of councilmembers for a regular meeting agenda.
2. No items may be placed on regular meeting or work session agendas after publication without unanimous vote from all members of Council present and voting.

OFFICERS

4-20 RIGHT OF ENTRY

Whenever any officer or employee of the Town is required or authorized by statute, the provisions of this Code or any ordinance or resolution or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

MAYOR

4-21 EXECUTIVE HEAD

The Mayor of the Town shall be the executive head of its municipal government.

4-22 CONTRACTING DEBT

The Mayor shall not at any time contract any debt or liability for the Town, but he may, as agent of the Town, after being duly authorized by the recorded vote of the majority of the Council at any regular or special meeting, contract such debt or liability.

4-23 RECOMMENDATIONS TO COUNCIL

From time to time, the Mayor shall recommend to the Council such measures as he may deem needful for the welfare of the Town.

TOWN MANAGER**4-24 (RESERVED)****4-25 BOND**

The Town Manager shall give bond in such sum as the Council may deem with corporate surety to be approved by the Council; provided that such sum shall not be less than \$500,000.00; and further provided that such bond shall be for the faithful performance of the duties of the Town Manager and the Town Treasurer, provided such duties remain combined in one (1) office.

4-26 POSITION TO BE FULL-TIME; REMOVAL

The Town Manager shall devote his entire time to the business of the Town and shall be subject at all times to removal by the Council on proven charges of malfeasance, misfeasance, neglect of duty or incompetency.

4-27 GENERAL RESPONSIBILITIES AND DUTIES

A. The Town Manager shall be responsible to the Council for the proper administration of all affairs of the Town coming within the ordinances and resolutions of the Council.

B. It shall be the duty of the Town Manager to exercise supervision and control over all departments of the **city Town** government **with the exception of the legal department**, and to have general supervision over all public improvements, works and undertakings.

C. **SOCIAL MEDIA** - The Town Manager shall oversee all communication commonly referred to as "Social Media" given the following regulations:

1. The Town's Facebook, Twitter, or other "Social Media" communications are operated by the Town under the direction of the Town Manager.
2. The Town reserves the right, at the sole discretion of the Town Manager, to change, modify, add or delete comments, photos or videos at any time. The following is a list of justifications for deletion of comments, photos or videos by the Town Manager or designee, but is not exhaustive:
 - a. Comments, photos, or videos associated with unlawful activity
 - b. Comments, photos, or videos that contain offensive or vulgar language
 - c. Comments, photos, or videos that contain personal attacks on staff, Town Council or members of the public
 - d. Comments, photos, or videos that contain commercial solicitation or advertisement.
3. The Town has the right to reproduce any pictures or videos to this site in any of its publications or websites or any other media outlets.

4. The Town shall not share information gathered through its “Social Media” with third parties for promotional purposes.
5. The views, postings, or opinions expressed through “Social Media” do not necessarily reflect those of the Town of Front Royal

4-28 DUTIES AS TOWN TREASURER

The duties of the Town Treasurer shall be combined with those of the duties of the Town Manager, effective September 1, 1971, and from that day forward the Town Manager shall have all of the power, authority, duties, obligations and responsibilities which are set forth in the Charter of the Town Treasurer.

4-29 BUDGET AND FINANCIAL ADVICE

The Town Manager shall prepare the annual budget and keep the Town Council fully advised as to its financial conditions and needs of the Town.

4-30 ATTENDANCE AT COUNCIL MEETINGS; RECOMMENDATIONS TO COUNCIL

The Town Manager shall attend all meetings of the Council and recommend to the Council for adoption such measures as he may deem expedient or necessary.

4-31 EMPLOYMENT AND DISCHARGE OF TOWN EMPLOYEES

The Town Manager shall be authorized and empowered, except as otherwise specifically provided, to employ and discharge such employees as the Council shall determine are necessary for the proper administration and conduct of the Town and its utilities.

4-32 MONTHLY FINANCIAL REPORT

The Town Manager shall make a monthly report to the Council at its regular monthly meeting of all moneys collected, the amount then due and any sums paid out.

4-33 SINKING FUND; INTEREST ON OUTSTANDING BONDS

A. The Town Manager shall, in preparing budgets for the future years for the consideration of the Council of the Town, set up a sufficient sum per year to be covered in the sinking fund of the Town to create sufficient funds in the sinking fund of the Town to retire outstanding bonds as they mature or become callable.

B. An additional amount sufficient to pay interest on outstanding bonds shall be also set up each year in the budget when made up for the consideration of the Town Council.

4-34 CONTROL OF TOWN-OWNED REAL PROPERTY

All real property owned in whole or in part by the Town shall be under the general control and supervision of the Town Council. No private person or other entity shall use or occupy any of the real property owned in whole or in part by the Town except upon the express consent of the Town Council or its designated agent, who shall be the Town Manager. Any person or entity using or occupying any real property owned by the Town without first having obtained consent therefore shall be guilty of a misdemeanor and shall be punished as provided in Section 1-15 of the Town Code.

4-35 BILLS

The Town Manager shall prepare and make prompt collection of all bills for taxes, water and sewer service and electricity and shall keep separate accounts and records of the same.

4-36 DISPOSITION OF TOWN FUNDS

The Town Manager shall deposit daily to the credit of the Town, in the depositories designated in Section 75-1 of this Code, all money collected through his office or other funds coming into his hands.

TOWN ATTORNEY**4-37 ELECTION RESERVED**

The Council shall elect a Town Attorney biennially, which Attorney shall be elected at the first regular meeting in September 1932, or as soon thereafter as practicable, for a term of two (2) years, beginning September 1, 1932. Such Attorney shall have been admitted to practice law in the courts of the state.

4-38 COMPENSATION

The salary of the Town Attorney shall be in such amount as may be fixed by the Council. When the duties of his office require his presence out of Town, his reasonable expenses shall be allowed him.

4-39 GENERAL POWERS AND DUTIES

A. The Town Attorney shall have charge, management and control of all legal matters affecting the Town and, in regard to all municipal affairs, shall be the legal advisor of the Mayor, Town Manager and Council or any committee thereof, and when requested, he shall furnish written or verbal opinions upon any subjects involving questions of law in which the Town is interested.

B. It shall be the duty of the Town Attorney to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required of him by any ordinance or order of the Council, or which, by law, usage or agreement,

should be drawn by the Town. The Town Attorney **shall have supervision and control over the legal department and** shall perform such other duties as are or may be required of him for the Town by any ordinance or resolution of the Council.

4-40 SUITS, PROSECUTIONS AND DEFENSE DUTIES

It shall also be the duty of the Town Attorney to commence and prosecute all actions and suits to be brought by the Town before any tribunal in this state and to appear, defend and advocate the rights and interests of the town or any officer of the town in any suit or prosecution for any act in the discharge of his official duties or wherein any estate, right, privilege, ordinance or acts of the Town government may be brought in question. He shall appear before the County Court and prosecute on behalf of the Town any person or persons charged with violation of any ordinance of the Town when requested so to do by the Mayor or Town Manager. He shall also prosecute or assist in the prosecution before the Circuit Court of all appeals of criminal cases from the County Court to the Circuit Court of the county.

4-41 REPORTS TO COUNCIL

Whenever requested by the Council, the Town Attorney shall prepare and duly deliver to the Council a report showing the conditions of all cases handled by him and the conditions of all cases pending in which the Town is interested.

4-42 ACCOUNTING FOR FUNDS

The Town Attorney shall promptly account for and pay over to the Town Collector any and all funds belonging to the Town, collected or received by him, together with an itemized statement showing from whom received and for what accounts such money was received.

TOWN ENGINEER

4-43 APPOINTMENT; DUTIES

The Town Manager may appoint a Town Engineer who shall hold office at the pleasure of the Town Manager. He shall have control and supervision, under the direction of the Town Manager, over all public works of the Town. He shall perform such other duties as may be required of him by the Town Manager or the provisions of this Code and other ordinances of the Town.

DISCLOSURE BY CERTAIN EMPLOYEES

(Adopted 12-12-83)

4-44 FILING REQUIRED

A. FILING REQUIRED: **In accordance with Code of Virginia §2.2-3115, members of every governing body, the Executive Director and members of each Economic Development Authority as created by the Industrial Development and Revenue Bond Act (§15.2-4900), persons appointed by governing body, persons occupying such positions of employment**

with governing body and specific non-salaried citizen members of local boards and commissions shall file as a condition to assuming office or employment, a disclosure statement of personal interests and other information as required annually on or before February 1st. ~~Per Code of Virginia Chapter 31 – State and Local Government Conflict of Interest Act (§§ 2.2-3100 – 2.2-3132) any local elected official, local appointed officer or member of a board or commission, employee or nonsalaried citizen member required to file an annual disclosure on or before February 1 shall disclose their personal interests and other information as required on forms prescribed by the Virginia Conflict of Interest and Ethics Advisory Council for the preceding calendar year complete through December 31.~~

MOVED TWO PARAGRAPHS TO END OF B.

B. APPLICABILITY: The following local elected and appointed officials are required to file the Virginia Conflict of Interest and Ethics Advisory Council State and Local Statement of Economic Interest Disclosure:

- Mayor and Members of Town Council
- Executive Director and Members of Economic Development Authority of the Town of Front Royal

The following local board and commission members are required to file the Virginia Conflict of Interest and Ethics Advisory Council Financial Disclosure Statement.

- Non-salaried citizen members of local boards and commissions if the governing body has designated them to file

The following board and commission members and employee(s) are required to file the Virginia Conflict of Interest and Ethics Advisory Council Disclosure of Real Estate Holdings.

- Planning Commission Members
- Board of Zoning Appeals Members
- Town Manager
- Town Attorney
- Clerk of Council
- Director of Finance

All those required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

The Clerk of Council shall be responsible for the maintenance and retention of disclosure forms for five (5) years, pursuant to Code of Virginia Chapter 37 – Virginia Freedom of Information

Act. ~~Per Code of Virginia Chapter 37—Virginia Freedom of Information Act (§ 2.2-3700—2.2-3715)~~, The Clerk of Council shall make available for public inspection all disclosure forms, upon request.

C. TRAINING: ~~Per~~ **In accordance with** Code of Virginia §2.2-3132 local elected officials **and the Executive Director and Directors of the Front Royal Economic Development Authority** are required to take training on the State and Local Government Conflict of Interests Act (provided by the Virginia Conflict of Interest and Ethics Advisory Council) and the Virginia Freedom of Information Advisory Council (provided by the Freedom of Information Advisory Council) within two months of starting their position, and then once every two years based on the date of the last completed training. ~~Town Council may also receive the training requirements from the Town Attorney.~~

4-45 RESERVED

PUBLIC RECORDS

(Adopted 11-26-90)

4-46 TOWN RECORDS - DEFINITION

The term "Town records" shall include all written books, papers, letters, documents, photographs, tapes, microfiche, microfilm, photostats, sound recordings, maps and other documentary materials or information in any recording medium, regardless of physical form or characteristics, including data-processing devices and computers, which are made or received in connection with the transaction of any public business by any office or department of the Town of Front Royal.

The following described material shall not be included in the definition of "Town records": "Nonrecord" materials shall mean reference books and exhibit materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference and stocks of publications.

(Added 11-26-90-Effective Upon Passage)

4-47 TOWN RECORDS DECLARED PUBLIC PROPERTY

All Town records as defined in this ~~Article~~ Code are hereby declared to be the property of the Town of Front Royal. No Town official or employee shall have by virtue of his/her position any personal or property rights to such records. All custodians of Town records shall, at the expiration of his/her term of office, appointment or employment, deliver to his/her successor or, if there be none, to the Town Records Manager, all books, writings, letters, documents and other Town records in his/her possession or otherwise entrusted to his/her care.

4-48 CUSTODY AND PRESERVATION OF TOWN COUNCIL RECORDS

The Clerk of the Front Royal Town Council shall be responsible for the retention and preservation of the records of that body. The Clerk shall see to it that all such records, to include

the minutes of its meetings, are accurately recorded on a durable medium and preserved in a manner which meets the requirements of Section 15.2-1412.

4-49 RECORDS MANAGEMENT PROGRAM

The Front Royal Town Manager shall develop a comprehensive Records Management Program which establishes and provides procedures for the management of Town records from their creation to their ultimate disposition. The records management program shall provide for the efficient and economical creation, distribution, maintenance, use, preservation and disposition of all Town records.

4-50 RECORDS MANAGER

The Front Royal Town Manager shall designate a Records Manager for all Town records. The Records Manager shall be responsible for administering the Records Management Program and for implementing the policies and procedures established thereby.

4-51 DEPARTMENT RECORDS OFFICERS

Each department head shall designate from his/her staff personnel a Records Officer. The departmental Records Officer shall report directly to the department and shall be responsible for coordinating and implementing the Records Management Program for his/her office or department. Each Records Officer shall cooperate and work with the Town Records Manager to ensure that the provisions of Part 4 are complied with by his/her respective department. Each department Records Officer shall monitor compliance within his/her department with all provisions for the retention and disposition of Town records

AUXILIARY POLICE OFFICERS

(Adopted 11-14-94)

4-52 APPOINTMENT; POWER AND DUTIES

A. The Director of Public Safety is hereby authorized to appoint auxiliary police officers as he deems necessary, not to exceed the number of ten (10).

B. The Director of Public Safety, with the approval of the Town Manager, shall establish rules and regulations concerning the operation of the auxiliary police officers, including their uniforms, arms and equipment and training.

C. Persons appointed as auxiliary police officers shall be of good character. Their appointment shall be revocable at any time by the Director of Public Safety or the Town Manager.

D. The auxiliary police officers may be called into service as deemed necessary by the Director of Public Safety or, in times of public emergencies, by the Town Manager. Said auxiliary may also be called into service at such times as there are insufficient numbers of regular police officers to preserve the peace, safety and good order of the Town and at any time for the purpose of training.

E. When called into service, the auxiliary police officers shall wear the prescribed uniform and shall have all the powers and authority and all the immunities of constables at common law and shall have all of the power and authority and all of the immunities of full-time law enforcement officers if all work forces have met the training requirements established by the Department of Criminal Justice Services under Section 9-170 §9.1 of the Code of Virginia, 1950, as amended, or its successor statute.

F. Persons appointed as auxiliary police officers shall serve without compensation.

G. Persons appointed as auxiliary police officers may not engage in employment which may occasionally require the use of their police powers in the performance of such employment unless such employment is specifically approved by the Town Manager.

4-53 RESIDENCY OF TOWN EMPLOYEES

A. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within the Town's corporate limits as soon as practical upon the commencement of employment and to remain residents within the Town corporate limits during the duration of their employment in such offices:

1. Town Manager;

B. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within the boundaries of Warren County as soon as practical upon the commencement of employment and to remain residents within the County during the duration of their employment in such offices:

1. Clerk of Council;
2. Chief of Police;
3. Director of ~~Electrical~~ **Energy** Services;
4. Director of Public Works ~~Utilities~~.

C. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within a thirty (30) mile radius of Town Hall as soon as practical upon the commencement of employment and to remain residents within the thirty (30) mile radius of Town Hall during the duration of their employment in such offices:

1. Director of Finance;
2. Director of Planning;
3. Director of Human Resources;
4. Town Engineer.

D. If any such employee required to meet such residency described above shall, after having established such bona fide residence, cease to be a bona fide resident as required above, or if any such employee fail to become a bona fide resident as required above within the twelve-month period following the commencement of such employment, the individual's employment shall be deemed to have been voluntarily vacated.

E. The residency requirements set forth in paragraphs B and C above may be waived or modified by Town Council in its sole discretion, for good and acceptable cause, on a case-by-case basis, for an identifiable candidate or employee in any of the designated positions.

F. Any person occupying a position to which the aforesaid residence requirements apply, but who prior to March 1, 2001, was not required to maintain a residence as required above, shall not, by the adoption of this section, be required to establish such a residence. Such person shall, however, be subject to the residence requirements contained herein upon promotion or re-assignment to another of the positions enumerated herein, or upon establishment of a residence, as required above subsequent to July 1, 2005.

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2022, upon the following recorded vote:

Lori A. Cockrell	☐ Yes ☐ No	Gary L. Gillispie	☐ Yes ☐ No
Letasha T. Thompson	☐ Yes ☐ No	Amber F. Morris	☐ Yes ☐ No
Joseph E. McFadden	☐ Yes ☐ No	Zachary Jackson	☐ Yes ☐ No

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

Approved as to form and legality:

George Sonnett, Deputy Town Attorney

Date: ____/____/____



Work Session Agenda Statement

Item # 04

Meeting Date: July 11, 2022

Agenda Item: Condemnation Resolution for Redundant Waterline for the Route 522 North Corridor.

Summary: Council seeks to construct public facilities of approximately 26,000 linear feet of 12-inch waterline along the Route 522 Corridor to improve water quality and system reliability. At the June 13, 2022 Work Session, Council discussed the acquisition of the final three easements for the Redundant Waterline project and the use of eminent domain, where needed, to complete these acquisitions. At the June 27, 2022 Regular Business Meeting, Council held a Public Hearing and passed a Resolution of Public Necessity for the Redundant Waterline project and authorized the use of eminent domain, where needed, to complete the acquisition process for the final three easements.

Meetings: Council Work Session held June 13, 2022
Council Public Hearing held June 27, 2022

Budget/Financing: N/A

Staff Recommendation: Staff recommends that Town Council approve the attached Condemnation Resolution regarding the Redundant Waterline for the Route 522 North Corridor authorizing the use of eminent domain to complete the condemnation process to acquire the final three easements for the project, as presented, under the Consent Agenda for the July 25th Regular Meeting for formal approval.



Redundant Waterline Project Timeline

Council Action

- **3/7/11:** Council Special Meeting-Council approved final version of contract to provide central water and sewer service to Dominion Power/VEPCO gas-fired electrical generating facility in the Route 522 North Corridor (Power Plant formerly known as CPV-Warren introduced in 2002 to meet future eastern corridor power needs)
- **10/15/18:** Council Work Session-Council decides to go forward with the Feasibility Study for the project to be completed by a Consultant; Dominion Power agrees to contribute \$3.5 million toward construction of a future redundant waterline
- **8/26/19:** Council Work Session- Consultant presentation of "Route 522 Corridor Water Main Preliminary Engineering Report" that was completed in July 2019
- **4/27/20:** Council Regular Business Meeting-Council approved Budget Amendment and Award of Bid for Engineering Services of Redundant Waterline Project
- **12/14/20:** Council Regular Business Meeting-Council passed resolution for Town Manager to Accept Deeds of Easement on behalf of the Town for Redundant Waterline Project in the Route 522 North Corridor
- **6/13/22:** Council Work Session-Staff/Consultant Presentation on easement acquisition/condemnation process
- **6/27/22:** Council Regular Business Meeting-Council Public Hearing to consider/act on Resolution of Public Necessity establishing presumption of necessity for the easement acquisition/condemnation process
- **7/25/22:** Council Regular Business Meeting- to consider/approve Condemnation Resolution to acquire the remaining easements.

Town Staff/Consultant

- Currently working to secure final three easements
 - 7/11/22 Council Work Session: Preview of staff request for Council approval of Condemnation Resolution to complete easement acquisition/condemnation process for remaining easements
- Proposed Project Bid Schedule:
 - 7/6: Bid advertised
 - 7/19: Mandatory Prebid Meeting
 - 8/24: Open Bids

Dominion Energy

- **6/1/12:** Dominion Broke Ground on gas-fired electrical generating facility (1,300 megawatts, enough electricity to power 325,000 homes at peak demand); About 30 employees expected at plant full time
 - **By 2022:** Dominion projected to need an additional 4,000 megawatts of electricity to meet peak demand
- **December 2014:** Facility was completed



Town of Front Royal, Virginia

CONDEMNATION RESOLUTION MEMORANDUM

Date: July 11, 2022
To: Mayor and Town Council
From: Kathleen Leidich, Assistant Town Manager
Robert Boyer, Director of Public Works
BJ Wilson, Director of Finance

Redundant Waterline Project-Route 522 Corridor North

Background

Town staff has been working to secure easements for the installation of the redundant waterline in the Route 522 Corridor North area. Staff, with consultant assistance, has obtained 30 of the 33 easements needed to construct the redundant waterline. Over the past several months, staff has continuously worked with the two property owners of the remaining three easement parcels, but has not yet been able to secure the final easements for the project. Upon the conclusion of the Public Hearing on June 27, 2022, Town Council approved the resolution authorizing the use of eminent domain, where needed, to acquire the remaining easements for the redundant waterline project.

Good Faith Offer Letters were sent via certified mail to the two property owners listed below. The Good Faith Offer Letters serve as the final notice from the Town prior to the start of the eminent domain and condemnation procedures for the required easements. If no signed easement agreements are returned to the Town from the property owners by the end of the 30-day notice period, letters initiating eminent domain proceedings will be sent. Those letters will serve as formal notice to the property owners that the Town intends to file a condemnation petition to acquire easements on the properties listed below.

Easements to be Acquired

Below is a list of the easement property locations that may require the use of eminent domain to be obtained:

1. Tax Map ID #20A221-11; Tax Map ID #20A221-9: F&R Limited Partnership

- a. Contact with Property Owner
 - i. 7/17/20: Consultant emailed Property Owner
 - ii. 7/29/20: Consultant emailed Property Owner
 - iii. 7/31/20: Consultant emailed Property Owner
 - iv. 8/17/20: Consultant walked the easement area with the Property Owner
 - v. 10/26/20: Initial project notification letter was mailed to the Property Owner. Signed certified card returned with no date.
 - vi. 11/20/20: First easement agreement package mailed to Property Owner. Signed certified card returned with no date.
 - vii. 1/13/21: Consultant had phone meeting with Property Owner
 - viii. 1/15/21: Second easement agreement package was mailed to Property Owner. Signed certified card returned dated 1/29/21.
 - ix. 2/5/21: Consultant emailed Property Owner to discuss easement concerns
 - x. 2/12/21: Property Owner emailed Consultant red-line markups on the proposed easement exhibits requesting tee connections
 - xi. 2/18/21: Consultant provided updated exhibits displaying tee connections to Property Owner's legal representatives.

- xii. 4/16/21: Third easement agreement package was mailed to Property Owner. Signed certified card returned with no date.
- xiii. 2/17/22: Property Owner met in person with Town representatives. No agreement reached.
- xiv. 6/29/22: Good Faith Offer Letter mailed via certified mail to Property Owner.

2. Tax Map ID #20-29E: Nickolas Schulz

- a. Property Owner has not been reached, despite multiple attempts
 - i. 10/26/20: Initial project notification letter was mailed to Property Owner. No response received.
 - ii. 11/20/20: First easement agreement package was mailed to Property Owner. No response received.
 - iii. 12/18/20: Consultant left a voicemail for the Property Owner
 - iv. 1/14/21: Consultant left a voicemail for the Property Owner
 - v. 1/15/21: Second easement agreement package was mailed to Property Owner. Signed (COVID-19) certified card returned dated 2/2/21.
 - vi. 1/19/21: Consultant left a voicemail for the Property Owner
 - vii. 2/9/21: Consultant left a voicemail for the Property Owner
 - viii. 2/17/21: Consultant left a voicemail for the Property Owner
 - ix. 3/23/21: Consultant left a voicemail at a possible workplace and sent an email to a possible work email address belonging to the Property Owner.
 - x. 4/16/21: Third easement agreement package was mailed to the Property Owner. Received on 4/19/21 marked "Return to Sender-Unclaimed" as well as "Deducted from trust fund"
 - xi. 3/15/22: Consultant left a voicemail for the Property Owner
 - xii. 6/29/22: Good Faith Offer Letter mailed via certified mail to Property Owner.

Requested Action

In order to keep the redundant waterline project moving forward, while the final easement negotiations are being exhausted, staff recommends proceeding with eminent domain, where needed, to acquire the remaining three easements for the project. Staff's hope is to be able to negotiate the acquisition of these remaining easements prior to July 29, 2022; However, due to the lengthy process related to these remaining easements thus far and the emergency nature of the project, staff respectfully requests the Town Council to pass the attached resolution authorizing the use of eminent domain, where needed, to complete the easement acquisition process.



Redundant Water Line Easement Acquisition/Condemnation Process

Process Timeline

- **6/3/22:** Council Packet Deadline for Work Session to preview Public Hearing for Public Necessity Resolution to establish presumption of necessity for the Redundant Waterline Project
- **6/10/22:** Ad deadline for June 27th Council Public Hearing
- **6/13/22:** Council Work Session to preview Public Necessity Resolution
- **6/17/22:** Council Packet Deadline for June 27th Public Hearing for Public Necessity Resolution
- **6/27/22:** Council Public Hearing/Action on Public Necessity Resolution
- **Good Faith Offer Letter is sent**
- **7/1/22:** Council Packet Deadline for Work Session to preview Condemnation Resolution
- **7/11/22:** Council Work Session to preview Condemnation Resolution
- **7/15/22:** Council Packet Deadline for Regular Business Meeting to consider/act on Condemnation Resolution
- **7/25/22:** Council Regular Business Meeting to consider/act on Condemnation Resolution
- **7/29/22:** Provide Condemnation Notice to Property Owners (30-45 Days)
- **9/10/22:** 30-45 Day notice period over
- **9/12/22:** Town deposits offer amount with Court, Files Certificate of Take with Court which **immediately transfers easement to Town**; Provides Notice to Property Owners (4-Day notice period)
- **9/16/22:** End of 4-Day Property Owner notice period

APPRAISAL OF PROPERTY

LOCATION OF PROPERTY:

Near Mary's Shady Lane (20A221-11 & 20A221-9)
Front Royal, VA 22630

FOR:

Town of Front Royal
102 E. Main Street
Front Royal, VA 22630

SUBMITTED BY: Robert R. Elliott, Jr., MAI, SRA

DATE OF VALUATION: May 18, 2022

PROJECT IDENTIFICATION:

PARALLEL WATERLINE FOR THE ROUTE 522 NORTH CORRIDOR PROJECT

PROPERTY IDENTIFICATION:

Landowner(s) Name: F & R Limited Partnership
Address: P.O. Box 832, Middleburg, VA 20118
Phone Number: N/A

EXECUTIVE SUMMARY**RW-45B****SUBJECT INFORMATION**

Parcel Size Before Acquisition	371.328	AC
Fee Simple Acquisition Size	0	SF
Prescriptive Easement Acquired	0	AC
Parcel Size After Acquisition	371.328	AC

TOTAL ESTIMATED COMPENSATION**Value of Land in Fee Acquired**

Land in Fee	SF @ \$	= \$ 0
Limited Access	AC @ \$	= \$ 0

Value of Easements Acquired:

Permanent Waterline Easement (20A221-9)	32,831	SF @ \$ 0.11	X	25% = \$ 905 ®
Temp. Construction Easement (20A221-9)	32,797	SF @ \$ 0.11	X	10% = \$ 360 ®
Permanent Waterline Easement (20A221-11)	89,568	SF @ \$ 0.11	X	25% = \$ 2,465 ®
Temp. Construction Easement (20A221-11)	89,583	SF @ \$ 0.11	X	10% = \$ 985 ®

Total Estimated Value of Land Acquired**\$4,715****Value of Buildings Acquired:**

None Noted

Total Estimated Value of Buildings**\$0****Value of Other Improvements Acquired:**

	EA @ \$	X	0% = \$
	SF @ \$	X	0% = \$
	SF @ \$	X	0% = \$
	EA @ \$	X	0% = \$

Total Estimated Value of Other Improvements**\$0****Value of Cost to Cure Items****\$0****Damages (less Enhancements)****\$ 0****I ESTIMATE THE MARKET VALUE, AS DEFINED, of ACQUIRED LAND, IMPROVEMENTS, EASEMENTS and COST TO CURE ITEMS as of the EFFECTIVE APPRAISAL DATE TO BE:****\$ 4,715****IMPORTANT DATES**

Effective Date of the Appraisal	May 18, 2022
Property Inspection Date	May 18, 2022
Appraisal Report Date	June 2, 2022

LICENSED APPRAISER or

Signature

Name **Robert R. Elliott, Jr., MAI, SRA**Date **June 2, 2022**License/Certification Number **4001 015749**License Type **Certified General****LICENSED APPRAISER**

Signature

Name

Date

License/Certification Number

License Type

INTRODUCTION

APPRAISAL PROBLEM

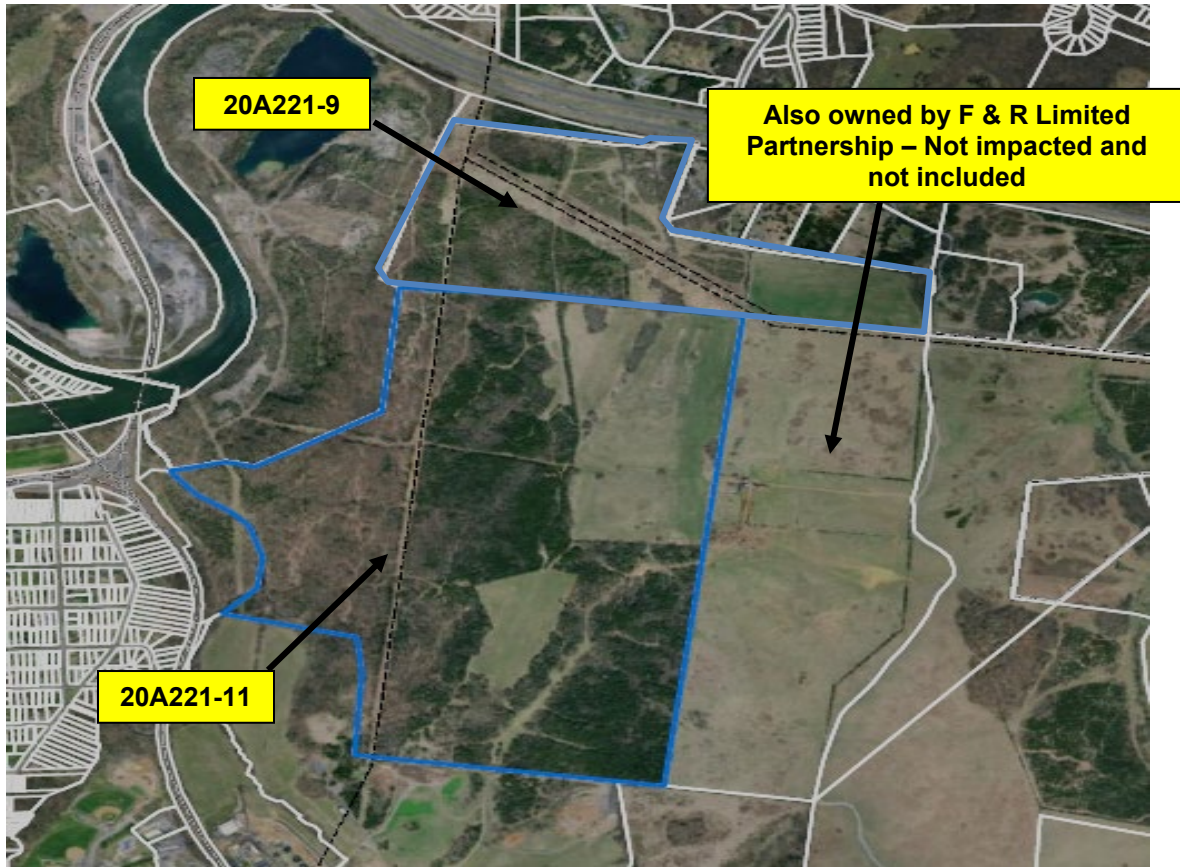
The subject is located off of Mary's Shady Lane (northern side), Front Royal, VA 22630. The property is vacant land is comprised of two tax map parcels: 20A221-9 and 20A221-11. The total site size is reported as 371.328-acres or 16,175,048 SF based on public records. The subject does not have a proposed R/W acquisition. The subject is proposed with the following: a Permanent Waterline Easement of 2.810-acres or 122,399 SF and a Temporary Construction Easement of 2.810-acres or 122,380 SF. No personal property was included in this appraisal. The problem presented herein is to estimate the market value of the property to be used as a basis for compensation.

CONTACT

The landowner(s) or their representative were contacted by ERM & Associates and the Town of Front Royal. The owner granted me permission to inspect the property on May 18, 2022. I viewed the property at this time independently.

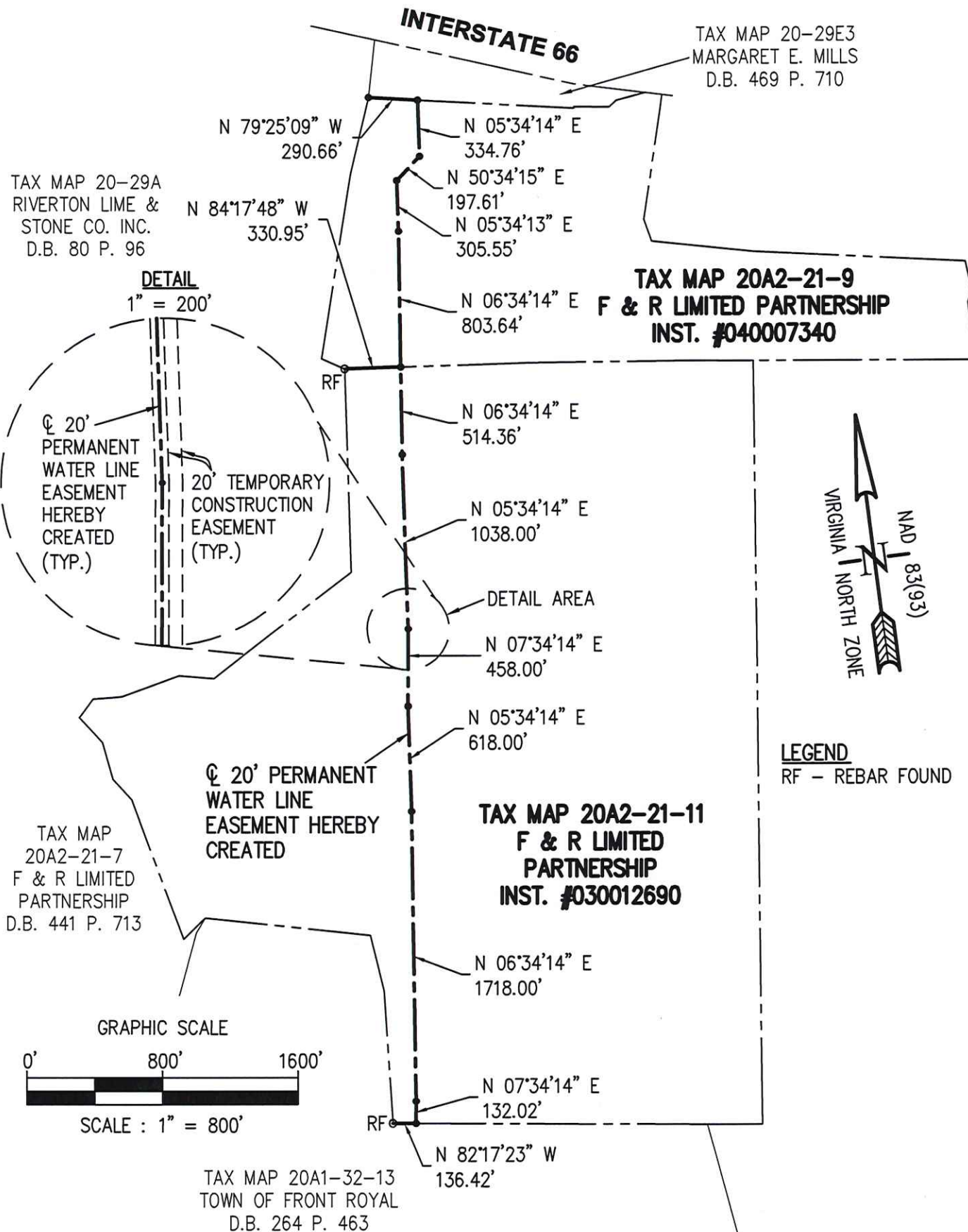
LARGER PARCEL DISCUSSION

The appraiser deemed the combined parcels were appropriate to combine for valuation purposes based upon its size and utility, future development potential, and common ownership. The parcel is considered a larger parcel, which is defined as: “In governmental land acquisitions and in valuation of charitable donations of partial interests in property such as easements, the tract or tracts of land that are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use. In most states, unity of ownership, contiguity, and unity of use are the three conditions that establish the larger parcel for the consideration of severance damages. In federal and some state cases, however, contiguity is sometimes subordinated to unitary use.”¹ This rationale is the basis for combining the two parcels into one, because of their congruence of ownership, contiguity, and similar highest and best use. It is likely that any future development or sale would include the two parcels.



Tax Map Number	Total Site Size	Permanent Waterline Easement Area	Temporary Construction Easement Area
20A221-9	92.79-Acres	0.754-Acre or 32,831 SF	0.753-Acre or 32,797 SF
20A221-11	278.538-Acres	2.056-Acres or 89,568 SF	2.057-Acres or 89,583 SF

¹ *The Dictionary of Real Estate Appraisal*, Sixth Edition; The Appraisal Institute



NOTES

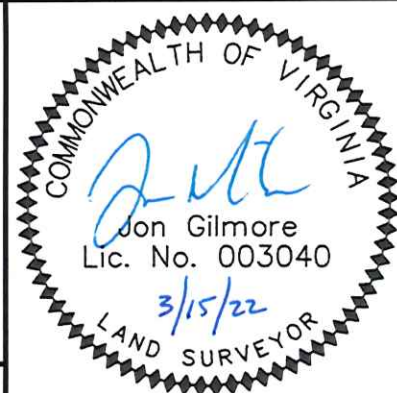
1. NO TITLE REPORT FURNISHED; THEREFORE, EASEMENTS OR ENCUMBRANCES AFFECTING THE PROPERTY REPRESENTED BY THIS SURVEY MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
2. THE INFORMATION SHOWN ON THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED UNDER MY SUPERVISION ON 30 OCTOBER 2020.

www.marshandlegge.com

**Marsh & Legge Land
Surveyors, P.L.C.**

560 NORTH LOUDOUN STREET
WINCHESTER, VIRGINIA 22601
PHONE (540) 667-0468
FAX (540) 667-0469

**PLAT SHOWING 20' PERMANENT
WATER LINE EASEMENT AND 20'
TEMPORARY CONSTRUCTION
EASEMENT
ON THE LANDS OF
F & R LIMITED PARTNERSHIP
SHENANDOAH MAGISTERIAL DISTRICT
WARREN COUNTY, VIRGINIA**



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PIN 20-29E2
 CAHILL WILLIAM E. ET UX

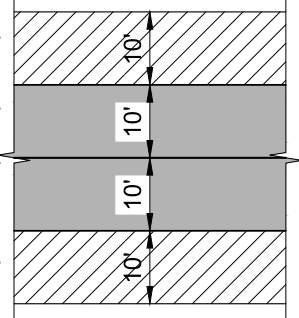
TEMPORARY EASEMENT

PERMANENT EASEMENT

PROP WL

TEMPORARY EASEMENT

TYPICAL EASEMENT FIGURE



10' TEMPORARY
 EASEMENT

PIN 20-28F1
 LORA SIMPSON
 INST. 180006468

20' PERMANENT
 EASEMENT

PIN 20-29A
 RIVERTON LIME &
 STONE COMPANY, INC.
 (NO REF.)

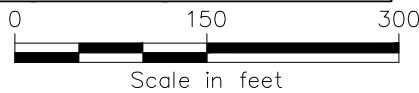
PIN 20-29E
 NICKOLAS SCHULZ
 INST. 070001767

PROPOSED
 WATER MAIN

PIN 20-28F
 ROGELIO PATRICIO
 SANTIAGO

INTERSTATE 66

THIS MAP IS NOT CERTIFIED BY SURVEY
 AND HAS NOT BEEN REVIEWED BY A
 LOCAL GOVERNMENT AGENCY FOR
 COMPLIANCE WITH ANY APPLICABLE
 LAND DEVELOPMENT REGULATIONS.



PERMANENT EASEMENT	
3,137.39 SF	0.072 AC
TEMPORARY EASEMENT	
3,137.40 SF	0.072 AC
TOTAL LINEAR EASEMENT LENGTH	
156.87 LF	

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 Blacksburg, VA 24060
 540.552.5548 • www.chacompanies.com

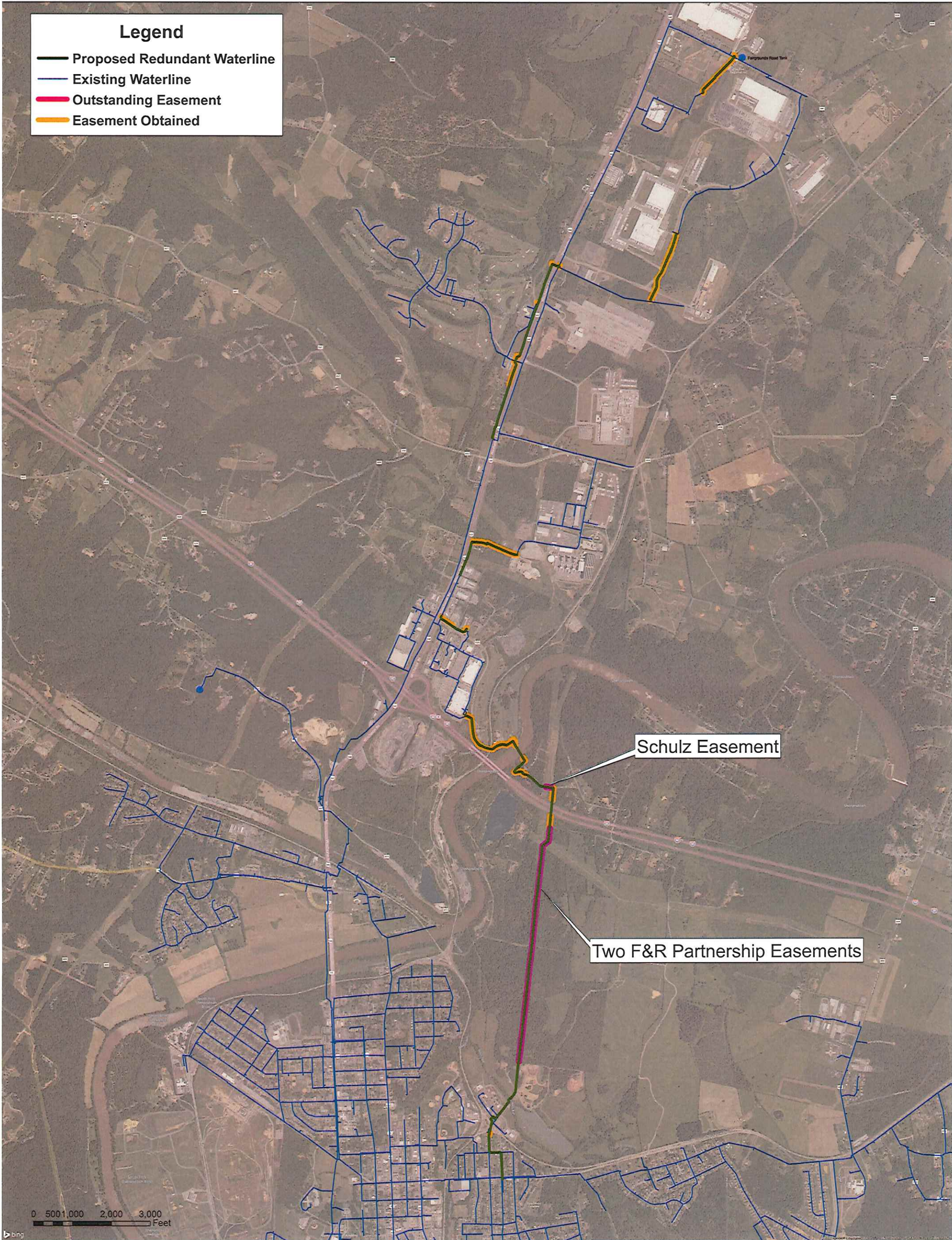
NICKOLAS SCHULZ – TAX MAP 20-29E

EASEMENT EXHIBIT FOR:
 THE TOWN OF FRONT ROYAL
 PARALLEL WATERLINE FOR THE
 ROUTE 522 NORTH CORRIDOR

PROJECT NO.
 59221

DATE: 11/18/20

EXHIBIT: 1





CONDEMNATION RESOLUTION

Redundant Waterline for the Route 522 North Corridor

WHEREAS, the Town of Front Royal (the "Town"), an incorporated town within Warren County, Virginia, needs to install multiple segments of 12-inch water main in the Town of Front Royal and Warren County to provide redundancy and increased reliability to the Route 522 North Corridor; and,

WHEREAS, Town staff has informed the Town Council that the existing water system has only one main providing water service to the Route 522 Corridor; and,

WHEREAS, Town staff has informed the Town Council of the Town that the most suitable location for the installation of the water main is through the adjacent private properties in the Town and Warren County, Virginia; and,

WHEREAS, Town staff has informed the Town Council of the Town a) that negotiations have not progressed with the owners of the properties listed herein, b) that the easements are needed for the new water lines, c) the methodology used in valuing the easements, as attached to this resolution, for purposes of making a good faith offer, is considered to be reasonable and proper; and,

WHEREAS, Town staff has informed the Town Council that the amount of property to be taken is not more than is necessary to achieve the stated public use; and,

WHEREAS, Town staff has determined that the Town will need to acquire permanent easements from the following persons who own property along the proposed route as described above in the Town of Front Royal and Warren County, Virginia, but who do not seem at this time amenable to a voluntary conveyance of the needed easements. The easement areas and easement values also follow; and,

Tax Map ID: 20A221-11
Owner: F&R Limited Partnership
Easement Area, Permanent: 89,567.69 square feet
Easement Area, Temporary: 89,583.44 square feet
Total Easement Value: \$3,450.00

Tax Map ID: 20A221-9
Owner: F&R Limited Partnership
Easement Area, Permanent: 32,830.98 square feet
Easement Area, Temporary: 32,796.82 square feet
Total Easement Value: \$1,265.00



Tax Map ID: 20-29E

Owner: Nickolas Schulz

Easement Area, Permanent: 3,137.39 square feet

Easement Area, Temporary: 3,137.40 square feet

Total Easement Value: \$136.29

WHEREAS, in order to proceed with the new potable water line, Town staff has recommended that the Town acquire such permanent water system easements either through negotiations with the property owners or through the exercise of eminent domain if negotiations with the property owners prove unsuccessful; and,

WHEREAS, the Town has been unable to acquire the permanent water system easements with the property owners; and,

WHEREAS, the Town properly advertised a public hearing for the purpose of informing the public of the need to exercise eminent domain to acquire the permanent water system easements, and such public hearing was held at the Warren County Government Center Board Room at 7:00 p.m. on June 27, 2022 for the purpose of giving all citizens the opportunity to state their views; now,

THEREFORE, BE IT RESOLVED by the Town Council of the Town of Front Royal that acquisition of the permanent water system easements through the exercise of eminent domain is hereby approved and the Town Manager is hereby authorized and directed to initiate condemnation proceedings and to take all steps necessary to acquire the permanent water system easements through the exercise of eminent domain.



This resolution shall take effect upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

Member _____ made a motion to approve this Resolution.

Member _____ made a Second to approve.

Council Member Votes: _____ Aye _____ Nay _____ Abstain

Lori A. Cockrell	__ Yes __ No	Gary L. Gillispie	__ Yes __ No
Letasha T. Thompson	__ Yes __ No	Amber F. Morris	__ Yes __ No
Joseph E. McFadden	__ Yes __ No	Zachary Jackson	__ Yes __ No

CERTIFICATION

The undersigned Clerk of Council for the Town of Front Royal does hereby certify that the foregoing is a true, complete, and correct Resolution adopted by a vote of a majority of the Town Council, present at a regular meeting of the Town Council of the Town of Front Royal duly called and held July 25th, 2022 at which a quorum was present and acting throughout, and that the same has not been amended or rescinded and is in full force and effect as of the date of the above mentioned meeting.

Approved as to Form and Legality:

George Sonnett, Deputy Town Attorney

Dated: _____



Work Session Agenda Statement

Item #05

Meeting Date: July 11, 2022

Agenda Item: BZA Hearing Special Use Permits

Summary:

1. State Code permits the BZA to hold public hearings and make determinations on special exceptions/special use permits/conditional use permits
 - a. There is no distinction between the three permits, they are the same
2. Currently SE/SUP go to PC then TC
 - a. New process would remove TC
 - b. BZA would decide if a use is appropriate for that area, the zoning code is not changed, the use is excepted from restrictions of the ordinance
3. The BZA is a quasi-judicial board appointed by the Circuit Court
 - a. All members have received training on zoning and the legal parameters of their position
4. Shorten TC agenda
 - a. TC would still need to make final determinations on
 - i. rezonings
 - ii. comprehensive plan amendments
 - iii. zoning text amendments

State Code References

§15.2-2201: "Special exception" means a special use that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted

§ 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

6. To hear and decide applications for special exceptions as may be authorized in the ordinance.
The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204.

7. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit.

No special exception may be revoked except after notice and hearing as provided by § 15.2-2204.

§ 15.2-2310. Applications for special exceptions and variances.

Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau.

Applications shall be made to the zoning administrator in accordance with rules adopted by the board.

The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board.

No special exceptions or variances shall be authorized except after notice and hearing as required by § 15.2-2204.

The zoning administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing.

Any locality may provide by ordinance that substantially the same application will not be considered by the board within a specified period, not exceeding one year.

Budget/Funding: N/A

Staff Recommendation: Staff supports this change. Town Council will still have final approval over major land use changes. By in large, sending SUP's to BZA would move zoning decisions to the Zoning Board.



Work Session Agenda Statement

Item # 06

Meeting Date: July 11, 2022

Agenda Item: E. Main Street Walking Mall Kickoff

Summary: Furtherance As a result of Council FY23 initiative to consider closing E. Main St to create a “Main Street Walking Mall” concept, staff has reviewed the steps needed to permanently close E. Main Street from Chester Street to S. Royal Avenue to vehicular use. The following is staff’s recommendation and steps necessary for Council’s consideration.

- 1) July - Council Work Session Kickoff
- 2) August - Public Input
- 3) September - Council Public Hearing and Resolution to Vacate E. Main St.
- 4) October - Installation of Bollards, Signs, etc., and Street Closure

It should be noted, since E. Main Street was not dedicated to the Town by subdivision plat; Virginia Code §15.2-2006 governs the alteration of the public’s right of travel, which requires the Town to hold a public hearing and pass an ordinance to close E. Main Street.

Budget/Funding: \$15,000.00 in the FY23 Budget

Staff Recommendation: Staff recommends that Council approve the proposed schedule and hold a public hearing for Council’s consideration of public comments regarding the closure of E. Main Street from Chester Street to South Royal Avenue to vehicular use.



Work Session Agenda Statement

Item #07

Meeting Date: July 11, 2022

Agenda Item: Appoint Non-Elected Representative to Northern Shenandoah Valley Regional Commission

Summary: On June 8, 2020 Council appointed Christopher G. Brock, Acting Planning/Zoning Director as the non-elected representative to the Northern Shenandoah Valley Regional Commission (NSVRC) to serve a three-year term, said term to expire June 30, 2023. Since Mr. Brock no longer works for the Town it is requested that Council consider appointing Director of Planning and Zoning Lauren Kopishke, to the unexpired term.

Budget/Funding: N/A

Staff Recommendation: Appoint Director of Planning and Zoning Lauren Kopishke to the NSVRC as their non-elected representative to an unexpired term ending June 30, 2023 with formal approval being added to the Consent Agenda on the Regular Council Meeting of July 25th.



Work Session Agenda Statement

Item # 08

Meeting Date: July 11, 2022

Agenda Item: Liaison Committee Meeting Items for July 21st Meeting

Summary: The Town Council and the Warren County Board of Supervisors (BOS) meet quarterly in the months of January, April, July and October to discuss issues of mutual interests. The Liaison Committee met last on September 16, 2021. The Liaison Committee includes the Mayor, BOS Chairman, Town Manager, County Administrator, one Town Council member and one BOS member. Council usually informally selects who will attend but all members are welcome to attend. At the September 2021 meeting the Council representatives were Cockrell and Gillispie. The draft minutes from that meeting and the Liaison Policy are attached for your convenience. The next Liaison Committee Meeting is scheduled for Thursday, July 21st at 6:00pm at the Warren County Government Center. Council is requested to give staff a list of items they wish to discuss at this meeting.

Budget/Funding: N/A

Staff Recommendation: Council takes desired action.

**TOWN/COUNTY LIAISON COMMITTEE
MEETING MINUTES**

September 16, 2021

Present for the Town: Mayor Chris Holloway, Councilman Lori Cockrell, Councilman Gary Gillispie, Town Manager Steven Hicks, Assistant Town Manager Kathleen Leidich, and Finance Director B.J. Wilson

Present for the County: Board of Supervisors Chair Cheryl Cullers, Supervisor Walt Mabe, Supervisor Delores Oates, County Administrator Ed Daley, Deputy County Administrator Taryn Logan, Building Official David Beahm, Senior Assistant County Attorney Caitlin Jordan, and Deputy Clerk of the Board Emily Ciarrocchi

Members of the Press: Roger Bianchini, Royal Examiner, and Alex Bridges, Northern Virginia Daily

Call to Order

Mrs. Cullers called the meeting to order at 6:00 PM.

Building Inspections Software – David Beahm

David Beahm, Building Official, just received connection between GIS and EnerGov back within the past two weeks, recouping information needed for permits and simultaneously testing customer self-service (CSS) for applying online and submitting plans online, on a delay because of security issue with the two-step authentication, were within two weeks of completion when the IT crash happened in March

Building Code and Environmental Town and County Transition – Steven Hicks

Steven Hicks, Town Manager, Council passed resolution to establish Building Code and Environmental office, authorizing execution of contract with third-party vendor within a few weeks, going live January 1st, any building permits issued now following through County and as of January 1st would switch over to Town vendor, permits and inspections will be separate just like Planning Department, property maintenance inspections being picked up by Town as well

Joint Tourism Committee/JLL Update – Caitlin Jordan

Caitlin Jordan, Senior Assistant County Attorney, how to go about creating an independent Board, best way to move forward is for a 501(c)(3) to be established completely independent from Town and County and JLL should be in the process of doing this, localities to appropriate funds to 501(C)(3) if services benefit citizens of the locality, benefit is tourism, enter into MOU with Town and entity to lay out specifics for County's portion of funds and Town's portion of funds and clarifying types of members the entity will have to have, waiting for the entity to be created before MOU can be preliminarily drafted and negotiation/consideration can begin, timeline is uncertain because waiting on an outside agency, her understanding they are working hard, last estimate is two to three months; Mr. Hicks any way to go parallel with establishing the 501(C)(3) and drafting

the MOU, Dr. Daley can get framework to the Town but biggest change is independent entity and own fiscal agent and submit request to Town and County for funding similar to any other outside agency (e.g. St. Luke Community Clinic, Samuels Public Library, Blue Ridge Legal Services); Mrs. Cockrell will it remain ten years from now if the County and Town may not be working with JLL anymore, Mrs. Jordan they are intentionally setting this up for the benefit of the localities to stand on its own even if JLL does not continue

McKay Springs Property Sale – Steven Hicks/Ed Daley

Mr. Hicks issue was the company wants to combine parcels and did send out intent they would be willing to commit to parcel they have but they want to combine them, Council wants a contract to see what prospect will do before Town combines parcels, as soon as they get that from the prospect there should be no issue with combining the parcels and moving forward

Front Royal Economic Development Authority (FREDA) Update – Steven Hicks

Mr. Hicks in process of finalizing Board members then setting meetings to establish Strategic Plan to be up and running by November/December, Town is still moving forward, realizes there will be coordination or partnership but they are firm for helping businesses in the Town; Mrs. Oates how to prevent conflict or competition between the two Authorities, are there going to be really defined roles and responsibilities; Dr. Daley WCEDA is separate legal entity, FREDA would be separate legal entity, able to buy property and get incentives, job of the proposed Office is to market what is best for the prospect irrespective of where a property is located; Mr. Hicks primary goal is to target properties and control development to match vision of the Town, help Town businesses on developing properties or redeveloping/renovating properties, will allow them to have smooth opportunity to purchase property and provide incentives, Dr. Daley should not be competition, a tool to control development for the benefit of both localities, Mrs. Cullers and Mrs. Cockrell healthy conversation to be had sooner rather than later, Dr. Daley inviting Mr. Hicks to help with recruiting and hiring process for the Interim Economic Director, Mr. Holloway Director working for Town and County and they split the cost of operations, Mr. Gillispie very open to the idea, Mrs. Oates focusing on “us and us” instead of “us and them”

Mr. Mabe what about instead of two EDAs and a Director, one EDA and a Director for both (that’s literally what it used to be), doesn’t know they need to separate ones, feels like they’re making decisions for the EDA Board without them being involved

Town Comprehensive Plan Update – Steven Hicks

Mr. Hicks Summit Engineering and Planning consultants to rewrite Comp Plan, last one from 1998 and hasn’t been rewritten, process of eighteen months, Zoning and Subdivision Ordinance parallel to the County’s, coordination with the County, certain elements in the Plan that need to be coordinated, infrastructure, economics, transportation, workforce housing, tourism, first goal is kickoff in October with Council to establish vision and goals followed by joint meeting with Council and Town Planning Commission then draft initial thoughts, public engagement process and website for citizen interaction, hopefully around April/May draft of Plan given to Planning Commission for review and approval, hopefully August/September approved by Council followed by Zoning and

Subdivision Ordinance; Mrs. Cullers should open discussions with the new Superintendent of Shenandoah National Park to help alleviate traffic with the “leafers”, Mrs. Cockrell who controls light patterns over the bridges coming into Town, VDOT; Mrs. Oates tourist town maintain standard for exterior of buildings, wondering if Town has an overlay district like the County has one in the Route 340/522 corridor, maybe something to work towards to have a common look/feel/vision/character for the façades of buildings, Mr. Hicks going to raise the standards for how the Town looks and feels and it starts with this Comp Plan update

County Comprehensive Plan – Taryn Logan

Taryn Logan, Deputy County Administrator, Planning Commission has started reviewing Comp Plan and meeting monthly in a work session prior to their regular meetings, hired consultant in 2018 to establish a Vision to kick it off, citizen survey and website and several public hearings, delayed due to new Commission members and COVID-19 pandemic, now going chapter by chapter, matching Urban Development Area sections in both Comp Plans

Trolley Services (Trailhead and New Warren Memorial Hospital Stops) – Steven Hicks

Mr. Hicks Council met with Virginia Regional Transit to talk about relocating stop from the old WMH to new WMH, that was accomplished, increased service to trail head and now it’s running four times per day in the existing budget, Mike, Phil, Larry, Nora, excited about the potential to expand trolley services; Mrs. Cullers question about availability of trolley schedule, is there a sign posted in the vicinity of the trailhead, Mr. Hicks VRT app and website are fairly user friendly, some of the merchants downtown also have brochures with the schedules, Dr. Daley said Mr. Petty is working with VDOT to get a sign posted with the schedules listed and other contacts for rides, Mrs. Oates opportunity for collaboration with the Town for the AT Connector to try and acquire property along the road to ensure pedestrians are safe (that was the main problem, lack of space off the road), Mrs. Cockrell we should be doing a better job letting the citizens know the availability of the trolley services and the Corridor Connector, 800 on the FRT and 700 on the Corridor Connector per month

Youth Programs – Cheryl Cullers

Mrs. Cullers knows there are a lot of things Parks and Recreation does but also feels there aren’t a lot of things kids are doing, how to find out how to get kids to do more activities, offering the right kinds of programs, Mrs. Cockrell Shenandoah County brainstorming session on engaging parents and talking about what is available

Warren County Water Capacity Study – Ed Daley

Dr. Daley Board was approached by Frederick Water, they are moving into the Double Toll Gate area and are talking to Clarke County, now talking to Warren about Fairground Road going north, Tim Stowe did study in 2003 for water feasibility in the northern corridor, were in attendance when Frederick Water did a presentation to Frederick County BOS, Mrs. Oates important to her because it’s in her district, especially for the industrial portions of the corridor water is king, Mr. Gillispie concerned because the Town is working on installing a redundant water line to increase capacity and feels like the County is searching elsewhere for other water sources, should instead be

working together, Mrs. Cullers listening and learning process right now and maybe will join in, Mr. Holloway would they have the capacity, Mrs. Oates yes and they are currently serving Lake Frederick which is just over two miles away from Rockland Road, wouldn't reach to the Corridor, Dr. Daley talking about establishing a multi-regional water authority, Frederick Water is working to have multiple other sources instead of relying on the Shenandoah River, will be delivering a presentation at the work session on October 12th, invited the Town to come and listen

Short-Term Vacation/Housing and Swimpl Rentals – Steven Hicks

Mr. Hicks discussion to share how the County is doing STTR and citizens wanting the Council to establish similar protocols, Mrs. Oates County has not rescinded any STTR permits, not nearly as much of a problem as the hullabaloo heard at some public hearings, only about 30 permitted STTR, hardly any complaints about them

Joint Vision for the Community – Steven Hicks/Ed Daley

Mr. Hicks would like to continue the momentum started in this meeting, get through November with individual Advance retreats with new elected officials and schedule a joint visioning retreat in January, work with Dr. Daley to establish date, time, venue, and agenda topics, maybe next liaison meeting in early December

Open Discussion

Mrs. Cockrell asking about the Midget Football fee, used to be using VFW space and now using field at HHSC, getting charged \$200 per day, we're talking about the children in our community and they shouldn't be charged, will ask Parks and Recreation

Mr. Hicks some interest through Council and constituents about an additional dog park in the community, in general becoming more popular, not sure if there's a place available for this type of use, Mrs. Logan discussion has been had about establishing another one at Rockland Park

Mrs. Cockrell Luray boat ramp, Mr. Hicks will coordinate repairs with DWR, seems to be an ongoing issue of no action taken

Mrs. Oates downtown parking, consensus to start actual planning for improvements and setting aside funding, ongoing problem, nuisance for residents but potential problem affecting tourism

Mrs. Oates Drug Prevention Committee exploring option of doing Drug Court, effort will save the community money and hopefully make this a better place to live, multi-faceted education approach for youth and parents, helping those who are seeking rehabilitation achieve success

Adjournment

Mrs. Cullers adjourned the meeting at 8:55 PM.



FRONT ROYAL – WARREN COUNTY
Liaison Committee Mission Statement and Policies
March 2021

PURPOSE OF THE LIAISON COMMITTEE

The purpose of the Front Royal-Warren County Liaison Committee is to offer a venue whereby the leadership of the Town of Front Royal and the County of Warren can discuss issues of mutual interest and inform each other of positions taken and decisions made by each public body that may affect both localities. The Committee is NOT designed to be an environment where decisions are made, but one where issues are discussed, and Board and Council members take them back to their respective bodies for further discussion and recommendation.

MEMBERSHIP

The Liaison Committee shall include the Mayor of the Town of Front Royal, the Chairman of the Warren County Board of Supervisors, the Front Royal Town Manager, the Warren County Administrator, one (1) Front Royal Town Council member and one (1) Warren County Board of Supervisors member. The latter two (2) members shall rotate between its various members from meeting to meeting.

MEETING SCHEDULE

Meetings shall be held on the third Thursday every quarter at 6:00 p.m. unless otherwise agreed upon by the Town and County. The meetings shall be rotated every six months between the Town and County. Wherever the meetings are held, the host shall be responsible for the preparation of the agenda and provide a person who will take formal minutes of the meeting.

MEETING AGENDA

- Meetings of the Liaison Committee shall at all times be subject to the terms of the Virginia Freedom of Information Act.
- Meeting agendas shall be provided by the Town Manager and County Administrator upon consultation with the Mayor and Board Chairman respectively.
- Any request to place an item on the agenda shall be made by 1:00 p.m. on Tuesday the week prior to the Liaison meeting.
- All requests to place an item on the agenda must be accompanied by a written summary of the request which can be placed in the agenda packet.

- The agendas shall be distributed by the host on Monday or Tuesday prior to the Liaison Committee meeting.
- In order for an item to be formally discussed on the Liaison agenda, it must be first agreed upon by the Town Council or Board of Supervisors. The Liaison Committee may amend a meeting agenda by agreement.

MEETING POLICY AND PROCEDURES

- The Mayor of the Town shall be Chairman of the Committee when the meetings are hosted by the Town, and the Chairman of the Board of Supervisors shall be Chairman of the Committee when the meeting is hosted by the County.
- The Chairman shall make procedural or parliamentary decisions which may be overruled by a majority vote of the Committee.
- The Town and/or County may invite any of their staff personnel, including attorneys, to attend meetings that either feels would be helpful for the issues and items scheduled to be addressed.
- This mission statement and policies shall be adopted by a majority of the Board of Supervisors and the Town Council. They may be amended by a majority vote of the Town Council and Board of Supervisors.

MANAGER AND ADMINISTRATOR REPORTS

Quarterly, at a regular meeting of the Front Royal Town Council, the Warren County Administrator shall give an oral report of the County to the Council, and regular meeting of the Warren County Board of Supervisors, the Front Royal Town Manager shall give an oral report of the Town to the Board. This will not be a question and answer period.

Approved by the Warren County Board of Supervisors September 7, 2010

Approved by the Front Royal Town Council September 13, 2010

Approved by the Front Royal Town Council March 9, 2020

Approved by the Warren County Board of Supervisors March 17, 2020

Approved by the Front Royal Town Council February 22, 2021

Approved by the Warren County Board of Supervisors March 2, 2021