



REGULAR TOWN COUNCIL MEETING

Monday, July 25, 2022, at 7:00pm in Warren County Government Center Board Room

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

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES – *I move that Council approve the minutes of the following meetings of Town Council as presented: Special Meeting of June 27th, Regular Meeting of June 27th, and Work Session of July 11th, 2022.*
5. ADDITION/DELETION OF ITEMS FROM THE AGENDA
[Items added will be placed as the last item under Business Items. Unanimous vote is required to add/delete]
6. RECOGNITIONS/AWARDS/REPORTS/PRESENTATIONS
 - Recognition of Retirement of Jerry Carter – *Mayor and Council*
 - Recognition of Officers Sgt. Eric Suess and Officer Rachel Martin – *Chief of Police Magalis and WCFR Fire Department Chief Jimmy Bonzano*
 - Recognition of Chris Cubbage for obtaining Class A Lineman Certification – *Int. Dir of Energy Services Mary E. Lynn*
 - Recognition of American Municipal Power (AMP) Scholarship Recipient – *Int. Dir of Energy Services Mary E. Lynn*
 - Project Update - *Director of Public Works Robbie Boyer*
 - New Urbanism - Town's Comprehensive Plan Presentation by Leon Krier/Irene Krier – *Steven Hicks*
7. PUBLIC HEARINGS –
 - A. Ordinance Amendments to Town Code Chapter 16 – Industrial Development Authority – *Steven Hicks*
8. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS
9. REPORTS
 - A. Report of Town Manager
 - B. Report of Councilmembers
 - C. Report of the Mayor
10. CONSENT AGENDA ITEMS - *I move that Council approve the Consent Agenda as presented.*
[Items removed for further discussion will be placed as the first item under Business Items. Unanimous vote is not required to move]
 - A. FY23 Budget Amendment to Receive Funds from the Anti-Litter Council - *BJ Wilson*
 - B. Condemnation Resolution for Redundant Waterline for the Route 522 Corridor – *Kathy Leidich*
 - C. Appointment of Non-Elected Representative to the NSVRC - *Council*
 - D. Front Royal Economic Development Authority Bylaws – *Steven Hicks*
11. BUSINESS ITEMS - None
12. ADJOURN



TOWN COUNCIL REGULAR MEETING MINUTES

June 27, 2022 @ 7:00PM in the Warren County Government Center

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

Moment of Silence

Pledge of Allegiance was led by Councilman Jackson

ROLL CALL PRESENT: Vice Mayor Lori A. Cockrell
Councilman Zachary Jackson
Councilman Joseph E. McFadden
Councilwoman Amber F. Morris
Councilwoman Letasha T. Thompson

ABSENT: Mayor Chris W. Holloway
Councilman Gary L. Gillispie

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Deputy Town Attorney George Sonnett
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilwoman Morris moved, seconded by Councilman McFadden that Council approve the minutes of the following meetings of Town Council as presented: Regular Meeting of May 23rd, Special Meeting of June 13th, Work Session of June 13th, and Joint FREDA/Council Special Work Session of June 22nd, 2022, as presented.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA – Councilwoman Thompson moved seconded by Councilwoman Morris to add appointment of the Joint Tourism Board to the agenda under Business Items as #11B.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

RECOGNITIONS/AWARDS/REPORTS—

The recognitions of Freddie Jenkins and Officers Suess and Martin would be rescheduled. Council recognized Dwayne Mauck for his 19 years of service with the Town. Director of Public Works Robbie Boyer gave Council the following Public Works Infrastructure Update:

Public Works Infrastructure Update June 27, 2022

Curb & Gutter Installation Project – Installing 9,000' of CG6 Curb & Gutter and CG9 driveway aprons where needed on 10 streets as part of the paving plan.

Paving Projects July 18th

N. Royal Ave – Between W. 14th St and N. Commerce Ave

E. 6th St Between N. Commerce Ave and N. Royal Ave

N. Commerce Ave – Turn Lane Extension

Carter St – Between Beeden Lane and Ryder Benson Lane

Forrest Hill Dr – Between W. Duck St and W. Strasburg Rd

W. 16th St – Between W. 15th St to Dead-end

Virginia Ave – Between W. 14th St and W. 15th St

W. 15th St – Between N. Shenandoah Ave and W. 15th St

610B and 612 W. 11th St Storm Drain Upgrade – Once easement are approved and signed Public Works will start installing the 120' of 36" HDPE left. Two to three weeks for completion weather depending.

Waterline Upgrade Projects – Braxton Rd and Manassas Ave - Waterline upgrades, this will replace 2,700' of existing transit water main with 6" class 52 ductile iron pipe. These went out to bid on June 27, 2022, and bids are due back on Thursday, July 28, 2022.

Robinhood Lane PRV Vault- The precast vault has been ordered on April 26, 2022, and is still another 12 to 14 weeks out for delivery (Mid to Late September)

John Marshall Hwy Waterline Improvements – Public Works is currently working on the bid information for the waterline upgrade between Leach Run Parkway and Colonial Drive to upgrade 635' of 8" water main between two sections of 12" water main. The plans are 60% completed.

Redundant Waterline Project – Pre-bid meeting will be held on July 19, 2022, and the Bid submission deadline will be August 24, 2022.

I&I Abatement Project – The next phase of the I&I project will be 22,440' of CIPP lining on pipe size between 8" to 24". This project is scheduled to be bid out in late August 2022.

PUBLIC HEARINGSSpecial Use Permit to Allow Short-Term Rental at 108 Virginia Avenue – Bridget Scanlan

Vice Mayor Cockrell opened the public hearing.

Viviano Rodriguez, 102 W. 1st Street, cited the following reasons that Council should not approve the permit: Planning Commission denied the permit with safety as one of the concerns; 3-way intersection at 1st Street and Virginia Avenue with 1st Street being narrow and no sidewalks; owner's primary residence is in Alexandria, VA; owner has been operating as an Airbnb illegally for one year; per several articles he previously sent to Council showed the correlation between Airbnbs and crime; and, approval of the permit would set a precedent as this would be the first Airbnb in Front Royal. Mr. Rodriguez showed various pictures depicting the narrowness of 1st Street and the parking of cars on that street. He reiterated that the Planning Commission recommended denial and asked Council to do the same.

Louis Massett, 123 Academy Drive, noted that he was an educator at Randolph Macon Academy and understands that parents want security for their children. He voiced concern over the transient nature of short-term rentals and referred to two articles he gave to the Clerk to share with Council.

John Pennell, 19252 Fort Valley Road, Strasburg, VA voiced concern that there was no one responsible for what goes on at the property noting that having no landlord onsite created a *"recipe for disaster"*. He encouraged Council to listen to their own Planning Commission.

Holland Daniels, 122 W. 1st Street, noted that he has lived in the neighborhood since 1984 and reminded Council of the traffic issues in 2016 on 1st Street as well as the intersection spoken about earlier. He explained that the owner of the property rented the property May – October last year and removed it from Airbnb when it was realized a permit was needed. He noted that he has witnessed renters using the driveway and carport for parking. Mr. Daniels assured Council that the owner would address any issues that would arise and that he was available anytime for neighbors to contact and he would in turn get in touch with the owner. He suggested that the Planning Commission be required to give a reason for denial on issues before them. He concluded that the Council could contact him anytime about any concerns they may have with the permit request or the neighborhood.

Steve Young, 315 Salem Avenue, urged Council to uphold the Planning Commission's recommendation to deny the permit. He advised that he moved from Alexandria, VA two years ago because of the quality of neighborhoods and believes short-term rentals would jeopardize that quality. He referred to the memo he sent to Council earlier asking them to deny the permit.

Michael Williams, 1405 Jefferson Avenue, questioned the many acts of crime reported in the past year at this site or at any Airbnb located in Front Royal and Warren County. He encouraged Council to get these facts to make a fair decision. He noted that since there were few quality accommodations in Town limits property owners are using their homes for small business opportunities. Mr. Williams explained that the Town needed the tourism dollars from the short-term rentals. He suggested that Council consider allowing the Board of Zoning Appeals to approve all short-term rentals.

Jeanne Staff, 101 Virginia Avenue, noted that she lived across the street from this property and that the owner was there approximately 60-65% of the time. She advised that the owner had put a tremendous amount of improvement into the residence since it was her second home. She advised Council that Airbnb site has been in existence since 2008 and individuals have been using it in Front Royal. She opined that the short-term rentals were an opportunity for new people to come in and enjoy Front Royal. She encouraged Council to approve the permit.

Manuel Vicente, 170 Elsie Drive, asked if it was appropriate to read someone else's statement by not stating name and address and then read his. Deputy Town Attorney Sonnett advised that it was fine as long as the speaker stayed within the three minutes. Mr. Vicente read the statement from someone else first. In summary it stated that approving the permit would open the flood gates changing the nature of Front Royal and the potential of armies of transients jamming into overflowing houses, fleets of cars blocking streets and filling parking lots, loud all night parties with disorderly drunks and drug users, amounts of trash strewn around, decrease in safety and property values and unhappy residents. Mr. Vicente continued with his statement by opining that he didn't feel this particular permit would lead to these things just mentioned but that they could potentially. He appreciated the family-friendly laid-back atmosphere of Front Royal, noting that allowing commercial in residential areas would lead to an increase in crime, safety issues and

an unhealthy environment for children. He noted it did not make sense to issue a permit to someone who has been doing it illegally for a year. He urged Council to deny the permit based on the sound recommendation of the Planning Commission.

Silvia Maresca, 140 Fontana Road, voiced opposition of the permit noting that allowing short-term rentals in residential neighborhoods reduces permanent housing options. She opined that short-term rentals would be more beneficial in areas near hotels or remote vacation spots. She urged Council to safeguard quality housing options in Front Royal by denying the permit.

Jeffrey “Jake” Burns, 603 Cardwal Drive, referred to short-term rentals as “one-room hotels”. He urged Council to consider parents concerns of small children in residential neighborhoods before approving short-term permits in those neighborhoods, making it their goal to keep the children safe.

Steve Cherry, 212 W. Main Street, concurred with the other speakers. He encouraged Council to go with the recommendation of the Planning Commission.

Julian Ehiem, 712 W. 13th Street, advised that he just moved to Front Royal and appreciated learning about his neighbors. He voiced concern about safety and trusting your neighbors. He encouraged Council to go with the Planning Commission’s recommendation.

Nan Hathaway, 107 Virginia Avenue, advised that she purchased her home in 1989 and was located across the street from the property. She briefed Council on the previous owners of the houses in the neighborhood including the property in question. She explained that the neighborhood was originally R-1 (single family housing) but was changed to R-3 (high density housing) to allow older homes to be converted into apartment buildings where the owners lived elsewhere. She urged Council to not compound the issue by allowing short-term rentals and vote no to the permit.

Tom Sayre, 835 N. Shenandoah Shores Road, advised that there were a lot of people wanting to move to Front Royal and Warren County but there was a shortage of houses available.

Vincent Maresca (*signed up but was accidentally left off*), 140 Fontana Road, voiced opposition to the permit. He opined that allowing short-term rentals in an R-3 zone sets a bad precedent and alters Front Royal’s small-town image. He stated that multiple studies had been done on the correlation of Airbnbs and neighborhood crime noting that science and data prove that short-term rentals decrease social fabric of a community. He expressed that Front Royal should be kept as a tight-knit community for generations to come.

Doug Ichiuji, 125 W. 1st Street, voiced support of the permit. He stated that he has lived in the neighborhood for 20 years and has not seen any traffic safety issues. He reminded Council that tonight was about a specific permit not the Town Code Short-Term Rental Ordinance. He questioned whether apartment owners in the neighborhood vetted their renters like those who rent on Airbnb. He advised that the owner would be moving to Front Royal permanently upon retirement and urged Council to approve the permit.

Bridget Scanlan, owner of 108 Virginia Avenue, advised that she purchased the property in 2018 as her intended retirement home but was currently using it as a vacation home. She explained that her plan was to rent the property from late spring through autumn since having less flow in the home was much easier to manage. She explained that she has a five or potentially seven-night minimum reducing turnover. She advised that she met directly with (13) neighbors on Virginia Avenue and 1st Street and received support of

her plan for the home and each signed a petition in favor of her plan. She explained the entrance (driveway) and carport were located at the back of the house with enough room for four cars. She noted that there were house rules and a lot of restrictions in place; and it was important to her to vet people and find the right tenants for her home. She gave a petition of neighbors in support of the permit to the Clerk.

Vice Mayor Cockrell closed the public hearing

Councilwoman Thompson moved seconded by Councilman McFadden that Council approve a Special Use Permit to allow a short-term rental at 108 Virginia Avenue owned by Bridget Scanlan.

Vice Mayor Cockrell asked Director of Planning Lauren Kopishke to explain about the parking, residential zones, and short-term rental ordinance provisions. Ms. Kopishke confirmed that the short-term rental ordinance took approximately three months to complete with public hearings at both Planning Commission and Council meetings where there were no speakers. She continued that the Planning Commission recommended denial of this permit at their public hearing held on June 15th. On June 16th she and the Chief of Police walked the property and found nothing dangerous with the traffic situation and that the driveway and carport on the property could accommodate approximately four cars. On June 3rd the applicant was in compliance with all the provisions of the zoning ordinance and that the concerns stated tonight are mitigated within that ordinance. She reminded Council that special use permits are issued as long as certain criteria is met. She explained that R-1 was single family low density and R-3 was higher density.

Councilman McFadden questioned whether there were any reasons for denial of the permit from the Planning Commission. Ms. Kopishke opined that due to those who spoke at the public hearing there was concern that it was not proper use of a residential area.

Since Darryl Merchant, Chairman of the Planning Commission, was in the audience he was asked to come forward and answer a few questions. Mr. Merchant explained that the Planning Commission denied the permit after considering the public comments and the owner was not onsite. He reminded Council that the Planning Commission had offered an alternative amendment to the short-term rental ordinance allowing only home-shared/owner-occupied events in residential zones. He continued that parking, safety and traffic concerns were referred to staff for further research. It was confirmed that the ordinance that was approved by Council did not require the owner to be onsite.

Councilman McFadden questioned the ratio of rentals vs owner-occupied housing in Front Royal. Ms. Kopishke advised that per the current Comprehensive Plan process the data was 51% vs 49% respectively. With that information Mr. McFadden noted that Front Royal is already a "renter community". He explained that he has experience with being a renter, a landlord, a property owner and has stayed in short-term rentals and is aware of the issues that arise from each one. He voiced support of short-term rentals, especially since Warren County already has them and tourists were coming to the area with nowhere to stay. He continued that Front Royal was trying to grow tourism in a way that was sustainable and that requires some kind of "hoteling". He advised that the owner had opened the dialogue with neighbors which is a step forward in the right direction.

Vice Mayor Cockrell asked Captain Ryman to come forward and brief Council on any safety issues in this area. Captain Ryman advised that it was a relatively quiet neighborhood with no calls for services or accidents in approximately six or seven years.

Vice Mayor Cockrell asked Director of Public Works Robbie Boyer to come forward and brief Council on the street design narrowness and/or traffic pattern of the neighborhood. Mr. Boyer confirmed the narrowness of 1st Street and a traffic count on this street was completed a few years ago and after the removal of a “cut through” from Virginia Avenue to W. Main Street traffic was reduced.

Councilwoman Thompson advised that she watched the recent Planning Commission meeting, performed her own research, and read all articles from Mr. Rodriguez. She explained that all the articles referenced one study between 2011-2018 in Boston and was focused on a lot of Airbnbs in one neighborhood (specifically condos) where neighborhood watches were lost. After further research, Mrs. Thompson advised that within a quarter mile radius of the property there were no less than seven sex offenders and stated that there was always someone around who does not have a child’s best interest. She advised that the property had plenty of parking, was not a nuisance property, the owner spends some time at the property, rents only two of the four bedrooms, and officers are not seeing accidents or issues in the neighborhood. Mrs. Thompson voiced concern about a property in the neighborhood operating as a school where background checks may not be performed. She advised that the Planning Commission’s recommendation to deny had no facts or figures to back up their decision and that she would be voting yes for the permit.

Councilwoman Morris noted that she is not in favor of allowing government to dictate what individuals can do with their property within their constitutional rights and within the law. She reiterated that Planning Commission and Council worked on the short-term ordinance for months and there were no speakers at either of the two public hearings. She advised that she has experience as being a renter, using short-term rentals, owning a rental and is a property owner. She explained that the Town adopted the short-term rental ordinance to allow transient lodging and the owner had brought forth her rental to bring it up to code and continue her short-term rental legally. She noted the Planning Commission recommended denial of the permit with no legal reason. Due to the volatile market, she explained that a lot of people do not earn enough wages to purchase a property at this time which is reflected in the high rental percentage. She explained the Virginia Residential Landlord Tenant (VRLT) Act that went into effect in 2020 during the height of COVID where landlords did not receive rent and property was damaged. Ms. Morris advised that she too read the articles given to Council. She continued that traveling nurses and doctors are in need of housing and short-term rentals assist with that. She explained the vetting process that Airbnb currently requires.

Vice Mayor Cockrell confirmed with Ms. Kopishke that per the ordinance, if there were any problems Council could pull the permit and impose the conditions.

Councilman Jackson noted that he has experience as a property manager and advised that long term rentals were harder to flip than short-term rentals and he too agreed with Councilwoman Morris that he was not in favor of telling someone what to do with their property. He voiced support of approving the permit.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

Special Use Permit to Allow Short-Term Rental at 201 E. Main Street – Hike Properties LLC

Vice Mayor Cockrell opened the public hearing.

Doug Ichiuji, 125 W. 1st Street advised Council that he was available for questions.

Vice Mayor Cockrell closed the public hearing.

Councilwoman Thompson moved seconded by Councilwoman Morris that Council approve a Special Use Permit to allow a short-term rental at 201 E. Main Street owned by Hike Properties LLC.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

Public Necessity Resolution for Redundant Waterline Project in Rt 522 North Corridor

Vice Mayor Cockrell opened the public hearing.

Since there were no speakers, Vice Mayor Cockrell closed the public hearing.

Vice Mayor Cockrell moved seconded by Councilwoman Thompson that Council approve a Public Necessity Resolution for the Redundant Waterline Project in the Route 522 North Corridor

Deputy Town Attorney Sonnett read VA Code § 15.2-1903. B. Prior to initiating condemnation proceedings, the governing body shall, after a public hearing, adopt a resolution or ordinance approving the proposed public use and directing the acquisition of property for the public use by condemnation or other means. The resolution or ordinance shall state the use to which the property shall be put and the necessity therefor. Furthermore, other political subdivisions of the Commonwealth shall also be required to hold a public hearing prior to initiating condemnation proceedings. He advised that Council would be complying with this section of the Virginia Code upon passage the resolution.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

FY22 Budget Amendment for Revenue Exceeding Budgeted Amount and Budget Transfer to Allocate Additional Funds to Advance paving Plan

Vice Mayor Cockrell opened the public hearing.

Since there were no speakers, Vice Mayor Cockrell closed the public hearing

Councilwoman Thompson moved seconded by Councilwoman Morris that Council approve a FY22 Budget Amendment for revenue exceeding FY22 budget amounts and a FY22 budget transfer to allocate additional funds to advance the Town's Paving Plan in the amount of \$1,000,000.00.

Council voiced their support of this item.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

An Ordinance Amendment to Town Code Chapter 175 to Add Data Centers

Vice Mayor Cockrell opened the public hearing.

Darryl Merchant, 110 Kerfoot Avenue noted that staff did an outstanding job on preparing the performance standards and was not opposed to data centers but suggested they be allowed as a special use not a by right use. He explained that special use permits give the opportunity to see if the use is appropriate for the zone for which the data center is located. He explained that every community is trying to get a data center and voiced concern about performance standards not covering building size, energy consumption (water/electric) and limited employment. He concluded that the financial impact for a data center could be good for our community.

Tom Sayre, 835 Shenandoah Shores Road, agreed with Mr. Merchant in that the data centers have low employment and take up a lot of space. He suggested that Council “take another look”.

Vice Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Vice Mayor Cockrell that Council defer this item to a work session.

Councilwoman Morris voiced concern that since the Town was in the process of renewing the Comprehensive Plan, she was not comfortable making this amendment by right in an industrial zone. She opined that it needed to be approved by special use permit to insure what is best for the Town constituents. She suggested more information to determine what is the best use. Vice Mayor Cockrell echoed the sentiments of Councilwoman Morris and noted that she liked the special use permit because it can be reviewed on a case-by-case basis to determine what was best for the community. She noted the review would assist in “getting it right” the first time. Councilwoman Morris also noted that it shows the investment the data center is willing to give to the community in terms of infrastructure and employment.

Councilman McFadden voiced support only if it was a special use permit and for Council to have somewhat more control instead of giving it away. Councilman Jackson agreed with Mr. McFadden noting case-by-case evaluation was better to look at objectively for the constituents and he needed more information to make a confident vote tonight.

Deputy Town Attorney Sonnett suggested that the motion be in the form of postponing action to a date certain at a regular meeting following a work session due to the public hearing being opened and closed tonight.

Councilwoman Morris moved seconded by Councilman McFadden to amend the motion that Council defer Public Hearing 7E for a deferred vote to a regularly scheduled Council meeting on July 25, 2022 at 7:00pm following the July 11th work session.

Councilman McFadden questioned why the motion could not be amended tonight to identify special use permit instead of by right. Councilwoman Morris advised that more information would be helpful at the

July 11th work session. Town Manager Hicks advised that the work session would allow staff to identify the typical conditions that is applied to data centers to allow Council to vote with that added information. Mr. McFadden noted that Council was not against data centers only the by right use with preference in the vetting process that the special use allows. Mr. Hicks advised Council after reconsideration that Council would not be able to vote on the ordinance amendment at the July 25th meeting due to the public hearing needing to be readvertised due to the first advertisement limiting the amendment to by right and not special use. It was noted that the next work session for Planning Commission was July 6th. Mr. Hicks recommend that Council refer this to the Planning Commission tonight to make a recommendation to Council at their July 11th work session.

Councilwoman Morris withdrew her previous motions and moved seconded by Vice Mayor Cockrell that Council refer to the Planning Commission 7E "Public Hearing-An Ordinance Amendment to Town Code Chapter 175 to Add Data Centers" to make this a Special Use Permit only.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

An Ordinance Amendment to Town Code Chapter 158-6 for Adoption by Reference of State Vehicular Laws

Vice Mayor Cockrell opened the public hearing.

Since there were no speakers, Vice Mayor Cockrell closed the public hearing.

Councilman McFadden moved seconded by Councilwoman Thompson that council approve an ordinance amendment to Town Code Chapter 158-6 pertaining to adoption by reference of the state vehicular laws, as presented.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Tom Sayre, 835 Shenandoah Shores Road, voiced concern over the potential protesting and vandalism that may occur over the recent decision to overturn Roe vs Wade and send back to the states. He encouraged the community to come together.

Jane Elliott, 59 River Court, voiced concern over the recent Shenandoah Shores Road railroad crossing on June 17th where a train was stopped for 2 ½ hours. She reminded Council that this crossing is the only way in and out for Shenandoah Shores residents and workers. She questioned why funds could not be allocated to provide a second access to provide safety to residents noting it was more than an inconvenience but a genuine safety hazard making residents helpless with no escape. She questioned whether there was any consideration from Norfolk and Southern Railroad regarding emergency matters at this crossing. Ms Elliott continued to question why the railroad was able to get away with abusive behavior towards Town and County residents and why local officials continue to turn a "blind eye". Due to the seriousness of the situation, she encouraged Council to have a secondary access out of Shenandoah Shores Road, an overpass at the tracks or an emergency exit onto I-66. She reiterated that the railroad needed to be accountable.

Walter Langdon, 104 Ryder Benson Lane, spoke on behalf of his daughter who owns the residence and who he stays with occasionally. On behalf of his daughter, he voiced concern over the lack of snow removal on this street due to it being a private road. He noted that his daughter was a nurse and was concerned she would not be able to get out during inclement weather. He requested that Council furnish this service in their neighborhood.

Michael Plumstead, 108 Ryder Benson Lane, concurred with Mr. Langdon noting that he purchased his home on May 4, 2022. He asked Council to consider their request for snow removal on his street.

REPORTS

A. Town Manager Report – Mr. Hicks advised that the Town Business Offices would be closed on Monday, July 4th for Independence Day. He noted that he enjoyed attending the George Banks Signage Ceremony on Saturday.

B. Town Council Reports –

Councilwoman Thompson noted that she too attended the George Banks Signage Ceremony and advised that the Banks family was appreciative of the assistance from the Town.

Vice Mayor Cockrell noted that she also attended the George Banks Signage Ceremony and expressed how wonderful an experience it was to see neighbors come together attending a block party. She advised that her and the Town Manager attended a meeting regarding an update on the community health needs assessment on June 17th. She invited the community to an evening out on Sunday, July 3rd to attend a car show at Lindsey Chevrolet along with back-to-back Cardinal's games and finally Town sponsored fireworks after the second Cardinals game.

C. Mayor Report – N/A

CONSENT AGENDA ITEMS

A. Bid for Various Grades of Stone for FY23

Council approved bid from Hanson Aggregates for fixed pricing on various types of stone for streets and water/sewer maintenance for FY23 in the amount of \$101,689.00.

B. Bid for Various Grades of Asphalt for FY23

Council approved a contract for firm fixed pricing on various grades of asphalt for general street patching and surfacing of Town streets for FY23 from Stuart M Perry for the following various grades of asphalt per ton: base, \$77.00; intermediate, \$77.00; and finish, \$79.00.

C. FY22 Budget Amendment to Accept Monies from Various Sponsors for Gazebo Movies and Fireworks Display (REVISED)

Council approved a FY22 budget amendment to receive the amount of \$8,715 from various sponsors for movies shown at the gazebo in the amount of \$1,215.00 and various sponsors for a firework display in the amount of \$7,500.00.

D. Professional Electrical Engineering Services

Council approved a contract for Professional Electrical Engineering Services for the Town's Department of Energy Services to Southeastern Consulting Engineers Inc for a period of one year with the option to renew for 4 (four) additional one-year periods.

E. Professional Environmental Engineering Services

Council approved contracts for Professional Environmental Engineering for the Town's Department of Public Works to CHA Consulting Inc & Potesta & Associates Inc for a period of one year with the option to renew for 4 (four) additional one-year periods.

F. Supervisory Control/Data Acquisition (SCADA) Change Order for Water Plant

Council approved a change order to DR Control LLC's contract for the Water Treatment Plant's SCADA and telemetry upgrade in the amount of \$44,564.00.

G. FY2021-2022 Write Off for Bad Debt

Council approved the removal of 5 years or older of outstanding accounts receivable (bad debts) totaling \$46,705.80 (166 utility accounts) on the Town's ledger for the remainder of fiscal year 2020-2021.

H. Deed of Easement for Front Royal Self Storage, LLC for Waterline on Commercial Property located on Route 522 North Corridor

Council approved and accepted a Deed of Easement for access to and maintenance of facilities (waterline) to be constructed by Front Royal Self Storage, LLC located outside the Town limits in the Route 522 Corridor (over portions of Warren County Tax Map Parcel 12-56C) as presented; and authorized the Mayor, Clerk of Council, Deputy or Interim Town Attorney and/or Town Manager to execute all documents as necessary.

I. Amend T-Mobile Northeast LLC to Expand Leased Floor Space to Update Antennae Facilities Located on the Fairground Water Tank, and to Extend the Lease Term

Council approved the "Fourth Amendment to Tower Site Lease Agreement", permitting T-Mobile to add to their existing facilities located at and on the Town's Fairgrounds Road water tank and for additional consideration, extended the lease term for an additional five (5) years and authorized the Town Manager to execute all documents as necessary.

J. Deed of Easement for Stormwater Infrastructure between 610B and 612 W. 11th Street and Corner of Kendrick Lane and Monroe Avenue

Council approved two Deeds of Easements located at 610 B and 612 W. 11th Street and the corner of Kendrick Lane and Monroe Avenue to complete the installation of stormwater infrastructure on the properties, as presented; and authorized the Mayor, Clerk of Council, Deputy or Interim Town Attorney, and/or Town Manager execute all document as necessary.

K. Appointment of Joint Towing Advisory Board

Council appointed the following members to the Joint Towing Advisory Board to 4-year terms beginning June 26, 2022 and ending June 26, 2026; Sergeant David Fogle – Front Royal Police Department; Captain Robert Mumaw – Warren County Sheriff's Office; Sergeant Brian Davis – Virginia State Police; Emily Ciarrocchi – Citizen; Gloria Knott – Keens Towing; Louis C. "Peanut" Tharpe – Tharpe's Towing; Alan Crawford - Midway Towing

L. Designation of Councilmember and Town Staff to the Discover Front Royal Board

Council designated Councilwoman Letasha Thompson and Special Events Coordinator Elizabeth Lewis to the Discover Front Royal Board as non-voting members.

Vice Mayor Cockrell read the revision to Item #10C.

Vice Mayor Cockrell moved, seconded by Councilwoman Morris that Council approve the Consent Agenda, as presented including the Revision to Item 10C.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

BUSINESS ITEMS –Resolution for Employee Appreciation Day

Vice Mayor Cockrell read the resolution

WHEREAS, the Town of Front Royal has 166 full and part-time employees; and,

WHEREAS, Town employees are recognized as professionals who provide quality service to our community during these ever-changing times; and,

WHEREAS, Town employees continue to face many challenges but continue to excel in the workplace by demonstrating dependability, initiative, and accountability to the community and to each other; and,

NOW, THEREFORE BE IT RESOLVED by the Vice Mayor and Town Council of the Town of Front Royal, Virginia hereby express deep and sincere appreciation to the all the employees of the Town of Front Royal for their dedication, service, and vital contributions to the citizens of Front Royal; and,

BE IT FURTHER RESOLVED that July 21, 2022, be designated as “*Employee Appreciation Day*” for all the employees of the Town of Front Royal.

Vice Mayor Cockrell moved seconded by Councilwoman Thompson that Council approve a resolution identifying July 21, 2022 as Town Employee Appreciation Day in the Town of Front Royal.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

ADDITION OF ITEM - Appointment of Joint Tourism Board

Councilwoman Thompson moved seconded by Councilman McFadden that Council appoint the following the Joint Tourism Board: Scott Turnmeyer; Jesse McClain (Joint); Hannah MacKinnon; Gillian Greenfield (Joint).

Clerk of Council Presley confirmed they were all for a 4-year term and was added to the motion.

Councilwoman Thompson moved seconded by Councilman McFadden that Council appoint the following the Joint Tourism Board: Scott Turnmeyer; Jesse McClain (Joint); Hannah MacKinnon; Gillian Greenfield (Joint) to a 4-year term.

Council thanked them for applying and for their patience and excitement to see what they can do.

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

CLOSED MEETING

Councilman McFadden moved seconded by Councilwoman Morris that Town Council convene and go into Closed Meeting for discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specific to the Town Manager Evaluation, pursuant to §2.2-3711. A.1 of the Code of Virginia

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

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

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

No – N/A

Absent – Councilman Gillispie

Abstain – N/A

ROLL CALL

Approved by Town Council

Date: _____



TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, June 27, 2022

The following minutes are a summary of items on the agenda.

This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

ROLL CALL PRESENT: Vice Mayor Lori A. Cockrell
 Councilman Zachary Jackson
 Councilman Joseph E. McFadden
 Councilwoman Amber F. Morris
 Councilman Letasha T. Thompson
 ABSENT: Mayor Chris W. Holloway
 Councilman Gary L. Gillispie
 APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
 Clerk of Council Tina L. Presley

CLOSED MEETING

Vice Mayor Cockrell moved seconded by Councilman McFadden that Town Council convene and go into Closed Meeting for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specific to Joint Tourism Committee Appointments, pursuant to §2.2-3711. A.1 of the Code of Virginia.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Jackson, McFadden, Morris, and Thompson
 No – N/A
 Absent – Councilman Gillispie
 Abstain – N/A

ROLL CALL

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

Vote: Yes – Vice Mayor Cockrell, Councilmembers Jackson, McFadden, Morris, and Thompson
 No – N/A
 Absent – Councilman Gillispie Abstain – N/A

ROLL CALL

Vice Mayor adjourned the meeting at 6:50pm.

Approved by Town Council
 Date: -----



TOWN COUNCIL WORK SESSION MINUTES

Monday, July 11, 2022 at 7:00 PM - Town Hall Conference Room

The following minutes are a summary of items on the agenda.

This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com.

Items Slated for Public hearings on July 25th and August 22nd –

Proposed Ordinance Amendments to Town Code Chapter 16 – Industrial Development Authority – Town Manager Hicks gave Council a brief overview of the proposed amendments and that it would be placed on the July 25th agenda as a public hearing. There was no further discussion.

Proposed Ordinance Amendments to Town Code Chapter 175 – Data Centers – Director of Planning Kopishke gave Council an overview of the proposed text amendments to Chapter 175 and that it would go to the Planning Commission and Town Council for public hearings. There was no further discussion.

Items Slated for Consent Agenda for July 25th Regular Council Meeting –

Bid for Three-Phase Transformers – Finance Director Wilson advised Council that it would be approximately 1 ½ years before the Town was to receive the transformer. Mr. Hicks advised that all localities are having the same issue of receiving transformers. It was noted that it would be placed on the Consent Agenda of the July 25th meeting.

Bid for Concrete – Mr. Wilson advised Council that the bids were due tomorrow and that it would be placed on the Consent Agenda of the July 25th meeting.

FY23 Budget Amendment to Receive Funds from the Anti-Litter Council – Mr. Wilson gave a brief overview of the funds and that it would be placed on the Consent Agenda of the July 25th meeting.

Proposed Ordinance Amendments to Town Code Chapter 4 – Clerk of Council Presley gave Council a brief overview of the proposed amendments to Chapter 4. Vice Mayor Cockrell questioned remote participation. Deputy Town Attorney Sonnett advised that the proposed amendments were to match wording as currently stated in the Virginia State Code. There was much discussion regarding the difference between participating in meetings remotely and being absent. Mr. Sonnett advised striking 4-1.1.D. as it was redundant and not needed. Vice Mayor Cockrell also questioned the removal of the Town Manager supervising the legal department (4-27 and 4-39). There was much discussion on whether to leave this amendment as presented or not. Mr. Hicks suggested adding "Assistant Town Manager" as 4-53.B.5. Council agreed to advertise the proposed amendments to Chapter 4 as presented and to include the two amendments suggested by Mr. Sonnett and Mr. Hicks, for August 22nd. It was also noted that Council would continue to discuss the amendments at their next work session on August 8th.

Condemnation Resolution for Redundant Waterline for the Route 522 North Corridor – Assistant Town Manager Leidich briefed Council on the condemnation resolution, noting that it was the next natural step in the process. There was no further discussion.

Board of Zoning Appeals (BZA) Special Use Permits – Ms. Kopishke advised that a text amendment to Chapter 175 is required to allow the BZA to approve special use permits. She explained that it would remove the Planning Commission and Town Council from commenting and/or approving them. It was noted that the amendment would be for all special use permit requests and a public hearing would be held for each. She noted that other jurisdictions are allowing the BZA to handle the permit requests and it is allowed by Virginia State Code. Council voiced concern over the appeal process since all appeals would be heard by the Circuit Court whether they were denied by Council or the BZA. After much discussion, Council agreed to leave the approval process of special use permits as it currently stands.

E. Main Street Walking Mall Kickoff – Mr. Hicks reminded Council that the proposed walking mall is a FY23 Council initiative. He showed them a timeline. Councilman Gillispie voiced concern that when this subject was discussed before there was a public outcry from businesses on Main Street that included parking and costs. Mr. Hicks noted that Council has budgeted \$15,000 to begin, noting that it would not be expensive to begin the conversion. Councilman McFadden noted that the closure was “awesome” during COVID restrictions. Rick Novak of Royal Cinemas was in attendance and was asked to speak by Council. Mr. Novak advised that the approximately 20 weeks Main Street was closed on the weekends went very well but felt the demand was not there to close the street permanently. Council asked that Mr. Hicks get the number of parking spaces that would be removed on Main Street if the closure were to occur. After much discussion Council agreed to the timeline suggested and that a survey and public input sessions were a must.

Appoint Non-Elected Representative to Northern Shenandoah Valley Regional Commission – Council agreed to appoint Director of Planning Lauren Kopsishe as the non-elected representative.

Liaison Committee Meeting Items for July 21st – The following were asked to be placed on the Liaison Committee Meeting for July 21st:

- Parks and Recreation Activities to include Midget Football Status of charges
- Update on Building Department that included the process of dealing with blighted buildings in Town limits and whether the Committee that was stated in the Agreement has been meeting
- Update on Water Study
- Tourism’s next steps with an update to Council in form of report or matrix
- Update on Town and County Comprehensive Plans
- Update on McKay Springs property
- Update on WCEDA negotiations
- Additional funds for the trolley (match)

Open Discussion – Councilman Gillispie questioned the process of the condemnation of blighted buildings, noting that the Building Official was not needed for the Town to move forward. It was noted to confirm this at the Liaison Committee Meeting. Staff confirmed that paving would begin on July 18th. Mr. Gillispie questioned the Prospect Bridge replacement. Mr. Wilson advised that it has not been put back out to bid due to the costs of the first bid. Mr. Gillispie also questioned the 8th Street Bridge replacement. Mr. Wilson advised that this would be approximately three years being a revenue sharing project with VDOT.

Mayor Holloway questioned what Town events were being planned for downtown. Mr. Hicks advised that the electric hookups for the food trucks had just been completed. He noted that he would be speaking with Special Events Coordinator Lizi Lewis and get back with Council on updates.

Vice Mayor Cockrell asked for a Rail Trail update from Mr. Hindman at an upcoming regular meeting.

Mr. Hicks reminded Council of the following:

- July 13 – Joint Retreat with FREDA from 4:00p – 8:00p
- July 13 – Fireman’s Parade at 5:00pm
- July 14 – Fireman’s Fireworks after the Cardinals Game

He also noted that the Town’s July 3rd fireworks display was a “hit”. The flagpole has been installed in the Commons Area in Downtown Front Royal.

Adjourn – 8:30pm

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, McFadden, and Thompson, Town Manager Steven Hicks, Deputy Town Attorney George Sonnett, Clerk of Council Tina Presley, Finance Director BJ Wilson, Assistant Town Manager Kathy Leidich, Director of Planning Lauren Kopishke, Manager of IT Grant Autry and members of the public and press.

ABSENT: Councilwoman Morris

Approved by Town Council

Date: -----



Council Agenda Statement

Meeting Date: July 25, 2022

Item # 07A

Agenda Item: PUBLIC HEARING - Ordinance Amendments to Town Code Chapter 16 – Industrial Development Authority

Summary: Council is requested to consider approval of various amendments to Town Code Chapter 16 – Industrial Development Authority as presented.

Budget/Funding: None

Meetings: Joint Meeting with Front Royal Economic Development Authority (FREDA) on June 22, 2022.
Work Session held on July 11, 2022

Proposed Motion: I move that Council approve ordinance amendments to Chapter 16 – Industrial Development Authority as presented.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Jackson* _____ *McFadden* _____ *Morris* _____ *Thompson* _____

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: ____/____/____



Council Consent Agenda Statement

Item # 10A

Meeting Date: July 25, 2022

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

Summary: Council is requested to approve a FY23 Budget Amendment in the amount of \$5,142.25 to receive funds from the Front Royal-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

Meetings: Work Session held July 11, 2022

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

Proposed Motion: I move that Council approve a FY23 Budget Amendment in the amount of \$5,142.25 to receive funds from the Front-Royal Warren County Anti-Litter Council to be used to purchase additional bear proof and regular solid waste receptacles.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ McFadden _____ Morris _____ Thompson _____



Council Consent Agenda Statement

Item # 10B

Meeting Date: July 25, 2022

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

Summary: Council is requested to consider approval of a Condemnation Resolution for the redundant waterline for the Route 522 N Corridor authorizing the use of eminent domain to complete the condemnation process to acquire the final three easements for the project, as presented.

Budget/Financing: N/A

Meetings: Council Work Session held June 13, 2022
Council Public Hearing held June 27, 2022
Council Work Session held July 11, 2022

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

Proposed Motion: I move that Council approve a Condemnation Resolution for the redundant waterline for the Route 522 N Corridor authorizing the use of eminent domain to complete the condemnation process to acquire the final three easements for the project, as presented.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Jackson* _____ *McFadden* _____ *Morris* _____ *Thompson* _____



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

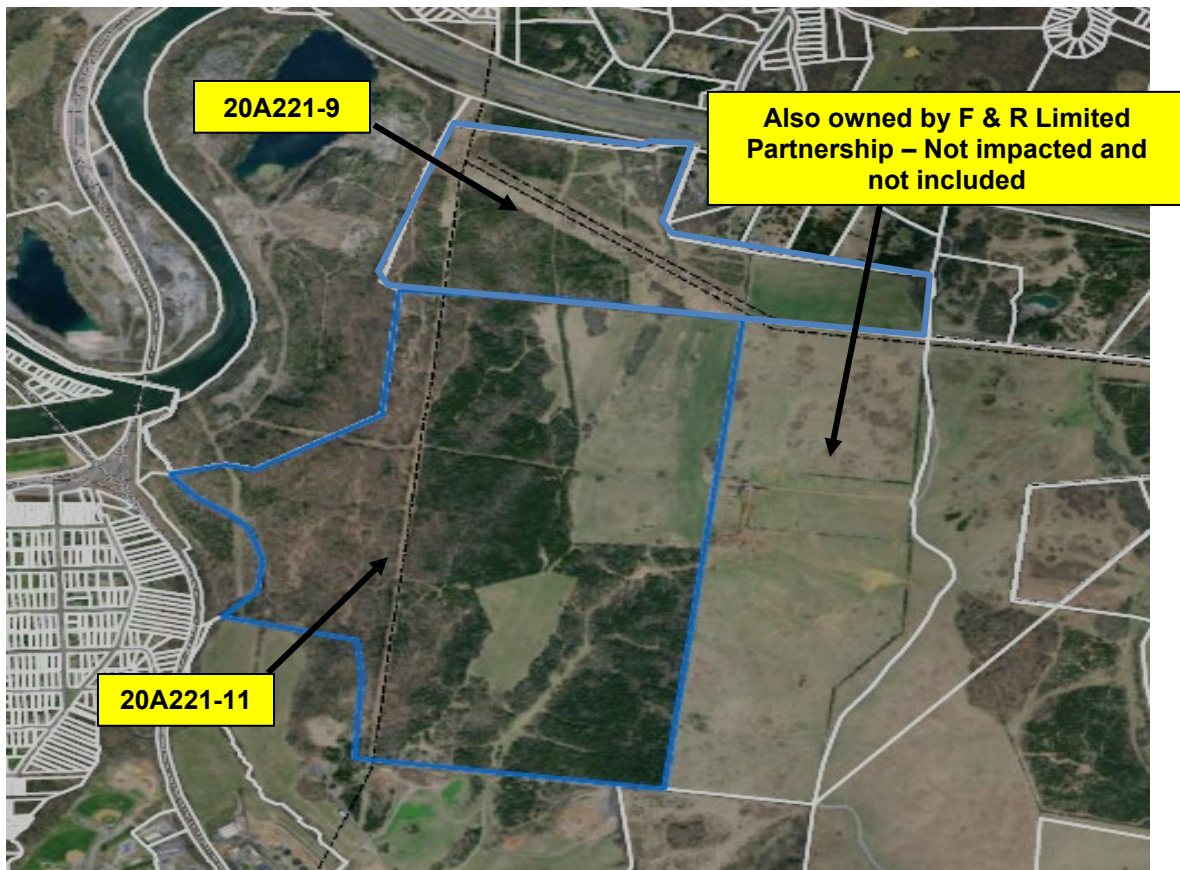
The subject is located off of Mary's Shady Lane (northern side), Front Royal, VA 22630. The property is vacant land is comprised of two tax map parcels: 20A221-9 and 20A221-11. The total site size is reported as 371.328-acres or 16,175,048 SF based on public records. The subject does not have a proposed 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.

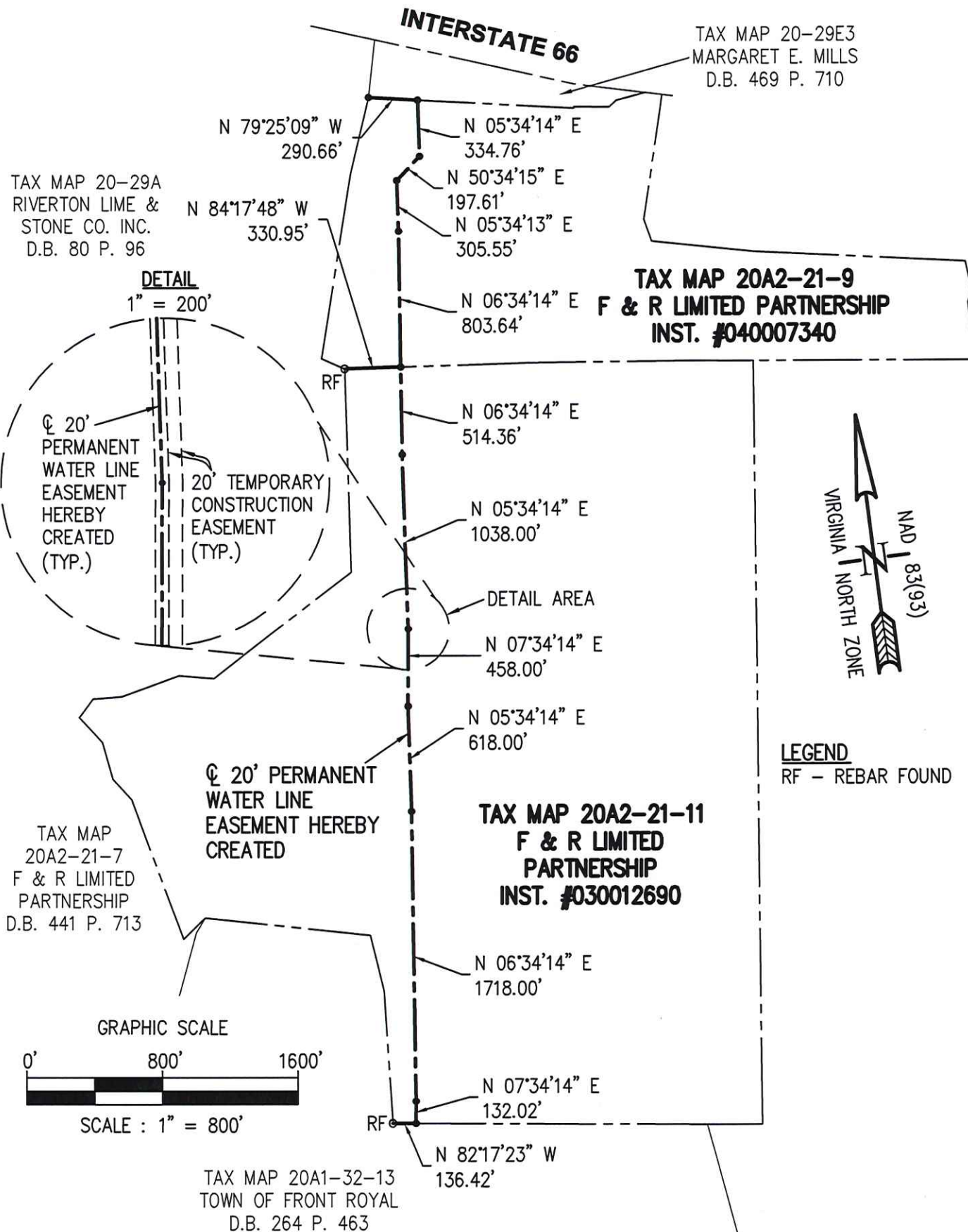
LARGER PARCEL DISCUSSION

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

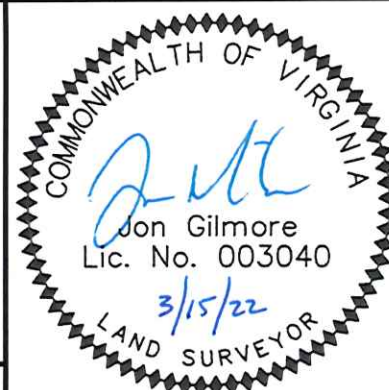
1. NO TITLE REPORT FURNISHED; THEREFORE, EASEMENTS OR ENCUMBRANCES AFFECTING THE PROPERTY REPRESENTED BY THIS SURVEY MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
2. THE INFORMATION SHOWN ON THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED UNDER MY SUPERVISION ON 30 OCTOBER 2020.

www.marsh and legge.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**



File: V:\PROJECTS\ANY\K5\059221\000\CADD\FIGURES\EASEMENTS\59221 ESMT FIGURES_A.DWG
 Saved: 11/18/2020 1:26:01 PM Plotted: 11/18/2020 1:31:39 PM Current User: Roby, Cynthia LastSavedBy: 7434



PIN 20-29E2
 CAHILL WILLIAM E. ET UX

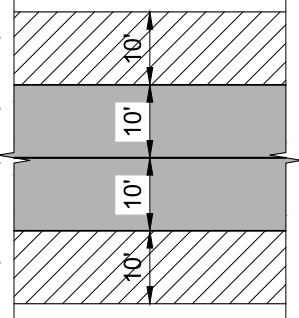
TEMPORARY EASEMENT

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.)

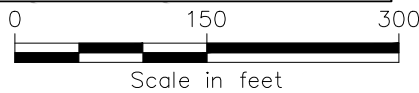
PIN 20-29E
 NICKOLAS SCHULZ
 INST. 070001767

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	

Drawing Copyright © 2020



1341 Research Center Drive, Suite 2100
 Blacksburg, VA 24060
 540.552.5548 • www.chacompanies.com

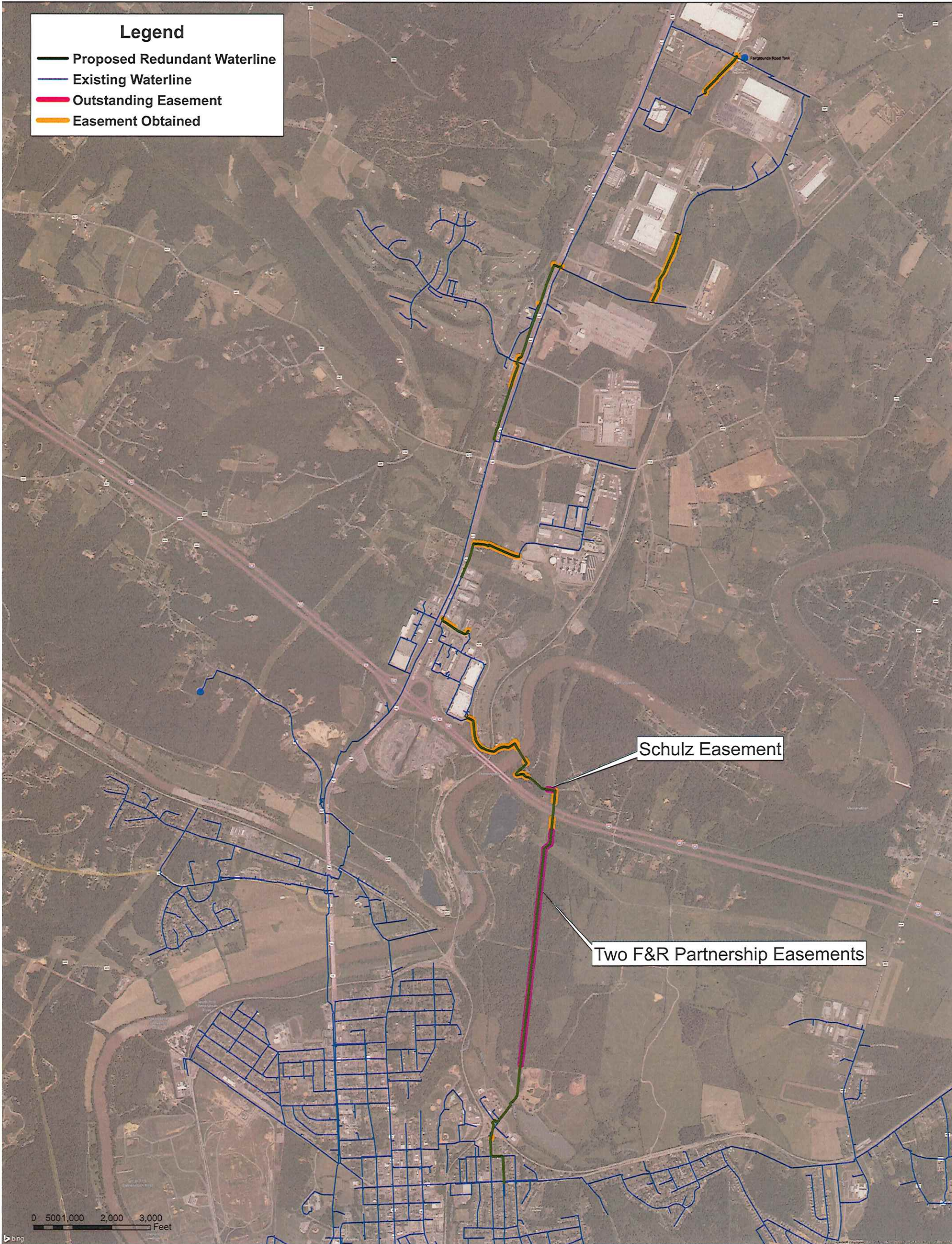
NICKOLAS SCHULZ – TAX MAP 20-29E

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: _____



Council Consent Agenda Statement

Item # 10C

Meeting Date: July 25, 2022

Agenda Item: Appointment of Non-Elected Representative to the Northern Shenandoah Valley Regional Commission (NSVRC)

Summary: Council is requested to appoint Director of Planning and Zoning Lauren Kopishke as the non-elected representative to the Northern Shenandoah Valley Regional Commission (NSVRC) to an unexpired term ending June 30, 2023.

Budget/Funding: None

Meetings: Work Session held July 11, 2022

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

Proposed Motion: I move that Council appoint Director of Planning and Zoning Lauren Kopishke as the non-elected representative to the Northern Shenandoah Valley Regional Commission (NSVRC) to an unexpired term ending June 30, 2023.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ McFadden _____ Morris _____ Thompson _____



Council Consent Agenda Statement

Item # 10D

Meeting Date: July 25, 2022

Agenda Item: Front Royal Economic Development Bylaws

Summary: On June 22, 2022, the Council and the Front Royal Economic Development Authority (FREDA) reviewed the FREDA Bylaws in a joint meeting and various amendments were agreed upon. FREDA approved the Bylaws with the addition of *FREDA shall follow the Town's Procurement Policy* at their regular monthly meeting held on July 14, 2022. Per Town Code Chapter 16-4.J. the Bylaws shall not become effective until ratified by Town Council. Council is requested to approve the FREDA Bylaws as presented contingent upon the Town Code Amendments were approved at the Public Hearing held earlier in the meeting.

NOTE: The addition is added on page 10 #2.

Budget/Funding: None

Meetings: Joint Work Session with FREDA on June 22, 2022

FREDA Monthly Meeting July 14, 2022

Work Session held on July 11, 2022

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

Proposed Motion: I move that Council approve the Front Royal Economic Development Authority Bylaws as presented contingent upon the approval of Town Code Amendments to Chapter 16 during the public hearing held earlier.

Moved _____ **Seconded** _____

Cockrell _____ **Gillispie** _____ **Jackson** _____ **McFadden** _____ **Morris** _____ **Thompson** _____

Bylaws of the Economic Development Authority of the Town of Front Royal, Virginia

Article I. Purposes and Powers

The Economic Development Authority of the Town of Front Royal, Virginia, also to be known as the “Front Royal EDA”, shall fulfill all the purposes and intents of the General Assembly of Virginia, as expressed in Title 15.2, Chapter 49, Code of Virginia, as amended. The Front Royal EDA shall also fulfill all purposes and intents as set out in Chapter 16 of the Municipal Code of the Town of Front Royal, which is the Ordinance creating the Front Royal EDA and all other matters as hereinafter provided. The general purpose of the Front Royal EDA shall be to foster and stimulate the development and redevelopment of industry, commerce, higher education, and all other purposes set forth in the Industrial Development and Revenue Bond Act, Virginia Code § 15.2-4900, *et seq.* as it now exists or may from time to time be amended, in particular in the Town of Front Royal and in general in the Front Royal-Warren County community, for the general good of the people of the Town of Front Royal and, wherever possible, the people of the County of Warren, and for the citizens of the Commonwealth of Virginia. The Front Royal EDA shall have all powers that have been granted to it by Title 15.2, Chapter 49, Codes of Virginia, 1950, as amended, and all other powers that may hereinafter be granted to it by an enactment of the General Assembly and also that may be granted by the Front Royal Town Council.

Article II. Offices and Records

1. The principal offices of the Front Royal EDA shall be located in the Town Offices of the Town of Front Royal, 102 E. Main Street, Front Royal, County of Warren, Virginia.
2. Except as otherwise required by resolution of the Front Royal EDA, or as the business and affairs of the Front Royal EDA may require, all the books and records of the Front Royal EDA shall be kept at the principal office to be designated as herein above provided.
3. The Board of Directors of the Front Royal EDA shall keep minutes of its proceedings to be kept contemporaneously with its proceedings, which minutes shall also be electronically recorded, (unless its proceedings are properly in closed meeting in accordance with the Virginia Freedom of Information Act (Title 2.2, Chapter 37 of the Code of Virginia, as amended)), which minutes shall be open to public inspection during normal business hours and under terms and conditions as provided by law.
4. The Front Royal EDA shall keep suitable records of its financial transactions and, unless exempted by Va. Code § 30-140, as amended, the Front Royal EDA shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the Finance Director of the Town of Front Royal of the locality and shall be open to public inspection during normal business hours and under terms and conditions as provided by law.

Article III. Governance of Front Royal EDA by Board of Directors

1. The Front Royal EDA shall be governed by a Board of Directors composed of seven (7) Directors, appointed by the Town Council of the Town of Front Royal, Virginia ("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. 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.
2. All powers and duties of the Front Royal EDA shall be exercised and performed by the Board of Directors, acting by majority vote of those Directors present at a meeting at which a quorum is present, 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 the members of the Board of Directors.
3. 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. A vacancy in the membership of the Board of Directors shall not impair the right of a quorum to exercise all the powers and perform all the duties of the Board of Directors.
4. Each Director shall be a resident of the Town of Front Royal or Warren County when appointed as a Director of 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.
5. No Director shall be an officer or employee of the Town of Front Royal or the County of Warren.
6. Each Director shall, before entering upon his duties, take and subscribe the oath prescribed by Va. Code § 49-1, or its successor provision.
7. Per Resolution dated December 13, 2021, the Directors shall receive no salary but may be compensated \$200.00 per monthly meeting attended. There will not be compensation for additional meetings. Reimbursement for necessary traveling and other expenses incurred in the performance of their duties shall be approved by the Town Manager or his designee.
8. The Board of Directors of the Front Royal EDA shall keep 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 during normal business hours and under terms and conditions as provided by law.

9. The Board of Directors shall have the right to prepare, or delegate the preparation of, confidential reports for submission to any person, governmental body or agency consistent with the purposes and powers stated by law and these Bylaws; and the right to receive from any source confidential reports consistent with the purposes and powers stated by law and these Bylaws; but no action binding the Front Royal EDA may be taken respecting such reports except as provided by law and these Bylaws.
10. 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, any legally mandated publicly filed Statement of Economic Interests or Disclosures or Real Estate Disclosures or financial statements and comply with all requirements of the State and Local Government Conflicts of Interests Act as provided in Title 2.2, Chapter 31, of the Code of Virginia, or its successor provisions.
11. Any amendment to these By-Laws shall not become effective until approved and ratified by the Town Council of the Town of Front Royal pursuant to Section 16-4(J) of the Town Code.
12. A member of the Board of Directors of the Front Royal EDA may be removed from office by the Town Council without limitation in the event that the Board member is absent from any three (3) consecutive meetings of the Front Royal EDA or is absent from any four (4) meetings of the Front Royal EDA within any twelve (12)-month period, in accordance with Va. Code § 15.2-4904. A., as amended, or upon unanimous vote of the Town Council. In any such event, a successor shall be appointed by Town Council for the unexpired portion of the term of the member who has been removed.

Article IV. Officers

1. The Board of Directors of the Front Royal EDA may elect from its membership a Chairman, and 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.**
2. The terms of office for the officers shall end December 31st of the year to which they are elected. New officers shall be elected at the first meeting in January of each year.
3. The duties of the Chairman shall be to preside at meetings of the Board of Directors, and of the Executive Committee, if such Committee is appointed by the Board of Directors; to call special meetings; to call special elections; to be *ex officio* member of all committees or the Front Royal EDA if not actually voted or appointed by the Board of Directors to be a member of a particular committee; to sign **with the Secretary or** any other proper officer of the Front Royal EDA thereunto authorized by the Board of Directors, to sign any documents or instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these Bylaws to some other

officer of the Board of Directors, or shall be required by law to be otherwise signed or executed; and in general, shall perform all duties incident to the office of Chairman; and shall perform such other duties as may be prescribed by the Board of Directors from time to time. The Chairman shall have an equal vote with the other Directors.

4. The duties of the Vice-Chairman shall be to preside at meetings on request of the Chairman, or in the absence of the Chairman, and in case of the death or resignation of the Chairman shall become the Chairman for the remainder of the term for which the Chairman was elected. In the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairman. The Vice-Chairman shall perform such other duties as may be assigned by the Board of Directors from time to time.
5. The Town will provide support staff for the preparation of the minutes of meetings of the Board of Directors and the Executive Committee and be available for public inspection as herein before provided; to have custody of all important records of the Front Royal EDA; and to see that all notices are duly given as required by these Bylaws or by the Board of Directors.

The Executive Director shall call meetings of the Board of Directors to order in the absence of the Chairman and Vice- Chairman and thereupon to conduct an election for a temporary presiding officer for that meeting; and in general, to perform such other duties as from time to time may be assigned by the Board of Directors. In the absence of support staff, the Chairman shall appoint a Director responsible for the preparation of ~~detailed~~ minutes of the meeting.

6. ~~the~~ Town **Staff** shall keep suitable records of all financial transactions of the Front Royal EDA, to have such records audited annually, to furnish a copy of such audit to the Town Council; to make available for public inspection at reasonable times each such annual audit; to have charge and custody of all funds and be responsible for their investment and depositing in the name of the Front Royal EDA when authorized by the Board of Directors; and in general, to perform all duties incident to the Office of Treasurer and such other duties as from time to time may be assigned by the Board of Directors.

Article V. Election **of Officers**

1. Regular elections for the upcoming ~~fiscal~~ **calendar** year shall be held at the **first** ~~last~~-regular meeting of the ~~fiscal~~ **calendar** year.
2. Special elections shall be held at a regular meeting or at a meeting designated by the Chairman of the Board of Directors in order to fill vacancies or to fill newly created offices, but only after specific notice, as hereinafter provided for, has been given.
3. Any vacancies for any cause on the Front Royal EDA shall be filled by Town Council.

Article VI. Meetings

1. Regular meetings of the Board of Directors shall be held monthly on a date set by the Chairman with appropriate notice as contained in these By-Laws or may be held at such intervals as set by the Board of Directors, but not less than quarterly.
2. Special meetings or work sessions of the Board of Directors may be called by or at the request of the Chairman or of any three Directors.
3. At each meeting, the names of each member of the Board of Director in attendance shall be entered into the minutes. If a Director leaves the meeting before its conclusion, the time the Director leaves the meeting shall be entered into the minutes.
4. Regular meetings shall be established at the annual meeting. Notices of special, emergency and continued meetings shall be given to each Director such as is reasonably under the circumstances and posted on the Town's web site and such other locations as public notices are posted contemporaneously with the notice provided to the Directors. Notices sent electronically by e-mail shall be deemed as a written notice.
5. Any person may annually file a written request for notification with the Front Royal EDA. The request shall include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. The Front Royal EDA receiving such request shall provide notice of meetings directly to such person. Without objection by such person, the Authority may provide electronic notice of all meetings to such requests.
6. At least one (1) copy of all agenda packets and, unless exempt, all materials furnished to members of the Board of Directors shall be made available for public inspection at the same time such documents are furnished to the Board of Directors.
7. Four (4) members of the Board of Directors shall constitute a quorum of the Board of Directors for the purpose of conducting its business and exercising its powers.
8. The agenda will be set by the Chairman or if there is an Executive Director of the Front Royal EDA, in consultation with the Chairman.
9. The vote of the adoption of every resolution, any proposals creating a liability, or for the appropriation or expenditure of funds shall be by "yes" or "no" vote of each member voting. The names of members voting for and against shall be entered upon the minutes of the meeting.
10. Remote participation at meetings by electronic means by members of the Board of Directors of the Front Royal EDA shall be governed by the applicable provisions of the Virginia Freedom of Information Act and the written policy adopted by Town Council, as the same from time to time may be amended, which Town Council written policy is incorporated by reference herein and made a part hereof.

11. Unless otherwise provided, procedure at meetings shall follow the most recent edition of *Robert's Rules of Order*.
12. The Board of Directors shall vote on and approve all minutes of the meetings of the Board of Directors of the EDA at the next meeting thereof.

Article VII. Staff

1. The Board of Directors shall appoint such employees as the Board of Directors deem necessary and appropriate to accomplish the purposes and powers of the Front Royal EDA.
2. The employees of the Front Royal EDA may prepare and submit confidential reports and recommendations to the Board of Directors, but no action binding on the Front Royal EDA shall be taken respecting such reports except as provided in Article III.
3. Expenditure of the Front Royal EDA funds shall be governed by procurement procedures adopted by the Board of Directors and will adhere to the Town of Front Royal's procurement policy and procedures and the applicable provisions of the Virginia Public Procurement Act. Staff approvals of expenditures must also conform with the fiscal budget adopted annually by the Board of Directors and abide by an adopted financial management policy adopted by the Board of Directors.

Article VIII. Fiscal Year

The fiscal year of the Front Royal EDA shall be from July 1 until June 30 of the following year.

Article IX. Committees

1. Upon the adoption by the Board of Directors of an Executive Committee may form, such committee shall be composed of, but not limited to, the Chairman, Vice-Chairman, Secretary and Treasurer of the Authority. An Executive Committee, if one is created by the Front Royal EDA, shall be subject to the same provisions, *mutatis mutandis*, as those applicable to the whole Front Royal EDA, shall meet at such times and such places as the Chairman may designate. The Executive Committee shall keep minutes of its meetings, which shall be preserved along with the minutes of the Board of Directors and distributed to the Board of Directors at its regular meeting. Three (3) members of the Executive Committee shall constitute a quorum. In the absence of any member of the Executive Committee, the Chairman may appoint a director to act on the Executive Committee pro tempore, and such appointment shall be recorded in the record book of the Authority.
2. The Chairman may, with the advice and consent of the Board of Directors, appoint members to committees and such appointments shall be recorded in the record book of the Front Royal EDA.

Article X. Powers, Duties, and Limitations on Authority

1. 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.
2. The Authority of the Front Royal EDA is limited to the express conditions of the Town of Front Royal Town Code and, specifically, limited pursuant to Section 16-5(B) of the Front Royal Town Code and **shall follow the Town of Front Royal's Procurement Policy.** ~~which requires advance approval by the Town Council of Front Royal to any EDA financing, performance or other agreement with any third party.~~
3. All agreements, arrangements, and instruments which purports to be legally binding and to which the Front Royal EDA is a party shall be reviewed by a qualified and licensed attorney-at-law **selected or approved 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 Front Royal EDA. Any 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.
4. 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.

Article XI. Amendments

Except as otherwise provided by law, these Bylaws may be amended, added to, altered or repealed in whole or in part by the Board of Directors at any meeting of the Board of Directors, provided proper notice thereof is given in the notice of such meeting, and such notice is delivered to each member of the Board of Directors and the public, in advance, as provided in these Bylaws Any Director may waive written notice.

Attachments: Town Code Chapter 16 – Industrial Development Authority
Code of Virginia §15.2-4900 Industrial Development and Revenue Bond Act

Approved by the Front Royal Economic Development Authority July 14, 2022.

Adopted by the Front Royal Town Council _____