



REGULAR TOWN COUNCIL MEETING

Monday, August 22, 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: Regular Meeting of July 25th and Work Session of August 8th, 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 Freddie Jenkins
 - Recognition of Service on Planning Commission Douglas Jones
 - Recognition of Police Officer House by the Department of Social Services
 - Project Updates by Director of Public Works Robbie Boyer
7. PUBLIC HEARINGS –
 - A. Special Use Permit for Apartments at 650 W. 11th Street – Ramzi Beidas - *Lauren Kopishke*
 - B. Special Use Permit for Short-Term Rental at 425 N. Royal Avenue – Joy Allen/Patrick Masch - *L Kopishke*
 - C. Special Use Permit for Short-Term Rental at 18 E. Stonewall Drive – Jerry & Martha Britton - *L Kopishke*
 - D. Proposed Ordinance Amendments to Town Code Chapter 4 – Administration of Government – *T Presley*
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.*
 - A. Contract Award for Waterline Upgrades at Braxton Road & Manassas Avenue – *BJ Wilson*
 - B. Contract Award for Bridge Inspections Services & Reports – *BJ Wilson*
 - C. Contract Award for Compensation Study/Employee Handbook Update Services – *BJ Wilson*
 - D. Purchase of Kendrick Lane Substation Transformer - *BJ Wilson*
 - E. Declaring End of Covid-19 Communicable Disease Local Emergency – *George Sonnett*
 - F. Condemnation Resolution for Redundant Waterline in Rt 522 N. Corridor
 - G. Resolution Authorizing the Execution of the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP) – *Mary Ellen Lynn*
 - H. Waiver of Curb, Gutter, Sidewalk on Crisman Drive – *Lauren Kopishke*
11. BUSINESS ITEMS –
 - A. Appointment to the Planning Commission
 - B. Designation of Town's FOIA Officer
12. CLOSED MEETING – Consultation with Legal Counsel
13. Adjourn



TOWN COUNCIL REGULAR MEETING MINUTES

July 25, 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

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

ABSENT: Vice Mayor Lori A. Cockrell
Councilman Zackary Jackson

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Deputy Town Attorney George Sonnett
Deputy Clerk of Council Mary Ellen Lynn

APPOINTED STAFF ABSENT: Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman McFadden moved, seconded by Councilwoman Thompson 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 11, 2022, as presented.

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

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA – Councilwoman Morris moved seconded by Councilman McFadden to delete item #10B "Condemnation Resolution for Redundant Waterline for the Route 522 Corridor" from the Consent Agenda and add as item #11A under Business Items.

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

ROLL CALL

RECOGNITIONS/AWARDS/REPORTS –

Council recognized Town employee Jerry Carter on his retirement with approximately thirty years of service with the Town and presented him with a plaque.

Chief of Police Magalis and Warren County Fire Department Chief Jimmy Bonzano recognized Front Royal Police Sergeant Eric Suess and Officer Rachel Martin for their heroic efforts during an active structure fire on June 15, 2022. A body cam video was shown of the rescue of two residents that day. The Chief presented each officer with a life-saving medal. He noted that he had contacted the Virginia Association of the Chiefs of Police for the officers to be considered for the life-saving awards they offer. Mr. Bonzano noted the good relationship with the “brothers and sisters in blue” and the knowledge and calm demeanor of the officers which set the tone for success of the rescue. He presented both a life-saving award.

Interim Director of Energy Services Mary Ellen Lynn recognized Town employee Chris Cubbage’s completion of the Apprentice Lineman Training Program through the Virginia/Maryland/Delaware Association Northwest Lineman College. She explained the commitment and training that it takes to become a lineman and presented him with a framed diploma certifying his completion and qualification as a journeyman lineman.

Interim Director of Energy Services Mary Ellen introduced Harry Phillips, American Municipal Power (AMP) representative who recognized and awarded local Warren County High School senior Ian Hoelscher as one of AMP’s 2022 Lyle B. Wright Scholarship recipients in the amount of \$3,000. Due to unforeseen circumstances Mr. Hoelscher could not be in attendance therefore Mrs. Lynn accepted the award for him on behalf of the Town.

Public Works Director Robbie Boyer gave a Project Update:

Public Works Infrastructure Update July 25, 2022 –

Curb & Gutter Installation Project – Installing 9,000’ of CG6 curb & gutter and CG9 driveway aprons on 10 streets, project 50% completed and should be wrapped up by mid-September 2022.

W. Duck St Drainage Project – GEI started on July 18th upgrading the existing 18” culvert to 30”, they’ll be finishing up the curb & gutter and backfilling this week and should be done by Thursday, July 28th.

N. Royal Ave Paving Project – Kick’in Asphalt started on N. Royal Ave on July 18th milling and paving, they should be wrapped up with this on Friday July 29th. Their line painters will be here on Sunday night and Monday night to install the new line markings. Then W. 13th St, George Banks and Belmont Ave.

610B and 612 W. 11th St Storm Drain Upgrade – The town has installed the new 36” culvert between the two town houses to the back of the property shy of the EDA fence. We received the signed right-of-entry agreement from the EDA this past Friday July 22nd.

Braxton Rd and Manassas Ave Waterline Upgrade Projects – We had a pre-bid meeting on June 27th at town hall and had a good turn out of contractors show up, the bid opening is this Thursday at 2pm. The plan is to have ready for Town Council approval in August.

John Marshall Hwy Waterline Upgrade Project – Bid will be posted on Friday, July 29th with a pre-bid meeting on Thursday, August 11th and bids will be opened on Tuesday, August 30th.

Robinhood Lane Prv Vault – Order on April 26, 2022 and still looking at another 10 weeks for delivery due to the traffic bearing hatch.

Richmond Rd PRV Vault – Working on the vault drawing's and bid documents, plan to bid out in late August 2022.

Redundant Water-line Project – Pre-bid meeting was held on July 19th and we had roughly 12 different contractors show up, the bid opening will August 24, 2022.

Custom Storm Drain Lids -We're in the process of coating the 25 custom storm drain lids for E. Main St, we're planning to have them all coated by the end of next week.

~~New Urbanism – Town's Comprehensive Plan Presentation by Leon Krier/Irene Krier~~ REMOVED

PUBLIC HEARING

Ordinance Amendments to Town Code Chapter 16 – Industrial Development Authority

Mayor Holloway opened the public hearing. Since there were no speakers, the Mayor closed the public hearing and opened up to Council.

Councilwoman Thompson moved seconded by Councilman Gillispie that Council approve ordinance amendments to Chapter 16 – Industrial Development Authority as presented.

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

No – N/A

Absent – Vice Mayor Cockrell and Councilman Jackson

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Tom Sayre, P.O. Box 56, Front Royal, commented on several items: 1) reminded Council of helping the Town save \$10 million when he was on Council in the past; 2) clarified that it was a Warren County Sheriff Deputy not a Front Royal Police Officer that threatened people if they tried to cross the train tracks when the train was blocking Shenandoah Shores Road a few weeks ago; 3) urged Council to not allow the Front Royal Economic Development Authority to spend or loan money to private businesses; and 4) noted that during a special meeting held by Council on June 13, 2022, \$150,000 was moved from general fund to authorize payment for legal fees related to litigation. He opined that it "looked like settlement money" and felt Council should have been more transparent on the legal fees.

REPORTS

A. Town Manager Report – Mr. Hicks thanked County of Warren for their participation during their most recent Liaison Committee Meeting. He thanked Public Works Director Robbie Boyer for representing the Town during his "Town Talk" with Mike McCool of the Royal Examiner. Mr. Hicks advised that comments were still being accepted for the Comprehensive Plan rewrite. He concluded by advising of several dates of importance: 1) Employee Appreciation Day on July 21 with a Town-hosted Cardinals game that night; 2) "National Night Out" scheduled for August 2nd and a Council Work Session scheduled for August 8th.

B. Town Council Reports – No reports

C. Mayor Report – No report

CONSENT AGENDA ITEMS**A. FY23 Budget Amendment to Receive Funds from the Anti-Litter Council**

Council approved 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.

B. Condemnation Resolution for Redundant Waterline for Route 522 Corridor **MOVED TO BUSINESS ITEMS****C. Appointment of Non-Elected Representative to the NSVRC**

Council appointed Director of Planning/Zoning Lauren Kopishke as the non-elected representative to the Northern Shenandoah Valley Regional Commission (NSVRC) to an unexpired term ending June 30, 2023.

D. Front Royal Economic Development Authority Bylaws

Council approved 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.

Councilwoman Thompson moved seconded by Councilwoman Morris that Council approve the Consent Agenda, as presented with Item 10B removed.

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

No – N/A

Absent – Vice Mayor Cockrell and Councilman Jackson

Abstain – N/A

ROLL CALL

BUSINESS ITEMS**Condemnation Resolution for Redundant Waterline for the Route 522 Corridor** **MOVED FROM CONSENT AGENDA**

Councilwoman Morris moved seconded by Councilwoman Thompson that Council discuss and delay the Condemnation Resolution for Redundant Waterline for the Route 522 Corridor upon full Council attendance and further information be presented.

Councilwoman Morris reminded Council that during their July 11th Work Session staff advised them that Good Faith Letters had been mailed to all property owners and asked for confirmation of the mailings. Deputy Town Attorney Sonnett advised that negotiations are ongoing with one of the easements. He explained that the letters were not mailed by the legal department, since that was the responsibility of the Town's consultant CHA with his understanding that at least one has not been mailed.

Councilwoman Morris noted that the resolution before Council tonight is a misrepresentation considering the negotiations have not progressed. Town Manager Hicks explained that negotiations will always be ongoing during the condemnation process. Mrs. Morris advised that the condemnation process does not need to proceed since the owner has agreed to the easement documents including the value. Mr. Hicks advised that a meeting with the property owner has been scheduled for July 29th and that he was hoping for a positive outcome and encouraged Council to continue to move forward with the approval of the resolution should the outcome not be positive. Councilwoman Morris voiced concern that it was irresponsible to adopt a resolution in anticipation and hopes of cooperation without having documents signed.

Mr. Hicks asked Assistant Town Manager Leidich to address whether the Good Faith Letters were mailed. Ms. Leidich advised that the letter for the Schultz property was mailed but the other one was held pending the upcoming meeting with the property owner. She continued that the resolution as written gives staff the ability to pursue condemnation should we need to. Councilwoman Morris voiced confusion on why the letters were sent to one property owner and not all property owners. Councilwoman Thompson referred to the July 11th memo under “F&R Limited Partnership, Item #14 (xiv) 6/29/22: Good Faith Offer Letter mailed via certified mail to property owner”. She advised that #14 is incorrect because that letter was not mailed. Ms. Leidich admitted the oversight.

Councilwoman Morris reiterated that the resolution before Council tonight was a misrepresentation and voiced concern that Council did not approve any negotiations being any more than the fair market value and why there were further meetings with one property owner. Mr. Hicks explained that there have been a series of discussions with this landowner regarding the redundant waterline and the process in place is connected to negotiations that will be disclosed in a closed session. Councilwoman Morris concluded that a formal notice has not been mailed to this property owners which is “alarming.” She thanked Ms. Leidich for the update.

Councilwoman Morris reread her motion (the wording slightly different than the first motion)

Councilwoman Morris moved seconded by Councilwoman Thompson that council pause the Condemnation Resolution for Redundant Waterline for the Route 522 Corridor until further discussion with Council regarding negotiations.

Councilman Gillispie asked whether it would be placed back on an upcoming agenda. Deputy Town Attorney Sonnet asked for the date to be included in the motion as to when action will be taken by Council.

Councilwoman Morris amended her motion:

Councilwoman Morris moved seconded by Councilwoman Thompson that Council approve the pausing of the Condemnation Resolution for Redundant Waterline for the Route 522 Corridor to Council’s Special Called August 16th meeting.

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

No – N/A

Absent – Vice Mayor Cockrell and Councilman Jackson

Abstain – N/A

ROLL CALL

Meeting adjourned at 7:49pm.

Approved by Town Council

Date: _____



TOWN COUNCIL WORK SESSION MINUTES

Monday, August 8, 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.

CLOSED MEETING – Planning Commission Interviews and Personnel

Motion to Go into 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, specifically Planning Commission, Town Manager and Town Attorney, pursuant to §2.2-3711(1) of the Code of Virginia. Following the Closed Meeting, Council may take further action in open session.

Vote: Yes – Vice Mayor Cockrell and Councilmembers, Gillispie, Jackson, McFadden, Morris (remote due to vacation), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Motion to Certify Closed Meeting at its Conclusion

[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]

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

Vote: Yes – Vice Mayor Cockrell and Councilmembers, Gillispie, Jackson, McFadden, Morris (remote due to vacation), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Gillispie moved seconded by Councilwoman Morris that Town Council, acting in its sole and absolute discretion, immediately terminate the Town Manager Employment Agreement, dated December 7, 2020 ("Agreement"), and the employment of the Town Manager, Steven Hicks, "without cause", pursuant to paragraphs VI.6.1.f and VI.6.3.A through D, of the Agreement, without waiving any rights the Town may otherwise have pursuant to the Agreement. Kathleen Leidich, Assistant Town Manager, is hereby appointed Town Manager, on a temporary interim basis as may be agreed upon, effective upon assuming the office, who shall hold the office until such time as Council shall appoint a Town Manager for an agreed upon term of office.

Vote: Yes – Councilmembers, Gillispie, Jackson, and Morris (remote due to vacation)

No – Vice Mayor Cockrell, Councilmembers McFadden and Thompson

Absent – N/A

Abstain – N/A

ROLL CALL

Due to a tie vote Mayor Holloway broke the tie – YES VOTE

MOTION PASSED

Steven Hicks left the room.

Councilman McFadden resigned and left the room.

Councilman Gillispie moved seconded by Councilwoman Morris that Council authorize the Mayor to request the resignation of James E. Cornwell, Jr. Esq. as the Interim Town Attorney for the Town of Front Royal, and to provide him with written notice of the termination of the Client Engagement Agreement dated October 27, 2021. I hereby authorize George Sonnett as Interim Town Attorney.

Vote: Yes – Councilmembers, Gillispie, Jackson, Morris (remote due to vacation) and Thompson

No – Vice Mayor Cockrell

Absent – N/A

Abstain – N/A

ROLL CALL

8:15pm - Mayor Holloway took a 5-minute recess

Councilman Gillispie moved seconded by Councilwoman Thompson that Council add to the agenda "A Special Exception Application Requesting a New, Non-Dedicated Private Street Pursuant to Town Code Chapter 148-820.N.1.b. Submitted by Poe's River Edge LLC & Eagle Sky Industrial Park LLC. The Applicants are Requesting Approval of the Private Street to Improve Traffic Flow Through Parcels located at 508 Kendrick Lane Parcel (T.M. #20A1-3-5A1 & 20A1 3 4). The Parcels are Zoned 1-2".

Vote: Yes – Vice Mayor Cockrell and Councilmembers, Gillispie, Jackson, Morris (remote due to vacation), and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Planning Director Kopishke gave Council and overview of the request. She confirmed that there has not been a public hearing and no recommendation from the Planning Commission; however, the Planning Commission had no issues with the request when it was recently heard in their work session.

Items Slated for Public Hearings on August 22nd

Special Use Permit for Short-Term Rental at 425 N. Royal Avenue – Joy Allen/Patrick Masch

Special Use Permit for Short-Term Rental at 18 E. Stonewall Drive – Jerry & Martha Britton

Special Use Permit for Apartments at 650 W. 11th Street – Ramzi Beidas

Ms. Kopishe advised that that they have all met all the requirements needed for their requests. She noted that there was some discussion at the Planning Commission's Public Hearing for the apartments on W. 11th Street. It was confirmed that there is already two apartments upstairs.

Proposed Ordinance Amendments to Town Code Chapter 4 – Clerk of Council Presley advised that this was the same ordinance that was before Council on July 11th with the addition of the two amendments that were added that night. Vice Mayor Cockrell asked staff to determine by the Human Resources Department how evaluations in the Town Attorney's Office would be handled if Chapter 4-27 and 4-39 were amended. There was much discussion and concern regarding Chapter 4-53 "Residency of Town Employees". Council questioned why various staff members were restricted on their residency and agreed to restrict only those staff members that were considered "emergency personnel". It was agreed by Council to

- remove the Clerk of Council and Assistant Town Manager from 4-53.B.1. and 4-53.B.2. [Assistant Town Manager is not listed currently in the Town Code]
- add the Director of Planning to 4-53.B.
- remove 4-53.C. in its entirety

Items Slated for Consent Agenda for August 22nd Regular Council Meeting –

Purchase of Kendrick Lane Substation Transformer – Finance Director Wilson advised that the transformer would be at an approximate cost of \$650,000 and about a year out to receive.

Contract Award for Bridge Inspections Services – No discussion

Contract Award for Waterline Upgrades – Mr. Wilson advised it was Manassas Avenue and Braxton Road

Contract Award for Compensation Study/Employee Handbook Update – Mr. Wilson advised that the RFPs have been evaluated.

Waiver of Curb, Gutter, Sidewalk Request from Kathy Blevins on Crisman Drive – Deputy Zoning Administrator/Town Planner I John Ware briefed Council on the request from Ms. Blevins. Mr. Ware confirmed that there was a possibility of approximately four more lots for construction of houses on Crisman Drive if property owners were to subdivide their parcels. He noted that there were no vacant lots. He advised that Town Code allows Council to waive the installation of curb, gutter, and sidewalk. Council agreed to the waiver. Mr. Ware continued that Ms. Blevins is requesting to waive the requirement for a nonerodable driveway; however, there was no provision in the Town Code for Council to waive this requirement. He explained that Ms Blevins contractor did not include the 90-foot driveway into the cost. Council agreed they could not waive the driveway requirement.

Resolution Acknowledging [Declaring] End of COVID-19 Communicable Disease Local Emergency – Interim Town Attorney Sonnett suggested that Council approve a resolution declaring the end of the COVID-19 Communicable Disease Local Emergency noting that the continuity of government procedures authorized by the March 23, 2020 and September 28, 2020 ordinances were no longer enabled.

Open Discussion – N/A

Adjourn at 9:04pm

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, McFadden(resigned during the meeting), Morris (remote due to vacation) and Thompson, Town Manager Steven Hicks (terminated during the meeting), Deputy Town Attorney George Sonnett, Clerk of Council Tina Presley, Finance Director BJ Wilson, Assistant Town Manager Kathy Leidich, Director of Planning Lauren Kopishke, Deputy Zoning Administrator/Planner I John Ware, Manager of IT Grant Autry and members of the public and press.

Approved by Town Council

Date: -----

DRAFT



Council Agenda Statement

Item #07A

Meeting Date: August 22, 2022

Agenda Item: PUBLIC HEARING – Special Use Permit for Apartments at 650 W. 11th Street for Ramzi Beidas

Summary: Council is requested to consider a request from Ramzi Beidas for a Special Use Permit for two (2) dwelling units to be located on the ground floor of 650 W. 11th Street (tax map 20A 1 2 3, Lots 7,8 & 9). The first floor of this property was previously used as a brewery and laundromat facility. There are currently two (2) dwelling units on the upper floor. The property is zoned C-1. The Planning Commission has recommended approval of this request. Council is requested to approve the Special Use Permit with the following conditions:

1. This Special Use Permit is authorized for ground floor dwelling units to be located at 650 W. 11th Street
2. The existing parking lot shall be resurfaced prior to the business opening.
3. Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this Special Use Permit.
4. Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this Special Use Permit, the Town may revoke the Special Use Permit after notice to the applicant and public hearing.

Public Hearing was advertised as required and letters were sent on August 12th to the adjacent property owners inviting them to the meeting tonight.

Budget/Funding: None

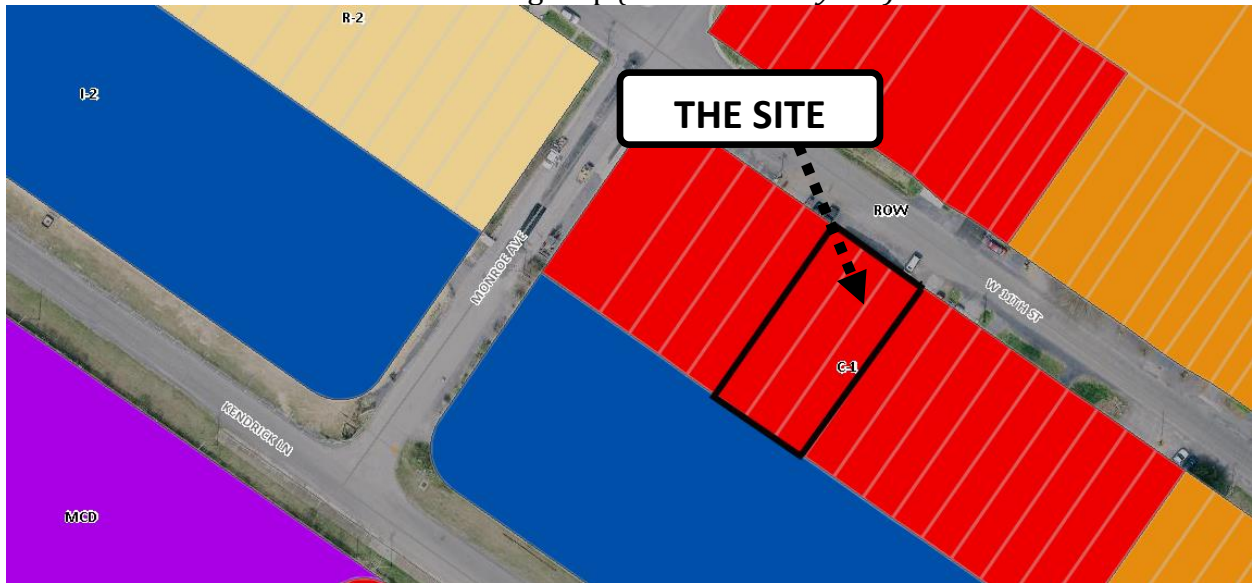
Meetings: Planning Commission public hearing held July 20th and Council Work Session held August 8, 2022

Proposed Motion: I move that Council approve a request from Ramzi Beidas for a Special Use Permit for two (2) dwelling units to be located on the ground floor of 650 W. 11th Street (tax map 20A 1 2 3, Lots 7,8 & 9) with the following conditions: 1) This Special Use Permit is authorized for ground floor dwelling units to be located at 650 W. 11th Street; 2) The existing parking lot shall be resurfaced prior to the business opening; 3) Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this Special Use Permit; 4) Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this Special Use Permit, the Town may revoke the Special Use Permit after notice to the applicant and public hearing.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

Town Zoning Map (Warren County GIS)



Aerial (Warren County GIS)



The site plan for LOT 7 shows an area of 10,875 sq. ft. bounded by West 11th Street to the north and a fence line to the south. The lot contains an existing building, several trees, and various utility features. Proposed improvements include a gravel driveway, concrete patio, solid board fence, wire mesh fence, parking spaces, propane tanks, HVAC units, and a metal shed. Existing features include a metal shed, framed wood shed, and existing trees.

Proposed Improvement	Location / Notes
Entry	At the intersection of West 11th Street and the lot boundary.
Gravel Driveway	Along the west side of the lot, adjacent to the sidewalk.
Concrete Patio	Adjacent to the existing building.
Solid Board Fence	Along the south and east boundaries of the lot.
Garbage Cans (7)	Along the south boundary near the fence.
Gravel 'Lot'	Area between the sidewalk and the street.
Metal Shed is Gone	Northwest corner of the lot.
Framed Wood Shed	Southwest corner of the lot.
Existing Tree	Large tree in the southwest corner.
Solid Board Fence	Along the south boundary near the trees.
'Cyclone' Fence	Along the south boundary near the trees.
Gravel 'parking'	Between sidewalk and street.
Sidewalk	Along the west side of the lot.
HVAC unit (1)	-on concrete slab
HVAC units (4)	-on concrete slab
Propane Tanks (2)	-on concrete slab
Wire Mesh Fence	Along the east boundary of the lot.
Parking Spaces	(5 spaces - 9' x 18' each)
Existing Tree(s)	Large trees in the southeast corner.
Metal Shed	Small shed near the trees in the southeast corner.

Existing Site Conditions(*Staff Photos of the Property*)



INFORMATION ON THE APPLICATION:

Project Summary & Staff Recommendation

The application is to allow the applicant to convert the first floor of the structure into two, 900 square foot dwelling units. The 1st floor of this property was previously used as a brewery and laundromat facility. There are two dwelling units on the upper floor.

Below are parking calculations of what the Town Code requires for off-street parking. The use does qualify for a parking exemption, as found under Town Code 175-127. This allows existing businesses to be reused with the existing parking provided that it is adequately maintained and delineated.

Dwelling units = 2 per unit = 8 spaces

TOTAL = 8

The applicant has 11 parking spaces

The use will require a change of use application with the Warren County Building Inspections Department.

A special use permit is required because “ground floor dwelling units” require a special use permit in the C-1 District, pursuant to Town Code 175-39.B.

Town Code 175-3 defines a dwelling unit as follows: One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly, or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities and containing not less than six hundred (600) square feet of residential floor area. Such units shall meet the requirements of the Building Code of the Town of Front Royal.

The Town is authorized to require a special use permit for certain uses within any zoning district under Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes.

The issuance of a special use permit is subject to such conditions as are deemed necessary by the Front Royal Town Council after recommendations of the Front Royal Planning Commission. Prior to an action by Town Council or a recommendation by the Planning Commission, a **public hearing** is required for special use permits.

Town Staff recommends that the Planning Commission issue a recommendation of approval of the Special Use Permit Application with the following conditions. Additional consideration may need to be given if new information is provided at the scheduled public hearing.

CONDITIONS:

- 1) This Special Use Permit is authorized for ground floor dwelling units to be located at 650 W 11th Street.
- 2) The existing parking lot shall be resurfaced prior to the business opening.
- 3) Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this special use permit.
- 4) Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

ATTACHMENTS: Application and associated other documents from the Applicant.

General Note:

This is a graphic summary of existing conditions found by Landscape Architect while doing a visual survey on 4-5-19 of:

Lot 7, Lot 8, Lot 9 in Block 3
Royal Village Subdivision

Landscape Architect confirms all items noted exist on site. He also confirms there is a minimum of 5 parking spaces in the rear as shown

This is not however an official 'survey'.
All dimensions, locations to be considered approximate as they were not done by surveyor per se -but by the Landscape Architect using on a tape measure

It is overlaid on official plat prepared by Larry Himelright P.C. and recorded in Warren County in deed book 1-page 10 in order to show official property lines etc as a reference

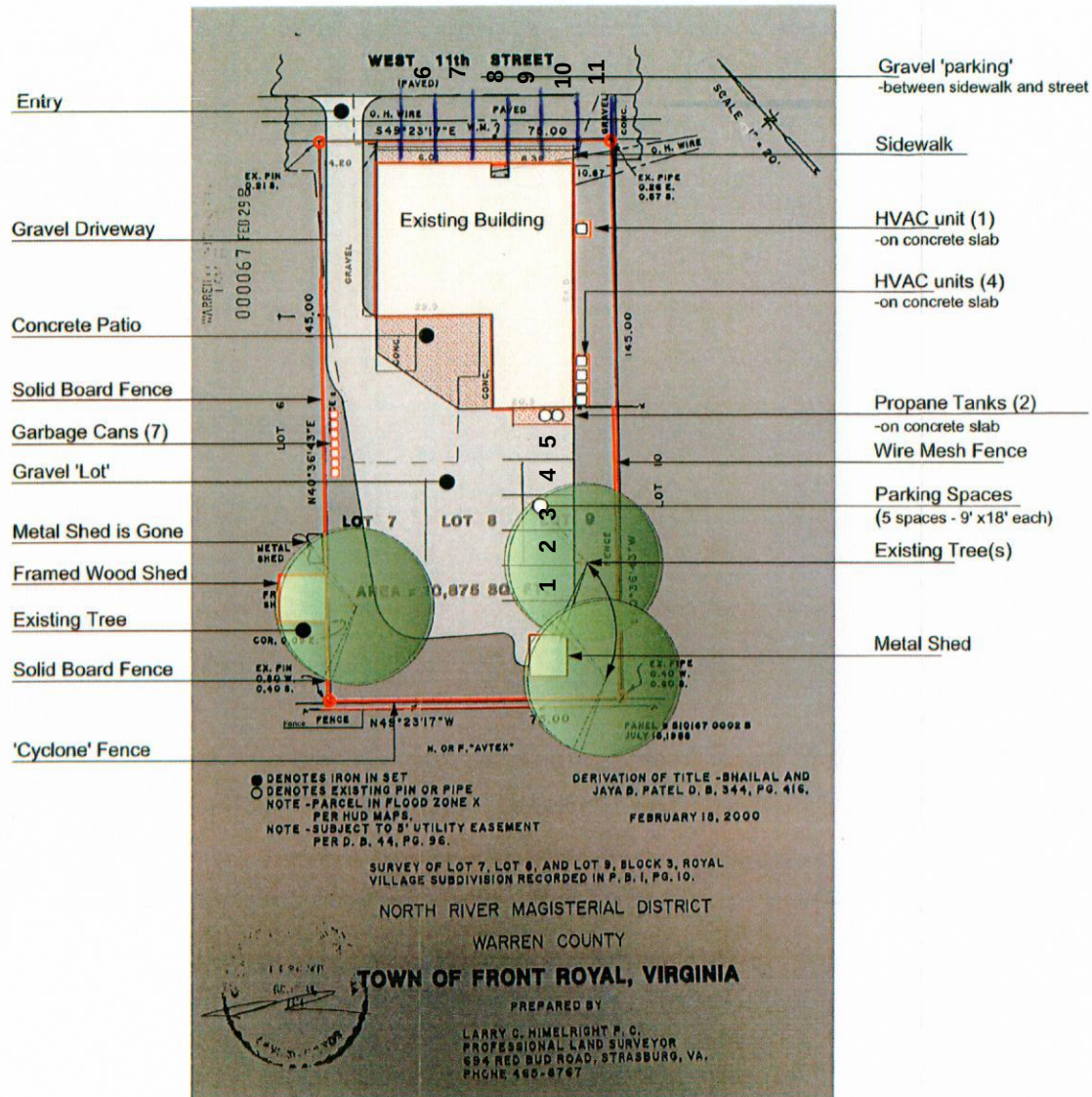
Survey Note

All areas not identified on drawing are Lawn and or vegetation.

Existing Conditions -Site Survey



Graphic Scale
1"=30'-00"



Consultant	
Project Title	
Visual site review for CUP	
Drawing Title	
Existing Conditions Layout	
Project Manager	
J Duggan RLA	
Drawn By	Scale
Reviewed By	Drawing No.
Date	1 of 1
CAD File	Total Sheets



Council Agenda Statement

Item #07B

Meeting Date: August 22, 2022

Agenda Item: PUBLIC HEARING – Special Use Permit for Short-Term Rental at 425 N. Royal Avenue for Joy Allen/Patrick Masch

Summary: Council is requested to consider approval of a request from Joy Allen and Patrick Masch for a Special Use Permit for a Short-Term Rental at 425 N. Royal Avenue (tax map 20A5 613, Lots 9 & 10). The applicants are requesting to rent three (3) bedrooms to no more than six (6) people at a time. There is parking provided onsite for up to six (6) vehicles. The property is zoned C-1. The Planning Commission has recommended approval of this request.

Public Hearing was advertised as required and letters were sent August 12th to the adjacent property owners inviting them to the meeting tonight.

Budget/Funding: None

Meetings: Planning Commission public hearing on July 20th, Council Work Session on August 8, 2022

Proposed Motion: I move that Council approve a request from Joy Allen and Patrick Masch for a Special Use Permit for a Short-Term Rental at 425 N. Royal Avenue (tax map 20A5 613, Lots 9 & 10).

Moved _____ *Seconded* _____

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



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

**Planning Commission Regular Meeting
July 20, 2022**

APPLICATION #:

2200105 – Special Use Permit for Short
Term Rental

APPLICANT:

Joy L. Allen and Patrick Masch

APPLICATION SUMMARY:

A Special Use Permit Application has been submitted for a Short-Term Rental located at 425 N. Royal Avenue. Inspection was completed on June 28, 2022, at 3:30 p.m.

GENERAL INFORMATION:

<i>Site Addresses</i>	425 N. Royal Avenue
<i>Owner(s)</i>	Royal Avenue LLC (Joy L. Allen and Patrick Masch)
<i>Zoning District</i>	C-1, Community Business District / Entrance Corridor
<i>Historic District</i>	No
<i>Tax Identification</i>	Tax Map #20A5-6-13-10
<i>Location</i>	The subject property is zoned C-1 and located south of the intersection of N Royal Ave and 5 th St. The property is in the flood plain of Happy Creek.
<i>Request/ Recommendation</i>	The Applicant is requesting to rent three bedrooms to no more than 6 people at a time. There is parking provided on site for up to six vehicles. Staff recommends approval and does not have any recommended conditions.

View of Front Elevation – 425 N. Royal Avenue



Aerial Zoning Map



Aerial Flood Plain Map



ATTACHMENTS:

1. Special Use Permit Application
2. Inspection report



Council Agenda Statement

Item #07C

Meeting Date: August 22, 2022

Agenda Item: PUBLIC HEARING – Special Use Permit for Short-Term Rental at 18 E. Stonewall Drive for Jerry & Martha Britton

Summary: Council is requested to approve a request from Jerry & Martha Britton for a Special Use Permit for a Short-Term Rental at 18 E. Stonewall Drive (tax map 20A7 4 42). The applicants are requesting up to eight (8) occupants in four (4) rooms. There is parking onsite for three (3) vehicles in the driveway. The Planning Commission has recommended approval of this request.

Public Hearing was advertised as required and letters were sent August 12th to the adjacent property owners inviting them to the meeting tonight.

Budget/Funding: None

Meetings: Planning Commission public hearing on July 20th and Council Work Session on August 8, 2022

Proposed Motion: I move that Council approve a request from Jerry & Martha Britton for a Special Use Permit for a Short-Term Rental at 18 E. Stonewall Drive (tax map 20A7 4 42).

Moved _____ *Seconded* _____

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



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

**Planning Commission Regular Meeting
July 20, 2022**

APPLICATION #:

2200106 – Special Use Permit for Short
Term Rental

APPLICANT:

Jerry & Martha Britton

APPLICATION SUMMARY:

A Special Use Permit Application has been submitted for a Short-Term Rental located at 18 East Stonewall Drive. Inspection was completed on June 21, 2022, at 3:30.

GENERAL INFORMATION:

<i>Site Addresses</i>	18 East Stonewall Drive
<i>Owner(s)</i>	Jerry and Martha Britton
<i>Zoning District</i>	C-2, Down Business District
<i>Historic District</i>	Yes
<i>Tax Identification</i>	Tax Map #20A7-4-42
<i>Request/Recommendation</i>	Applicant is requesting up to 8 occupants in 4 rooms. There is parking onsite for 3 vehicles in the driveway Staff recommends approval.

View of Side Elevation – 18 East Stonewall Drive



Aerial Zoning Map



ATTACHMENT: Special Use Permit Application
Inspection Report



Council Agenda Statement

Item #07D

Meeting Date: August 22, 2022

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

Summary: Since the August 8th Work Session the Interim Town Attorney suggested the following amendments to Chapter 4 for clarification:

- 4-1.D. the word “regular” was added before the words “work session”
- 4-1.E. was added to clarify special meetings similar to what is written in Town Charter Section 11

Staff has no issue with these two proposed amendments.

Council asked staff to confirm with the Human Resources Department on whether Sections 4-27 and 4-39 would give the Town Attorney’s Office the ability to complete evaluations in their department. The response from the Human Resources Director: *“Under current processes, the Town Attorney, as the department head and supervisor, completes the evaluation for the Assistant Town Attorney and the Legal Assistant. With the proposed provision [amendment], it would still be the Town Attorney responsible for completing evaluations”*. She did have concern; however, that the proposed amendments would be in conflict with the Town’s Employee Handbook specifically to the word “control”. She advised that *“All policies and procedures apply to all employees receiving financial compensation from the Town excepting elected officials; and the Town Manager has the sole authority to modify terms or provisions of these policies and procedures.”* Below is an excerpt from the Town’s Employee Handbook.

I. General Information

- A. This document contains the primary employment policies and procedures that provide guidance to effectively manage human resources within the Town of Front Royal. While no set of written policies can address every possible situation, these policies, when used as a whole, provide overall guidance for reasonable, consistent decision-making.
- B. As each Department has specific expectations of their employees and their work that are specific to that Department, this Employee Handbook hereby incorporates each Department’s Operational Manual or General Orders approved by the Town Manager as an attachment to this document enforceable through this Handbook.
- C. All employees of the Town of Front Royal, those persons who work for the Town in return for financial compensation, except elected officials and independent contractors, are governed by this common set of employment policies. The Town Manager may make exceptions to the policies in special or unusual situations when in his or her opinion an exception would be in the best interest of the Town. Exceptions are documented and maintained in the Human Resources Department.

The policies are intended to provide effective guidance and sufficient flexibility to allow independent judgment while ensuring accountability to the public and consistent, equitable decision-making. No member of the Town administration, other than the Town Manager, has the authority to modify any of the terms or provisions of these “Employment Policies and Procedures.”

Due to this information Staff suggests keeping Sections 4-27 and 4-39 as written in the Town Code with no proposed amendments at this time.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

The following sections of Chapter 4 have been reviewed by Town Council at their August 8th Work Session:

- 4-1.D. – Time of Meetings – removed 7:00pm for 2nd Monday of month for work sessions
- 4-1.1 - Remote Participation by Electronic Means – cleaned up to match State Code more clearly
- 4-6 – Applicability of Robert’s Rules of Order – removed 10th Edition to reflect current edition
- ~~- 4-27 – Town Manager General Responsibilities/Duties – removed supervision of Legal Department~~
- ~~- 4-39 – Town Attorney General Powers and Duties – added supervision of legal department~~
- 4-44.A. & C. – Filing Required – Amended to add Front Royal Economic Development Authority (FREDA), Boards/Commissions and employees to file disclosures and to add FREDA and FREDA Executive Director to training requirement to match State Code
- 4-53.B. – Residency of Town Employees – Remove Clerk of Council and Assistant Town Manager; add Director of Planning and update various directors’ titles
- 4-53.C. – Remove in its entirety
- Various other minor grammar and updates noted throughout

Council is requested to consider approval of amendments to Town Code Chapter 4 as presented that includes all the amendments listed above, including the two new additional amendments for 4-1.D. and 4.1.E.

Public Hearing was advertised as required and the new additions do not affect the advertisement.

Budget/Funding: None

Meetings: Council Work Session of July 11th and August 8th, 2022.

Proposed Motion: I move that Council approve ordinance amendments to Town Code Chapter 4 as presented in the attached ordinance.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

Chapter 4

ADMINISTRATION OF GOVERNMENT

Sections:

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

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

TOWN ATTORNEY

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

TOWN ENGINEER

- 4-43 APPOINTMENT; DUTIES**

DISCLOSURE BY CERTAIN EMPLOYEES

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

PUBLIC RECORDS

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

AUXILIARY POLICE OFFICERS

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

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

TOWN COUNCIL**4-1 TIME OF MEETINGS**

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

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

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

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

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

E. Special meetings shall be called by the Clerk of the Council upon the written request of the Mayor, or any three members of the Council. No business shall be transacted at a special meeting but that for which it shall be called unless the council be unanimous. [Charter §11].

4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS**DEFINITIONS**

For the purpose of this section, certain words and terms are herein defined as follows:

ABSENCE – members of the public body are physically absent from any and all meetings of the public body. See Charter Section 11 on absences from regular meetings of Council.

ELECTRONIC - technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

IN PERSON ATTENDANCE – members of the public body are physically in attendance of any all meetings of the public body

MEETING - any gathering of a public body whether in person or through the use of electronic communication, of at least three members of a public body or a quorum if it is less than three members to discuss or transact business of the public body whether or not a vote is taken.

QUORUM – majority of members of the public body for the transaction of business. See Charter Section 13.

REMOTE PARTICIPATION – members of a public body may participate in a meeting by electronic communication. See See 4-1.1A. for guidelines.

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

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

B. Whenever an individual Town Public Body member wishes to participate from a remote location, a quorum of the Public Body shall be physically assembled at the primary or central public meeting location, and arrangements will be made for the voice of the ~~remote~~ Public Body member **attending remotely** to be heard by all persons at the primary or central Public Body meeting location. The reason that the ~~remote~~ Public Body member is **appearing remotely and** unable to attend the public body meeting **in person** and the remote location from which the

Public Body member participates will be recorded in the Public Body meeting minutes. **If participation is approved pursuant to subdivision A.1, the Public Body shall also include in its minutes the fact that the member participated through electronic communication means due to (i) a temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) a family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision A.2, the Public Body shall also include in its minutes the specific nature of the personal matter cited by the member.**

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

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

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

4-2 STANDING COMMITTEES

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

A. A Street Committee with which the Town Manager may consult on all matters with regard to streets.

B. A Water Committee with which the Town Manager may consult on all matters with regard to water.

C. An Electric Committee with which the Town Manager may consult on all electric matters.

D. A Sewer Committee with which the Town Manager may consult on all matters concerning sewers.

4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING

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

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

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

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

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

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

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

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

RULES OF ORDER

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

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

4-7 SUSPENSION OF RULES

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

4-8 MAYOR AS PRESIDING OFFICER

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

4-9 QUESTIONS OF ORDER

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

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

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

4-11 WITHDRAWAL FROM MEETING

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

4-12 CONDUCT IN ADDRESSING COUNCIL

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

4-13 PRIORITY IN SPEAKING

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

4-14 COMMUNICATIONS TO BE IN WRITING

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

4-15 MOTIONS

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

4-16 MEETINGS AND ORGANIZATION OF COMMITTEES

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

4-17 COMMITTEE REPORTS

Every committee of the **City Town** Council shall, unless otherwise directed, report at the next succeeding regular meeting upon the subject matter referred to it or shall show good cause why such report is not made. Every such committee shall have authority to report on any matter proper for its consideration, though not specially referred to it. The reports of committees shall be in writing and shall be signed by a majority of its members. The papers referred to therein as well as all written opinions in reference thereto obtained from the attorney for the Town shall be returned with the report.

4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES

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

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

1. At the first regular meeting of Town Council, Town Council, by majority vote of a quorum of all members of Council, shall decide upon the order of business for all regular meetings of Town Council for that upcoming calendar year. The order of business shall be reduced to writing and certified by the Mayor and Clerk of Town Council.

2. The order of business shall not be departed from except by the consent of two-thirds (2/3) of the members of the Council present and voting.

3. Items which appear under the heading "Consent Agenda items" are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the "Items for Approval" portion of the order of business.

4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

B. THE PLACEMENT OF ITEMS ON AGENDAS

1. The following items shall be placed on a Council Agenda for a regular meeting or work session provided they are delivered to the office of the Town Manager.

- a. Items from members of Town Boards or Commissions whose membership is appointed by the Council.
- b. Items required for decision by the Town Manager, to include citizen requests placed in writing by the citizen or by the Town Manager.
- c. Items requested by the Mayor to include citizen requests placed in writing.
- d. Items requested by at least two (2) members of Council to be placed on a work session. Items requested by a majority of Council be placed on a regular meeting. In the event of a tie the Mayor will determine the placement.
- e. Items requested from citizens who have appeared at a previous meeting of Council, and who have placed their requests in writing and asked for the matter to be considered at an upcoming meeting of Council.

C. APPROVAL OF PLACEMENT OF ITEMS ON THE AGENDAS

1. The Mayor, or in his absence, the Vice Mayor approves the final regular meeting and work session agendas before publication and shall not remove any item on said agendas placed by at least (2) council members for a work session agenda or a majority of councilmembers for a regular meeting agenda.

2. No items may be placed on regular meeting or work session agendas after publication without unanimous vote from all members of Council present and voting.

OFFICERS

4-20 RIGHT OF ENTRY

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

MAYOR**4-21 EXECUTIVE HEAD**

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

4-22 CONTRACTING DEBT

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

4-23 RECOMMENDATIONS TO COUNCIL

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

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

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

4-26 POSITION TO BE FULL-TIME; REMOVAL

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

4-27 GENERAL RESPONSIBILITIES AND DUTIES

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

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

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

1. The Town’s Facebook, Twitter, or other “Social Media” communications are operated by the Town under the direction of the Town Manager.
2. The Town reserves the right, at the sole discretion of the Town Manager, to change, modify, add or delete comments, photos or videos at any time. The following is a list of justifications for deletion of comments, photos or videos by the Town Manager or designee, but is not exhaustive:
 - a. Comments, photos, or videos associated with unlawful activity
 - b. Comments, photos, or videos that contain offensive or vulgar language
 - c. Comments, photos, or videos that contain personal attacks on staff, Town Council or members of the public
 - d. Comments, photos, or videos that contain commercial solicitation or advertisement.
3. The Town has the right to reproduce any pictures or videos to this site in any of its publications or websites or any other media outlets.
4. The Town shall not share information gathered through its “Social Media” with third parties for promotional purposes.
5. The views, postings, or opinions expressed through “Social Media” do not necessarily reflect those of the Town of Front Royal

4-28 DUTIES AS TOWN TREASURER

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

4-29 BUDGET AND FINANCIAL ADVICE

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

4-30 ATTENDANCE AT COUNCIL MEETINGS; RECOMMENDATIONS TO COUNCIL

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

4-31 EMPLOYMENT AND DISCHARGE OF TOWN EMPLOYEES

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

4-32 MONTHLY FINANCIAL REPORT

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

4-33 SINKING FUND; INTEREST ON OUTSTANDING BONDS

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

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

4-34 CONTROL OF TOWN-OWNED REAL PROPERTY

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

4-35 BILLS

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

4-36 DISPOSITION OF TOWN FUNDS

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

TOWN ATTORNEY

4-37 ELECTION RESERVED

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

4-38 COMPENSATION

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

4-39 GENERAL POWERS AND DUTIES

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

B. It shall be the duty of the Town Attorney to draft all bonds, deeds, obligations, contracts, leases, conveyances, agreements and other legal instruments, of whatever nature, which may be required of him by any ordinance or order of the Council, or which, by law, usage or agreement, should be drawn by the Town. The Town Attorney ~~shall have supervision and control over the legal department and~~ shall perform such other duties as are or may be required of him for the Town by any ordinance or resolution of the Council.

4-40 SUITS, PROSECUTIONS AND DEFENSE DUTIES

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

4-41 REPORTS TO COUNCIL

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

4-42 ACCOUNTING FOR FUNDS

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

TOWN ENGINEER

4-43 APPOINTMENT; DUTIES

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

DISCLOSURE BY CERTAIN EMPLOYEES

(Adopted 12-12-83)

4-44 FILING REQUIRED

A. FILING REQUIRED: In accordance with Code of Virginia §2.2-3115, members of every governing body, the Executive Director and members of each Economic Development Authority as created by the Industrial Development and Revenue Bond Act (§15.2-4900), persons appointed by governing body, persons occupying such positions of employment with governing body and specific non-salaried citizen members of local boards and commissions shall file as a condition to assuming office or employment, a disclosure statement of personal interests and other information as required annually on or before February 1st. Per Code of Virginia Chapter 31 — State and Local Government Conflict of Interest Act (§§ 2.2-3100 — 2.2-3132) any local elected official, local appointed officer or member of a board or commission, employee or nonsalaried citizen member required to file an annual disclosure on or before February 1 shall disclose their personal interests and other information as required on forms prescribed by the Virginia Conflict of Interest and Ethics Advisory Council for the preceding calendar year complete through December 31.

MOVED TWO PARAGRAPHS TO END OF B.

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

- Mayor and Members of Town Council

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

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

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

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

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

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

The Clerk of Council shall be responsible for the maintenance and retention of disclosure forms for five (5) years, pursuant to Code of Virginia Chapter 37 – Virginia Freedom of Information Act. Per Code of Virginia Chapter 37 – Virginia Freedom of Information Act (§ 2.2-3700 – 2.2-3715), The Clerk of Council shall make available for public inspection all disclosure forms, upon request.

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

4-45 RESERVED

PUBLIC RECORDS

(Adopted 11-26-90)

4-46 TOWN RECORDS - DEFINITION

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

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

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

4-47 TOWN RECORDS DECLARED PUBLIC PROPERTY

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

4-48 CUSTODY AND PRESERVATION OF TOWN COUNCIL RECORDS

The Clerk of the Front Royal Town Council shall be responsible for the retention and preservation of the records of that body. The Clerk shall see to it that all such records, to include the minutes of its meetings, are accurately recorded on a durable medium and preserved in a manner which meets the requirements of Section 15.2-1412.

4-49 RECORDS MANAGEMENT PROGRAM

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

4-50 RECORDS MANAGER

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

4-51 DEPARTMENT RECORDS OFFICERS

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

AUXILIARY POLICE OFFICERS

(Adopted 11-14-94)

4-52 APPOINTMENT; POWER AND DUTIES

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

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

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

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

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

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

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

4-53 RESIDENCY OF TOWN EMPLOYEES

A. As a condition of the acceptance of employment with the Town of Front Royal, and as a condition of the continuance of such employment with the Town of Front Royal, persons holding the following positions in the Town government shall be required to become residents within the

Town's corporate limits as soon as practical upon the commencement of employment and to remain residents within the Town corporate limits during the duration of their employment in such offices:

1. Town Manager

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

- ~~1. Clerk of Council;~~
- 1. 2. Chief of Police;
- 2. 3. Director of ~~Electrical~~ **Energy** Services;
- 3. 4. Director of Public Works/~~Utilities~~.
- 4. Director of Planning**
- ~~5. Assistant Town Manager~~

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

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

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

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

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

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

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

Lori A. Cockrell __ Yes __ No

Gary L. Gillispie __ Yes __ No

Letasha T. Thompson __ Yes __ No

Amber F. Morris __ Yes __ No

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: August 22, 2022

Agenda Item: Contract Award for Waterline Upgrades at Braxton Road & Manassas Avenue

Summary: Council is requested to award a contract to Bushong Contracting Corp in the amount of \$448,982.00 to provide services to perform waterline upgrades on Manassas Avenue and Braxton Road.

Budget/Funding: 9602-R47513 Waterline Maintenance Water Line Upgrades - \$448,982.00

Meetings: Work Session held August 8, 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 award a contract to Bushong Contracting Corp in the amount of \$448,982.00 to provide services to perform waterline upgrades on Manassas Avenue and Braxton Road.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: August 1, 2022
To: Tina Presley, Senior Executive Assistant
From: BJ Wilson, Director of Finance
CC: Megan Clark, Purchasing Agent, Robert Boyer, Director of Public Works
RE: Request to Add Agenda Action Item for Town Council Approval

Purchasing received a request from the Water Maintenance Department of Public Works to send out IFB #19-2022 for waterline upgrades for Manassas Ave and Braxton Road to replace existing waterlines. On July 28, 2022, we held a public bid opening and received five (5) bids in accordance with the Virginia Public Procurement Act.

Town staff has reviewed the submitted quotes and recommends awarding the purchase to Bushong Contracting Corp, out of Woodstock, VA for \$448,982.00. The lowest responsive and responsible bidder.

Please find attached the bid tabulation and recommendation letter from Robert Boyer, Public Works Director. Please add this consent item to Council's August 22nd, 2022, Regular Town Council Meeting.

Funding has been budgeted and is available in the following line item: 9602-R47513, Water Line Maintenance Water Line Upgrade, PO#30544.

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

Memo



Town of Front Royal Public Works

TO: Megan Clark, Purchasing Agent
FROM: Robert Boyer, Public Works Director
CC: Tony Rogers, Water & Sewer Supervisor
DATE: July 29, 2022
RE: Request to Award Waterline Upgrade Bid for Braxton Rd and Manassas Ave

Public Works has reviewed the bids received for the water line upgrades on Braxton Rd and Manassas Ave and recommend awarding the project to the low bidder Bushong Contracting Corp out of Woodstock VA. Bushong Contracting Corp has done several projects for the town in the past and their work has always been completed on time and good quality work. The funding is currently available in budget code 9602-7513 under water line upgrades.

If you have any questions need any further information just let me know.



Town of Front Royal, VA

IFB #19-2022 WATERLINE UPGRADES-MANASSAS AVE. & BRAXTON RD.

BID/PROPOSAL OPENING DATE: 7/28/2022

BID/PROPOSAL OPENING TIME: 2:00 PM

		BUSHONG CONTRACTING CORP. WOODSTOCK, VA	KELVIC CONSTRUCTION CO. STAFFORD, VA	BOWMAN-GRIFFIN GENERAL CONTRACTORS, LLC HILLSVILLE, VA	FRANCO'S LIBERTY BRIDGE INC CLINTON, MD	SNYDER ENVIRONMENTAL SERVICES INC KEARNEYSVILLE, WV
QTY	ITEM DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1	MOBILIZATION	\$15,000.00	\$51,658.00	\$22,000.00	\$87,150.0000	\$56,000.00
	EXTENDED PRICE	\$15,000.00	\$51,658.00	\$22,000.00	\$87,150.00	\$56,000.00
1	MAINTENANCE OF TRAFFIC	\$7,000.00	\$109,453.00	\$15,000.00	\$38,000.0000	\$5,800.0000
	EXTENDED PRICE	\$7,000.00	\$109,453.00	\$15,000.00	\$38,000.00	\$5,800.00
1	PREVENTION, CONTROL, AND ABATEMENT OF EROSION AND WATER	\$700.00	\$10,234.00	\$4,500.00	\$28,650.0000	\$2,300.0000
	EXTENDED PRICE	\$700.00	\$10,234.00	\$4,500.00	\$28,650.00	\$2,300.00
2,681'	6" DUCTILE IRON WATERMAIN (CLASS 52)	\$102.00/LF	\$267.00/LF	\$100.00/LF	\$212.00/LF	\$220.00/LF
	EXTENDED PRICE	\$273,462.00	\$715,827.00	\$268,100.00	\$568,372.00	\$589,820.00
59	3/4" WATER SERVICES:	\$1,275.00	\$4,418.00	\$2,800.00	\$2,885.0000	\$1,850.0000
	EXTENDED PRICE	\$75,225.00	\$260,662.00	\$165,200.00	\$170,215.00	\$109,150.00
2	6" X 6" MJ CROSS	\$4,200.00	\$16,350.00	\$2,700.00	\$2,200.0000	\$750.0000
	EXTENDED PRICE	\$8,400.00	\$32,700.00	\$5,400.00	\$4,400.00	\$1,500.00
4	6" X 6" MJ TEE	\$1,750.00	\$5,885.00	\$3,200.00	\$2,000.0000	\$625.0000
	EXTENDED PRICE	\$7,000.00	\$23,540.00	\$12,800.00	\$8,000.00	\$2,500.00
9	6" MEGA LUG KITS FOR DUCTILE IRON PIPES	\$245.00	\$168.00	\$500.00	\$650.0000	\$250.0000
	EXTENDED PRICE	\$2,205.00	\$1,512.00	\$4,500.00	\$5,850.00	\$2,250.00
20	6" MJ GATE VALVE	\$1,630.00	\$1,657.00	\$2,950.00	\$5,500.0000	\$1,400.0000
	EXTENDED PRICE	\$32,600.00	\$33,140.00	\$59,000.00	\$110,000.00	\$28,000.00
9	6" FOSTER ADAPTER	\$435.00	\$535.00	\$825.00	\$850.0000	\$300.0000
	EXTENDED PRICE	\$3,915.00	\$4,815.00	\$7,425.00	\$7,650.00	\$2,700.00
6	6" X 4" REDUCER	\$250.00	\$607.00	\$1,075.00	\$1,885.0000	\$400.0000
	EXTENDED PRICE	\$1,500.00	\$3,642.00	\$6,450.00	\$11,310.00	\$2,400.00
6	4" HYMAX COUPLINGS	\$305.00	\$1,049.00	\$891.50	\$1,500.0000	\$550.0000
	EXTENDED PRICE	\$1,830.00	\$6,294.00	\$5,349.00	\$9,000.00	\$3,300.00
2	FIRE HYDRANT ASSEMBLIES	\$7,500.00	\$9,716.00	\$5,800.00	\$9,800.0000	\$7,125.0000
	EXTENDED PRICE	\$15,000.00	\$19,432.00	\$11,600.00	\$19,600.00	\$14,250.00
7	6" HYMAX COUPLINGS	\$435.00	\$1,185.00	\$1,175.00	\$1,600.0000	\$700.0000
		\$3,045.00	\$8,295.00	\$8,225.00	\$11,200.00	\$4,900.00
20	ADJUSTABLE VALVE BOXES WITH LIDS	\$105.00	\$486.00	\$600.00	\$1,500.0000	\$300.0000
	EXTENDED PRICE	\$2,100.00	\$9,720.00	\$12,000.00	\$30,000.00	\$6,000.00
Total Bid		\$448,982.00	\$1,290,924.00	\$607,549.00	\$1,109,397.00	\$830,870.00

*DENOTES NON-RESPONSIVE BID

The VENDOR SPREAD SHEET is generated from the initial, raw information collected. No award decision has been made.

Prepared by: Megan Clark, VCA



Council Consent Agenda Statement

Item # 10B

Meeting Date: August 22, 2022

Agenda Item: Contract Award for Bridge Inspections and Reports

Summary: Council is requested to award a contract for Annual Bridge Inspections and Reports for the Town's Department of Public Works in the amount of \$21,300 for the period of the first year with the option to renew for 4 (four) additional one-year periods.

Funds have been included in the FY23 adopted budget for the Department of Highway Maintenance

Budget/Funding: 4500-45472 Highway Maintenance Bridge Inspections \$21,300.00

Meetings: Work Session held August 8, 2022

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

Proposed Motion: I move that Council approve the award of a contract for Annual Bridge Inspections and Reports for the Town's Department of Public Works to Mattern & Craig Engineering Surveyors for a period of one year with the option to renew for 4 (four) additional one-year periods.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: August 11, 2022
To: Tina Presley, Senior Executive Assistant
From: B.J. Wilson, Director of Finance
RE: Request to add action item to Town Council Agenda

Purchasing received a request from the Department of Public Works to solicit proposals for Annual Bridge Inspections and Reports. The method of procurement was sealed competitive negotiation.

In accordance with the Virginia Public Procurement Act, an evaluation team met with three firms. Negotiations began with the firm ranked first and second, a price considered fair and reasonable and pursuant to the contractual terms and conditions acceptable to the Town is offered for Council review.

Town Council is requested to review and issue the award to Mattern and Craig Engineers Surveyors in the amount of \$21,300.00 for the first year on the initial contract period, with the option to renew for 4 (four) additional one year periods.

Please find attached to this memo, a consensus letter signed by members of the evaluation team as a consent item to Council's August 22, 2022 Regular Town Council Meeting.

Funding has been budgeted for and is available in the FY23 budget under line item 4500-45472 Highway Maintenance Bridge Inspections

Purchasing, Department of Finance
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-635-7799



Town of Front Royal, Virginia

Purchasing, Department of Finance

August 9, 2022

RE: RFP#18-2022 BRIDGE INSPECTIONS & REPORTS

The evaluation committee for the Bridge Inspections and Reports Request for Proposals has reached a consensus after proposals were scored and the committee was able to meet with one or more offerors. After elaborating on qualifications, performance data, and staff experience, the evaluation committee would like to request Town Council to award a contract to Mattern & Craig for a period of one year, with the option to renew for four (4) additional one-year terms at the option of the Town, for Bridge Inspection & Report Services.

A handwritten signature in blue ink, reading "Robert Boyer", is written over a horizontal line.

Robert Boyer – Director of Public Works

A handwritten signature in blue ink, reading "Stephen Scheulen", is written over a horizontal line.

Stephen Scheulen – Manager of Infrastructure

A handwritten signature in blue ink, reading "Karen Williams", is written over a horizontal line.

Karen Williams – Public Works Operations Coordinator

Randy W. Beckner
Bradley C. Craig
Wm. Thomas Austin
David P. Wilson
James B. Voso
Randy L. Dodson
Chad M. Thomas
Jason A. Carder
Brian R. Newman



Edwin K. Mattern, Jr. (1949-1982)
Gene R. Cress (1935-2014)
Sam H. McGhee, III (1940-2018)
Stewart W. Hubbell (Retired)
J. Wayne Craig (Retired)
Michael S. Agee (Retired)
Steven A. Campbell (Retired)

August 11, 2022

Mr. Steve Scheulen
Public Works Department
Town of Front Royal
P.O. Box 1560
Front Royal, VA 22630

RE: 2022 Bridge Safety Inspections

Dear Mr. Scheulen:

Thank you for the opportunity for Mattern & Craig to provide consulting engineering services to perform bridge safety inspections of three (3) structures and updated load rating analyses for all eleven (11) structures in the Town's inventory. Consulting engineering services shall include the following:

Bridge Safety Inspection Services

- Review existing bridge data and inspection reports.
- Review existing plans, if available.
- Perform field inspections of the structures in accordance with the Virginia Department of Transportation's (VDOT) requirements. The inspections will be limited to visual observations of readily accessible members only. The inspections will be performed by fully qualified inspection personnel and will include "hands-on" and "close-up" inspections of fatigue prone details using ladders to access the bridge superstructure, if necessary. The use of "snooper" type vehicles and non-destructive testing methods are not included as a part of this project, but may be added as an additional service if requested or required by the Town of Front Royal.
- Prepare an inspection report in accordance with VDOT requirements for each structure. Reports for the structures shall follow the current standard VDOT inspection report form.
- Provide sketches of existing scour conditions at accessible substructure members. Provide sketches of existing channel profiles at the upstream face of bridges over waterways.
- Review and update the SI&A sheets for each structure as necessary.
- Provide the Owner with two (2) copies of the inspection reports, each with color copies of photographs depicting critical areas. Also included will be two (2) CD's containing digital copies of the inspection reports. One CD should be submitted to VDOT and one CD is for your records.

- Provide a letter report summarizing Mattern & Craig's recommendations. Review recommendations for any repairs, replacements, new load postings or modifications with the Owner by phone.
- This proposal does NOT include services to re-load rate existing bridges. However, these services may be added as an additional service, if required.
- The following structures are to be inspected:
 - o Structure No. 1802 – U.S. Route 522 (Commerce Avenue) over Happy Creek
 - o Structure No. 8002 – Prospect Street over Happy Creek
 - o Structure No. 8007 – Criser Road over Happy Creek

Load Rating Analysis Services

- Review existing bridge, data and inspection reports.
- Review original construction and rehabilitation plans, if available.
- The load rating analysis will be based upon structure condition information provided in the most recent bridge safety inspection report for each structure.
- The load rating of the structures shall be in accordance with the following:
 - AASHTO LRFD Bridge Design Specifications, Seventh Edition with 2016 Interim Revisions and VDOT Modifications.
 - AASHTO Manual for Bridge Evaluation, Second Edition with Interims.
 - VDOT Structure & Bridge I & IM-86.4.
- The load rating analyses will involve updating previously completed load ratings to include all additional loads now required by VDOT.
- Perform load rating calculations based on the available information for the structures, using reasonable assumptions based on structural design experience where necessary.
- If the structure to be analyzed is a concrete structure and no plans are available, an assumed load rating will be based upon the history and existing condition of the bridge per VDOT guidelines.
- Provide the results of the load rating on a standard 'Load Rating Summary Form for Structures' in accordance with the VDOT Structure and Bridge Division guidelines. Provide load rating calculations to supplement the results.

Based on the information provided, we propose to provide all of the above referenced consulting engineering services for the lump sum fee of Twenty-One Thousand Three Hundred Dollars (\$21,300.00). A fee breakdown of services is provided in the table below:

SERVICE	FEE
Bridge Safety Inspections Services (3 Structures)	\$6,900.00
Updated Load Rating Analysis Services (11 Structures)	\$14,400.00
Total	\$21,300.00

The field work for the bridge safety inspection services will be performed during the month of October 2022. Mattern & Craig will submit the inspection reports to the Town in the month following the field work.

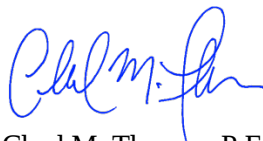
The load rating analyses will be performed and submitted to the Town during the month of November 2022.

We propose to provide any additional services you may require based on our payroll costs times a 2.6 multiplier, plus expenses. Services of specialized sub-consultants, if required, will be provided based on the actual cost to Mattern & Craig times a 1.15 multiplier.

Thank you for this opportunity to continue our relationship with the Town of Front Royal and to provide our services. As always, we look forward to working with you and your staff on this project. If you have any questions or if I can offer any further assistance, please do not hesitate to call

Sincerely,

MATTERN & CRAIG



Chad M. Thomas, P.E.
Principal/Project Manager

CMT/pml

Attachments: As noted

TOWN OF FRONT ROYAL, VIRGINIA

Accepted By: _____

Date: _____



Council Consent Agenda Statement

Item # 10C

Meeting Date: August 22, 2022

Agenda Item: Contract Award for Compensation Study & Employee Handbook Update Services

Summary: Council is requested to award a contract for a compensation study and employee handbook update services for the Town's Department of Human Resources to Paypoint HR in the amount of \$32,500.00

Budget/Funding: 1202-43002 Human Resource Professional Services \$32,500.00

Meetings: Work Session held August 8, 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 contract award for a compensation study and employee handbook update services for the Town's Department of Human Resources to Paypoint HR in the amount of \$32,500.00.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

July 29, 2022

RE: RFP#12-2022 COMPENSATION STUDY & UPDATE EMPLOYEE HANDBOOK

The evaluation committee for the Compensation Study and Update Employee Handbook Request for Proposals has reached a consensus after proposals were scored and the committee was able to meet with one or more offerors. After elaborating on qualifications, performance data, and staff experience, the evaluation committee would like to request Town Council to award a contract to Paypoint HR for a period of one year to provide a compensation study and update of employee handbook.

A handwritten signature in black ink, appearing to read "Laura M. R.", written over a horizontal line.

Laura McIntosh – Director of Human Resource

A handwritten signature in black ink, appearing to read "Kayla R. Thomas", written over a horizontal line.

Kayla Thomas – Senior Human Resource Analyst

A handwritten signature in black ink, appearing to read "Kerry Magalis", written over a horizontal line.

Kerry Magalis – Chief of Police

August 5, 2022

Town of Front Royal
Department of Finance
PO Box 1560
Front Royal, VA 22630

To Whom It May Concern:

Paypoint HR, LLC is pleased to present the Town of Front Royal our understanding of the Scope of Work required for a comprehensive Compensation Study and an update to the Employee Handbook. The intent of the study is to ensure the Town is competitive for the recruitment of new employees at all levels, retention of current employees at all levels, and is competitive with any competing employers.

- A. Market Analysis.** Perform a market analysis performed for the Town's classifications and compensations. Conduct a comprehensive benchmark analysis of all Town positions with comparators to include surrounding counties, towns, and cities that compete with the Town's employment market. Private entities will be surveyed, to the extent that they would be willing, to share information on compensation and classifications. Selection of comparators shall be determined by the consultant after consultation with the Town. Preparation and delivery of a detailed report and analysis of the benchmark survey results for all positions compared to the market and how this analysis informs the Town's pay plans.
- B. Development of a Recommended Pay Scale.** Develop a compensation plan, the appropriate classification of all positions in the proposed plan, options for implementing the proposed compensation plan in phases, and a pay compression analysis of all Town positions. The recommendations will take into consideration the need for wage adjustments, with the most critical positions being addressed first, and the budget impact of each phase. Develop policies and pay scales that align with the current "market" rate and are informed by the comprehensive benchmark market analysis. Pay recommendations should be externally competitive and internally equitable.
- C. Conduct employee outreach:** Hold employee orientation sessions to communicate the scope of work and goals. Hold employee focus groups to gain understanding of operations.
- D. Gain an understanding of the Town's existing classification and compensation structure:** Review all background materials including, but not limited to, the Town's Personnel Policies and Procedures, organizational charts, position descriptions and classification specifications.

E. Review the current Employee Handbook and:

1. Identify which policies are required by Federal and State law and ensure consistency with Federal and State law.
2. Make specific recommendations to simplify the policies and ensure they are consistent and flexible while protecting the Town from liability.
3. Make specific recommendations on which policies present conflicting information.
4. Compare the current Employee Handbook to best practices found in other Virginia municipalities and provide recommendations for improvement. As part of this overall review, emphasis on the employee leave policies

The total compensation for this scope of work, firm fixed-price, is \$32,500. If you have any questions, please feel free to contact us. We look forward to working with the Town on this important project.

Sincerely,



Karin VM Campbell



Council Consent Agenda Statement

Item # 10D

Meeting Date: August 22, 2022

Agenda Item: Purchase of Kenrick Lane Substation Transformer

Summary: Council is requested to approve the purchase of an electric transformer in the amount of \$612,933.00 from Virginia Transformer Corporation.

Budget/Funding:	9401-R47938	Dept. Energy Services – Kendrick Substation	\$431,665.00
	9401-47938	Dept. Energy Services – Kendrick Substation	\$181,268.00

Meetings: Work Session held August 8, 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 purchase of an electric transformer in the amount of \$612,933.00 from Virginia Transformer Corporation.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: August 12, 2022
To: Tina Presley, Senior Executive Assistant
From: BJ Wilson, Director of Finance
CC: Mary Lynn, Interim Director of Energy Services
RE: Request to Add Agenda Action Item for Town Council Approval

Purchasing received a request from the Department of Energy Services to send out an invitation for bid for the Kendrick Lane Substation Transformer Replacement. On August 4, 2022, I held a public bid opening and received three (3) bids in accordance with the Virginia Public Procurement Act.

The Town's Electrical Engineering Service, Southeastern Consulting Engineers Inc, has reviewed the submitted quotes and recommends awarding the purchase to Virginia Transform Corp, out of Roanoke Virginia for \$612,933.00. The lowest responsive and responsible bidder.

Please find attached the bid tabulation and recommendation letter from Southeastern Consulting Engineers. Please add this consent item to Council's August 22nd, 2022, Regular Town Council Meeting.

Funding has been budgeted and is available in the following line items: 9401-R47938 \$431,665 9401-47938 \$181,268; Department of Energy Resources Kendrick Substation.

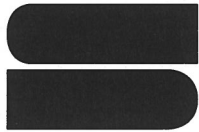
Department of Purchasing
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-636-6889

BID TABULATION
IFB#23-2022 Kendrick Substation Transformer #2

Town of Front Royal
Front Royal, Virginia

Date: August 4, 2022
Time: 2:00 PM, EST

<u>Bidder</u>		Virginia Transform. Corp <u>Roanoke, VA</u>	Niagara Transformer <u>Buffalo, NY</u>	OTC Services <u>Louisville, OH</u>
	<u>Qty.</u>			
Medium Power Transformer, 10/13.33/16.66 MVA, 34.4-13.2Y/7.62 KV	1	\$612,933.00	\$776,381.00	\$983,943.00
Delivery		46 weeks	104 weeks	76 weeks
Bid Bond		5%	5%	5%



Southeastern Consulting Engineers, Inc.

August 11, 2022

Mr. B.J. Wilson
Town of Front Royal
P.O. Box 1560
Front Royal, Virginia 22630

Ref.: Kendrick Transformer #2
Bid Recommendations

Dear B.J.:

The Town received proposals on August 4, 2022, from three suppliers and representatives solicited for providing a new transformer for the Kendrick Substation.

A tabulation of the bids received for the project is enclosed.

We have evaluated each proposal based on compliance with the specifications, cost, and delivery. We recommend that the Town accept the proposal from Virginia Transformer Corporation (VTC), in the amount of \$612,933.00 for the transformer delivered to the site and commissioned and authorize us to prepare the necessary contract documents.

Virginia Transformer Corporation has a recent history of providing very aggressive pricing in a market in high demand. Their lower price is no indication that they are offering a substandard product. Our clients have taken delivery of many VTC units including the last two Front Royal purchased in 2017 and 2020.

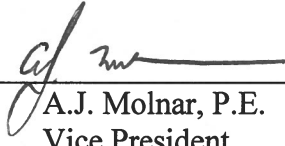
Please note that the market for power transformers has led to long lead times and pricing that is not firm. All of the proposals included a reference to indexed pricing, some more complicated than others. The VTC proposal price is tied to the Bureau of Labor Statistics Specialty Transformer Index- Series ID PCU335311335311. Also note their payment terms are 30% with Purchase Order, 30% with approval drawings, and 40% when shipped. These terms are also typical of the market so they can lock in core material prices to avoid further fluctuation. We believe, though not ideal, that this is still the best option for the Town.

Please let us know if you have any questions.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By

A handwritten signature in dark ink, appearing to read 'A.J. Molnar', is written over a horizontal line.

A.J. Molnar, P.E.
Vice President

AJM/lc
Enclosure



Council Consent Agenda Statement

Item #10E

Meeting Date: August 22, 2022

Agenda Item: Declaring End of COVID-19 Communicable Disease Local Emergency

Summary: Due to the COVID-19 Pandemic, Town Council approved a COVID-19 Emergency Ordinance ("Ordinance") on March 23, 2020. The Ordinance appointed a Director of Emergency Management and declared a COVID-19 Communicable Disease Local Emergency and implemented emergency procedures to ensure continuity of Town Government. As recited in paragraph 6 of the Ordinance, emergency procedures were to remain in effect until terminated by Town Council, for a period not to exceed six months. However, on September 28, 2020, Town Council amended the Ordinance so that the continuity of government provisions of the Ordinance would continue in effect "for a period until Town Council takes action otherwise". With the Commonwealth of Virginia no longer being in a COVID-19 state of emergency, the local emergency has ended, and the continuity of government procedures authorized by the Ordinance are no longer enabled. Council is requested to declare the end of the COVID-19 Communicable Disease Local Emergency.

Budget/Funding: None

Meetings: Work Session held August 8, 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 declare the end of COVID-19 Communicable Disease Local Emergency in the Town of Front Royal

Approved By: _____

Moved _____ **Seconded** _____

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



Council Consent Agenda Statement

Item #10F

Meeting Date: August 22, 2022

Agenda Item: Condemnation Resolution for Redundant Waterline in Route 522 N Corridor

Summary: Council is requested to approve a Condemnation Resolution for the redundant waterline proposed for the Route 522 N Corridor as presented.

Budget/Funding: None

Meetings: Work Sessions held June 13th and July 11th, Public Hearing held June 27th, Regular Meeting held July 25th and Special Work Session held August 16th

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 proposed for the Route 522 N Corridor as presented.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ 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/approve Resolution of Public Necessity establishing presumption of necessity for the easement acquisition/condemnation process
- **7/11/22:** Council Work Session-Preview of Condemnation Resolution
- **7/25/22:** Council Regular Business Meeting- to consider/act on Condemnation Resolution to acquire the remaining easements.

Town Staff/Consultant-Work Underway

- **Currently working** to secure final two easements
 - **8/16/22** Council Special Meeting: To continue discussion on Council approval of Condemnation Resolution to complete easement acquisition/condemnation process for remaining easements
 - **7/29/22** Property Owner follow up to provide/address additional concerns-F&R Limited Partnership; Town Received signed easement documents-Schulz property
- **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: August 5, 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, sent via certified mail to the property owners listed below, are part of the Condemnation process. The Letter for the Schulz property was sent July 7, 2022 and the signed certified card return dated July 11, 2022. The Town received the signed easement documents for the Schulz property on July 29, 2022. The Letter for the F&R Limited Partnership properties was sent August 1, 2022. 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 the Condemnation process 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. 6/30/22: Email from Town Manager to Property Owner
- xv. 7/7/22: Email from Property Owner to Town Manager; Email from Town Manager to Property Owner
- xvi. 7/8/22: Email from Property Owner to Town Manager
- xvii. 7/29/22: Meeting scheduled with the Town Manager and Property Owner-Cancelled to allow additional time to address Property Owner concerns.
- xviii. 8/1/22: 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. 6/21/22: Consultant left a voicemail for the Property Owner.
 - xiii. 7/7/22: Good Faith Offer Letter mailed via certified mail to Property Owner.
 - xiv. 7/11/22: Signed certified card return date for Good Faith Offer Letter.
 - xv. 7/29/22: Town received signed easement documents from 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 on or before 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.

7006 2760 0004 8356 0949

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 2.95
Certified Fee	3.75
Return Receipt Fee (Endorsement Required)	3.05
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 9.75

JUL 07 2022

Postmark
Here

USPS

Sent To Nickolas Schulz
Street, Apt. No.,
or PO Box No. 10795 Oakmont St.
City, State, ZIP+4 Overland Park, KS 66210

PS Form 3800, August 2006

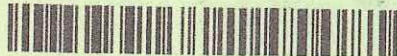
See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nickolas Schulz
10795 Oakmont St.
Overland Park, KS 66210



9590 9402 7064 1225 8385 96

2. Article Number (Transfer from service label)

7006 2760 0004 8356 0949

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

☐ Agent

☐ Addressee

C. Date of Delivery

7/11/22

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Registered Mail
Registered Mail Restricted Delivery
(\$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

Prepared and Recorded By:
Town of Front Royal
102 E. Main
Front Royal, VA 22630

Tax Map No. 20-29E

This Deed is exempt (i) from recordation taxes pursuant to Section 58.1-811 (A)(3) and (C)(5) of the Code of Virginia (1950), as amended, and (ii) from the payment of Clerk's fees pursuant to Section 17.1-266 of the Code of Virginia (1950), as amended.

NOTICE TO THE CLERK: When indexing this instrument, please refer to the Town of Front Royal Parallel Waterline for the Route 522 North Corridor project.

This Deed of Easement is made and entered this 22 day of JULY, 2022
by and between NICKOLAS SCHULZ, herein referred to as **GRANTOR** and the Town of Front Royal, Virginia, "Town", a Municipal Corporation, herein referred to as **GRANTEE**.

WITNESSETH:

That for and in consideration of the sum of One Hundred Thirty Six Dollars and Twenty Nine Cents (\$136.29) cash in hand paid by the Grantee to the Grantor, receipt whereof is hereby acknowledged, the Grantor grants and conveys unto the Grantee, its successors and assigns, the following rights in real property situated in Warren County, Virginia, to wit:

The privilege and easement in perpetuity to construct, lay, maintain, repair, inspect, improve and operate within the easement as shown on an easement figure(s) "Exhibit 1" dated November 18, 2020, prepared by CHA Consulting, Inc., and attached hereto and made a part of this instrument. The said easement is marked thereon as shown in the attached figure(s) "Exhibit 1" The real estate encumbered by this deed was conveyed to the Grantor by deed dated 2/22/2007 and recorded in the Warren County, VA Clerk's Office as Instrument No. 070001767, and designated on the Land Records as Tax Map No. 20-29E (herein referred to as "the Property").

In addition, the Grantor grants and conveys unto the Grantee, its successors and assigns, an underground easement for water facilities (which have been installed) which serve the Town, designated as 139 WHITE OAK DR.

This easement is subject to all existing easements, rights-of-way, and restrictions and is further subject to the following conditions:

1. The Grantee shall assume all responsibility for repair, maintenance, reconstruction and replacement of the water facilities within the easement.

2. The water facilities constructed shall remain the property of the Grantee. The Grantee shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its water facilities within the boundaries of said easement as are consistent with the purpose expressed herein. All construction, maintenance, equipment and water facilities shall comply with all applicable law ordinances, codes and regulations.

3. Upon completion of any activity by Grantee upon the easement, Grantee shall restore the Property as nearly as possible to its original condition as is practicable, including backfilling, and compaction of trenches, repaving, reseeding or resodding of lands, replacement of equipment and facilities of Grantor, removal of trash and debris, and removal of Grantee's equipment, accessories or appurtenances not inconsistent with the construction, maintenance or operation of said water facilities or the exercise of any rights or privileges expressed herein, and will make a good faith effort to minimize any damage. Grantee shall maintain said easement and water facilities in such repair as not to endanger or otherwise limit the enjoyment or use of the Property, including ingress, egress or parking in, on and over driveways, roads, or parking lots.

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

5. The granting of the easement hereinafter described neither expressly nor impliedly constitutes any payment, nor the waiver of any obligation for the payment, by the Grantor or his successors or assigns, of any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.

6. That Grantee will exercise reasonable care to protect the Property from damage or injury occasioned in the enjoyment of the easement and rights herein granted, and to promptly repair the Property or reimburse the Grantor for any property damaged beyond repair.

7. That if the Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to this easement and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall be the expense of Grantee be removed from the Property.

8. That Grantor shall have no right, title, interest, estate or claim whatsoever in or to any of the water facilities or other equipment and accessories installed by virtue hereof.

9. This permanent easement shall run with the land of the Grantor, and shall be binding upon the heirs, executors, administrators, successors, and assigns of the Grantor and the Grantee.

WITNESS the following signatures and seals.

ND Schulz (SEAL)
Property Owner 1

STATE OF VIRGINIA, TO-WIT:

I, KAMNA SOOD a Notary Public in and for the State, do hereby certify that NICKOLAS SCHULZ, whose name is signed to the foregoing Deed of Easement, dated 7/22/22, has this day personally appeared and acknowledged the same before me in my State and County aforesaid.

My commission expires: 7/21/2025

Registration No.: 1184311

Given under my hand this 22 day of July, 2022

 KAMNA SOOD
My Appl. Exp. 7/21/2025 NOTARY PUBLIC

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

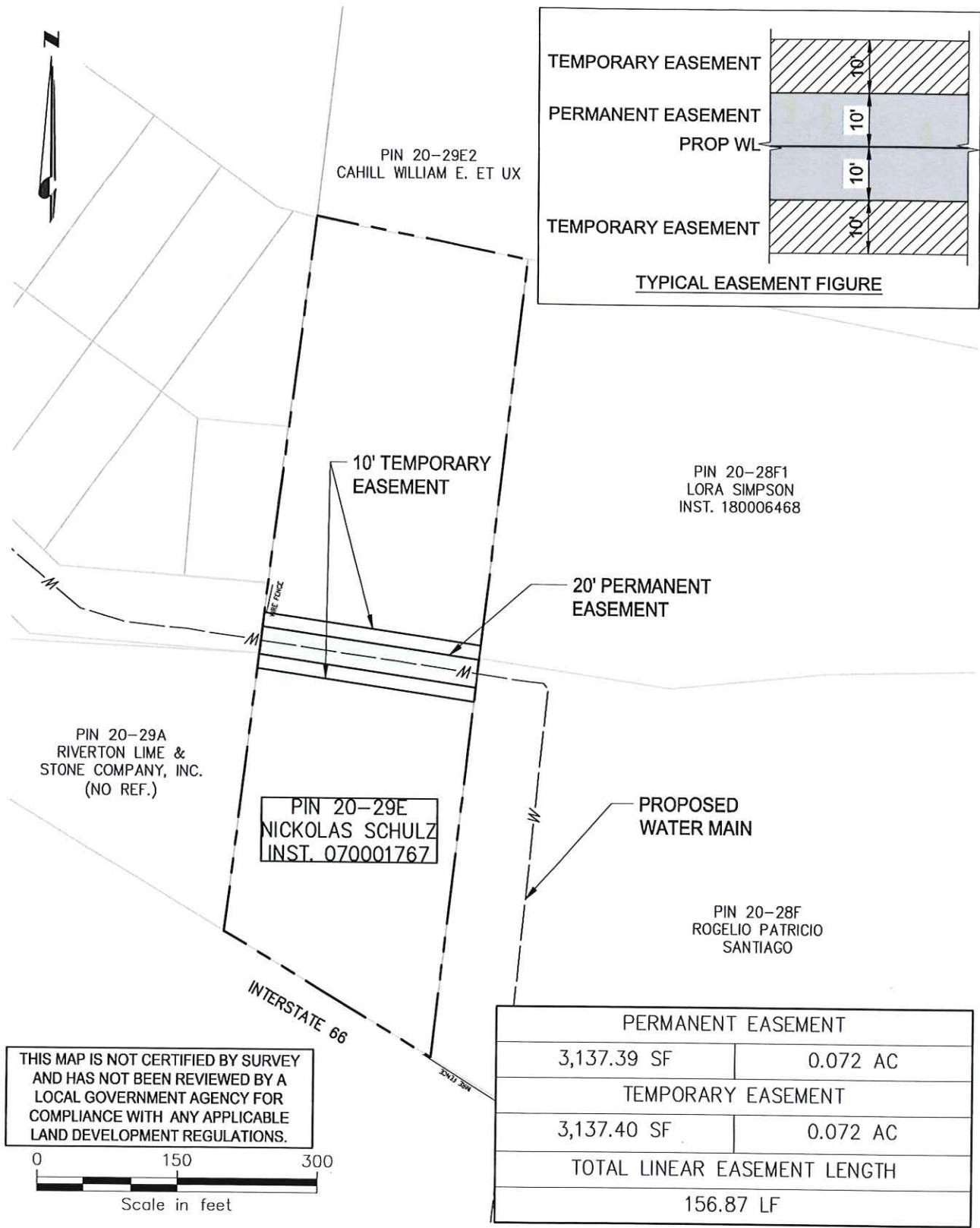
WITNESS the following signature:

GRANTEE: TOWN OF FRONT ROYAL, VIRGINIA

BY: _____

Steven Hicks, Town Manager

File: V:\PROJECTS\AN\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



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



Redundant Water Line Easement Acquisition/Condemnation Process

Process Timeline

- **6/13/22:** Council Work Session to preview Public Necessity Resolution
- **6/27/22:** Council Public Hearing/Approval of Public Necessity Resolution
- **7/7/22:** Good Faith Offer Letter sent to Schulz Property
- **7/11/22:** Council Work Session to preview Condemnation Resolution
- **7/25/22:** Council Regular Business Meeting to consider/act on Condemnation Resolution
- **7/29/22:** Town received signed easement documents for the Schulz easement; Council Packet Deadline for 8/16/22 Special Meeting
- **8/1/22:** Good Faith Offer Letter sent to F&R Limited Partnership Properties
- **8/16/22:** Council Special Meeting to consider/act on Condemnation Resolution
- **9/1/22:** Send Condemnation Notice to F&R Limited Partnership Property Owner (30-45 Days)
- **10/17/22:** 30-45 Day notice period over for F&R Limited Partnership Properties
- **10/21/22: F&R Limited Partnership.** 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)
- **10/25/22:** End of 4-Day Property Owner notice period F&R Limited Partnership properties



CHRISTIANSBURG
350 ARBOR DR
CHRISTIANSBURG, VA 24073-9998
(800)275-8777

08/01/2022 02:18 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope	1		\$1.92
Middleburg, VA 20118			
Weight: 0 lb 3.30 oz			
Estimated Delivery Date			
Thu 08/04/2022			
Certified Mail®			\$4.00
Tracking #: 70200090000211218313			
Total			\$5.92

Grand Total: \$5.92

Credit Card Remitted \$5.92

Card Name: VISA
Account #: XXXXXXXXXXXX5488
Approval #: 02045C
Transaction #: 534
AID: A0000000031010 Chip
AL: VISA CREDIT
PIN: Not Required CHASE VISA

Every household in the U.S. is now
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visit www.usps.com USPS Tracking or call
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For delivery information, visit our website at www.usps.com	
Middleburg, VA 20118	
Certified Mail Fee \$4.00	Postmark 1044 24073 11 1 2022
Extra Services & Fees (check box, add fee if applicable)	08/01/2022
☐ Return Receipt (hardcopy) \$30.00	
☐ Return Receipt (electronic) \$0.00	
☐ Certified Mail Restricted Delivery \$0.00	
☐ Adult Signature Required \$0.00	
☐ Adult Signature Restricted Delivery \$0.00	
Postage \$1.92	
Total Postage and Fees \$5.92	
Sent To F&R Limited Partnership	
Street and Apt. No., PO Box No. 832	
City, State, ZIP+4® Middleburg VA 20118	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

0202 0600 2000 1211 7420

Prepared and Recorded By:
Town of Front Royal
102 E. Main
Front Royal, VA 22630

Tax Map No. **20A221-9, 20A221-11**

This Deed is exempt (i) from recordation taxes pursuant to Section 58.1-811 (A)(3) and (C)(5) of the Code of Virginia (1950), as amended, and (ii) from the payment of Clerk's fees pursuant to Section 17.1-266 of the Code of Virginia (1950), as amended.

NOTICE TO THE CLERK: When indexing this instrument, please refer to the Town of Front Royal Redundant Waterline for the Route 522 North Corridor project.

This Deed of Easement is made and entered this _____ day of _____, 20__ by and between F&R LIMITED PARTNERSHIP, herein referred to as **GRANTOR** and the **Town of Front Royal, Virginia**, “Town”, a Municipal Corporation, herein referred to as **GRANTEE**.

WITNESSETH:

That for and in consideration of the sum of Four Thousand Seven Hundred Fifteen Dollars and Zero Cents (\$4,715.00) cash in hand paid by the Grantee to the Grantor, receipt whereof is hereby acknowledged, the Grantor grants and conveys unto the Grantee, its successors and assigns, the following rights in real property situated in Warren County, Virginia, to wit:

The privilege and easement in perpetuity to construct, lay, maintain, repair, inspect, improve and operate within the easement as shown on an easement plat titled “Plat Showing 20’ Permanent Water Line Easement And 20’ Temporary Construction Easement”, dated March 15, 2022, prepared by Marsh and Legge Land Surveyors, P.L.C., and attached hereto and made a part of this instrument. The said easement is marked thereon as shown in the attached plat. The real estate encumbered by this instrument was conveyed to the Grantor by deeds dated 1/25/1991, 6/30/2004 and recorded in the Warren County, VA Clerk’s Office in Deed Book 441, Page 713, and as Instrument Number 040007340, and designated on the Land Records as Tax Map No. 20A221-11, 20A221-9 (herein referred to as “the Property”).

In addition, the Grantor grants and conveys unto the Grantee, its successors and assigns, an underground easement for water facilities (which have been installed) which serve the Town, designated as 0 HAPPY CREEK RD.

This easement is subject to all existing easements, rights-of-way, and restrictions and is further subject to the following conditions:

1. The Grantee shall assume all responsibility for repair, maintenance, reconstruction and replacement of the water facilities within the easement.

2. The water facilities constructed shall remain the property of the Grantee. The Grantee shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its water facilities within the boundaries of said easement as are consistent with the purpose expressed herein. All construction, maintenance, equipment and water facilities shall comply with all applicable law ordinances, codes and regulations.

3. Upon completion of any activity by Grantee upon the easement, Grantee shall restore the Property as nearly as possible to its original condition as is practicable, including backfilling, and compaction of trenches, repaving, reseeding or resodding of lands, replacement of equipment and facilities of Grantor, removal of trash and debris, and removal of Grantee's equipment, accessories or appurtenances not inconsistent with the construction, maintenance or operation of said water facilities or the exercise of any rights or privileges expressed herein, and will make a good faith effort to minimize any damage. Grantee shall maintain said easement and water facilities in such repair as not to endanger or otherwise limit the enjoyment or use of the Property, including ingress, egress or parking in, on and over driveways, roads, or parking lots.

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

5. The granting of the easement hereinafter described neither expressly nor impliedly constitutes any payment, nor the waiver of any obligation for the payment, by the Grantor or his successors or assigns, of any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.

6. That Grantee will exercise reasonable care to protect the Property from damage or injury occasioned in the enjoyment of the easement and rights herein granted, and to promptly repair the Property or reimburse the Grantor for any property damaged beyond repair.

7. That if the Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to this easement and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall be the expense of Grantee be removed from the Property.

8. That Grantor shall have no right, title, interest, estate or claim whatsoever in or to any of the water facilities or other equipment and accessories installed by virtue hereof.

9. This permanent easement shall run with the land of the Grantor, and shall be binding upon the heirs, executors, administrators, successors, and assigns of the Grantor and the Grantee.

WITNESS the following signatures and seals.

_____ (SEAL)

Property Owner

STATE OF VIRGINIA, TO-WIT:

I, _____, a Notary Public in and for the State, do hereby certify that F&R LIMITED PARTNERSHIP, whose name is signed to the foregoing Deed of Easement, dated _____, has this day personally appeared and acknowledged the same before me in my State and County aforesaid.

My commission expires: _____

County and State: _____

Registration No.: _____

Given under my hand this _____ day of _____, 20__.

NOTARY PUBLIC

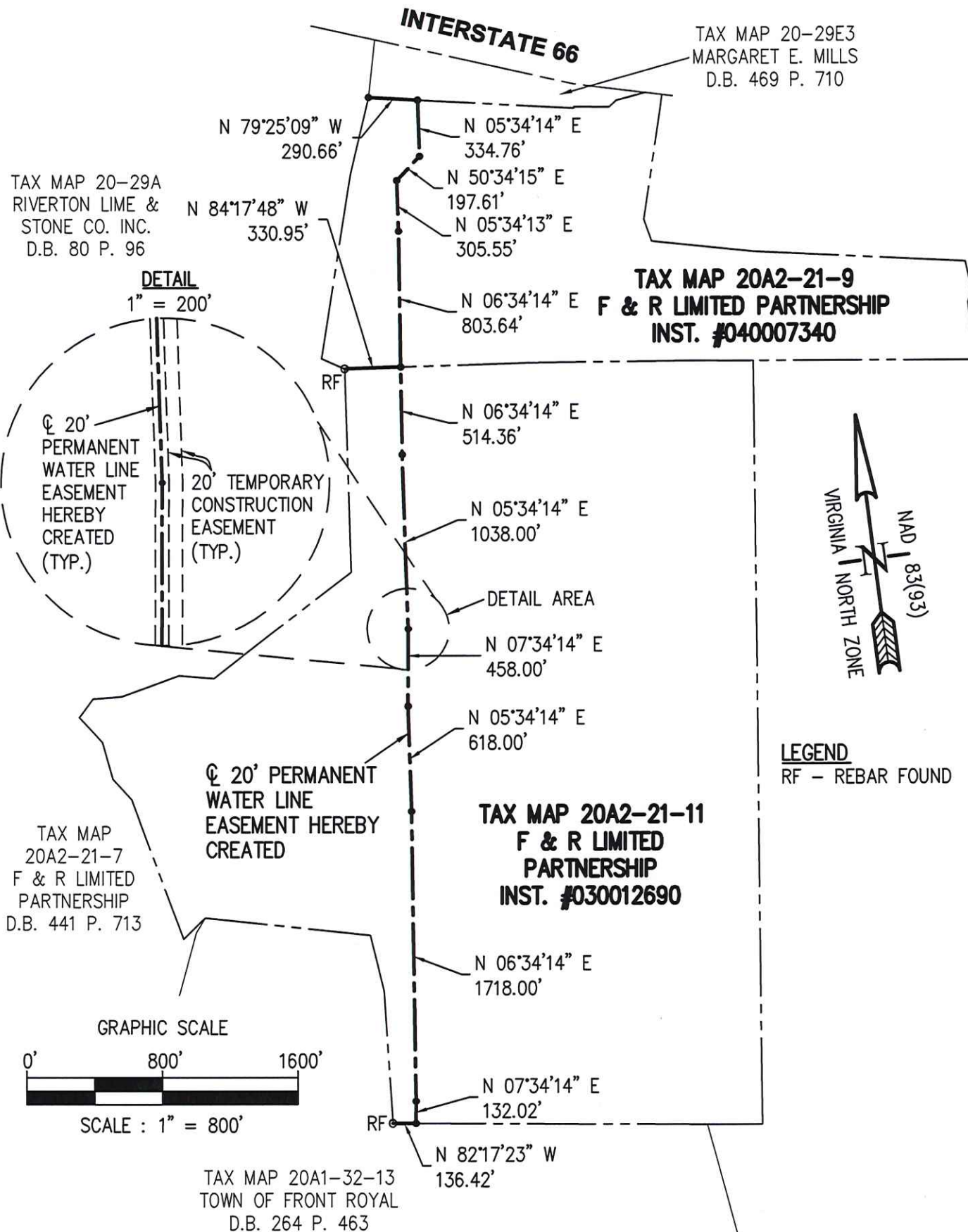
The foregoing conveyance is hereby accepted by the Town of Front Royal, Virginia, as evidenced by the signature of the undersigned, who is authorized to accept this conveyance on behalf of the Town.

WITNESS the following signature:

GRANTEE: TOWN OF FRONT ROYAL, VIRGINIA

BY: _____

Steven Hicks, Town Manager



NOTES

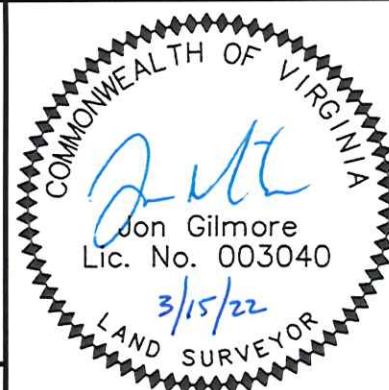
1. NO TITLE REPORT FURNISHED; THEREFORE, EASEMENTS OR ENCUMBRANCES AFFECTING THE PROPERTY REPRESENTED BY THIS SURVEY MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
2. THE INFORMATION SHOWN ON THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED UNDER MY SUPERVISION ON 30 OCTOBER 2020.

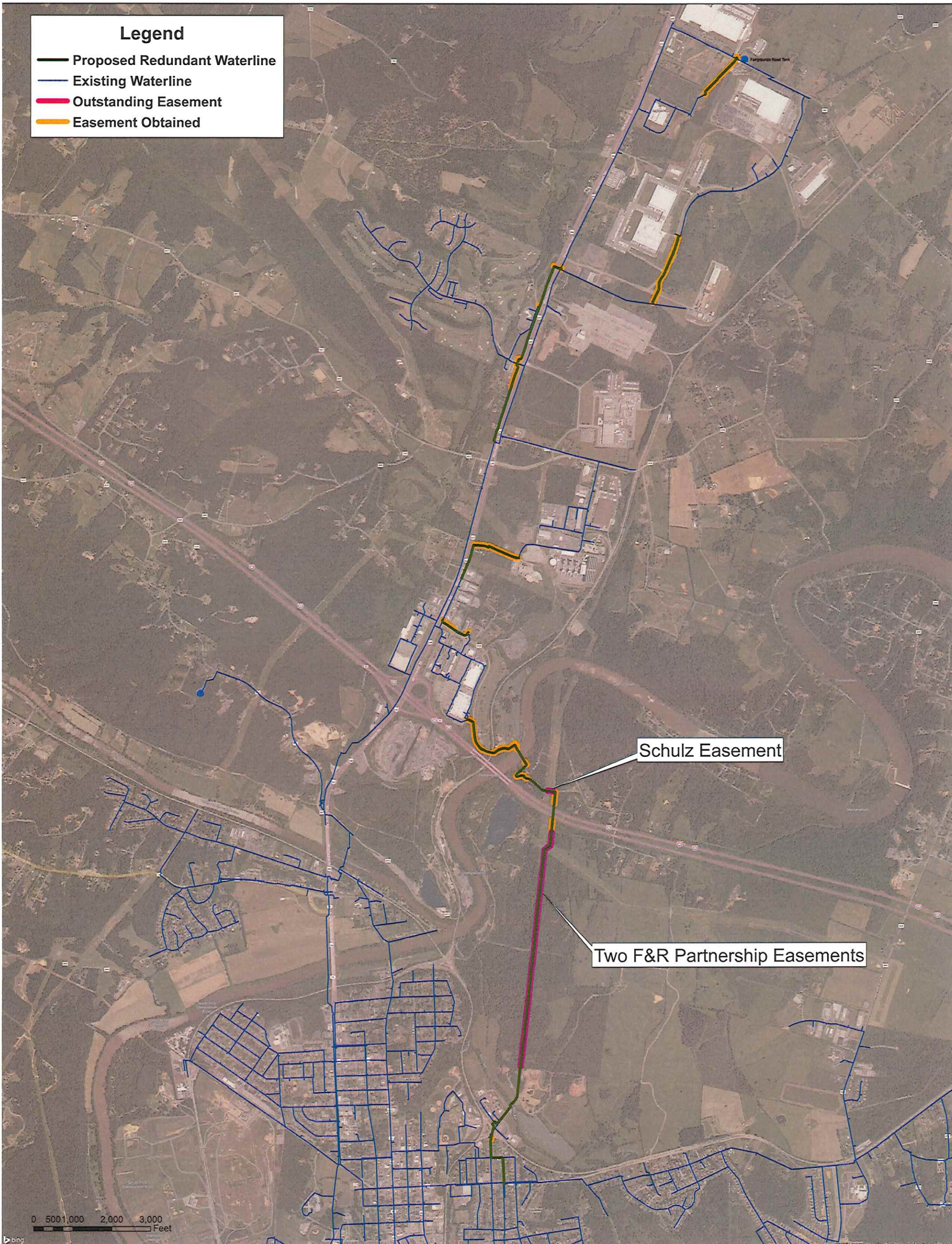
www.marsh and legge.com

**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**







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 owner 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 person who owns property along the proposed route as described above in the Town of Front Royal and Warren County, Virginia, but who does 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

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 owner or through the exercise of eminent domain if negotiations with the property owner prove unsuccessful; and,

WHEREAS, the Town has been unable to acquire the permanent water system easements with the property owner; 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 immediately.

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

Zackary 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 **August 22, 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, Interim Town Attorney

Dated: _____



Council Consent Agenda Statement

Item 10G

Meeting Date: August 22, 2022

Agenda Item: Resolution Authorizing the Execution of the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power, Inc ("AMP")

Summary: Council is requested to approve a resolution authorizing the execution of the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power, Inc ("AMP"), assisted by GDS Associates, for the purchase of Seasonal Power Blocks.

Budget/Funding: None

Meetings: Work Session held May 9th, June 13th and August 16th.

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

Proposed Motion: I move that Council approve a resolution authorizing the execution of the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power, Inc ("AMP") as presented.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____

TOWN OF FRONT ROYAL, VIRGINIA

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION OF THE 2023-2025
FIXED VOLUME ENERGY SUPPLY SCHEDULE WITH
AMERICAN MUNICIPAL POWER, INC. ("AMP")

WHEREAS, the Town of Front Royal, Virginia ("Municipality") owns and operates an electric utility system for the sale of electric capacity and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, in order to satisfy the electric capacity and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to purchase in the future, economical, reliable and environmentally sound capacity and energy and related services, recommended and arranged by GDS Associates, from American Municipal Power, Inc. ("AMP"), of which Municipality is a member; and

WHEREAS, AMP is an Ohio nonprofit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric capacity and energy, or any combination thereof, and to furnish technical services on a cooperative, nonprofit basis, for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being political subdivisions that operate municipal electric utility systems; and

WHEREAS, Municipality has previously entered into a Master Services Agreement with AMP, AMP Contract No. C-12-2007-6255, which contemplates that Municipality shall enter into various schedules for the provision of capacity and associated energy and related services from AMP to Municipality; and

WHEREAS, GDS Associates will assist and AMP will negotiate with one reputable and financially sound third-party energy supplier to enter into an agreement to purchase, under a single product, electric energy in various megawatt ("MW") blocks, to hedge winter and summer seasonal need, for a term beginning on January 1, 2023 and ending no later than December 31, 2025, which will provide price stability through the competitive bidding of fixed-rate block energy (herein "Seasonal Block Hedge") for Municipality;

WHEREAS, GDS Associates will assist and AMP, on behalf of the Municipality, desires to purchase from third-party supplier(s) and then to resell the energy available from these Seasonal Block Hedge on a long-term basis to Municipality at contract cost (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$94.35 per MWh, for the following seasonal block purchases;

Proposed New Product:

Wholesale Power Proposal	Delivery Months	MW	\$/MWh	Term	Start	End
1) Seasonal Block Hedge (Winter and Summer Seasonal)	Jan, Feb, Dec	6.0 MW 7x24	<=\$94.35/MWh	3 Yr.	1/1/23	12/31/25
	Jul, Aug	4.0 MW 5x16				

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA

SECTION 1. That the Town Manager or Town Manager's Designee be authorized to execute the 2023-2025 FIXED VOLUME ENERGY SUPPLY SCHEDULE and to acquire the Municipality's energy from one Seasonal Block Hedge, with a term beginning on January 1, 2023 and ending no later than December 31, 2025, and with a third-party contract price (excluding any taxes, transmission costs, replacement energy, losses, congestion costs, security costs, or AMP service fees) not to exceed \$94.35 per MWh for purchases, from AMP, and is further authorized to execute and deliver any and all documents necessary to participate in one Seasonal Block Hedge, pursuant to the conditions set forth herein, as set forth in the 2023-2025 FIXED VOLUME ENERGY SUPPLY SCHEDULE as recommended by GDS Associates.

SECTION 2. That competitive bidding is not required on the Municipality's acquisition of its right to secure energy under the 2023-2025 FIXED VOLUME ENERGY SUPPLY SCHEDULE, and in the event any competitive bidding requirements are applicable, any such competitive bidding requirements that might otherwise be applicable are hereby waived.

SECTION 3. That is it found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. That this Resolution shall take effect at the earliest date allowed by law.

Signatures on following page

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2022 upon the following recorded vote:

Lori A. Cockrell __Yes __No

Gary L. Gillispie __Yes __No

Letasha T. Thompson __Yes __No

Amber F. Morris __Yes __No

Zachary Jackson __Yes __No

Approved as to Form and Legality:

George Sonnett, Interim Town Attorney

Dated: _____



Council Consent Agenda Statement

Item #10H

Meeting Date: August 22, 2022

Agenda Item: Waiver of Curb, Gutter and Sidewalk for 1340 Crisman Drive

Summary: Council is requested to approve the waiver of curb, gutter and sidewalk installation at 1340 Crisman Drive. Pursuant to Town Code Chapter 148-850. C., the requirement for curb and gutter may be waived upon approval of Town Council in residential areas where the majority of surrounding development properties do not have curb and gutter. Pursuant to Town Code Chapter 148-850.D., the requirement of sidewalks may be waived on vote of the Town Council in residential areas where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters.

Budget/Funding: None

Meetings: Work Session held August 8, 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 waiver of curb, gutter and sidewalk installation at 1340 Crisman Drive, pursuant to Town Code Chapter 148-850. C. and D.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____



Council Agenda Statement

Item # 11A

Meeting Date: August 22, 2022

Agenda Item: Appointment to the Planning Commission

Summary: Council is requested to appoint a member to the Front Royal Planning Commission to a four-year term beginning September 1, 2022 and ending August 31, 2026.

Budget/Funding: None

Meetings: Work Session held August 8, 2022

Proposed Motion: I move that Council appoint Daniel S. Wells to the Front Royal Planning Commission to a four-year term beginning September 1, 2022 and ending August 31, 2022.

Moved _____ *Seconded* _____

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



Council Agenda Statement

Item # 11B

Meeting Date: August 22, 2022

Agenda Item: Designation of Town Freedom of Information Act (FOIA) Officer

Summary: Pursuant to Virginia Code §2.2-3704.2. - Public bodies to designate FOIA Officer, Council is requested to designate a Freedom of Information Act (FOIA) Officer for the Town of Front Royal to serve as a point of contact for members of the public for requests of public records.

Budget/Funding: None

Meetings: None

Proposed Motion: I move that Council designate the Clerk of Council as Freedom of Information Act (FOIA) Officer for the Town of Front Royal.

Moved _____ *Seconded* _____

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



Council Agenda Statement

Item # 12

Meeting Date: August 22, 2022

CLOSED MEETING

Motion to Go into Closed Meeting

I move that Town Council convene and go into Closed Meeting

- 1) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel specifically, setting a date for a special election as required by Virginia Code §24.2-226, pursuant to §2.2-3711(A)(8) of the Code of Virginia

Motion to Certify Closed Meeting at its Conclusion

[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]

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

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Thompson _____