



REGULAR TOWN COUNCIL MEETING

Monday, October 24, 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: Joint Meeting/Special Work Session of August 16th, Regular Meeting of September 26th, Special Meeting of October 1st and Special Meeting/ Work Session of October 11, 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 Town Employee Sam Grimsley
 - Update on Shenandoah Rail Trail Project – Don Hindman
 - Project Updates by Public Works Director Robbie Boyer
7. PUBLIC HEARINGS –
 - A. Special Use Permit for Short-Term Rental at 30 Fairview Avenue – VESTA Property Management – *Lauren Kopishke*
 - B. Special Exception for Parking at 12 Chester Street – Lea Justice – *Lauren Kopishke*
 - C. Proposed Ordinance Amendments to Town Code Chapter 142-4.1 – Snow and Ice on Sidewalks – *Kathy Leidich*
 - D. FY23 Budget Amendment for Route 522 North Corridor Redundant Waterline and Inflow/Infiltration Storm Water Abatement – *BJ Wilson*
8. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS
9. REPORTS
 - A. Report of Town Manager
 - Update on the Recent Electric Outages
 - Recognition of Finance Department's GFOA Award
 - B. Report of Councilmembers
 - C. Report of the Mayor
10. CONSENT AGENDA ITEMS – *I move that Council approve the Consent Agenda as presented.*
 - A. Optional Contract Administration and Permitting Support for Oversight of the Construction of the Route 522 North Corridor Redundant Waterline – *BJ Wilson*
 - B. Award Bid for Construction of Redundant Waterline in the Route 522 North Corridor – *BJ Wilson*
 - C. Pressure Reducing Valve (PRV) Vault Purchase for Richmond Road – *BJ Wilson*
 - D. Pressure Reducing Valve (PRV) Vault Installation for Richmond Road – *BJ Wilson*
 - E. Revisions to Vacation of Town Rights-of-Way Policy – *George Sonnett/Tina Presley*
11. BUSINESS ITEMS - None
12. CLOSED MEETING – Consultation with Legal Counsel
13. Adjourn



TOWN COUNCIL JOINT WORK SESSION WITH PLANNING COMMISSION MINUTES

Tuesday, August 16, 2022 at 6:30 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.

Update on the Comprehensive Plan from Summit Engineering, Inc. – Anne Darby of Summit Design and Engineering Services gave Council and the Planning Commission a recap of what had been completed thus far on the Comprehensive Plan such as survey results; bases of data; vision; and summary of public input process. She then advised what was coming up next including public hearings for both entities. It was confirmed that there were still opportunities before the public hearings for changes to be made noting a requested deadline for those changes being the end of August. Ms. Darby and Director of Planning Kopishke asked that all requests be sent to her, and she would forward to Summit. Due to the Comprehensive Plan having approximately 200 pages it was requested to send only those pages that have edits on them. Councilman Gillispie asked for a larger map to be distributed. There was much discussion on the end of August being the deadline, but staff stressed the importance of not delaying the Comprehensive Plan's completion. It was suggested to schedule another meeting between now and the 31st and invite the Front Royal Economic Development Authority (FREDA). Ms. Kopishke advised that she would have notebooks for FREDA available at their meeting on Thursday.

Mayor adjourned at 6:58pm and took a short recess.

PRESENT FOR JOINT MEETING: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris and Thompson. PC Chairman Darryl Merchant, PC Vice Chairman Will Gordon, PC Members Connie Marshner, Joshua Ingram and Doug Jones. Interim Town Manager Kathy Leidich, Interim Town Attorney George Sonnett, Clerk of Council Tina Presley, Director of Planning Lauren Kopishke, Police Chief Kahle Magalis, Interim Director of Energy Services Mary Ellen Lynn, Deputy Zoning Administrator/Town Planner I John Ware, Permit Technician Monic McClure, Manager of IT Grant Autry and members of the public and press.

TOWN COUNCIL SPECIAL WORK SESSION MINUTES

Tuesday, August 16, 2022 immediately following Joint Work Session in Town Hall Conference Room

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

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

Continued Discussion on the Power Purchase Portfolio – Interim Director of Energy Services Mary Ellen Lynn introduced Garrett Cole of GDS Associates, Inc. who was via Microsoft Teams for tonight's meeting. She continued with a recap of the future needs discussion at the Council Work Session held in June. She reminded them of a volatile market and the need to protect the Town and keep the budget in line. Mrs. Lynn gave a brief presentation "Town of Front Royal – Power Supply RFP-Not to Exceed Authorization". She highlighted various areas to include Annual Energy Portfolio from 2022 – 2031 predictions; Indicative RFP

Results & Market Price Forward Movement for 2023 – 2025; and, Wholesale Cost Projection Assuming 3-year Seasonal Hedge for 2022/2023, 2023/2024, 2024/2025 and 2025/2026. She quoted the price of \$94.35 currently and stressed that they did not want to go into the open market. Mr. Cole advised that GDS would get the lowest price possible. Mrs. Lynn noted that the costs would be less in 2023 and more in 2024 and 2025. Councilman Gillispie questioned what the increase would be for the typical homeowner. Mrs. Lynn advised that until they began the process a projection could not be given stressing that they may not need to do anything. She explained the decrease of the PCA charge (Power Cost Adjustment) in 2019 and the option for an increase to that charge. She stressed the importance of trying not to impact the residents too much. Council agreed to add the resolution authorizing GDS Associates to execute the 2023-2025 fixed volume energy supply schedule with American Municipal Power (AMP) to the Consent Agenda of the August 22nd Regular meeting.

Blight Abatement Program – Hotels – Planning Director Lauren Kopishke, Chief of Police Magalis, Deputy Zoning Administrator/Planner I John Ware and Permit Technician Monica McClure advised that they were looking for direction from Council on how to begin the Bligh Abatement Program. Council was given an update on the current enforcement problems occurring in Town hotels and motels as they related to long term residency. They were presented with possible code amendments and inspections. Council voiced concern on the displacement of families especially those with children and questioned why the focus should not be more on abandoned properties. There was much discussion on how the hotels/motels operated including their management, no credit checks, payment by the week, etc. Vice Mayor Cockrell drew Council's attention to the success of the project in Ashland, Virginia noting that it was not a quick process and would take years to initiate. Chief Magalis advised that they were directed to look at hotels and motels and gave Council all the calls at these properties with focus on domestics, drugs and sex offenses. Councilwoman Thompson advised that hotels/motels were not her priority. Ms. Kopishke noted that the zoning ordinance is in the process of being rewritten and suggested that specific regulations could be placed in there related to hotels and motels accountability that could result in fines as an example.

Councilman Jackson left the meeting at 7:30pm

There was consensus in holding hotel/motel owners more accountable and protecting the children. Mr. Ware explained how property maintenance worked and the difference between blight and property maintenance. Ms. Kopishe advised that property maintenance and spot blight abatement were currently in the Town Code; however, an Appeals Board needed to be formed. She questioned whether Council wanted to use the County's current board or for the Town to form their own. It was mentioned that the current Zoning Ordinance was not inline with the State Code. Interim Town Manager Leidich advised that Summit would correct that upon their rewrite. It was agreed that this subject come back before Council at their next meeting in September.

Continued Discussion of Condemnation Resolution for Redundant Waterline in Route 522 N Corridor – Interim Town Manager Kathy Leidich gave Council a brief update to the Condemnation Resolution revision from Council's July 25th Regular Meeting. She advised that the certified letter in question was mailed. Councilman Gillispie questioned when the construction would begin. She advised that it was on schedule and in "a perfect world" it would begin in October. Council agreed to place the resolution on the Consent Agenda for the Regular Meeting on August 22nd.

CLOSED MEETING

Vice Mayor Cockrell moved seconded by Councilwoman Thompson that Council convene and go into a Closed Meeting 1) 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 Town Manager, Town Attorney, and Clerk of Council pursuant to §2.2-3711(A)(1) of the Code of Virginia; and, 2) 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, support of the Front Royal Economic Development Authority, pursuant to §2.2-3711(A)(8) of the Code of Virginia

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

No – N/A

Absent – Councilman Jackson

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:]

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

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

No – N/A

Absent – Councilman Jackson

Abstain – N/A

ROLL CALL

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie, Jackson (left early), Morris and Thompson, Interim Town Manager Kathy Leidich, Interim Town Attorney George Sonnett, Clerk of Council Tina Presley, Director of Planning Lauren Kopishke, Police Chief Kahle Magalis, Interim Director of Energy Services Mary Ellen Lynn, Deputy Zoning Administrator/Town Planner I John Ware, Permit Technician Monic McClure, Manager of IT Grant Autry and members of the public and press.

Approved by Town Council

Date: -----



TOWN COUNCIL REGULAR MEETING MINUTES

September 26, 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 led by Councilman Gillispie

ROLL CALL PRESENT: Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Zackary Jackson
Councilwoman Amber F. Morris
Councilwoman Letasha T. Thompson

ABSENT: Mayor Chris W. Holloway

APPOINTED STAFF PRESENT: Interim Town Manager Kathleen R. Leidich
Deputy Town Attorney George Sonnett
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Gillispie moved, seconded by Councilman Jackson that Council approve the minutes of the following meetings of Town Council as presented: Regular Meeting of July 25th, Work Sessions of August 8th and September 12th and Special Meetings of August 29th and September 12, 2022.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA - NONE

RECOGNITIONS/AWARDS/REPORTS –

Chief Magalis recognized Officer Martin and Sergeant Suess with receiving a Life Saving Award from the Virginia Association of the Chiefs of Police.

Infrastructure Manager Steve Scheulen gave the following Project Update:

Public Works Infrastructure Update September 26, 2022

Curb & Gutter Installation Project – Installation of 9,000 of CG6 curb and gutter and CG9 driveway aprons on 10 streets, this project is 95% complete and will be completed late-September 2022.

610B & 612 W. 11th St Storm Drain Upgrade Project – Town has received the new storm drain structure so we can finish installing the last 50' of new pipe and tie everything together in the new structure. This work should be completed the first part of October.

Braxton Rd & Manassas Ave Waterline Upgrade Projects – This bid was approved by Town Council on August 29 and the contracts have been sent to Bushong Contracting Inc to sign off and get the material on order.

John Marshall Hwy Waterline Upgrade Project – Town received a total of 5 bids with Bowman-Griffin General Contractors LLC out Hillsville, VA being the low bidder at \$229,550.00. This project is on consent agenda for town council approval tonight.

Robinhood Lane PRV Vault Replacement Project – Still another 4 weeks out for delivery due to the traffic bearing hatch. Vault weighs 24,000 LBS so a crane will be needed to set the vault.

Richmond Rd PRV Vault Replacement Project – The bids came back on September 23 at 1pm to purchasing, these will be on the October town council agenda for approval. This vault doesn't require a traffic grade hatch so the lead time should be less that Robinhood Lane.

Redundant Waterline Project – The bid opening was held on August 31, 2022, we received two bids for this project. Snyder Environmental was the low bidder, once the bid documents have been reviewed it'll be brought to council in October for discussion and approval.

W. 12th St waterline Upgrade – We're currently working on bids specs and drawing to upgrade the existing water main on W. 12th St between N. Royal Ave and Virginia Ave. We hope to have this out to bid by mid October 2022.

Primary and Secondary Street Paving – The towns paving contractor will return on October 6th.

Water Treatment Plant SCADA Upgrade – D&R Controls is finishing up the completing the SCADA screen designs and waiting on system radios & antennas and once this is completed training with staff will begin on the new system.

Councilman Gillispie confirmed with Finance Director BJ Wilson that the bids for the redundant waterline came in high and that more information on this would be available at the next work session.

PUBLIC HEARINGS

Special Use Permit for Short-Term Rental at 107 Highfield Lane – William & Melissa Gordon

Vice Mayor Cockrell opened the public hearing.

Will Gordon, 107 Highfield Lane and applicant on the property advised Council that he and his wife loved the Town but was moving to the County for more land. He expressed a desire to share the house with tourists noting his ideal market being families. He advised that there would be a book available in the house highlighting local businesses and places to visit. He assured them that he would be active in management of the property.

Doug Hovest, 101 Highfield Lane advised Council that he lived in the neighborhood noting the smallness of it with two cul-de-sacs at both ends. He voiced concern for safety of his and other children in the neighborhood due to the increase of traffic. He opposed the approval of a permit for short-term rental.

Marlene Lundberg, 203 Peach Tree Court advised that she lived in the neighborhood and voiced concern that she knew nothing about Mr. Gordon's plans for his house until she saw the sign out front. She explained that the neighborhood was very quiet with only nine houses. She advised that she would have been more comfortable if she would have known about the proposal for a short-term rental if the owner would have notified them in advance. She opposed the plan for a short-term rental.

Vice Mayor Cockrell closed the public hearing and opened it up to Council

Councilman Gillispie moved seconded by Councilwoman Thompson that Council approve a Special Use Permit for a short-term rental to William and Melissa Gordon at their property located at 107 Highfield Lane (tax map#20A-10-8-27).

Councilwoman Thompson advised that she reviewed the information for the short-term rental and found no issues; however, she understood the fear of children at play and questioned whether that could be handled another way to alert those who are visiting the neighborhood.

Councilwoman Morris questioned the minimum length of stay. Mr. Gordon advised that initially it would be a three-night minimum stay. She questioned the number of police calls to this neighborhood. Chief Magalis confirmed that there had been no known specific complaints in this neighborhood. She confirmed that there were no concerns from the Planning Commission on this application.

Vice Mayor Cockrell was encouraged by the fact that the owner was staying in the area. She questioned parties and Mr. Gordon advised that parties would not be allowed making this a standard on his application that he would have to adhere to. She questioned the installation of "Children at Play" signs. Interim Town Manager Kathy Leidich advised that self-contained signs are placed by private property owners and those placed on the streets would be approved by the Town Manager. Mrs. Cockrell confirmed that issues or complaints would be reviewed by staff and the permit could be revoked if it was warranted to do so.

John Lumburg, 203 Peach Tree Court requested to speak. Per Council's approval, Vice Mayor Cockrell allowed him to speak. He requested that Council postpone this request so that he may have a "sit-down" with Mr. Gordon to discuss his concerns including the parking situation.

Councilwoman Morris advised that the request addresses the parking on the property. She encouraged contacting the Planning & Zoning Department and/or the Police Department of any concerns those in the neighborhood may have. She voiced her understanding of the traffic concerns but reiterated that the permits are complaint-based and once a complaint is received it would be considered for review. Councilwoman Thompson clarified that the complaints would have to be substantial to revoke.

Councilman Jackson asked for the process the Planning & Zoning Department used for any complaints that may come into their office. Ms. Kopishke advised that the complaint would be logged into the system, the Code Enforcement Officer would speak with property owner which may include an onsite inspection for compliance and then go from there as to the outcome.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Special Use Permit for Short-Term Rental at 124 Luray Avenue – Philip Vaught/Vaught Real Estate LLC

Vice Mayor Cockrell opened the public hearing.

Bruce Rapport, 300 W. Main Street voiced concern over the transient aspect of short-term rentals. He opined that the families in the neighborhood have invested money and livelihood into their homes and expect residential living. He voiced understanding regarding the vetting process but felt that no one really knows who they are renting to.

Vice Mayor Cockrell closed the public hearing and opened it up to Council.

Councilwoman Morris moved, seconded by Councilwoman Thompson that Council approve a Special Use Permit for a short-term rental to Philip Vaught/Vaught Real Estate LLC on their property located t 124 Luray Avenue (tax map #20A7-4-74).

Councilwoman Thompson noted that the owner would be living on the property and managing it as well. She continued that she does not believe in telling people what to do with their property. Mrs. Thompson also reminded those in attendance that Council had discussed transient occupancy and the independent research available showed that Airbnbs do not increase violence. She referenced a most recent short-term rental Council approved on Virginia Avenue that made them aware of concerns about people who already lived in the neighborhood not just those coming into the neighborhood on a short-term basis. Mrs. Thompson suggested the placement of a binder in their properties that could list various information specific to their property.

Councilwoman Morris advised that while she prefers a longer tenure for short-term rentals, she too does not believe in telling people what to do with their property. Ms. Morris voiced understanding to those who were concerned about transients in their neighborhood but stressed the importance of having crime statistics to prove their concerns. She continued that it was not fair to those who prefer an Airbnb over other options [motels] the Town had to offer; and, advised that Airbnb has a rating system where not only can you rate the owner but also the renter.

Councilman Gillispie advised that uncertainty can occur in any neighborhood with long-term rentals and long-term residents. He encouraged everyone to contact the police and/or or the Town if there was trouble and reiterated the permit can be revoked if it is warranted.

Vice Mayor Cockrell confirmed that the staff and the Planning Commission had no issues with the approval of the permit. Planning & Zoning Director Lauren Kopishke advised that Mr. Vaught will be living in the house and acting as the caretaker. She explained that part of the permitting process was the applicant submitting a management plan for their property which is similar to a binder of various information being placed in the property for the renters.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Special Use Permit for Short-Term Rental at 12 Chester Street – Lea Justice

Vice Mayor Cockrell opened the public hearing.

Lea Justice, 6016 Panhandle Road and owner/applicant of 12 Chester Street advised Council that she would be onsite most days due to continuing to run her business downstairs. She noted that the property had been a rental historically for a long time as well as a business downstairs with the only difference being the change now is from a long-term rental to a short-term rental. Ms. Justice explained the amount of renovation that had taken place on the 1806 building recently noting that the historic preservation was a priority. She opined that the property was a contender for a short-term rental due to its location in the historic district and Main Street. She explained that there never had been designated parking separate from the property; however, there was ample parking across the street.

Bruce Rapport, 300 W. Main Street voiced support of this short-rental due to it being in a commercial area of Town where it belongs reiterating his only issue was with short-term rentals being in residential areas.

Vice Mayor Cockrell closed the public hearing and opened it up to Council.

Vice Mayor Cockrell moved seconded by Councilman Jackson that council approve a Special Use Permit for a short-term rental located at 12 Chester Street (tax map #20A8-4-43) for four (4) occupants to be sleeping in one (1) bedroom and a pullout sofa. The approval is contingent upon Council approve a Special Exception from 148-870s parking requirement.

Councilman Gillispie confirmed that the building had a historical plaque, but the owner advised that it was removed due to it falling apart. It was suggested to contact the Warren Heritage Society for a new one.

Vice Mayor Cockrell suggested that Council direct staff to review the parking for short-term rentals [175-151] to clear up any confusion on what is required. She reminded Council that when they started with the short-term rental ordinance that there would be some things that would come up that would need further review and clarification.

Councilwoman Thompson agreed that it should be clarified; however, she opined that Ms. Justice should not have to go through the parking process due to parking being available on the street, in the Peyton Street Parking Lot and in the Gazebo Parking Lot. Councilman Gillispie reiterated that the property has never had designated parking and opined that parking should not be required for something that has never existed. Councilwoman Morris advised that this rental was a perfect short-term rental and agreed with fellow councilmembers that there was ample parking and it has never had designated parking. She suggested that it should be a case-by-case basis for designated parking.

Rick Novak, from the audience was allowed to speak by Vice Mayor Cockrell. He noted that he was previously advised that parking does not apply to the historic district. Mrs. Cockrell noted that the short-term rental ordinance was different.

Planning & Zoning Lauren Kopishke read the short-term rental ordinance about parking, *Parking for the use shall be located in driveways or other designated and approved parking areas.*

Councilman Gillispie confirmed that Ms. Justice applied for the special exception on September 20th and paid the application fee. There was much discussion about “designated and approved parking” and their meaning. Ms. Kopishke advised that every use in Town is required to have a parking requirement.

Interim Town Manager Kathy Leidich advised Council that staff was currently working with the consultant on the Comprehensive Plan to amend the Town Zoning and Subdivision Chapters of the Town Code that included the provisions for parking.

Council confirmed that if the short-term rental is approved tonight, it would be contingent upon the parking issue being resolved at the public hearing for the special exception that would be scheduled as early as November. There was continued discussion about approving everything tonight, including the parking. Deputy Town Attorney George Sonnett explained that the short-term rental ordinance and every use in Town requires off-street parking. He noted that this particular request was unique, and the parking requirement could be met on the premises or within 300 feet of the premises but does not include public parking. He advised that the special exception was the way to handle this request. Councilwoman Thompson suggested handling this unique situation in a unique fashion by approving tonight and not charging her for the special exception. Mr. Sonnett confirmed that Council wanted to waive the parking requirement, but he advised them to go the special exception route.

There was much more discussion on the interpretation of the 175-151 parking and who decides and dictates on public parking not being approved parking and the intent of the meaning of approved parking. Mr. Sonnett reiterated that it would be against his advice to waive the parking requirement tonight.

Ms. Justice advised Council that it was the Planning Commission who originally put the condition on her and recommended approval as long as she got an exemption which at the time was believed to come from the Planning Director. So, she proceeded with that process. Upon conversation between the Planning Director and the [Deputy]Town Attorney it was determined that the Planning Director could not grant the exception. She voiced confusion on why it was going back to Planning Commission which would leave her completely missing "leaf peeper" season. She confirmed that she was not aware that she would be approved for her short-term rental tonight but could not use it and expressed being blindsided. Mr. Sonnett explained that the Planning Director only has authority to approve when the use is being expanded.

Mr. Sonnet reiterated that Council could move forward tonight but against his advice.

Vice Mayor Cockrell questioned whether there was a possibility to move this request sooner than November. It was noted that Council could hear the special exception for parking at their October 24th regular meeting as long as the advertisement for the public hearing was ready by October 4th. Council agreed to the October 24th public hearing. Council re-read the motion.

Councilwoman Thompson thanked all the speakers for coming out tonight to voice their concerns and apologized to Ms. Justice for not being able to fulfill the request completely tonight. Councilwoman Morris advised that permits cannot be denied if there is no legal way to do so and thanked Ms. Justice for appropriately and legally doing the right thing. Councilman Jackson thanked Ms. Justice for using her location to highlight what makes Front Royal beautiful.

Vice Mayor Cockrell moved seconded by Councilman Jackson that council approve a Special Use Permit for a short-term rental located at 12 Chester Street (tax map #20A8-4-43) for four (4) occupants to be sleeping in one (1) bedroom and a pullout sofa. The approval is contingent on Town Council approving a Special Exception from 148-870s parking requirements.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Proposed Ordinance amendments to Town Code Chapter 4 – Administration of Government

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

Vice Mayor Cockrell moved seconded by Councilwoman Morris that Council approve the proposed amendments to Town Code Chapter 4 – Administration of Government as presented and effective upon passage.

Vice Mayor Cockrell advised that this item was discussed during multiple meetings. Councilwoman Morris explained that this was a housekeeping item.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Rick Novak, 117 E. Main Street confirmed that Council received their invitations to a seminar on September 27th (Revitalize or Die) from 10-3 at the Royal Cinema Theater noting it would help the community to move forward together. He also voiced concern that the Front Royal Economic Development Authority (FREDA) had not met in two months and questioned what was going on. Interim Town Manager Kathy Leidich advised that FREDA would be discussed at the October 11th Work Session. Councilwoman Morris explained that the delay was for the Interim Town Manager to be able to attend the meetings; however, she has had to attend to personal matters first.

REPORTS

A. Town Manager Report – Ms. Leidich encouraged comments on the Comprehensive Plan for staff to begin wrapping up this week.

B. Town Council Reports –

Councilman Gillispie advised that he was not seeking re-election and thanked the citizens for the opportunity to serve. He encouraged others to step up and serve. He thanked his fellow councilmembers past and present. He noted that the Town has spent more in infrastructure in the last four years than in the last 25 years. He noted that he has enjoyed working with Town Staff and thanked them for all their hard work. He concluded that he has had a positive experience.

Councilman Jackson thanked the Public Works Department for a job well done near Viscose Avenue last year.

Councilwoman Thompson thanked her fellow councilmembers and staff for their “lively” conversation earlier.

Councilwoman Morris thanked staff for their responses as well and voiced appreciation for their hard work knowing they are short-staffed.

C. Mayor Report – No report

CONSENT AGENDA ITEMS

A. FY23 Budget Amendment to Receive Funds from the Virginia Tourism Corporation and Allocate to Discover Front Royal

Council approved a FY23 Budget Amendment in the amount of \$19,976.19 to receive funds from the Virginia Tourism Corporation and allocate the funds received to Discover Front Royal once Discover Front Royal has established as a 501C-6 nonprofit organization and set up a bank account.

B. FY23 Budget Amendment to Receive Funds from the Virginia Department of Motor Vehicles Highway Safety Program

Council approved a FY23 Budget Amendment in the amount of \$23,494 to receive funds from the Virginia Department of Motor Vehicles Highway Safety Program and allocate \$23,494 to reimburse for over-time funds used for specific speed and impaired driving enforcement operations.

C. FY23 Budget Amendment to Receive Funds from the Virginia Department of Criminal Justice Services Local Law Enforcement Block Grant Program

Council approved a FY23 Budget Amendment in the amount of \$2,276 to receive funds from the Virginia Department of Criminal Justice Services Local Law Enforcement Block Grant Program and allocate \$2,276 to help support public safety and crime prevention efforts.

D. Contract Amendment and Budget Transfer to Replace Curb/Gutter and Install Sidewalk on Commerce Avenue

Council approved a contract amendment for Imperio Construction and budget transfer in the amount of \$81,695.50 that would allow Imperio Construction to replace curb and gutter and install sidewalk along a portion of South Commerce Avenue from Prospect Street to South Street.

E. Sole Source Procurement of Services to Repair Clarifier #4 at the Wastewater Treatment Plant

Council approved a sole source procurement of services from Evoqua Water Technologies in the amount of \$87,337.30 to make repairs to clarifier #4 at the Wastewater Treatment Plant.

F. Task Order to Complete Development and Implementation of a Water Backflow Prevention Program

Council approved a task order for CHA Engineering in the amount of \$49,000 to complete the development and implementation of a water backflow prevention program to meet the Commonwealth of Virginia Department Water Works Regulation.

G. Bid Award for De-Icing Road Salt

Council approved the bid award for de-icing road salt to Morton Salt, Inc. at \$89.09 per ton.

H. Bid Awards for FY23 Water and Wastewater Chemicals

Council approved bids for FY23 water and wastewater treatment chemicals at firm fixed pricing as follows:

- *Marubeni America Corp, Harrison NY – sodium permanganate (\$6,348.41),*
- *Brenntag Mid-South Inc, Bedford, VA – carbon (\$12,760) and sodium fluoride (\$27,480)*
- *and glycerin (\$154,700*
- *Univar Solutions, Inc., Morrisville, PA – polyaluminum hydroxychlorosulfate (\$73,120), and*
- *sodium hypochlorite (\$126,900) and Potassium Permanganate Technical Grade (\$30,132)*
- *USALCO, Baltimore, MD – Delpac-XG (\$85,816.80)*

I. Amendment to Dominion Energy's Water and Sewage Service Agreement

Council approved an amendment to Dominion Energy's water and sewage service agreement with the Town to accelerate payments from Dominion Energy to the Town totaling \$3.5 million based upon the following schedule: • Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon the Town meeting all regulatory requirements and obtaining all permits and approvals necessary to complete the Looping Project, and the construction contract has been awarded with a start date within six months of award. • Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon the commencement of construction defined as: 1) the contractor has provided a schedule for completion, 2) equipment is on-site and excavation work, excluding E&S work, has begun. • Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon completion of 50% of the construction per contractor's schedule and work is ongoing with no anticipated delays. • Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon completion of 100% of the construction and Customer has access to a redundant supply of water.

J. Bid Award for John Marshall Highway Waterline Upgrades

Council approved awarding a bid for John Marshall Highway waterline upgrades to Bowman-Griffin General Contracting in the amount of \$229,550.00.

K. Proclamation for Public Power Week

Council approved a proclamation proclaiming October 2 – 8, 2022 as Public Power Week in the Town of Front Royal.

L. Conversion of One Part-Time Custodian into a Full-Time Position

Council approved the conversion of one part-time custodian into a full-time position to meet the Town's increased janitorial responsibilities.

M. Resolution to Approve the Form and Authorize the Execution of the 2022 Locust Ridge Energy Schedule with American Municipal Power (AMP) Inc.

Council approved a resolution to approve the form and authorize the execution of the 2022 Locust Ridge Energy Schedule with American Municipal Power (AMP) Inc.

N. Deed of Easement for Existing and New Stormwater Infrastructure Between Luray Avenue and Cherry Street – Front Royal Presbyterian Church

Council approved a Deed of Easement granting the Town easements for the existing and new stormwater infrastructure to be located on the property located between Luray Avenue and Cherry Street and owned by the Front Royal Presbyterian Church. I further move that Council authorize the Mayor, Clerk of Council, Deputy Town Attorney, and Interim Town Manager to execute all documents as necessary.

Councilwoman Morris moved seconded by Councilman Jackson that Council approve the consent agenda as presented.

Vice Mayor Cockrell read the proclamation for Public Power Week.

Councilwoman Morris recognized a lot of good work coming from Town Staff

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS - NONE

CLOSED MEETING

Councilwoman Morris moved seconded by Councilwoman Thompson that Town Council convene and go into Closed Meeting for the

- 1) discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specifically Town Manager, Town Attorney, Clerk of Council and Council Vacancy pursuant to §2.2-3711(A)(1) of the Code of Virginia; and,*
- 2) 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, the Front Royal-Warren County Agreement with Discover Front Royal, as required by Virginia Code §24.2-226, pursuant to §2.2-3711(A)(8) of the Code of Virginia. Following the Closed Meeting, Council may take further action in open session.*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Meeting adjourned.

Approved by Town Council

Date: _____



TOWN COUNCIL SPECIAL MEETING MINUTES

Saturday, October 1, 2022

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

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

CLOSED MEETING – Council Vacancy Interview

Councilman Gillispie moved seconded by Councilwoman Morris 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 Council Vacancy pursuant to §2.2-3711(A)(1) of the Code of Virginia.

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

ROLL CALL

Council moved seconded by Council 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.

Councilman Jackson left the meeting at 11:58pm due to personal obligation.

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

ROLL CALL

Vice Mayor Cockrell adjourned the Special Meeting at 12:18pm.

Approved by Town Council

Date: -----



TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, October 11, 2022

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

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

ROLL CALL PRESENT: Mayor Chris W. Holloway
 Vice Mayor Lori A. Cockrell
 Councilman Gary L. Gillispie
 Councilman Zachary Jackson
 Councilman Letasha T. Thompson
 LATE: Councilmember Amber F. Morris (arrived at 6:37pm during Closed Meeting)

APPOINTED STAFF PRESENT: Clerk of Council Tina L. Presley
 Interim Town Manager Kathleen Leidich
 Deputy Town Attorney George Sonnett

Resolution – Commitment to Fund Share of Projects with VDOT/Grant Signature Authority

Councilman Gillispie moved seconded by Vice Mayor Cockrell that Council approve a resolution committing to fund share of projects with the Virginia Department of Transportation (VDOT) and grant signature authority for all VDOT projects in the Town of Front Royal to Interim Town Manager Kathleen R. Leidich on the Town's behalf, as presented.

Interim Town Manager Kathy Leidich advised that the resolution would enable her to sign documents on behalf of the Town on VDOT projects noting it had been required of previous Town Managers. Vice Mayor Cockrell confirmed that there would never be a time that Council would not be aware of a project.

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

No – N/A

Absent – Councilwoman Morris

Abstain – N/A

ROLL CALL

CLOSED MEETING

Councilman Gillispie moved seconded by Vice Mayor Cockrell 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 Council Vacancy pursuant to §2.2-3711(A)(1) of the Code of Virginia.

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

No – N/A

Absent – Councilwoman Morris

Abstain – N/A

ROLL CALL

Councilwoman Morris arrived at 6:37pm – after roll call

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, Councilmembers, Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Council Appointment

Vice Mayor Cockrell moved seconded by Councilman Gillispie that Council, acting pursuant to Virginia Code §15.2-228, appoint Skip Rogers a qualified voter of the Town of Front Royal to the Front Royal Town Council to fill the vacancy created by the resignation of former Councilmember Joseph McFadden with the term of office beginning immediately upon qualification and expiring upon qualification of the person elected to fill the remainder of the original term of office at the special election to be held on November 7, 2023.

Vice Mayor Cockrell stated that the Mayor and Council were placed in an unfortunate situation with the resignation of former Councilman McFadden. She voiced her concern that there was still confusion on whether Mr. McFadden was still on Council or if his resignation was effective. She explained that because of the confusion she would not be voting for Mr. Rogers. Mrs. Cockrell noted that Mr. Rogers was qualified, and her vote was not a reflection on him. She advised that Mr. McFadden was voted for and by over 2,000 people and felt like she should support what the people wanted.

Councilwoman Morris added that Council had very strong candidates that applied for the appointment. She admired Mr. Rogers' willingness to serve; however, she noted that Mr. McFadden was duly elected by more than 2,000 people; and, while Mr. McFadden was the logical choice for her, she looked forward to working with Mr. Rogers.

Vote: Yes – Councilmembers, Gillispie, Jackson, and Thompson

No – Vice Mayor Cockrell and Councilwoman Morris

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor Holloway adjourned the Special Meeting at 7:44pm.

Approved by Town Council

Date: -----



TOWN COUNCIL WORK SESSION MINUTES

Monday, October 11, 2022

immediately following the Special Meeting

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

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

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Zachary Jackson
Councilwoman Amber F. Morris
Councilman Letasha T. Thompson

APPOINTED STAFF PRESENT: Clerk of Council Tina L. Presley
Interim Town Manager Kathleen Leidich
Deputy Town Attorney George Sonnett

REDUNDANT WATERLINE UPDATE

Award Contract Administration & Permitting – Finance Director BJ Wilson gave a brief overview and confirmed that the contract was budgeted.

Award Bid for Construction – Mr. Wilson gave a brief overview noting that the Town had worked with Snyder Environmental Services in the past. He suggested moving forward with contracts 1 and 2 as well as both bid alternatives to keep the project moving. Mr. Wilson advised that the Town's water and sewer rates would remain the same and in five (5) years they would be re-evaluated. He confirmed that there was a rate increase in 2020. Mr. Wilson clarified that this project was not the "Dominion Waterline Project", and that the majority of costs came from having to cross the river.

FY23 Budget Amendment and Inflow/Infiltration (I&I) Storm Water Abatement – Mr. Wilson gave an overview of the amendment and abatement costs of \$28,174,904.00 for the construction of the redundant waterline in the 522 Corridor and the Inflow and Infiltration (I&I) abatement of storm water projects. He explained that due to the increase of 1% greater than the adopted budget a public hearing was required. He explained the use of the American Rescue Plan Act (ARPA) funds for urgent sanitary sewer point repairs that have been completed and that a remainder of those funds will be used towards this project.

ITEMS SLATED FOR PUBLIC HEARINGS ON OCTOBER 24TH REGULAR COUNCIL MEETING

Special Use Permit for Short-Term Rental at 30 Fairview Avenue – VESTA Management – Director of Planning Lauren Kopishke gave a brief overview of the request noting that there were no speakers at the Planning Commission's public hearing. She confirmed that VESTA will manage the property. Councilman Gillispie voiced support of the request noting that the property had always been a long-term rental.

Special Exception for Parking at 12 Chester Street – Lea Justice – Ms. Kopishke reminded Council that this request was a continuation of the short-term rental request approved by Council on September 26th and that it provided an avenue to have sufficient parking for the rental. There was discussion on the parking requirement for short-term rentals and it was confirmed that this would be “tweaked” in the rewrite of the ordinance.

Proposed Ordinance amendment to Town Code Chapter 142 – Snow/Ice on Sidewalks – Interim Town Manager Kathy Leidich advised Council that the word “residential” was not currently in the Town Code and was the only proposed amendment to the Chapter. Vice Mayor Cockrell sympathized with the gentleman who spoke about the ordinance last season but voice concern that enforcing the ordinance would be challenging to some residents who are not physically capable of removing the snow. Deputy Town Attorney George Sonnett advised Council that the state code identified it as a nuisance that could be enforced as such. Councilwoman Morris opined that the ordinance was to encourage people to remove the snow and bring awareness. She suggested reminding residents with a notice placed on their utility bills. Mr. Sonnett suggested amending the section further by removing the sentence “*if the ice or snow forms or falls during the night or on a Sunday, it shall be removed by noon the following day.*” Vice Mayor Cockrell suggested that it be complaint basis and Ms. Leidich confirmed that it currently was due to staff shortage.

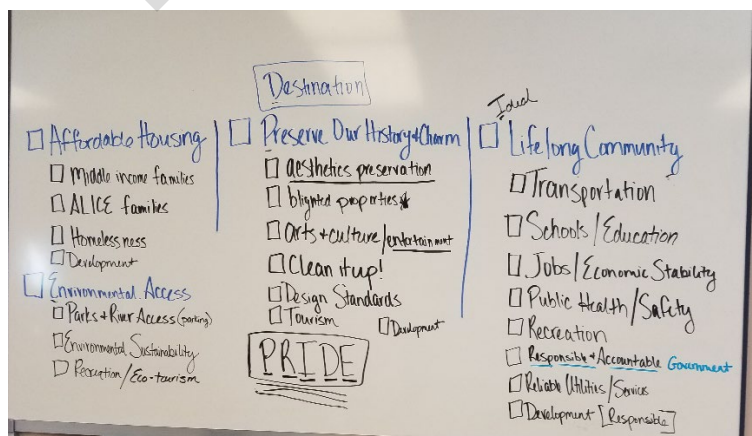
ITEMS SLATED FOR CONSENT AGENDA FOR OCTOBER 24TH REGULAR COUNCIL MEETING

Update to Right-of-Way Policy – Clerk of Council Tina Presley gave Council a brief overview of the changes to the Town’s Vacation of Rights-of-Way Policy noting that the majority of the amendments were inserting state code language. There was a discrepancy in the summary regarding future amendments being approved by Town Manager or designee. After directing Council’s attention to the last line of the policy there was consensus to move forward.

PRV Vault Purchase for Richmond Road – Mr. Wilson gave a brief overview. No questions from Council.

PRV Vault Installation for Richmond Road – Mr. Wilson gave a brief overview. No questions from Council.

Comprehensive Plan Update – Ms. Kopishke advised that all comments had been submitted to Summitt. She announced the Vision Statement and explained the bulk of the plan is centered around what was shown on the board [below]:



She quoted the Vision Statement: *The Town of Front Royal will be a place resident are proud to call home. It will serve the needs of all citizens by promoting economic prosperity and encouraging high quality development while preserving its small-town charm. This will be an environmentally conscious community that protects its natural resources.*

Front Royal Economic Development Authority (FREDA) Discussion – Ms Leidich gave a brief summary pertaining to FREDA. Councilwoman Thompson voiced concern that FREDA did not know about tonight's meeting and was not included as part of the discussion. The Mayor suggested a joint meeting with FREDA for further discussions. Council agreed to schedule the meeting for Monday, October 17th at 7:00pm in the Town Hall Conference Room.

OPEN DISCUSSION

Councilwoman Thompson gave Council an update from the Virginia Municipal League (VML) Conference that she recently attended with information pertaining to the OPIOD funds, Cannabis Oversight Committee and Department of Housing Workforce Housing that she would be bringing forth to Council.

Councilwomen Thompson and Morris suggested a local Christmas Event but noted that there may need to be more discussion with Warren County.

Vice Mayor Cockrell suggested that Council add items for the Liaison Committee Meeting on Thursday, October 20th at 6:00pm in the Warren County Government Center. Councilwoman Thompson suggested that the fees for the Midget Football League be discussed as well as the proposed Christmas event.

Vice Mayor Cockrell asked that a report be given pertaining to the most recent electric outages the Town experienced at the next regular meeting (October 24th) under the Interim Town Manager's Report. She also voiced concern regarding the voice message on the Town's answering machine after hours during an outage. She was concerned that the police department was getting lots of calls for an outage and interfering with other emergency calls.

Interim Town Manager Kathy Leidich announced that the Town has received three (3) Local Board of Building Code Appeals applications. Council asked that they be sent to them.

CLOSED MEETING

Councilwoman Morris moved seconded by Councilman Jackson that Town Council convene and go into Closed Meeting for

- 1) the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specifically Town Manager, Town Attorney and Clerk of Council pursuant to §2.2-3711(A)(1) of the Code of Virginia, and,*
- 2) 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, the establishment, powers, duties and limitations of the Front Royal EDA, pursuant to §2.2-3711(A)(8) of the Code of Virginia. Council may take further action in open session.*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Adjourned by Mayor.

Approved by Town Council

Date: -----



Council Agenda Statement

Item # 07A

Meeting Date: October 24

Agenda Item: PUBLIC HEARING – Special Use Permit for Short-Term Rental at 30 Fairview Avenue – VESTA Property Management

Summary: Council is requested to approve a Special Use Permit submitted by VESTA Management for a short-term rental located at 30 Fairview Avenue (*tax map 20A3, Section 5, Lots 49 & 50*). It is zoned R-1. The applicant intends to rent the entire home. The Inspection was completed on August 25, 2022, and the applicant passed. There is parking provided on site for up to two (2) vehicles. The Planning Commission held a public hearing on September 21st and recommended approval.

Letters were sent to adjoining property owners inviting them to tonight's meeting.

Budget/Funding: None

Meetings: Work Session held October 11, 2022

Proposed Motion: I move that Council approve a Special Use Permit submitted by VESTA Management for a short-term rental located at 30 Fairview Avenue (*tax map 20A3, Section 5, Lots 49 & 50*).

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Rogers _____ Thompson _____



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

**Planning Commission Regular Meeting
September 21, 2022**

APPLICATION #:

2200287

APPLICANT:

VESTA PROPERTY MANAGEMENT

APPLICATION SUMMARY:

A Special Use Permit Application has been submitted for a Short-Term Rental located at 30 Fairview Avenue. The applicant intends to rent the entire home. The Inspection was completed on August 25, 2022. The applicant passed the inspection.

GENERAL INFORMATION:

Site Addresses	30 Fairview Avenue
Owner(s)	Vesta Property Management
Zoning District	R-1, Residential District
Historic District	No
Tax Identification	Tax Map #20A3-5-49 & 50
Request/ Recommendation	The Applicant is requesting to rent the entire house as a short-term rental. Staff recommends approval and does not have any recommended conditions.

View of Front Elevation – 30 Fairview Avenue



Aerial Zoning Map



Attachments: Application

2200787



Town of Front Royal
Department of Planning and Zoning
102 East Main Street
PO Box 1560
Front Royal, VA 22630

Main: 540-635-4236
Fax: 540-631-2727
www.frontroyalva.com
planning@frontroyalva.com

SPECIAL USE PERMIT REQUEST FOR SHORT TERM RENTAL

APPLICANT:

NAME: Vesta Property Management PHONE: (703)867-2140
ADDRESS 20 E 8th Street, Suite 4, Front Royal, VA 22630
E-MAIL chloe@vesta-now.com

PROPERTY OWNER:

NAME: Kiwi Properties III LLC PHONE: 5402195910
ADDRESS 30 Jobbers Mtn Road Woodville, VA 22749
E-MAIL steve@newlinebathroom.com

PROPERTY DESCRIPTION:

30 Fairview Avenue
PROPERTY ADDRESS 30 Fairview Avenue, Front Royal, VA 22630
TAX MAP 20A SECTION 3 BLOCK 5 LOT 49, 50
SUBDIVISION NAME none
ZONING DISTRICT North River-Town R-1 ACREAGE 0.172
SPECIFIC SPECIAL USE PERMIT REQUEST Short-Term Tourist Rental

- ☒ Whole house rental ☐ Partial rental, # of rooms rented _____
☐ Primary Residence ☐ Secondary Residence

ATTACHMENTS: The following must be submitted with the application. Additional information may be required depending on the nature of the request.

- ☒ Survey plat or sketch to scale of property showing all **existing** improvements, parking and refuse area and property boundaries.
☒ Provide a map of area attractions
☒ Provide proof that notification to operate was sent to the HOA, if applicable.
☒ Complete management plan.
☒ Written consent given to the Town to inspect for compliance.
☒ Emergency dwelling evacuation diagram (posted in each bedroom)
☒ Application fee of \$400.00

Receipt # 093821 Date Paid _____

Revised 5/06/2022

pd 400 - check # 1001
Vesta Property Management



IN CASE OF AN EMERGENCY

If there is an emergency, or there are questions in regard to the property, please contact (owner) _____
at (phone number) _____ or (property manager) Chloe Phillips
at (phone number) 703-867-2140.

If the emergency requires immediate assistance, please call the following or 911.

Front Royal Police Department: 540-635-2111 or 911, 900 Monroe Ave, Front Royal, VA 22630

Front Royal Volunteer Fire & Rescue: 540-635-2540 or 911, 221 N Commerce Ave, Front Royal, VA 22630

Warren Memorial Hospital: 540-636-0300 or 911, 351 Valley Health Way, Front Royal, VA 22630

Electrical Outage: 540-635-3027, 1101 Manassas Avenue, Front Royal, VA 22630. Outages may be reported online at <https://www.frontroyalva.com/FormCenter/Energy-Services-6/Report-Electric-Problem-46>.

Emergency/afterhours 540-635-2111

OCCUPANCY

The Special Use Permit limits the occupancy for this short-term rental at 6 People and 4 Bedrooms.

NOISE

It shall be a violation of Chapter 106 of the Front Royal Town Code for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration, or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such person's lawful and peaceful enjoyment of property owned or rented by him.

PARKING

Parking is limited to 2 cars in the driveway.

TRASH AND RECYCLING

All trash and recycling shall be placed in containers provided by the owner.

- Trash receptacles are located (Clarify location of trash bags and receptacles)

See property management plan

- Trash is collected (State the day of the week trash is picked up by the Town and where the container is to be placed on trash day)

See property management plan

CHECK-IN & CHECK-OUT

Provide details

See property management plan

WIFI/PHONE/ETC

Provide details for special amenities if available

See property management plan

SPECIFIC PROPERTY DETAILS

Provide details regarding acreage, landscape, property boundaries (no trespassing notice), unique characteristic, warnings, kitchen use, house amenities, HVAC, etc.

See property management plan

AREA ATTRACTIONS

Provide a map of area attractions

- Attractions: i.e., Shenandoah National Park, Shenandoah River State Park, Skyline Caverns, Golf Courses, Canoe Companies
- Groceries & Convenience: i.e., Walmart, Target, Martins, CVS
- Restaurants
- Wineries & Breweries

SPECIFIC PROPERTY REGULATIONS

May be dictated by approved conditions or owner preference, examples below

- No shooting of firearms
- No outdoor fire burning
- No fireworks

See property management plan

Revised 5/06/2022

As per 175-3

Short-term rental- means the provision of a room or space that is suitable for, intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy. Any residential use that falls within the definition of short-term rental as defined in § 15.2-983, as amended, of Virginia State Code.

Short-term rental facility – A building or accessory structure, other than a hotel, motel, or bed-and-breakfast home, where lodging is provided for compensation on a short-term basis, and open to the public or transient guests. The maximum number of occupants shall not exceed ten (10) unless determined appropriate by Town Council.

Short-term rental:

§ 175.151 Short-term rentals.

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

- A. The short-term rental owner of a dwelling unit to be used for a short-term rental shall apply for a Special Use Permit through the Department of Planning and Zoning and receive approval from Town Council prior to utilizing the dwelling unit as a short-term rental. Town Council may impose conditions necessary to mitigate adverse effects of the use on neighboring properties.
- B. The one-time application fee shall be \$400.00.
- C. Staff will conduct an inspection prior to the issuance of the Special Use Permit approval. Additional inspections will be conducted on a complaint basis to ensure compliance with the performance standards listed in this section, along with any additional conditions imposed by Town Council, if applicable.
- D. The maximum number of occupants in the dwelling unit shall be determined by the number of bedrooms; there shall be no more than two (2) adults per bedroom. However, the maximum number of occupants shall not exceed 10 people unless approved by Council.
- E. Parking for the use shall be located in driveways or other designated and approved parking areas.
- F. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- G. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the 2015 or 2018 Uniform Statewide Building Code (2018 Version required usage beginning July 1, 2022); and a carbon monoxide detector must be installed on each floor in every dwelling.
- H. The owner of the dwelling used for short-term rentals shall give the Town written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards upon a twenty-four-hour notice.
- I. A property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers

shall be provided to Town staff, public safety officials and, if applicable, the HOA of the subdivision. The plan must be provided as part of the rental contract.

- J. If the property is located within a subdivision governed by a homeowners' association, the Planning Department must receive proof that a notification to operate the short-term rental was sent to the HOA.
- K. The owners of the rental shall provide an emergency evacuation plan for the dwelling and the neighborhood.
- L. A copy of Chapter 106 of the Town of Front Royal Code relative to noise must be provided at the short-term dwelling.
- M. All outdoor burning shall be in compliance with Chapter 78 of the Town of Front Royal Code.
- N. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation by the Zoning Administrator at any time.

Property Owner's Signature: STEPHEN LEE

CERTIFICATION:

I certify that the information provided with this application is correct to the best of my knowledge and should the special use permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

Signature STEPHEN LEE Date 7/13/2022

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

#2200287



Town of Front Royal Planning and Zoning

102 E. Main St.
PO Box 1560
Front Royal, VA 22630

Main :540-635-4236
Fax: 540-631-2727
planning@frontroyalva.com

SPECIAL USE PERMIT CHECK LIST FOR SHORT TERM RENTAL

Applicant Name: VESTA PROPERTY MANAGEMENT
Property Owner: KIWI PROPERTIES III LLC
Site Address: 30 FAIRVIEW AVE. FRONT ROYAL, VA

- ☒ Y ☐ N 1. Driveway or designated and approved parking area
- ☒ Y ☐ N 2. Refuse area
- ☒ Y ☐ N 3. Property Management Plan available on site
- ☒ Y ☐ N 4. Smoke detectors
- ☒ Y ☐ N 5. Carbon monoxide detector
- ☒ Y ☐ N 6. Fire extinguisher visible in all kitchen/cooking areas.
- ☒ Y ☐ N 7. Emergency dwelling evacuation diagram posted in each bedroom
- ☒ Y ☐ N 8. Map of area attractions available on site
- ☒ Y ☐ N 9. Chapter 106 Noise ordinance available on site

NOTES: 1) PARKING FOR TWO (2) CARS IN DRIVEWAY
2) 4 BEDROOMS FOR 6 PEOPLE.
ZONED R-1

☒ APPROVED ☐ DENIED

Inspected By: [Signature] Date: 8/25/22



Dear Town of Front Royal,

I am providing written consent for you to inspect for compliance at 30 Fairview Avenue, Front Royal, VA 22630.

Further to the inspection, we would like to receive a copy of the inspection report, to keep in our records.

Vesta Property Management
Director of Property Management
Chloe Phillips

Contact Information
Chloe@vesta-now.com
(703) 867-2140

Evacuation from the Bedroom

In case of an emergency evacuation please follow the instructions

1. Exit the dwelling as fast as possible.
2. Doors are located at the front and rear of the dwelling, which leads to the driveway.
3. Once out of the dwelling, begin to make your way as far away from the dwelling as possible.
4. Call number associated with the emergency

For specific emergencies you can reach:

Front Royal Police Department

(540) 635-2111 or dial 911
900 Monroe Ave.
Front Royal, VA 22630

Front Royal Fire Department

(540) 635- 2540 or 911
221 N Commerce Ave.
Front Royal, VA 22630

Warren Memorial Hospital(LOCAL)
Address:

(540) 636- 0300
351 Valley Health Way
Front Royal, VA 22630

Valley Health Urgent Care
Address:

(540) 635- 0700
65 Riverton Commons Plz
Front Royal, VA 22630

Poison Control

(800) 222-1222

Electrical Outage

1101 Manassas Ave.
Front Royal, VA 22630
(540)635-3027

Chloe(Property Manager)

Chloe@vesta-now.com
(703)867-2140

Please do not light candles, flashlights are located in closets of each room.

Two gallons of drinking water are in the dwelling in case of emergency.

Thank you
Management

Property Management
&
Evacuation Plan
30 Fairview Avenue

This property will be managed by Vesta Property Management, property manager will be Chloe Phillips who is reachable by email at chloe@vesta-now.com and (703) 867- 2140.

The Conditional Use Permit and Health Department records limit Maximum Occupancy for this short- term rental at six **(6)** people.

In case of an emergency, you can reach the Property Manager Chloe.

For specific emergencies you can reach:

Front Royal Police Department
Address:

(540) 635-2111 or dial 911
900 Monroe Ave.
Front Royal, VA 22630

Front Royal Fire Department
Address:

(540)635-2540 or 911
221 N Commerce Ave.
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Address:

(540) 635- 0700
65 Riverton Commons Plz
Front Royal, VA 22630

Poison Control

(800) 222-1222

Power Outage

(540) 635-3027

Chloe(Property Manager)

Chloe@vesta-now.com
(703)867-2140

Please do not light candles, flashlights are located in closets of each room.

Two gallons of drinking water are in the dwelling in case of emergency.

EXIT THE DWELLING USING THE FRONT DOOR, BACK DOOR, ON LOWER LEVEL.

The evacuation plan will be posted in each bedroom closet.

Wifi

Property has free internet for all guests; Property Guide Book will provide login information. Wifi and Cell service is good at property.

Smart Tv available for use, please remember to log out of all apps.

Keys

Keys will be located in a lockbox at the front door until a smart lock is installed for the use of guests.

Noise Ordinance

It shall be a violation of Chapter 106 of the Front Royal Town Code for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration, or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such person's lawful and peaceful enjoyment of property owned or rented by him.

Parking

Parking is limited to 2 cars in the driveway parking area and road frontage parking is available in front of the dwelling.

Garbage

All garbage should be placed in plastic bags provided by the owners. Upon leaving the residence the garbage should be placed in the lidded heavy duty plastic garbage can on the right side of the house by the basement door. The cleaning team will pick up guests' trash on a routine basis.

Property Boundaries

The property boundaries are clearly defined and guests shall remain within the property of 30 Fairview Ave., unless walking in the neighborhood or downtown. We respect our neighbors right of privacy and ask that you as guests do so also and should expect the same from them.

Attached is a plat

Amenities

- AC/ Electric Heat
- Ceiling Fans
- Wifi, Secured
- Games
- Sheets, Pillows, Pillow Cases, Blankets, Comforters, Throws
- Bath Towels, Hand Towels, Washcloths, Kitchen Towels
- Bath Soap, Shampoo and Conditioner
- Blowdryer
- Carbon Monoxide Detector

Kitchen

- Refrigerator
- Electric stove
- Microwave
- Oven
- Fire Extinguisher

Kitchen continued

- Coffee maker
- Toaster

Property inspections would be completed after every stay by our trained cleaning team and Management; inspections include interior and exterior review of Property for general upkeep and routine maintenance as needed to keep property in excellent condition.

Septic

No flushing non-biodegradable or food waste down the toilet. Please dispose of cooking oils and grease in can provided.

Specific Property Regulations

May be dictated by approved conditions or owner preference, examples below

NO FIREWORKS

NO CANDLES

NO SMOKING INDOORS

NO UNAUTHORIZED GUESTS

SMOKING IS NOT ALLOWED

NO SHOOTING FIREARMS

NO RIDING ATV

Check-In Policy

An online platform will be used which prescreens all guests through a 3rd party ID verification; host may further qualify guests with minimum age requirements, previous host feedback, limit number of guests, and notice of Host Rules which detail expected behavior and care of Property during a guest's occupancy; once a host accepts a reservation, guests are sent a greeting that includes host's full contact detail, property address, and reiterated Host Rules. A second welcome message is sent just prior to the day of check in with lockbox code instructions and reiterated Host's Rules and instructs guests to review Property Guide Book at Property immediately upon access. Property Guide Book includes Host Rules, emergency contact info, area detail, local business recommendations, internet access, neighborhood rules and details, and multiple, local, travel brochures and area guides and maps. (Example of House Rules is attached).

Check-Out Policy

We hope you have enjoyed your stay at 30 Fairview Avenue. Please note that checkout time is at 10:00 AM on the designated date of checkout.

Before you leave, we just ask a couple of favors to help prepare for our next guests.

- Please remove all the food and trash from the dwelling. Place garbage/ trash in plastic bags provided, tie securely and place in the outdoor trash bin to be removed by owners.
- Make sure all dishes, utensils, glassware and cookware are clean. If BBQ grill was used please scrape with the wire brush.
- Please place all dirty, used towels in the shower.
- Please place all bedding in the bathroom.
- Turn the AC back to 71 F or heat to 55 F.
- Due to unexpected rain showers please close all windows and doors before leaving the property.
- Check that all personal belongings have been removed.
- Please return keys to the Lock Box at the basement door - A fee may be charged for lost keys.

If you choose, we would appreciate an entry in our guestbook.

Thank you for staying with us, have a safe journey home! We hope to see you again.

House Rules

Welcome to 30 Fairview Avenue! We hope this is a first of many more amazing stays here!

Please contact your Host right away if there are any issues so we can fix these for you ASAP and you can get back to enjoying your stay!

To keep it that way for all our guests, we offer the following tips:

****Top Priority:** Please be careful with any outdoor campfires and NEVER leave a campfire unattended.

***If you break or damage something,** please let me know and arrange for its replacement or repair.

***Do not leave any food out** that will attract uninvited pests (inside or out)

***We kindly request shoes** to be removed within the house.

***Occasionally,** we may leave consumables such as condiments or snacks left behind by previous guests. Help yourself to these!

***We respectfully request guests** not rearrange the furniture. Please do not take outdoor furniture off the deck.

*Please let us know immediately if something is malfunctioning so it can be fixed or replaced and you can enjoy your stay without interruption!

*Please lock up and turn off lights when away.

*Please do not put anything down the drain.

*There is no public trash pick-up; if you need trash removed during your stay, please contact the Host and we can come by and remove it. Otherwise all trash will be collected at the end of your stay. Excess trash may be subject to fees (\$25 minimum).

*No parties, unregistered guests, or events without receiving pre approval by the Host. Discovery of unauthorized parties, additional guests or events could result in extra cleaning fees, and potential immediate termination of stay (\$250 minimum).

*No pets allowed without receiving pre approval by the Host. Discovery of a pet could result in an extra cleaning fee (\$150 minimum).

*There shall not be smoking inside the home. An ozone generator cleaning fee to remove odor and stains may be applied (\$250 minimum).

*Will be very clean on your arrival, please help our cleaning staff with a general tidying up on your departure; if a greater cleaning service is required, an extra fee may be charged (\$50 minimum).

Please contact your host with your planned arrival time & if you have any special check in needs. I will always try to accommodate guests whenever possible!

Wineries (I love em'!)

Glen Manor, named one of the Best Wineries in VA! (20+ minutes away)

Rappahannock Winery, awesome 3rd floor outdoor seating! (20+ minutes away)

Linden Winery, a beautifully-scenic drive! (25+ minutes away)

*check out the Wine Maps provided for a million more winery options!!

Breweries (Gotta have em'!)

Pen Druid Brewing, a longer drive away but an AMAZING ONE through Rappahannock County! (35 minutes away)

Back Room Brewery, not familiar with these guys but they're new so I like to support them! (20 minutes away)

More Places to Get Drinks.. ('cause, why not?)

Copper Fox Distillery, a beautiful drive to Sperryville with an amazing porch overlooking a babbling brook! (seriously, it's totally babbling) (35+ minutes away and adjacent to Pen Druid)

Filibuster Distillery, what it lacks in ambiance, it makes up for in top quality spirits!

Food

ViNOVA Tapas & Wine Bar, Main Street, Front Royal - the name says it all! Great for late night drinks too!

PaveMint Smokin' Taphouse, Commerce Ave, Front Royal - cool outdoor dining scene, great BBQ!

Melting Pot Pizza, 14th Street, Front Royal. Just cause you eat square pizza, doesn't mean you're a square!!! A Front Royal favorite!

Blue Wing Frog, Chester Street, Front Royal. The owner is right behind the counter, making amazing HUMMUS (my fav) and globally eclectic food plus a good WINE selection ;)

Manor Line Market, Main Street, Front Royal. This hip spot is new, and is a great lunch or snack spot.

Element, Main Street, Front Royal. A poppin' local fav for cocktails and great dinner!

L'Dees Pancake House, Main Street, Front Royal. Best. Pancakes. Ever.

The Inn at Little Washington, Washington, Virginia. There is nothing little about this place (including the bill ;) but you'll have a fine dining experience of a lifetime at this 5 star, 5 diamond restaurant, recognized as one of the top restaurants in the world! Only 35 minutes away!

L'Auberge Provencale, Boyce. Lil' fancy, super romantic + great cocktails! Only 30 minutes away.

For the Chef in You

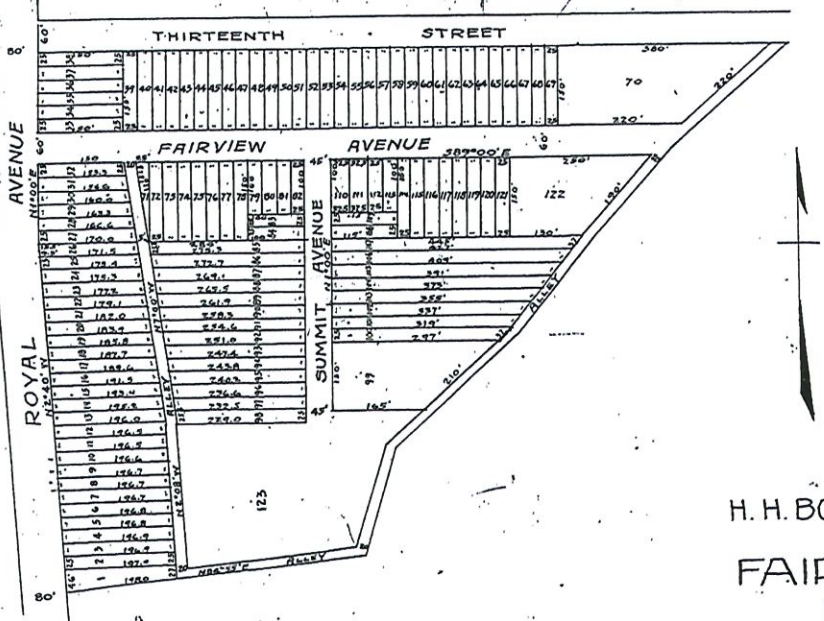
Local Butcher, Two Fat Butchers on South Street in Front Royal! Perhaps the most amazing butchery in the Valley! Huge, gorgeous, steaks, sausages, whole duck, buffalo and elk (best buffalo steak lever bought!). Plus they do amazing sandwiches and BBQ too (pick up a four-pack and go on a picnic or take it riverside!)

Bakery, Down Home Country Bakery on Main Street in Front Royal, whoopie pies, pecan sticky bun, old fashion Coke, you name it, they've got your sweet tooth covered!

Farmers Market, Downtown Front Royal Farmers Market, Saturdays 8a - 2p, May 7th and running until October 29th. Enjoy fresh produce, baked goods, gluten free items,

Kettle corn, flowers, plants, herbs, soy candles, aromatherapy soaps and lotions and more!!

Mo 224/2
87.6.6.27



PLAT
H. H. BOWMAN SUB-DIVISION
OF
FAIRVIEW COURT
FRONT ROYAL, VA.

Scale 1"=200' Revised May, 1927
S. M. Boyd, Jr., Engr.

Divided to
H. H. Bowman
7-22-27

THE FOREGOING SUB-DIVISION of a parcel of land, containing about 21 acres, owned by H. H. Bowman as appears from said plat and survey, is directed to be recorded with the free consent and in accordance with the desire of the undersigned owner.

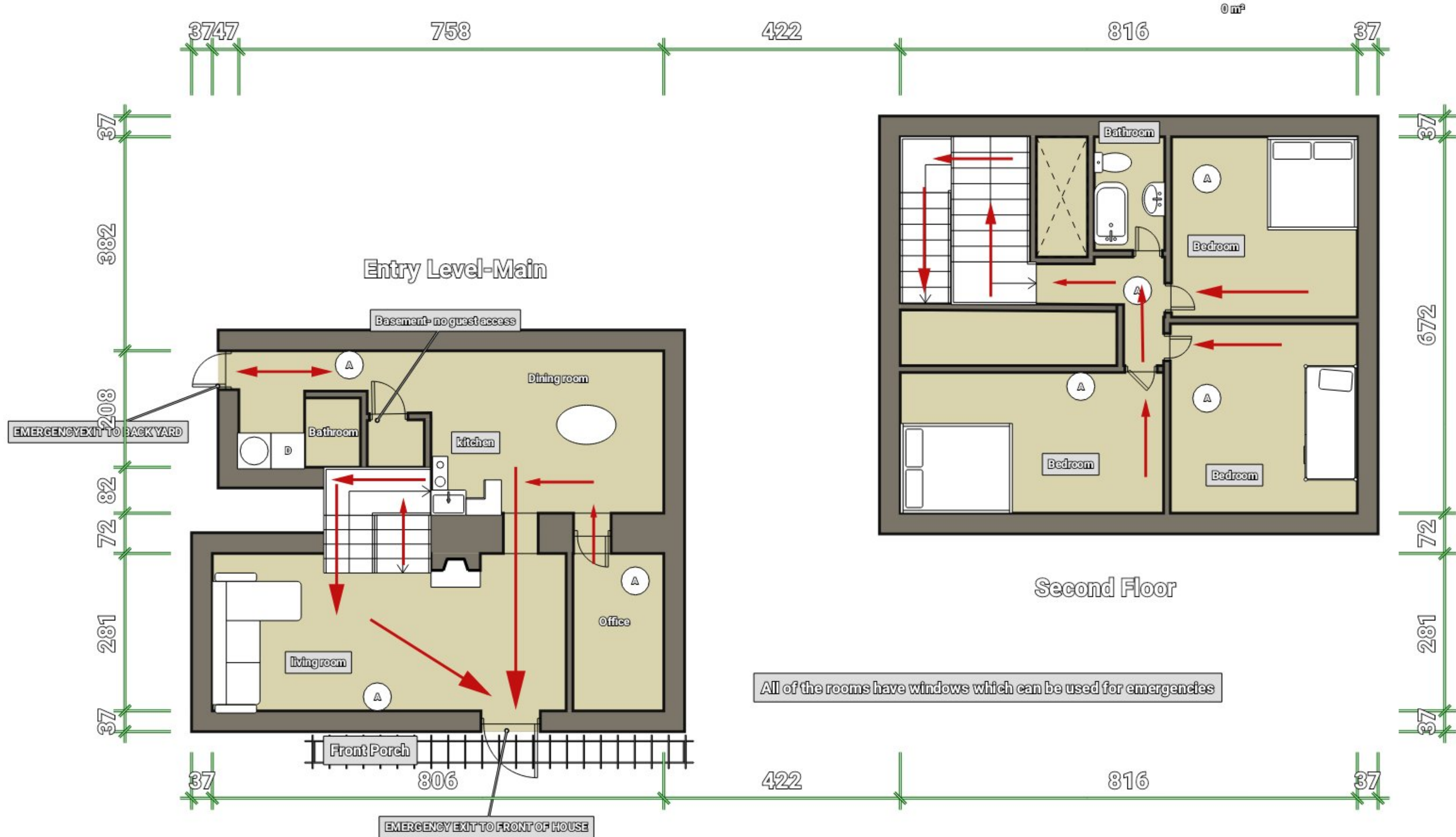
H. H. Bowman, (SEAL)

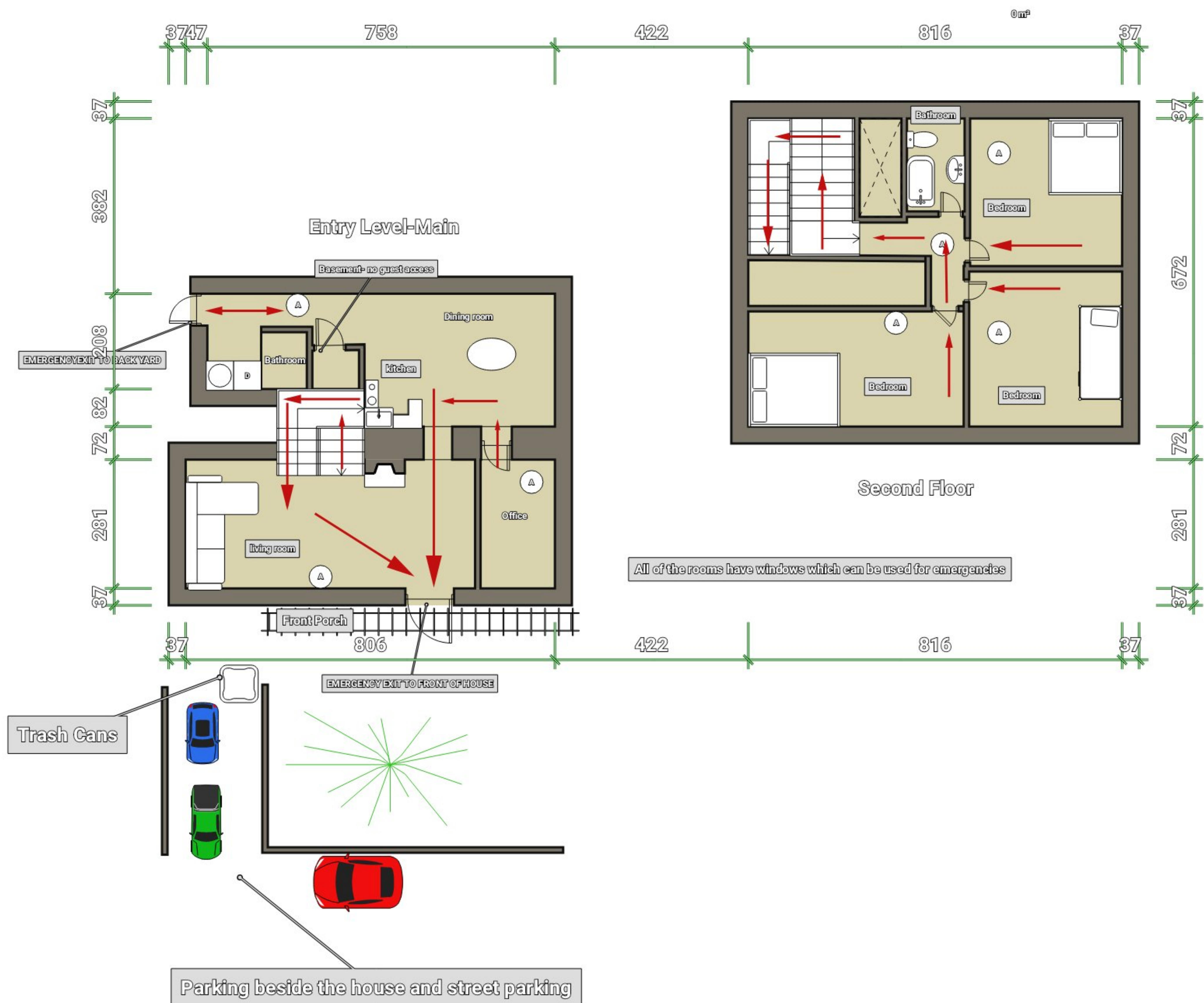
State of Virginia,
County of Warren, to-wit:
I, John H. Downing, a Commissioner in Chancery for the Circuit Court of Warren County, Virginia, do hereby certify that H. H. Bowman, whose name is signed to the foregoing writing, bearing date of May 26, 1927, has this day personally appeared and acknowledged the same before me in my County aforesaid.

Given under my hand this May 26, 1927.
John H. Downing, Commissioner in Chancery.

In Circuit Court Clerk's Office,
Warren County:
The foregoing plat, writing and acknowledgment, was received the the aforesaid office, and admitted to record May 28, 1927, at 10 A. M.

Teste: *Wm. A. Boyd* Clerk.







Council Agenda Statement

Item # 07B

Meeting Date: October 24, 2022

Agenda Item: PUBLIC HEARING - Special Exception to the Parking Requirements at 12 Chester Street –
Leandra Justice

Summary: Council is requested to approve a request from Leandra Justice for a special exception to the parking requirements of Town Code Sections 175-151 (E), 148-150(B)(6) and 148-870 for property located at 12 Chester Street (*tax map 20A9-4-43*). The property is zoned C-2 and located in the Historic Overlay District. Council approved a special use permit for a short-term rental for Leandra Justice at their September 26th regular meeting contingent upon the approval of the special exception to the parking requirement. The Planning Commission recommended approval at their October 19th meeting. Letters were sent to adjoining property owners inviting them to tonight's meeting.

In addition to this request, but not part of the public hearing, Leandra Justice has requested a waiver of the special exception application fee of \$250.00. Her request is attached. Council discussed the waiver briefly at the public hearing held for the special use permit on September 26, 2022. Ms. Justice paid the fee on September 20, 2022. If Council considers the refund, it will need to be added to the motion for approval.

Budget/Funding: None

Meetings: Work Session held October 11, 2022 and Public Hearing held September 26, 2022

Proposed Motion: I move that Council approve the request from Leandra Justice for special exception to the parking requirements of Town Code Sections 175-151 (E), 148-150(B)(6) and 148-870 for the short-term rental located at 12 Chester Street (*tax map 20A9-4-43*).

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Rogers _____ Thompson _____

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



**Planning Commission Regular Meeting
October 19, 2022**

STAFF REPORT FOR SPECIAL EXCEPTION APPLICATION #2200386

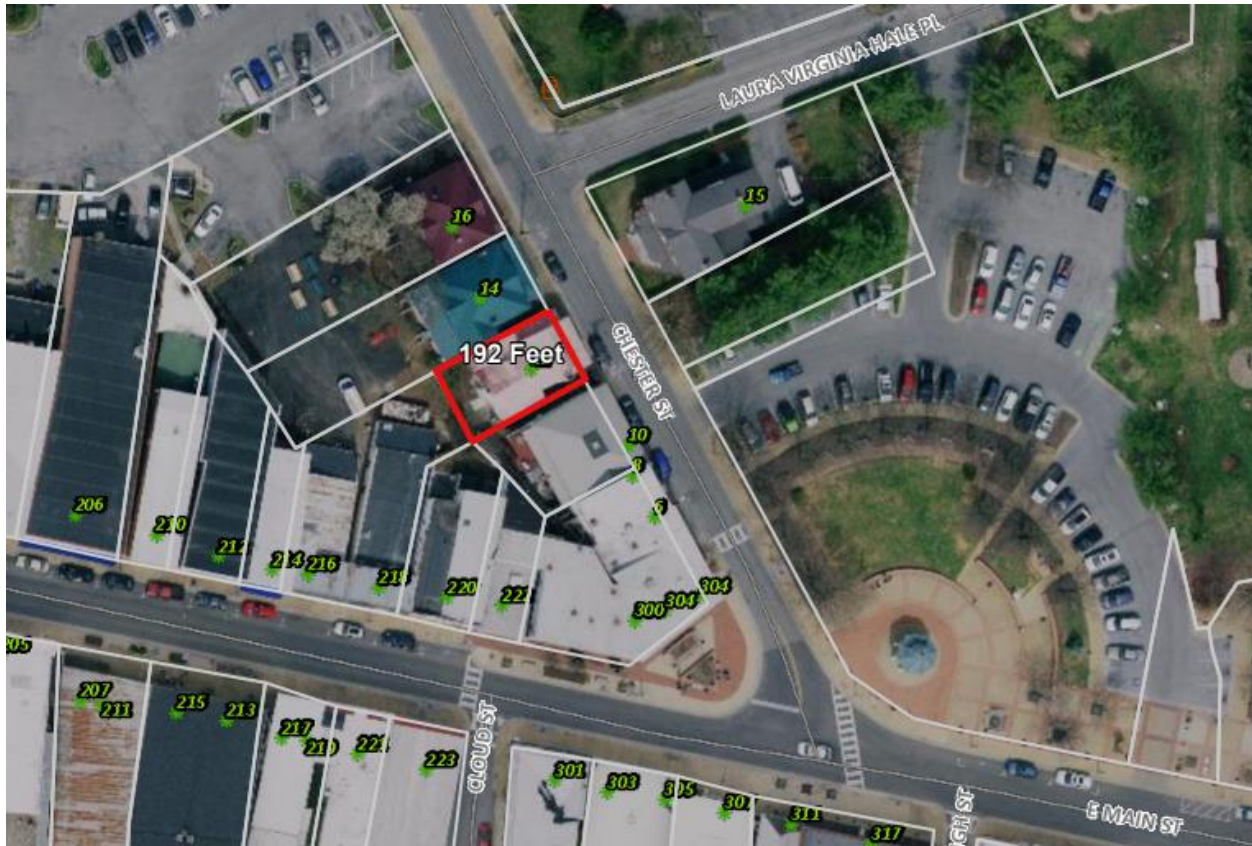
SUMMARY OF REQUEST:

A Special Exception from the parking requirements of 175-151 pursuant to 148-870.18 & 148-211. A.1. The applicant wishes to operate a STR located at 12 Chester St. The applicant does not have parking at the property or within 300 feet of the property which satisfies the requirements for a STR. Per 148-211. A.1, Council may grant the special exception to the parking requirements of 148-870.

GENERAL INFORMATION:

Site Addresses	12 Chester Street
Property Owner(s)	Renovation Trust (Leandra Justice)
Existing Zoning	C-2 (Downtown Business District)
Tax Identification	T.M. #20A8-4-43
Location	The subject property is located on Chester St in the Towns historic main street district.
Surrounding use and Zoning	Historic Downtown
Comprehensive Plan review	The current Comprehensive plan does not provide guidance for tourism and lodging of this nature (short term rentals), however, it does speak to a vibrant downtown. Staff does not see any conflict with the Comprehensive Plan.

Vicinity Map



Background, Analysis, and Staff Findings

The language of 175-151.e speaks to parking requirements. All uses must have an associated parking standard. The language in the code states designated and approved parking areas, not designated or approved parking areas which translates to not permitting the use of public parking for the STR use. The applicant has not been able to obtain parking within 300 feet of the property. The property has no available onsite parking. Unfortunately, the parking exemption for Main Street does not include Chester St. Without this Special Exception from the parking requirements the applicant cannot satisfy the standards.

Staff Recommendation

Staff supports the approval of this application and does not recommend any conditions.

Attachments:

A. Application

2200386

SPECIAL EXCEPTION APPLICATION

TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ Main: 540-635-4236 ~ Fax: 540-631-2727

APPLICANT

PROPERTY OWNER (if different)

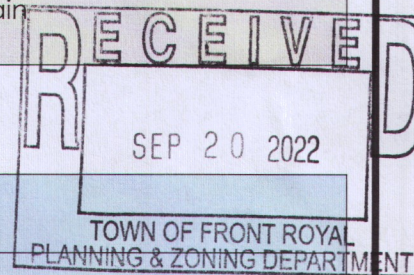
APPLICANT'S NAME: <u>Leandra Justice</u>	PROPERTY OWNER'S NAME: <u>(RENOVATION TRUST)</u> <u>Leandra Justice</u>
ADDRESS: <u>12 Chester St.</u> <u>Front Royal, VA 22630</u>	OWNER'S ADDRESS: <u>6015 Panhandle Rd.</u> <u>Front Royal, VA 22630</u>
PHONE NUMBER: <u>540-686-5439</u>	PHONE NUMBER: <u>540-484-5459</u>
EMAIL: <u>lea@vineripefarm.com</u>	EMAIL: <u>lea@vineripefarm.com</u>

SECTION A - Property Information

Tax Map No. <u>20A8-4-43</u>	Zoning District: <u>C-2</u>
Site Address: <u>12 Chester Street</u>	
☐ Entrance Corridor ☒ Historic District ☐ Floodplain	

SECTION B - Details of Request

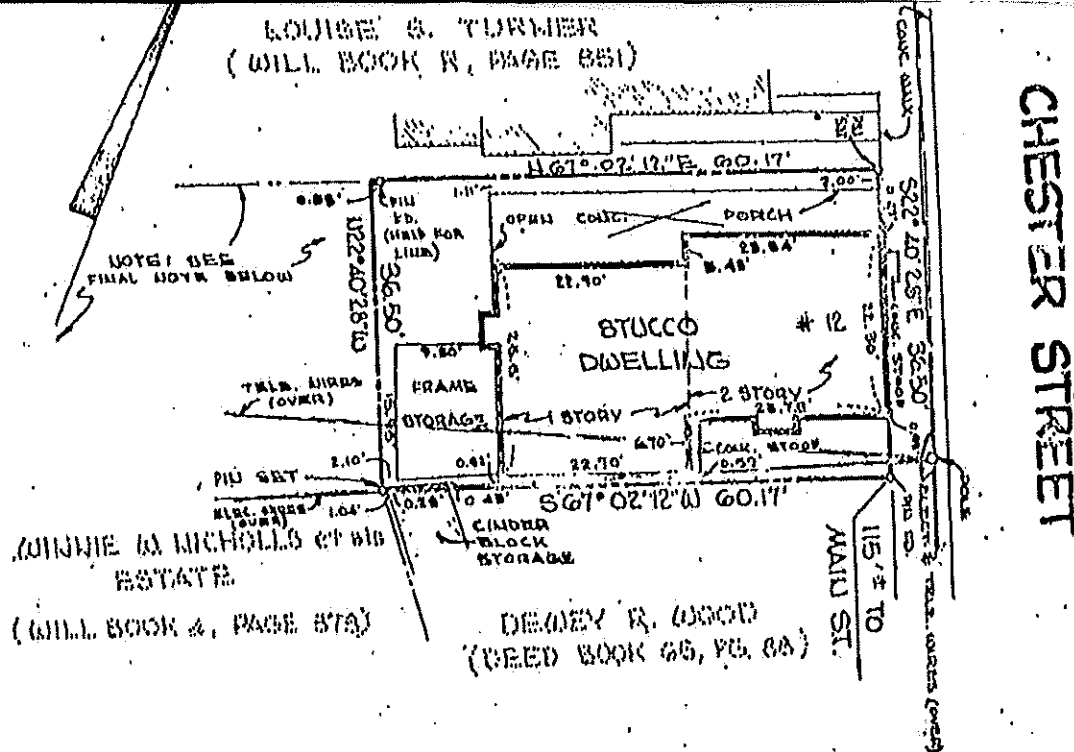
Project Name. <u>12 Chester St</u>
Special Exception Code Section(s): <u>148-211 ; 148-870.18</u>
General Describe of the request (please attached supporting information, such as plats, plans, details, etc.): <u>request to waive the parking requirements of 148-870.18</u> <u>pursuant to §148-211 of the Town Code. there is no</u> <u>onsite parking available. Main St parking exemption does</u> <u>not include Chester St. 175-151 requires parking provisions</u> <u>in approved or designated areas.</u>



SIGNATURE OF APPLICANT: Leandra Justice Date: 9-20-22
 PRINT NAME OF APPLICANT: Leandra Justice

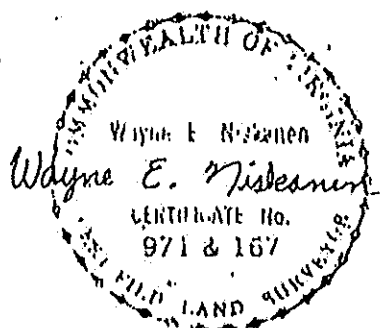
SIGNATURE OF PROPERTY OWNER: Leandra Justice Date: 9-20-22
 PRINT NAME OF PROPERTY OWNER: Leandra Justice

By the submission of this application, permission is hereby granted to Town Officials and employees to enter upon the subject property during reasonable hours for purposes related to the review of this application. The Applicant will be the designated contact person for this permit application. (APPLICATION FEE: \$250.00)



NOTES

- TOTAL AREA = 2,196 $\pm$
- MERIDIAN TAKEN FROM PLAT OF SURVEY BY S M. BOYD, JR., AS RECORDED IN DEED BOOK 89 AT PAGE 322.
- THIS LAND IS SHOWN ON TAX MAP 20A PART 8 (A) AS PARCEL 43.
- NO TITLE REPORT HAS BEEN FURNISHED TO LAND SURVEYS, INC..
- THE OWNER IN WHOM TITLE TO #12 CHESTER STREET ("TROUT HOUSE") IS VESTED MAY HAVE A CLAIM TO SOME PORTION OF THE LAND LYING WEST OF THE PARCEL DELINEATED HEREON.



PREPARED BY
LAND SURVEYS, INC.
FRONT ROYAL, VIRGINIA

PLAT

SHOWING BOUNDARY SURVEY OF
#12 CHESTER STREET

A PORTION OF THE LAND OF

LOUISE S. TURNER

(WILL BOOK R, PAGE 851)

TOWN OF FRONT ROYAL, WARREN COUNTY, VIRGINIA

SCALE 1" = 20' SEPT. 4, 1979

From: [Lea Justice](#)
To: [Tina Presley](#)
Subject: 12 Chester St. Fee Waiver Request
Date: Thursday, September 22, 2022 10:11:05 AM

Hello Ms. Presley,

I am writing to request a fee waiver concerning our recent Exemption Request Application # 2200386, submitted to the Town yesterday.

This application is part of an ongoing process to apply for a Short Term Rental Permit, for which we have just paid \$400.00.

If you have any questions about the particulars of our situation, Lauren Kopishke could likely answer them as she has been assisting us throughout the process. Feel free to reach out to me, as well.

Thank you for your consideration,

Lea Justice
540-686-5439



Council Agenda Statement

Item # 07C

Meeting Date: October 24, 2022

Agenda Item: PUBLIC HEARING – Proposed Amendments to Town Code Section 142-4.1.A Pertaining to Snow and Ice on Sidewalks

Summary: Council is requested to approve ordinance amendments to Town Code Section 142-4.1A to add the word “residential” and remove sentence “*If the ice or snow forms or falls during the night or on a Sunday, it shall be removed by noon the following day.*”, as presented.

Budget/Funding: None

Meetings: Work Sessions held September 12 and October 11, 2022

Proposed Motion: I move that Council approve ordinance amendments to Town Code Section 142-4.1A to add the word “residential” and remove sentence “*If the ice or snow forms or falls during the night or on a Sunday, it shall be removed by noon the following day.*”, as presented.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Rogers _____ Thompson _____

Chapter 142 TOWN OF FRONT ROYAL MUNICIPAL CODE

142-4.1 SNOW AND ICE ON SIDEWALKS

A. All owners or occupants of property within the limits of the Town, which property is used for commercial, **residential** or industrial purposes, shall remove or cause to be removed the snow and ice from the sidewalks adjacent to such property within twenty-four (24) hours after ice has formed or snow has ceased to fall. ~~If the ice or snow forms or falls during the night or on a Sunday, it shall be removed by noon the following day.~~ Sand or other abrasives may be applied to ice to establish traction if removal is not feasible.

B. If at any time the Town Manager or his designee shall find that any such property owner has not removed snow or ice pursuant to this Section, the Town Manager or his designee shall give notice, in writing, to such owner or occupant to remove such snow and/or ice within a reasonable time not to exceed six (6) hours after the giving of such notice.

C. Upon failure of any person to whom notice has been given pursuant to this Section to comply with the terms of such notice, the Town Manager may cause such snow and/or ice to be removed, and the expense thereof shall be charged to such owner or occupant to be collected in the same manner as County taxes or in any other manner authorized by law.

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__

Letasha T. Thompson __Yes__ __No__

Zachary Jackson __Yes__ __No__

Gary L. Gillispie __Yes__ __No__

Amber F. Morris __Yes__ __No__

Duane R. "Skip" Rogers __Yes__ __No__

A public hearing on the above was held on _____, 2022 having been advertised in the Northern Virginia Daily on October 7 and October 14, 2022.

Approved as to form and legality:

George Sonnett, Deputy Town Attorney

Date: ____/____/____



Council Agenda Statement

Item # 07D

Meeting Date: October 24, 2022

Agenda Item: PUBLIC HEARING – FY23 Budget Amendment for Redundant Waterline and Inflow & Infiltration of Storm Water Abatement

Summary: Council is requested to approve a FY23 Budget Amendment totaling \$28,174,904.00 for the construction of the Town's redundant waterline for the Route 522 Corridor and for the Inflow and Infiltration (I&I) Abatement of Storm Water Projects. This budget amendment will allocate the remaining funds that the Town has received from the American Rescue Plan Act (ARPA). The Town received a total of \$15,851,180 from ARPA. On October 25, 2021, the Town allocated \$2,052,087.98 of the ARPA Funds to Urgent Sanitary Sewer Point Repairs which have been completed leaving a remaining balance of \$13,799,092.02 in funds received from the ARPA. This FY23 budget amendment being presented to Council will:

- Receive \$3,500,000 funds from VA Electric/Power Co (VEPCO) dba Dominion Power for redundant waterline
- Allocate the remaining \$13,799,092.02 ARPA funds
- Authorize use of \$5,249,314.00 Water Fund Balance Reserves
- Authorize use of \$5,626,497.98 Sewer Fund Balance Reserves
- Allow construction of redundant waterline
- Allocate funds for estimated amounts of remaining I&I Abatement Projects

Approving this budget amendment as presented will prevent the Town from holding multiple public hearings in the future.

Note: An increase of greater than 1% of the adopted budget requires a public hearing to be held before Council may approve the budget amendment.

Budget/Funding:

9601-3310117	Water Treatment Plant ARPA Funds	\$ 9,925,590.00
9601-3410206	Water Treatment Plant Reimbursement	\$ 3,500,000.00
9601-3510110	Water Funds Forward	\$ 5,249,314.00
9801-3310117	Waste Water Treatment ARPA Funds	\$ 3,873,502.02
9801-3510110	Waste Water Funds Forward	\$ 5,626,497.98
9602-43002	Water Line Maintenance Professional Services	\$ 380,000.00
9602-47513	Water Line Maintenance Waterline Upgrade	\$18,294,904.00
9802-47998	Sewer Line Maintenance – I&I Abatement	\$ 9,500,000.00

Meetings: Work Session held October 11, 2022

Proposed Motion: I move that Council approve a FY23 Budget Amendment totaling \$28,174,904.00 for the construction of the Town's redundant waterline for the 522 corridor and for Inflow and Infiltration (I&I) Abatement of Storm Water Projects.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Rogers _____ Thompson _____

FUNDING OF REDUNDANT WATERLINE AND REDUNDANT WATERLINE & INFLOW AND INFILTRATION ABATEMENT OF STORM WATER

American Rescue Plan Act Funds	Funds Received 6/30/2021	\$ 7,925,590.00
	Funds Received 7/22/22	\$ 7,925,590.00
	Total	\$ 15,851,180.00

Redundant Waterline	Construction Contract 1	\$ 15,379,870.00
	Construction Contract 2 - Secondary Waterline Construction	\$ 2,000,737.00
	Construction Contract 2 - Bid Alternate 1	\$ 399,130.00
	Construction Contract 2 - Bid Alternate 2	\$ 515,167.00
	Project Representative & Permitting Support by Engineering Firm	\$ 380,000.00
	Total	\$ 18,674,904.00
	VEPCO dba Dominion Power Contribution	\$ (3,500,000.00)
	American Rescue Plan Act Funds	\$ (9,925,590.00)
	Water Fund Balance Reserve	\$ (5,249,314.00)
	Total Funding	\$ (18,674,904.00)

I&I Abatement	Est. Sewer Lining/Rehabilitation (Bid Sept 2022, Expected Completion July 2023)	\$ 4,500,000.00
	Est. Sewer Manhole Replacement (Bid Feb 2023, Completion Jan 2024)	\$ 4,000,000.00
	Est. Manhole Rehabilitation (Bid March 2023, Completion Nov 2023)	\$ 1,000,000.00
	Urgent Sanitary Sewer Point Repairs (Awarded 10/25/21)	\$ 2,052,087.98
	Total	\$ 11,552,087.98
	American Rescue Plan Act Funds	\$ (5,925,590.00)
	Sewer Fund Balance Reserve	\$ (5,626,497.98)
	Total Funding	\$ (11,552,087.98)

Summary of Effect on Water/Sewer Rates

Water - 2019/2020 rate study recommended 2% increase year over year

- Using ARPA Funds/Reserves/Dominion Funds for redundant waterline will allow Town not to have a rate increase until at least FY2027

Sewer - 2019/2020 rate study recommended 3.5% sewer rate increase year over year

- Using ARPA Funds/Reserves for I&I Abatement will reduce increase to 2.25% sewer rate increase year over year



Council Consent Agenda Statement

Item #10A

Meeting Date: October 24, 2022

Agenda Item: Optional Contract Administration and Permitting Support for Oversight of the Construction of the Route 522 North Corridor Redundant Waterline

Summary: Council awarded an engineering services contract to CHA Engineering on April 27, 2020, that provided an option for contract administration for the Route 522 North Corridor redundant waterline. Council is requested to award the optional contract administration portion of the original contract and include permitting support for oversight of the construction of the 522 North Corridor Redundant Waterline.

Budget/Funding:	9601-3510110	Water Funds Forward	\$ 380,000.00
	9602-47513	Water Line Maintenance Professional Services	\$ 380,000.00

Meetings: Work Session held October 11, 2022

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

Proposed Motion: I move that council approve the award of the optional contract administration portion of the original contract with CHA Engineering and include the permitting support for oversight of the construction of the 522 North Corridor Redundant Waterline, contingent upon approval the FY23 budget amendment earlier in this meeting.

Moved _____ *Seconded* _____

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



Date: 9/28/22

PROJECT No. 59221

Extra Work No. 1

EXTRA WORK AUTHORIZATION

In accordance with the written Contract dated 5/20/20 between the parties designated below for:

THE PROJECT: Engineering Services for the Parallel Waterline for the Water Supply for the Route 522 North Corridor**THE CLIENT:** Town of Front Royal

hereby authorizes the Engineer to proceed with additional services as follows:

SCOPE OF SERVICES:

Contract administration (modified from current contract as shown on attached document), permitting, and construction inspection services (see attached Scope of Services)

SCHEDULE:

Services will be provided throughout the duration of the project.

FEE

Construction Contract Administration - Under Current Contract

Resident Project Inspection - \$350,000

Permitting Support - \$30,000

Upon return of a fully-executed authorization, this Supplement shall become a part of the Agreement identified above.

APPROVED BY: ENGINEER	APPROVED BY: CLIENT
NAME: Stephen Steele, P.E.	NAME:
SIGNATURE: 	SIGNATURE:
TITLE: Vice President	TITLE:
DATE: 9/28/22	DATE:



Construction Contract Administration Redundant Waterline Project

Scope of Services - Construction Contract Administration

General

- CHA shall furnish all labor, materials, and resources necessary to serve as the Engineer as defined herein in assisting the Town of Front Royal (Town) with the administration of the Construction Contract for the expected 12-month duration beginning in early 2023.
- CHA shall consult with the Town and act as the Town's representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of Engineer shall be as assigned in EJCDC® C-700, Standard General Conditions of the Construction Contract (2013 Edition), prepared by the Engineers Joint Contract Documents Committee, or other construction general conditions specified in this Agreement. If the Town, or the Town and the Contractor, modify the duties, responsibilities, and authority of CHA in the Construction Contract, or modify other terms of the Construction Contract having a direct bearing on CHA, then the Town shall compensate CHA for any related increases in the cost to provide Construction Phase services. CHA shall not be required to furnish or perform services contrary to CHA's responsibilities as a licensed professional. All of the Town's instructions to the Contractor will be issued through CHA, which shall have authority to act on behalf of the Town in dealings with the Contractor to the extent provided in this Agreement and the Construction Contract except as otherwise provided in writing.
- CHA shall furnish the services of a Resident Project Representative at the Site to assist the Town and CHA in providing observation of the Contractor's work. Duties, responsibilities, and authority of the Resident Project Representative are as set forth herein. The furnishing of such RPR's services will not limit, extend, or modify CHA's responsibilities or authority except as expressly set forth in herein.

Construction Contract Administration

- Upon written authorization from the Town, CHA shall:
 - *Pre-Construction Conference:* Participate in a pre-construction conference prior to commencement of Work at the Site.
 - *Electronic Transmittal Protocols:* If the Construction Contract Documents do not specify protocols for the transmittal of Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, then together with the Town and the Contractor jointly develop such protocols for transmittals between and among the Town, the Contractor, and CHA during the Construction Phase.

- *Schedules*: Receive, review, and determine the acceptability of any and all schedules that the Contractor is required to submit to CHA, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
- *Baselines and Benchmarks*: As appropriate, establish baselines and benchmarks for locating the Work which in CHA's judgment are necessary to enable the Contractor to proceed. The Town shall compensate CHA for any costs associated with establishing or re-establishing benchmarks or baselines that require the services of a licensed surveyor.
- *Visits to Site and Observation of Construction*: In connection with observations of the Contractor's Work while it is in progress:
 - Make visits to the Site at intervals appropriate to the various stages of construction, as CHA deems necessary, to observe as an experienced and qualified design professional the progress of the Contractor's executed Work. Such visits and observations by CHA, and the Resident Project Representative, if any, are not intended to be exhaustive or to extend to every aspect of the Work or to involve detailed inspections of the Work beyond the responsibilities specifically assigned to CHA in this Agreement and the Construction Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on CHA's exercise of professional judgment, as assisted by the Resident Project Representative, if any. Based on information obtained during such visits and observations, CHA will determine in general if the Work is proceeding in accordance with the Construction Contract Documents, and CHA shall keep the Town informed of the progress of the Work.
 - The purpose of CHA's visits to the Site, and representation by the Resident Project Representative, if any, at the Site, will be to enable CHA to better carry out the duties and responsibilities assigned to and undertaken by CHA during the Construction Phase, and, in addition, by the exercise of CHA's efforts as an experienced and qualified design professional, to provide for the Town a greater degree of confidence that the completed Work will conform in general to the Construction Contract Documents and that the Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Construction Contract Documents. CHA shall not, during such visits or as a result of such observations of the Work, supervise, direct, or have control over the Work, nor shall CHA have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for security or safety at the Site, for safety precautions and programs incident to any Constructor's work in progress, for the coordination of the Constructors' work or schedules, nor for any failure of any Constructor to comply with Laws and Regulations applicable to furnishing and performing of its work. Accordingly, CHA neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish or perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.
- *Defective Work*: Reject Work if, on the basis of CHA's observations, CHA believes that such Work is defective under the terms and standards set forth in the Construction Contract Documents. Provide recommendations to the Town regarding whether the

Contractor should correct such Work or remove and replace such Work, or whether the Town should consider accepting such Work as provided in the Construction Contract Documents.

- *Compatibility with Design Concept:* If CHA has express knowledge that a specific part of the Work that is not defective under the terms and standards set forth in the Construction Contract Documents is nonetheless not compatible with the design concept of the completed Project as a functioning whole, then inform the Town of such incompatibility, and provide recommendations for addressing such Work.
- *Clarifications and Interpretations:* Accept from the Contractor and the Town submittal of all matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation—RFIs), or relating to the acceptability of the Work under the Construction Contract Documents. With reasonable promptness, render a written clarification, interpretation, or decision on the issue submitted, or initiate an amendment or supplement to the Construction Contract Documents.
- *Non-reviewable Matters:* If a submitted matter in question concerns, CHA's performance of its duties and obligations, or terms and conditions of the Construction Contract Documents that do not involve (1) the performance or acceptability of the Work under the Construction Contract Documents, (2) the design (as set forth in the Drawings, Specifications, or otherwise), or (3) other engineering or technical matters, then CHA will promptly give written notice to the Town and the Contractor that CHA will not provide a decision or interpretation.
- *Field Orders:* Subject to any limitations in the Construction Contract Documents, CHA may prepare and issue Field Orders requiring minor changes in the Work.
- *Change Orders and Work Change Directives:* Recommend Change Orders and Work Change Directives to the Town, as appropriate, and prepare Change Orders and Work Change Directives as required.
- *Differing Site Conditions:* Respond to any notice from the Contractor of differing site conditions, including conditions relating to underground facilities such as utilities, and hazardous environmental conditions. Promptly conduct reviews and prepare findings, conclusions, and recommendations for the Town's use.
- *Shop Drawings, Samples, and Other Submittals:* Review and approve or take other appropriate action with respect to Shop Drawings, Samples, and other required the Contractor submittals, but only for conformance with the information given in the Construction Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Construction Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. CHA shall meet any the Contractor's submittal schedule that CHA has accepted.
- *Substitutes and "Or-equal":* Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by the Contractor.
- *Inspections and Tests:*
 - Receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Construction Contract Documents. CHA's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Construction Contract Documents and

will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Construction Contract Documents. CHA shall be entitled to rely on the results of such inspections and tests.

- As deemed reasonably necessary, request that the Contractor uncover Work that is to be inspected, tested, or approved.
- Pursuant to the terms of the Construction Contract, require special inspections or testing of the Work, whether or not the Work is fabricated, installed, or completed.
- *Change Proposals and Claims:* (a) Review and respond to Change Proposals. Review each duly submitted Change Proposal from the Contractor and, within 30 days after receipt of the Contractor's supporting data, either deny the Change Proposal in whole, approve it in whole, or deny it in part and approve it in part. Such actions shall be in writing, with a copy provided to the Town and the Contractor. If the Change Proposal does not involve the design (as set forth in the Drawings, Specifications, or otherwise), the acceptability of the Work, or other engineering or technical matters, then CHA will notify the parties that CHA will not resolve the Change Proposal. (b) Provide information or data to the Town regarding engineering or technical matters pertaining to Claims.
- *Applications for Payment:* Based on CHA's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:
 - Determine the amounts that CHA recommends the Contractor be paid. Recommend reductions in payment (set-offs) based on the provisions for set-offs stated in the Construction Contract. Such recommendations of payment will be in writing and will constitute CHA's representation to the Town, based on such observations and review, that, to the best of CHA's knowledge, information and belief, the Contractor's Work has progressed to the point indicated, the Work is generally in accordance with the Construction Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Construction Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to the Contractor's being entitled to such payment appear to have been fulfilled in so far as it is CHA's responsibility to observe the Work. In the case of unit price Work, CHA's recommendations of payment will include final determinations of quantities and classifications of the Work (subject to any subsequent adjustments allowed by the Construction Contract Documents).
 - By recommending payment, CHA shall not thereby be deemed to have represented that observations made by CHA to check the quality or quantity of the Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of the Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to CHA in this Agreement. Neither CHA's review of the Contractor's Work for the purposes of recommending payments nor CHA's recommendation of any payment including final payment will impose on CHA responsibility to supervise, direct, or control the Work, or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs

incident thereto, or the Contractor's compliance with Laws and Regulations applicable to the Contractor's furnishing and performing the Work. It will also not impose responsibility on CHA to make any examination to ascertain how or for what purposes the Contractor has used the money paid to the Contractor by the Town; to determine that title to any portion of the Work, including materials or equipment, has passed to the Town free and clear of any liens, claims, security interests, or encumbrances; or that there may not be other matters at issue between the Town and the Contractor that might affect the amount that should be paid.

- *Contractor's Completion Documents:* Receive from the Contractor, review, and transmit to the Town maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Construction Contract Documents, certificates of inspection, tests and approvals, and Shop Drawings, Samples, and other data approved. Receive from the Contractor, review, and transmit to the Town the annotated record documents which are to be assembled by the Contractor in accordance with the Construction Contract Documents to obtain final payment. The extent of CHA's review of record documents shall be to check that the Contractor has submitted all pages.
- *Substantial Completion:* Promptly after notice from the Contractor that the Contractor considers the entire Work ready for its intended use, in company with the Town and the Contractor, visit the Site to review the Work and determine the status of completion. Follow the procedures in the Construction Contract regarding the preliminary certificate of Substantial Completion, punch list of items to be completed, the Town's objections, notice to the Contractor, and issuance of a final certificate of Substantial Completion. Assist the Town regarding any remaining engineering or technical matters affecting the Town's use or occupancy of the Work following Substantial Completion.
- *Final Notice of Acceptability of the Work:* Conduct a final visit to the Project to determine if the Work is complete and acceptable so that CHA may recommend, in writing, final payment to the Contractor. Accompanying the recommendation for final payment, CHA shall also provide a notice to the Town and the Contractor that the work is acceptable.
- *Standards for Certain Construction-Phase Decisions:* CHA will render decisions regarding the requirements of the Construction Contract Documents, and judge the acceptability of the Work, pursuant to the specific procedures set forth in the Construction Contract for initial interpretations, Change Proposals, and acceptance of the Work. In rendering such decisions and judgments, CHA will not show partiality to the Town or the Contractor, and will not be liable to the Town, the Contractor, or others in connection with any proceedings, interpretations, decisions, or judgments conducted or rendered in good faith.
- The Construction Phase will commence with the execution of the first Construction Contract for the Project or any part thereof and will terminate upon written recommendation by CHA for final payment to the Contractors. If the Project involves more than one prime contract, then Construction Phase services may be rendered at different times in respect to the separate contracts. CHA shall be entitled to an equitable increase in compensation if Construction Phase services (including Resident Project Representative services, if any) are required after the original date for completion and readiness for final payment of the Contractor as set forth in the Construction Contract.

Project Resident Representation

- CHA shall furnish a Resident Project Representative (RPR) to assist CHA in observing progress and quality of the Work. The RPR may provide full time representation or may provide representation to a lesser degree, as directed by the Town. RPR is CHA's representative at the Site, will act as directed by and under the supervision of CHA, and will confer with CHA regarding RPR's actions.
- Through RPR's observations of the Work, including field checks of materials and installed equipment, CHA shall endeavor to provide further protection for the Town against defects and deficiencies in the Work. However, CHA shall not, as a result of such RPR observations of the Work, supervise, direct, or have control over the Work, nor shall CHA (including the RPR) have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for security or safety at the Site, for safety precautions and programs incident to the Work or any Constructor's work in progress, for the coordination of the Constructors' work or schedules, or for any failure of any Constructor to comply with Laws and Regulations applicable to the performing and furnishing of its work. The CHA (including RPR) neither guarantees the performances of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.
- The duties and responsibilities of the RPR are as follows:
 - *General:* RPR's dealings in matters pertaining to the Work in general shall be with CHA and the Contractor. RPR's dealings with Subcontractors shall only be through or with the full knowledge and approval of the Contractor. RPR shall generally communicate with the Town only with the knowledge of and under the direction of CHA.
 - *Schedules:* Review the progress schedule, schedule of Shop Drawing and Sample submittals, schedule of values, and other schedules prepared by the Contractor and consult with CHA concerning acceptability of such schedules.
 - *Conferences and Meetings:* Attend meetings with the Contractor, such as preconstruction conferences, progress meetings, job conferences, and other Project-related meetings (but not including the Contractor's safety meetings).
 - *Safety Compliance:* Comply with Site safety programs, as they apply to RPR, and if required to do so by such safety programs, receive safety training specifically related to RPR's own personal safety while at the Site.
 - *Liaison:*
 - Serve as CHA's liaison with the Contractor. Working principally through the Contractor's authorized representative or designee, assist in providing information regarding the provisions and intent of the Construction Contract Documents.
 - Assist CHA in serving as the Town's liaison with the Contractor when the Contractor's operations affect the Town's on-Site operations.
 - Assist in obtaining from the Town additional details or information, when required for proper execution of the Work.
 - *Clarifications and Interpretations:* Receive from the Contractor submittal of any matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation - RFIs), or relating to the acceptability of the Work under the Construction Contract Documents. Report to CHA regarding such RFIs. Report to CHA when clarifications and interpretations of the Construction Contract Documents are needed, whether as the result of a Contractor RFI

or otherwise. Transmit CHA's clarifications, interpretations, and decisions to the Contractor.

- *Shop Drawings and Samples:*
 - Receive Samples that are furnished at the Site by the Contractor and notify CHA of availability of Samples for examination.
 - Advise CHA and the Contractor of the commencement of any portion of the Work requiring a Shop Drawing or Sample submittal, if RPR believes that the submittal has not been received from the Contractor, or has not been approved by the Contractor or CHA.
- *Proposed Modifications:* Consider and evaluate the Contractor's suggestions for modifications to the Drawings or Specifications, and report such suggestions, together with RPR's recommendations, if any, to CHA. Transmit CHA's response (if any) to such suggestions to the Contractor.
- *Review of Work; Defective Work:*
 - Report to CHA whenever RPR believes that any part of the Work is defective under the terms and standards set forth in the Construction Contract Documents, and provide recommendations as to whether such Work should be corrected, removed and replaced, or accepted as provided in the Construction Contract Documents.
 - Inform CHA of any Work that RPR believes is not defective under the terms and standards set forth in the Construction Contract Documents, but is nonetheless not compatible with the design concept of the completed Project as a functioning whole, and provide recommendations to CHA for addressing such Work.
 - Advise CHA of that part of the Work that RPR believes should be uncovered for observation, or requires special testing, inspection, or approval.
- *Records:*
 - Maintain at the Site orderly files for correspondence, reports of job conferences, copies of Construction Contract Documents including all Change Orders, Field Orders, Work Change Directives, Addenda, additional Drawings issued subsequent to the execution of the Construction Contract, RFIs, CHA's clarifications and interpretations of the Construction Contract Documents, progress reports, approved Shop Drawing and Sample submittals, and other Project-related documents.
 - Prepare a daily report or keep a diary or log book, recording the Contractor's hours on the Site, Subcontractors present at the Site, weather conditions, data relative to questions of Change Orders, Field Orders, Work Change Directives, or changed conditions, Site visitors, deliveries of equipment or materials, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to CHA.
 - Upon request from the Town to CHA, photograph or video Work in progress or Site conditions.
 - Record and maintain accurate, up-to-date lists of the names, addresses, fax numbers, e-mail addresses, websites, and telephone numbers (including mobile numbers) of all the Contractors, Subcontractors, and major Suppliers of materials and equipment.
 - Maintain records for use in preparing Project documentation.

- Upon completion of the Work, furnish original set of all RPR Project documentation to CHA.
- *Reports:*
 - Draft and recommend to CHA proposed Change Orders, Work Change Directives, and Field Orders. Obtain backup material from the Contractor.
 - Furnish to CHA and the Town copies of all inspection, test, and system start-up reports.
 - Immediately inform CHA of the occurrence of any Site accidents, emergencies, acts of God endangering the Work, possible force majeure or delay events, damage to property by fire or other causes, or the discovery of any potential differing site condition or Constituent of Concern.
- *Payment Requests:* Review applications for payment with the Contractor for compliance with the established procedure for their submission and forward with recommendations to CHA, noting particularly the relationship of the payment requested to the schedule of values, Work completed, and materials and equipment delivered at the Site but not incorporated in the Work.
- *Completion:*
 - Participate in CHA's visits to the Site regarding Substantial Completion, assist in the determination of Substantial Completion, and prior to the issuance of a Certificate of Substantial Completion submit a punch list of observed items requiring completion or correction.
 - Participate in CHA's visit to the Site in the company of the Town and the Contractor, to determine completion of the Work, and prepare a final punch list of items to be completed or corrected by the Contractor.
 - Observe whether all items on the final punch list have been completed or corrected, and make recommendations to CHA concerning acceptance and issuance of the Notice of Acceptability of the Work.
- Resident Project Representative shall not:
 - Authorize any deviation from the Construction Contract Documents or substitution of materials or equipment (including "or-equal" items).
 - Exceed limitations of CHA's authority as set forth in this Agreement.
 - Undertake any of the responsibilities of the Contractor, Subcontractors, or Suppliers, or any Constructor.
 - Advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of the Work, by the Contractor or any other Constructor.
 - Advise on, issue directions regarding, or assume control over security or safety practices, precautions, and programs in connection with the activities or operations of the Town or the Contractor.
 - Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by CHA.
 - Accept Shop Drawing or Sample submittals from anyone other than the Contractor.
 - Authorize the Town to occupy the Project in whole or in part.

Permitting Support

- Prior to the commencement of all work, ensure that all contractors are made aware of the possibility of encountering the Federally Threatened Madison Cave Isopod on site and coordinate all sightings and relocations with USFWS and the DWR.
- Prior to the commencement of all work, ensure that all contractors are made aware of the possibility of encountering State Threatened Wood Turtles on site and become familiar with their appearance, status and life history and coordinate all sightings and relocations with the DWR utilizing the Wood Turtle Field Observation Form.
- Notify DEQ in writing prior to the start of construction activities.
- Coordinate with DCR if karst features such as sinkholes, caves, disappearing streams, and large springs are encountered during the project.
- Submit a request for a VMRC permit extension of time beyond May 1, 2023, if needed.
- Coordinate with DWRs' for any work within 900 feet of the Shenandoah River conducted outside of the April 1 through September 30 State Threatened Wood Turtle time-of-year restriction.
- Coordinate with the DCR if karst features such as sinkholes, caves, disappearing streams, or large springs are encountered during the project.
- Take preconstruction photographs at each impact area prior to initiation of activities and maintain on the project site. Label each photograph in accordance with permit requirements.
- Conduct site inspections once every calendar month during activities within impact areas specified in the VWP permit using the Department of Environmental Quality form. The form shall be kept on site and made available for review by the Department of Environmental Quality staff upon request during normal business hours.
- Submit a VWP general permit construction status update form to DEQ twice per year for the duration of the project. Forms completed in June shall be submitted by July 10, and forms completed in December shall be submitted by January 10.
- Notify DEQ in writing within 30 days following the completion of all activities in all authorized impact areas.
- Prepare and submit to USACE Certificate of Compliance upon completion of permitted activities.
- Notify VMRC when the project is completed.

Fee Breakdown

Construction Contract Administration	Under Current Contract (\$82,000)
Resident Project Inspection	\$350,000
Permitting Support	\$ 30,000

This work will be billed hourly not to exceed each amount without prior authorization from the Town.



Council Consent Agenda Statement

Item # 10B

Meeting Date: October 24, 2022

Agenda Item: Award Bid for Construction of Redundant Waterline in Route 522 N. Corridor

Summary: Council is requested to award a bid to Snyder Environmental Services in the amount of \$18,294,904.00 for the construction of the Route 522 North Corridor Redundant Waterline.

Budget/Funding:	9601-3310117	Water Treatment Plant ARPA Funds	\$ 9,925,590.00
	9601-3410206	Water Treatment Plant Reimbursement	\$ 3,500,000.00
	9601-3510110	Water Funds Forward	\$ 4,869,314.00
	9602-47513	Water Line Maintenance Waterline Upgrade	\$18,294,904.00

Meetings: Work Session held October 11, 2022

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

Proposed Motion: I move that council award a bid to Snyder Environmental Services in the amount of \$18,294,904.00 for the construction of the Route 522 North Corridor Redundant Waterline contingent upon the approval of the FY23 Budget Amendment earlier in this meeting.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Rogers _____ Thompson _____



September 7, 2022

Ms. Kathleen R. Leidich, AICP
Interim Town Manager
Town of Front Royal
P.O. Box 1560
Front Royal, VA 22630

**RE: CHA Recommendation of Award for the Redundant Waterline for the Route 522 Corridor;
CHA Project No. 59221**

Dear Kathleen:

On Wednesday, August 31, 2022, at 2:00 p.m., bids were received for the above referenced Project at the Town's Finance Department Conference Room where they were opened and read aloud. The Project involves construction of a new 12-inch and 18-inch waterline meant to create loops within the existing water distribution system in the Route 522 Corridor and serve as a redundant source of supply for this area.

The table below summarizes the two bids received, and a detailed bid summary is enclosed.

Bidder	Contract 1	Contract 2	Contract 2 Bid Alternate 1	Contract 2 Bid Alternate 2	Total
Snyder Environmental Services	\$15,379,870.00	\$2,000,737.00	\$399,130.00	\$515,167.00	\$18,294,904.00
Kiewit Infrastructure South Company	\$23,087,700.80	No Bid	No Bid	No Bid	N/A

Kiewit had a small mathematical error on the multiplication of a unit price for Contract 1, Bid Item 1.15-Casing Pipe: Railroad Crossing. Per the Bidding Documents, the adjustment required made their bid \$275.80 higher than their bid indicated. This error did not affect the outcome of bidding.

Snyder Environmental Services was the Apparent Low Bid on Contract 1 and was the only responsive bidder on Contract 2 and the associated alternates. The Bid was in line with or lower than the Engineer's opinion of probable cost for Contract 2 and the associated alternates.

Based upon the above, CHA recommends that the Town award the Contract to Snyder Environmental Services, and proceed with the Project in its entirety, including Contracts 1 & 2, as well as both bid alternates.

We appreciate the opportunity to work with the Town on this Project. If you should have any questions with respect to this recommendation, please do not hesitate to contact me.

Sincerely,



Eric T. Anderson, P.E.
Project Manager

Enclosures

FINAL OPINION OF PROBABLE CONSTRUCTION COST
TOWN OF FRONT ROYAL
PARALLEL WATERLINE FOR THE ROUTE 522 NORTH CORRIDOR
CHA PROJECT NO. 059221
August 31, 2022

CONTRACT 1 – BASE BID SCHEDULE							
ALIGNMENTS A, B & F – WATERLINES, MANASSAS AVENUE PUMP STATION, TELEMETRY							
				Snyder Environmental Services		Kiewit Infrastructure South Company	
Item No.	Description	Unit	Estimated Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost
1.1	Bonds, Insurance, and Mobilization	LS	1	\$1,660,000.00	\$1,660,000.00	\$1,500,000.00	\$1,500,000.00
1.2	Casing Pipe: I-66 Crossing	LF	580	\$2,350.00	\$1,363,000.00	\$5,300.00	\$3,074,000.00
1.2.1	18-IN Carrier Pipe and Fittings: I-66 Crossing	LS	1	\$101,700.00	\$101,700.00	\$800,000.00	\$800,000.00
1.3	Shaft: Shenandoah River Crossing	EA	2	\$1,535,000.00	\$3,070,000.00	\$2,650,000.00	\$5,300,000.00
1.3.1	18-IN Vertical Pipe and Fittings: Shenandoah River Crossing	EA	2	\$109,500.00	\$219,000.00	\$165,000.00	\$330,000.00
1.4	Casing Pipe: Shenandoah River Crossing	LF	570	\$5,125.00	\$2,921,250.00	\$8,325.00	\$4,745,250.00
1.4.1	18-IN Carrier Pipe and Fittings: Shenandoah River Crossing	LS	1	\$365,000.00	\$365,000.00	\$568,000.00	\$568,000.00
1.5	Water Main and Fittings, 12-IN, Not In Asphalt	LF	15,042	\$125.00	\$1,880,250.00	\$77.50	\$1,165,755.00
1.5A	Water Main Material Only, 12-IN, Not In Asphalt	LF	15,042	\$60.00	\$902,520.00	\$70.00	\$1,052,940.00
1.6	Water Main and Fittings, 12-IN, In Public Road Asphalt (Washington Avenue, East 7th Street, Manassas Avenue)	LF	1424	\$197.00	\$280,528.00	\$140.00	\$199,360.00
1.6A	Water Main Material Only, 12-IN, In Public Road Asphalt	LF	1424	\$60.00	\$85,440.00	\$73.00	\$103,952.00
1.7	Water Main and Fittings, 12-IN, In Striped Public Road Asphalt (Country Club Road)	LF	563	\$115.00	\$64,745.00	\$157.00	\$88,391.00
1.7A	Water Main Material Only, 12-IN, In Striped Public Road Asphalt	LF	563	\$60.00	\$33,780.00	\$81.00	\$45,603.00
1.8	Gate Valve and Box, 8-IN	EA	3	\$2,200.00	\$6,600.00	\$6,800.00	\$20,400.00
1.9	Gate Valve and Box, 10-IN	EA	1	\$3,200.00	\$3,200.00	\$9,000.00	\$9,000.00
1.10	Gate Valve and Box, 12-IN	EA	21	\$5,700.00	\$119,700.00	\$10,500.00	\$220,500.00
1.10.1	Tapping Sleeve, 12-IN	EA	1	\$15,300.00	\$15,300.00	\$16,000.00	\$16,000.00
1.11	Blow-Off Assembly	EA	4	\$6,000.00	\$24,000.00	\$26,000.00	\$104,000.00
1.12	Combination Air Release Valve and Vault	EA	9	\$6,300.00	\$56,700.00	\$28,300.00	\$254,700.00
1.13	Fire Hydrant Assembly	EA	7	\$8,000.00	\$56,000.00	\$24,000.00	\$168,000.00
1.14	Concrete Encasement	LF	50	\$250.00	\$12,500.00	\$3,300.00	\$165,000.00
1.15	Casing Pipe: Railroad Crossing	LF	301.1	\$2,300.00	\$692,530.00	\$3,868.00	\$1,164,654.80
1.16	Casing Pipe: Country Club Road	LF	68	\$510.00	\$34,680.00	\$625.00	\$42,500.00
1.17	Mill and Overlay: Country Club Road	LS	1	\$42,000.00	\$42,000.00	\$30,000.00	\$30,000.00
1.18	Pavement Restoration, Public Road	LF	0		\$0.00	\$0.00	\$0.00
1.19	Pavement Restoration, Private Entrance	EA	7	\$6,500.00	\$45,500.00	\$5,000.00	\$35,000.00
1.20	Gravel Road Repair, Public Road (White Oak Drive)	LF	1140	\$47.00	\$53,580.00	\$21.00	\$23,940.00
1.21	Gravel Road Repair, Private Road (8897 Winchester Road, Boat Ramp)	LF	1097	\$15.00	\$16,455.00	\$19.00	\$20,843.00
1.22	Gravel Private Entrance Restoration	EA	6	\$850.00	\$5,100.00	\$1,000.00	\$6,000.00
1.23	Red Oak Tree Replacement	EA	20	\$3,000.00	\$60,000.00	\$180.00	\$3,600.00
1.24	Construction Testing Allowance	LS	1	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00
1.25	Railroad Permit Requirement Allowance	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
	Manassas Avenue Pump Station						
1.26	Pump Station Site Grading	LS	1	\$3,000.00	\$3,000.00	\$152,000.00	\$152,000.00
1.27	Concrete Foundation	LS	1	\$55,000.00	\$55,000.00	\$130,000.00	\$130,000.00
1.28	Pump Station External Electrical Work	LS	1	\$45,000.00	\$45,000.00	\$180,000.00	\$180,000.00
1.29	Manassas Avenue Packaged Water Booster Station	LS	1	\$1,000,000.00	\$1,000,000.00	\$1,300,000.00	\$1,300,000.00
1.30	Asphalt Pump Station Driveway	LS	1	\$20,000.00	\$20,000.00	\$2,500.00	\$2,500.00
1.31	Systems Integration, Controls and Remote Telemetry Allowance	LS	1	\$15,812.00	\$15,812.00	\$15,812.00	\$15,812.00
	CONTRACT 1 TOTAL				\$15,379,870.00		\$23,087,700.80

CONTRACT 2 – BASE BID SCHEDULE ALIGNMENT C WATERLINE							
				Snyder Environmental Services		Kiewit Infrastructure South Company	
Item No.	Description	Unit	Estimated Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost
2.1	Bonds, Insurance, and Mobilization	LS	1	\$178,500.00	\$178,500.00	-	-
2.2	Water Main and Fittings, 12-IN	LF	5,101	\$133.00	\$678,433.00	-	-
2.2A	Water Main Material Only, 12-IN	LF	5,101	\$64.00	\$326,464.00	-	-
2.3	Gate Valve and Box, 12-IN	EA	13	\$6,000.00	\$78,000.00	-	-
2.4	Insertion Valve and Box, 12-IN	EA	1	\$35,500.00	\$35,500.00	-	-
2.5	Fire Hydrant Assembly	EA	3	\$8,555.00	\$25,665.00	-	-
2.6	Concrete Encasement	LF	60	\$360.00	\$21,600.00	-	-
2.7	Casing Pipe: Shadows Drive Crossing	LF	107	\$2,100.00	\$224,700.00	-	-
2.8	Casing Pipe: Winchester Road Crossing	LF	160	\$2,050.00	\$328,000.00	-	-
2.9	Pavement Restoration, Public Road	LF	5	\$1,875.00	\$9,375.00	-	-
2.10	Pavement Restoration, Private Entrance	EA	2	\$13,750.00	\$27,500.00	-	-
2.11	Gravel Road Repair, Private Road	LF	-		\$0.00	-	-
2.12	Gravel Private Entrance Restoration	EA	5	\$1,400.00	\$7,000.00	-	-
2.13	Special Landscaping Allowance	LS	1	\$50,000.00	\$50,000.00	-	-
2.14	Construction Testing Allowance	LS	1	\$10,000.00	\$10,000.00	-	-
CONTRACT 2 TOTAL					\$2,000,737	-	-

CONTRACT 2 – BID ALTERNATE 1 BID SCHEDULE ALIGNMENT D WATERLINE							
Item No.	Description	Unit	Estimated Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost
2.1.1	Bonds, Insurance, and Mobilization	LS	1	\$17,500.00	\$17,500.00	-	-
2.1.2	Water Main and Fittings, 12-IN	LF	1,847	\$116.00	\$214,252.00	-	-
2.1.2A	Water Main Material Only, 12-IN	LF	1,847	\$64.00	\$118,208.00	-	-
2.1.3	Gate Valve and Box, 12-IN	EA	2	\$6,000.00	\$12,000.00	-	-
2.1.4	Combination Air Release Valve and Vault	EA	1	\$6,600.00	\$6,600.00	-	-
2.1.5	Fire Hydrant Assembly	EA	1	\$8,600.00	\$8,600.00	-	-
2.1.6	Pavement Restoration, Public Road	LF	42	\$285.00	\$11,970.00	-	-
2.1.7	Construction Testing Allowance	LS	1	\$10,000.00	\$10,000.00	-	-
CONTRACT 2 ALTERNATE 1 TOTAL					\$399,130	-	-

CONTRACT 2 – BID ALTERNATE 2 BID SCHEDULE ALIGNMENT E WATERLINE							
Item No.	Description	Unit	Estimated Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost
2.2.1	Bonds, Insurance, and Mobilization	LS	1	\$16,000.00	\$16,000.00	-	-
2.2.2	Water Main and Fittings, 12-IN	LF	1,294	\$110.00	\$142,340.00	-	-
2.2.2A	Water Main Material Only, 12-IN	LF	1,294	\$68.00	\$87,992.00	-	-
2.2.3	Gate Valve and Box, 12-IN	EA	2	\$4,200.00	\$8,400.00	-	-
2.2.4	Gate Valve and Box, 16-IN	EA	2	\$19,000.00	\$38,000.00	-	-
2.2.5	Combination Air Release Valve and Vault	EA	1	\$6,600.00	\$6,600.00	-	-
2.2.6	Casing Pipe: Fairgrounds Road Crossing	LF	87	\$2,205.00	\$191,835.00	-	-
2.2.7	Pavement Restoration, Private Entrance	EA	1	\$14,000.00	\$14,000.00	-	-
2.2.8	Construction Testing Allowance	LS	1	\$10,000.00	\$10,000.00	-	-
CONTRACT 2 ALTERNATE 2 TOTAL					\$515,167	-	-



Council Consent Agenda Statement

Item #10C

Meeting Date: October 24, 2022

Agenda Item: Pressure Reducing Valve (PRV) Vault Purchase for Richmond Road

Summary: Council is requested to approve the purchase of a pre-cast pressure reducing valve (PRV) vault in the amount of \$30,246.00 from Fortline Inc, Atlanta, GA.

Budget/Funding: 9602-47009 Water Line Maintenance Buildings & Structures \$30,246.00

Meetings: Work Session held October 11, 2022

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

Proposed Motion: I move that Council approve the purchase of a pre-cast pressure reducing valve vault in the amount of \$30,246.00 from Fortline Inc, Atlanta, GA.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Rogers _____ Thompson _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: September 28, 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 Department of Public Works to send out an RFQ (Request for Quotes) for the purchase of a pre-cast pressure reducing valve vault for Richmond Road. On September 23, 2022, the Town held a public bid opening and received one (1) bid in accordance with the Virginia Public Procurement Act.

Town staff has reviewed the submitted quotes and recommends awarding the purchase to Fortline Inc, out of Atlanta, GA for \$30,246.00. The lowest responsive and responsible bidder.

Please add this consent item to Council's October 24th, 2022, Regular Town Council Meeting.

Funding has been budgeted and is available in the following line item: 9602-47009 Waterline Maintenance Buildings & Structures.

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



Town of Front Royal Public Works

MEMORANDUM

TO: BJ Wilson, Finance Director

FROM: Robert B Boyer, Public Works Director

DATE: October 7, 2022

SUBJECT: Recommendation to Purchase Pressure Reducing Vault

We received one bid from Fortiline Waterworks for the purchase of the new pressure reducing vault for Richmond Road to replace the existing vault. The existing vault was made from a precast manhole structure so there is no room to get access to make repairs, so you must lean down in from the top to make repairs. The new vault has a 36"x 36" hatch to allow access and a ladder attached to the side to allow access to the vault for repairs and maintenance work. The funding has already been budgeted under waterline maintenance to cover the \$30,246.00 purchase.

If you have any questions or need any further information, please contact me at 540-692-4789.

Thank You.



Council Consent Agenda Statement

Item # 10D

Meeting Date: October 24, 2022

Agenda Item: Pressure Reducing Valve (PRV) Vault Installation for Richmond Road

Summary: Council is requested to approve a bid from Bushong Contracting Corporation to perform the installation of pressure reducing valve (PRV) vault on Richmond Road in the amount of \$33,950.00. The purchase of the vault was bid separately from installation by the Town in efforts to reduce costs.

Budget/Funding: 9602-47009 Waterline Maintenance Building & Structures \$33,950.00

Meetings: Work Session held October 11, 2022

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

Proposed Motion: I move that council approve a bid from Bushong Contracting Corporation to perform the installation of pressure reducing valve (PRV) vault on Richmond Road in the amount of \$33,950.00.

Moved _____ *Seconded* _____

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



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: September 28, 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 #31-2022 for installation of a new pre-cast pressure reducing valve (PRV) vault for Richmond Road to replace existing vault . On Friday, September 23, 2022, the Town held a public bid opening and received one (1) bid 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 \$33,950.00. The lowest responsive and responsible bidder.

Please add this consent item to Council's October 24th, 2022, Regular Town Council Meeting.

Funding has been budgeted and is available in the following line item: 9602-47009, building and structures capital inventory.

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



Town of Front Royal Public Works

MEMORANDUM

TO: BJ Wilson, Finance Director

FROM: Robert B Boyer, Public Works Director

DATE: October 7, 2022

SUBJECT: Recommendation to award PRV Installation on Richmond Rd to Bushong Contracting

We reviewed the bid proposal submitted by Bushong Contracting to install the new pressure reducing vault on Richmond Road. Due to the vault weighing 27,000 lbs., the contractor will have to have a crane set the vault into place before reconnecting to the existing water mains. We recommend awarding this to Bushong Contracting in the amount of \$33,950.00 which has already been budgeted under 9602 waterline maintenance.

If you have any questions or need any further information, please contact me at 540-692-4789.

Thank You.



Council Consent Agenda Statement

Item # 10E

Meeting Date: October 24, 2022

Agenda Item: Revisions to Vacation of Town Rights-of-Way Policy

Summary: The original policy was approved by Town Council June 12, 2000 and updated by Town Council on September 28, 2020. The current proposed revision to the policy includes state code language and references as well as updated and clear guidelines for the applicant. Those changes include but are not limited to:

- The process begins in the Planning/Zoning Office not the Town Manager's Office.
- Research on how the Town acquired the property begins. *This was not performed previously but state code requires it.*
- Per state code the Council may appoint a viewing committee. *This will be done as Council desires. Before it was automatically performed as part of the process.*
- Amendments to the policy shall be made administratively by the Town Manager after the policy is initially approved by Council. *As changes in state code become available this makes the changes more effective and efficient if staff can revise administratively.*

Budget/Funding: None

Meetings: Work Session held October 11, 2022

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

Proposed Motion: I move that Council approve revisions to the Town Right-of-Way Vacation Policy as presented.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Jackson _____ Morris _____ Rogers _____ Thompson _____

POLICY

VACATION OF PUBLIC RIGHTS-OF-WAYS

All real property owned in whole or in part by the Town of Front Royal [Town] shall be under the general control and supervision of the Town Council [Council]. Council may sell, lease, hold, manage, and control such property as its interests may require pursuant to Town Code 4-34, Town Charter Chapter §1.1 and §15.2-1800 Code of Virginia.

A locality's power and authority over its public rights-of-way and other public places shall be the same, regardless of whether the public right-of-way has been expressly or impliedly dedicated to public use, has been conveyed to the locality by deed, or has been acquired by any other means pursuant to §15.2-2001 Code of Virginia.

The Town's public rights-of-ways shall be vacated through an application process outlined below:

1. **APPLICATION:** The applicant completes an application accompanied by a current plat of the proposed vacation to the Planning/Zoning Director or designee. Applications available on the Town's website or in the Planning/Zoning Office located in Town Hall, 102 E. Main Street.
2. **RESEARCH:** Upon receipt of the completed application, the Planning/Zoning Director or designee will research the request to determine how the Town acquired the property. If the research is inconclusive as to the determination of the acquired ownership, the vacation process shall continue. The research shall not take longer than ten (10) business days. If more time is needed, the Planning/Zoning Director shall advise the applicant a more reasonable amount of time no longer than thirty (30) calendar days and may require a title exam at the applicant's expense.
3. **STAFF COMMENTS/CONCERNS:** While the research is being conducted the Planning/Zoning Director or designee shall notify the departments of Public Works and Energy Services of the proposed requested vacation. The departments, including the Planning/Zoning Director or designee shall advise, in writing, their comments and/or concerns with the request.
4. **VACATION OF INTERESTS GRANTED TO THE TOWN AS A CONDITION OF SITE PLAN APPROVAL:** Vacation of interests granted to the Town as a condition of site plan approval may be vacated, prior to the sale of any lot, according to either of the following methods:
 - By an executed and acknowledge written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest to be vacated, provided the Town consents to the vacation.

- By ordinance of Council in which the subject of approved site plan lies, provided that no interest shall be vacated in an area in which facilities have been constructed pursuant to §15.2-2270 Code of Virginia.

Vacation of Plat after Sale of Lot – in cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

- By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and signed on behalf of the Town in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation.
- By ordinance of the Council in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been give as required by §15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.

Effect of Vacation – The recordation of the instrument shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the to the centerline of any streets, alleys or easement for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any street, alley or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, if any, who signed the statement required §15.2-2264 free and clear of any rights of public use in the same.

5. VACATION OF INTERESTS ACQUIRED BY THE TOWN OTHER THAN AS A CONDITION OF SITE PLAN APPROVAL

- Notification to Adjacent Property Owners – Upon receipt of the comments and/or concerns from the Town departments the Planning/Zoning Director or designee shall notify the adjoining property owners of the proposed vacation request, allowing them thirty (30) days to submit any comments or concerns they may have with the request.
- Continuation/Negotiation/Sale to Certain Purchase – Following the 30-day comment period, the Planning/Zoning Director or designee shall contact and

notify the applicant of any comments and/or concerns revealed thus far and determine whether the applicant wishes to continue with the process.

If the applicant wants to continue the process, the applicant shall be contacted by the Town Manager or designee to make a formal offer of the proposed property to be vacated. The Town Manager or designee shall negotiate on behalf of the Council in an attempt to arrive at a mutually agreeable purchase price. The price shall be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties.

If the applicant does not want to continue the process, the vacation request becomes closed, and the applicant is invoiced for any charges incurred.

Council Notification - Once a purchase price is agreed upon Council shall be advised in a Closed Meeting on the final offer pursuant to §2.2-3711.A.3. Code of Virginia.

No such vacation shall be concluded until the agreed price has been paid. If the applicant does not pay within one year, or other time period made a condition of the vacation, then the vacation shall be void pursuant to §15.2-2008 Code of Virginia

Public Hearing - When authorized by Council the Clerk of Council or designee shall advertise a notice of public hearing and notify the adjoining property owner(s), of the public hearing. The cost of publishing the notice shall be taxed to the applicant. The applicant shall reimburse the Town for the costs of the public hearing advertisements and certified letters pursuant to §15.2-2006 Code of Virginia.

When the applicant requests a vacation to accommodate the expansion or development of an existing or proposed business, the Council may condition the vacation upon the commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of Council, void. pursuant to §15.2-2006 Code of Virginia.

At conclusion of the public hearing and on application of any person, the Council may appoint three (3) to five (5) people to view such public right-of-way and report in writing any inconvenience that would result from discontinuing the right-of-way. The Council may allow the viewers up to fifty (\$50.00) dollars each for their services. The allowance shall be paid by the person making the application pursuant to §15.2-2006 Code of Virginia.

Execution/Recording - Upon final approval by Council the Town Attorney or designee shall execute and process final documents including but not limited to the recording of the ordinance of vacation within the courthouse of Warren

County. A conditional vacation shall not be recorded until the condition has been met pursuant to §15.2-2006 Code of Virginia.

Appeal - Any appeal shall be filed within sixty (60) days of adoption of the ordinance within the Circuit Court of Warren County.

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

Council approval – June 12, 2000
Council Approval – September 28, 2020

DRAFT



Council Agenda Statement

Item # 12

Meeting Date: October 24, 2022

CLOSED MEETING

Motion to Go into Closed Meeting

I move that Town Council convene and go into Closed Meeting for the 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, the Front Royal-Warren County Agreement with *Discover Front Royal*, as required by Virginia Code §24.2-226, pursuant to §2.2-3711(A)(8) of the Code of Virginia. Following the Closed Meeting, Council may take further action in open session.

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 _____ Rogers _____ Thompson _____