



TOWN COUNCIL WORK SESSION

Monday, February 13, 2023 @ 6:00pm in the Town Hall Conference Room

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

1. Roll Call

6:00pm 2. Request to Waive Curb/Gutter, Sidewalk, Driveway Requirement – Habitat for Humanity – *Lauren Kopishke*

6:10pm 3. Local Board of Building Code Appeals (LBBCA) By-Laws and Fees – *Lauren Kopishke*

6:25pm 4. Items Slated for Consent Agenda for February 27th Regular Council Meeting:

A. Bid for Thermoplastic Pavement Markings - *Michelle Campbell*

B. Purchase of a RTV Vehicle for the Wastewater Treatment Plant - *Michelle Campbell*

C. Biosolids Container Rental and Disposal Services – *Michelle Campbell*

D. Department of Energy GRIP Grant opportunity through American Municipal Power – *Carey Saffelle*

6:35pm 5. Items Slated for a Public Hearing:

A. Special Use Permit for a Ground Flood Dwelling Unit at 437 S. Royal Ave – Barbara Samuels – *L. Kopishke*

6:40pm 6. Revenue Forecasting FY2023-2024 – *BJ Wilson*

7:40pm 7. Request to Amend Town Code Chapter 4-1 (D) Pertaining to Work Sessions – *Mayor Cockrell*

7:55pm 8. Open Discussion

8:00pm 9. CLOSED MEETING

10. Adjourn



Work Session Agenda Statement

Item # 02

Meeting Date: February 13, 2023

Agenda Item: Request to Waive Curb and Gutter Requirement – Habitat for Humanity

Summary: The Applicant, Habitat for Humanity, owned the lot located at 219 Orchard St where they constructed a new single-family dwelling. The Applicant has requested that Town Council waive the curb & gutter, sidewalk, and driveway requirements for this new home. A letter of request from the Applicant is attached.

1. Curb & gutter is required along the frontage of the Applicant's lot per Town Code 148-850.C, whereas *"For all subdivisions involving the creation of an additional lot and for all new development projects, curb and gutter sections shall be required along the frontage of all existing public streets. This requirement may be waived upon approval of Town Council in residential areas where the majority of surrounding development properties do not have curb and gutter, where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters."*
2. Sidewalks are required along the frontage of the Applicant's lot per Town Code 148-850.D, whereas *"For subdivisions involving the creation of an additional lot and for all new development projects, sidewalk sections shall be required along the frontage of all existing public streets. This requirement may be waived on vote of the Town Council in residential areas under the following conditions: where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters."*
3. The Driveway to the Applicant's house is required to be installed with a nonerodable surface per Town Code 148-860.A.-6.d whereas..... *"All driveways shall have a nonerodable surface treatment, such as asphalt or concrete pavement. Side slopes for driveway cuts shall not exceed 25% (4:1) unless deemed feasible by a geotechnical report."*

It should be noted that there is NO provision in the Town's Code to waive the requirement for Driveways.

Budget/Funding: No direct impact. May have an impact in future budgets.

Staff Recommendation: Curb and gutter is not necessary for the purpose of stormwater management for this particular development. However, if Town Council chooses to waive curb & gutter, the Town may incur additional costs if curb & gutter is added to Orchard St in the future.



109 Water Street, Front Royal, VA 22630

December 29, 2022

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

Warren County Habitat for Humanity is requesting a curb and gutter waiver from the Town of Front Royal for 219 Orchard Street, Front Royal, VA 22630.

Regards,

Amanda Slate, President
Warren County Habitat for Humanity



Facing West on Orchard, there is no existing curb and gutter infrastructure in the neighborhood.

148-850 STREET IMPROVEMENTS

A. Streetlights.

1. Streetlights shall be installed to illuminate streets and other public highways. The installation of streetlights shall be accordance with the design standards and specifications of the Town.
2. Streetlights shall be spaced at a maximum of three hundred (300) feet apart and staggered on opposite sides of the street with one streetlight every six hundred (600) feet on both sides of the road.

B. Monuments.

1. Street Monuments. Street right-of-way lines shall be marked at all points of tangent and points of curve with a steel rod or iron pipe not less than one-half (1/2) inch in diameter and eighteen (18) inches in length. Following completion of road work, a steel rod or iron pipe shall also be placed at street centerline, centerline points of tangent and points of curve and the radius point of each new cul-de-sac.
2. Corner Monuments. All lot corners shall be marked with a steel rods or iron pipe not less than one-half (1/2) inch in diameter and eighteen (18) inches in length, driven flush with the finished grade.
3. In the event a steel rod or iron pipe cannot be set due to an obstruction, an offset monument may be set or the point may be marked by drill hole, chisel mark or other method deemed appropriate by the professional and so documented to the Director.
4. All required monuments shall be installed by the subdivider or developer. Upon completion of subdivision streets, sewers and other improvements, the subdivider or developer shall make certain that all monuments required by the Town are clearly visible for inspection and use. All monuments must be set before any site or street improvements are accepted by the Town.

C. Curb and Gutter.

1. Curbs and gutter shall be required for the purpose of drainage and safety and delineation and protection of the pavement edge. Curbs and gutters and all driveway entrances shall meet the design standards found within the Construction Standards and Specifications Manual.
2. Curbs and gutters shall be installed by the applicant along both sides of all new streets. For all subdivisions involving the creation of an additional lot and for all new development projects, curb and gutter sections shall be required along the frontage of all existing public streets. This requirement may be waived upon approval by Town Council in residential areas where the majority of surrounding developed properties do not have curb and gutter, where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters. The Town Engineer may waive curb & gutter for development projects

comprising of no more than two (2) dwelling units in residential areas along existing streets where curb & gutter is not currently present within 200 feet of the property.

D. Sidewalks.

1. Sidewalks shall be installed by the applicant along both sides of all new streets. *For subdivisions involving the creation of an additional lot and for all new development projects, sidewalk sections shall be required along the frontage of all existing public streets.* This requirement may be waived on vote of the Town Council in residential areas under the following conditions: where the character of the area is relatively low-density, after consideration of the traffic impact created by the subdivision and the total lots on a given street, drainage considerations and other environmental design parameters. The Town Engineer may waive sidewalks for development projects comprising of no more than two (2) dwelling units in residential areas along existing streets where sidewalks are not currently present within 1000 feet of the property.
2. The minimum design standards for sidewalks shall be at least six (6) feet in width when abutting the curb, and a minimum of five (5) feet when offset from the curb. For the latter, the land located between the sidewalk and the curb shall comply with the Construction Standards and Specifications.
3. Sidewalks shall normally be parallel to the street. Nonparallel sidewalks and/or walkways may be approved by the Town in order to preserve topographical or natural features and to provide visual interest.
4. Where pedestrian walkway systems have been approved as an alternative to sidewalks, the walkways may be located away from streets, linking groups of dwelling units with other groups of dwelling units and/or facilities such as parking areas, recreational areas and activity centers. In reviewing the location of alternative walkway systems, the Town shall consider safety, practical accessibility and aesthetics.
5. Public easements shall be granted for sidewalks and/or walkways located outside the public right-of-way.
6. All sidewalks shall be constructed in accordance with Town standards and specifications and shall conform to the requirements of Section 15.2-2021, Code of Virginia, as amended, requiring curb ramps for the handicapped. Curb ramps shall comply with the Virginia Department of Transportation's Road and Bridge Standards.

E. Solid Waste Disposal and Collection.

1. All developments with exterior trash disposal or collection areas shall locate these sites so as to facilitate collection and minimize the negative impact on residents, neighboring properties and public rights-of-way.
2. All visible trash disposal or collection and storage areas shall be screened from neighboring residential properties and from public property, including streets, parks, sidewalks and other public areas.

3. Screening shall consist of a combination of landscaping and fencing. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.
4. All permanently installed trash containers shall be adequately sized to handle the needs of the facility or development and shall be equipped with fitted lids to prevent odor leakage and infestation from rodents, insects, and other pests.

148-860 ENVIRONMENTAL IMPROVEMENTS

A. Steep Slopes.

1. Purpose: Steep slopes, when developed, require more grading and land disturbance than development of flat to gently sloping topographical areas. Therefore, the purpose of this section is to establish protective regulations to:
 - a. Minimize soil disturbance on steep or critical slopes due to the potential for erosion problems;
 - b. Assist in the prevention of soil erosion from storm water runoff, protect downstream buildings and yards from water and soil intrusion, and protect the Town's surface and groundwater resources from siltation and contamination;
 - c. Promote stable building sites that prevent soil erosion and are structurally sound so as to maintain slope stability;
 - d. Promote accessibility for fire and rescue apparatus;
 - e. Maintain the visual and environmental resources that are part of the character of Front Royal; and
 - f. Encourage innovative development in Front Royal by providing the flexibility necessary to produce environmentally sensitive subdivisions which direct building, parking and street locations to terrain more suitable to development while maximizing conservation of the original slopes, native cover, prominent land forms, rocky outcrops, natural open space, wildlife habitat and scenic resources.
2. Applicability: All proposed subdivisions which result in the creation of an additional building lot or lots with the exception of boundary line adjustments, must submit a plan, in addition to any required subdivision development, street construction or erosion & sediment control plan, identifying predevelopment areas of steep slope. Clear cutting or grading for the purpose of altering predevelopment slopes shall not be permitted.
3. Establishment of Steep Slope Areas: The predevelopment slopes shall be computed by rise over run from naturally occurring contour lines based on topographic information showing two foot contour intervals and based on NAVD 88 vertical datum. The topographic data may be field run or from aerial photography, provided the information is current and the contouring method provides the precision expected for the contour interval used.
 - a. Identification of Steep Slope Areas: Steep slopes areas are classified into one of the following two categories:
 - [1] All areas of slope between 15% and 25% which contain highly erodible, highly permeable or shrink-swell soils. Determination of soils which are highly erodible, highly permeable or shrink-swell shall be based on the USDA Soil Conservation Service Soil Survey of Warren County, Virginia, or based on soils analysis prepared by a geotechnical engineer or other appropriate licensed professional.
 - [2] All areas of slope greater than 25%.
 - b. Minimum Size of Steep Slope Area: Steep slope standards do not apply to isolated steep slope areas that are less than 5,000 square feet in land area. For the purposes of this provision, the entire

contiguous area of the steep slopes shall be included in the minimum size calculations, regardless of the number of individual lots or different land ownerships involved.

4. Creation of Slope Overlays: The plan identifying steep slopes and critical slopes must include overlays over the entire tract involved identifying by color coding the following:
 - a. All areas of slope between 15 to 25% which contain highly erodible, highly permeable or shrink-swell soils.
 - b. All areas of slope greater than 25%.
5. Plan Requirements: An overlot grading plan, prepared by a professional licensed by the State of Virginia to prepare such a plan, for the development, management, stabilization and preservation of steep slope areas shall be prepared in accordance with the detail requirements of Town Code Section 148 and upon submission of a report by a certified soil or geotechnical engineer, and/or other appropriate licensed professional, indicating if and how the steep slope may be safely developed.

The final subdivision plat showing any lot or portion of any lot located within a steep slope overlay area must contain a note stating that the property shown hereon is subject to the provisions of Section 148-42, Steep Slopes, of the Town of Front Royal Subdivision Ordinance, in accordance with the conditions shown on the approved overlot grading plan and/or geotechnical report filed with the applicable and appropriate subdivision application.

6. Building Site Requirements: In addition to the requirements of the grading plan described herein, the plan shall include the following standards:
 - a. Site development shall be designed in a manner that requires a minimum amount of alteration to the steep slope.
 - b. Existing vegetation shall be preserved to the maximum extent possible.
 - c. No finished slopes are to be created with a final grade greater than 15% unless deemed feasible by a geotechnical report.
 - d. Residential driveway grades exceeding 10% are not recommended. Residential driveway grades greater than 10% shall be constructed in conformance with Virginia Department of Transportation's (VDOT) standard CG-9 or other applicable entrance detail requirements. Commercial or industrial driveway grades shall be constructed in conformance with VDOT standard CG-11 or other applicable entrance detail requirements. All driveways shall have a nonerodable surface treatment, such as asphalt or concrete pavement. Side slopes for driveway cuts shall not exceed 25% (4:1) unless deemed feasible by a geotechnical report.
 - e. Use of retaining wall is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to vegetation and landscaping. All retaining walls shall require an engineered design with the exception of non-tiered retaining walls with level backfill and no surcharge loading with a height of 24 inches (2.0 feet) or less from the finished grade. Retaining walls shall not exceed 72 inches (6.0 feet) in height from the finished grade, however, the Town Council, at its discretion, may waive the maximum height requirement for retaining walls located within non-residentially zoned areas. This provision is not intended to preclude a structure's foundation or basement wall or the creation of a walkout basement.
 - f. Landscaping and plantings shall be in accordance with Town Standards.

7. As-Built Plan Required: A post construction as-built survey of the approved steep slope overlaid grading plan shall be required prior to the issuance of an approved occupancy permit. The as-built drawings shall clearly show any changes or variations from the approved design, and if deemed significant by the Director, may require any such change or variation be brought into compliance with the approved plan. The as-built information shall be shown on the original plan and include the following:
- a. Horizontal variations greater than 1.0 foot should be shown dimensionally or through plus stations. Horizontal variations greater than 5.0 feet should also show the graphic relocation of the object. Vertical elevation variations greater than 0.1 feet shall be provided for all shown design elevations.
 - b. All as-built information shall be shown on the original plan either as blocked in or drawn in a different text style or font from that as shown on the original plan.
 - c. Each sheet of the plan shall contain the words “AS-BUILT” in bold text on or near the title block.
 - d. Date, plan legend, bar scale and north arrow.
 - e. Retaining walls. Indicate type and show elevations of the top of wall and the lowest adjacent finished grade.
 - f. Curb cut, driveway and material. Centerline grade of driveway with spot elevations.
 - g. Spot elevations of graded areas to determine grade of finished slope. Highlight all areas of finished slopes exceeding design grade by more than 1%.
 - h. Horizontal location with dimensions of all structures with dimensions including porches, decks, garages, etc. Show vertical elevations of first floor and basement floor.
 - i. Horizontal and vertical location of roof drains, foundation drains and other drainage outlets. Locations of utility services.
 - j. Location of required plantings.
 - k. The final as-built plan must be stamped by Licensed Land Surveyor or Professional Engineer and include certification that the as-built plan is substantially in conformance with the original plan. If a geotechnical report is used, the appropriate licensed professional must certify that the as-built is in conformance with the report.
8. Exemptions: Except as otherwise provided herein, no disturbance of steep slopes will be allowed except for the following activities which may be permitted by exemption from the Director of Planning & Zoning:
- a. Utility service lines, walkways, steps, landings.
 - b. Emergency action to remediate an unstable slope which poses an imminent threat to health, safety or welfare of the public.
 - c. Normal landscape maintenance or routine arboreal activities, including small scale planting of ornamental flowers or shrubs, and/or the removal of diseased or damaged trees, and/or the removal of undesirable trees, provided revegetation is in conformance with Town Standards.
 - d. Disturbance for public roadway or street crossings, or other public purposes as determined by the Director of Planning.

- e. Construction of approved landscaping berms, drainage ditches or swales, ponds and dams and other required storm drainage conveyance facilities.

B. Erosion and Sediment Control.

All land disturbing activities shall conform to the requirements of the Virginia Erosion and Sediment Control Handbook.

C. Preservation of Natural Features.

The arrangement of lots, blocks, streets, parking areas and structures shall be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees shall, whenever possible and consistent with the provisions of this chapter, be preserved. Any system of sidewalks, roadways and lot layout shall be designed to take advantage of the visual qualities of the area.

D. Floodplain Regulations.

1. Land within a one-hundred-year floodplain may be platted, provided that such lands are not used to meet the minimum required lot size and are designated on the plats as a floodplain easement area and that the subdivision would not necessitate changes to topographic conditions that alter the floodway district.
2. All development within floodplain areas, as established by Chapter 175, Sections 76 through 78 of the Town Code, including dam and impounding structure break zones, shall be subject to the regulations of Chapter 175, Sections 74 through 81.3 of the Town Code.
3. Except where floodplain development is permitted, floodplain areas shall be maintained in their natural state.

E. Landscaping.

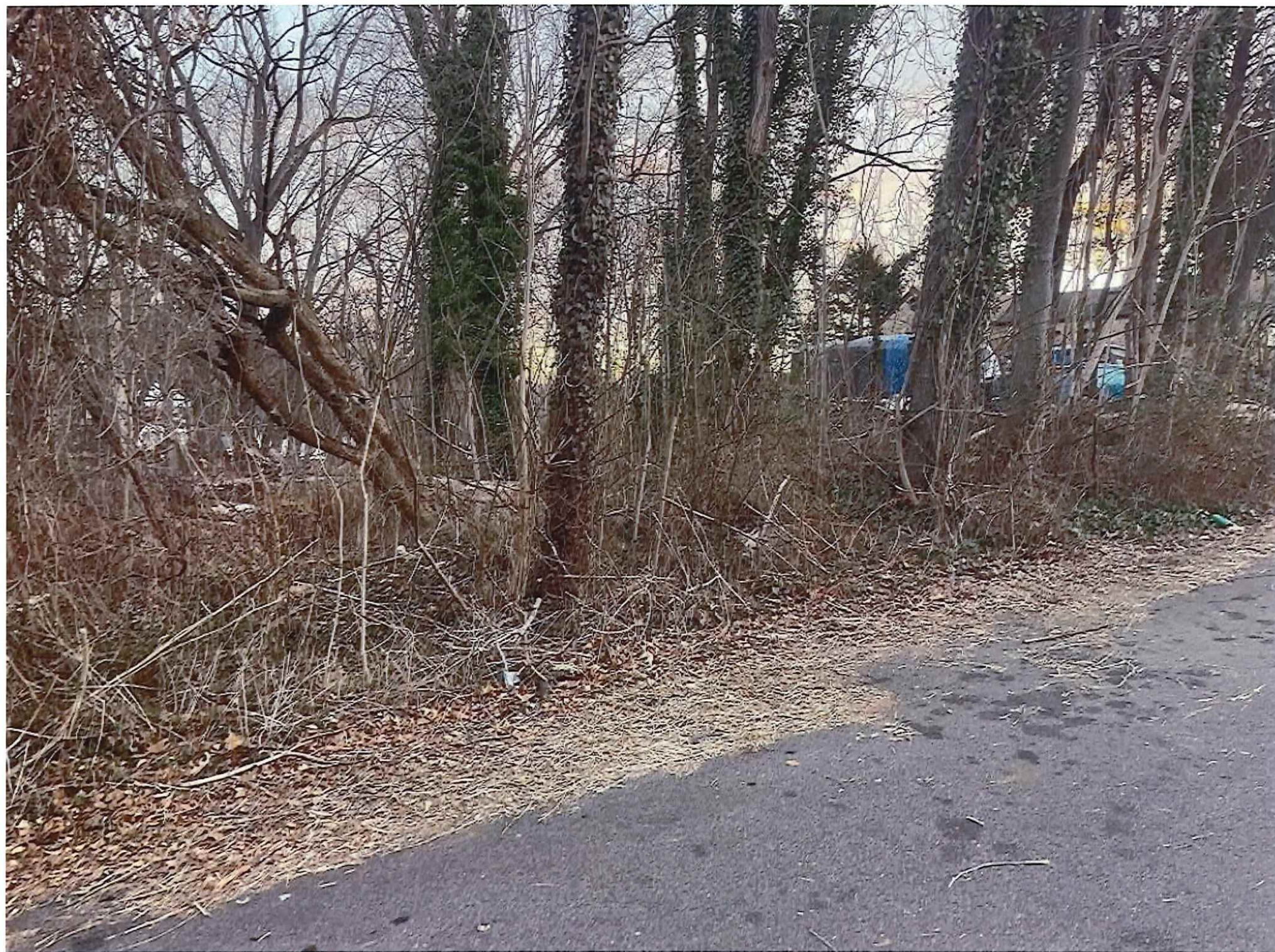
All major subdivisions and developments meet the landscaping requirements found under Chapter 156 of the Town Code, including, but not limited to, screens and buffers, development tree plantings, street trees, and parking lot landscaping.

F. Light and Air.

1. All outdoor lighting fixtures shall be arranged or shielded to direct, or reflect, light away from adjoining residential uses.
2. Where a site development plan is required, new outdoor lighting fixtures shall be designed, constructed, and operated to meet the International Dark-Sky Association (IDA) design

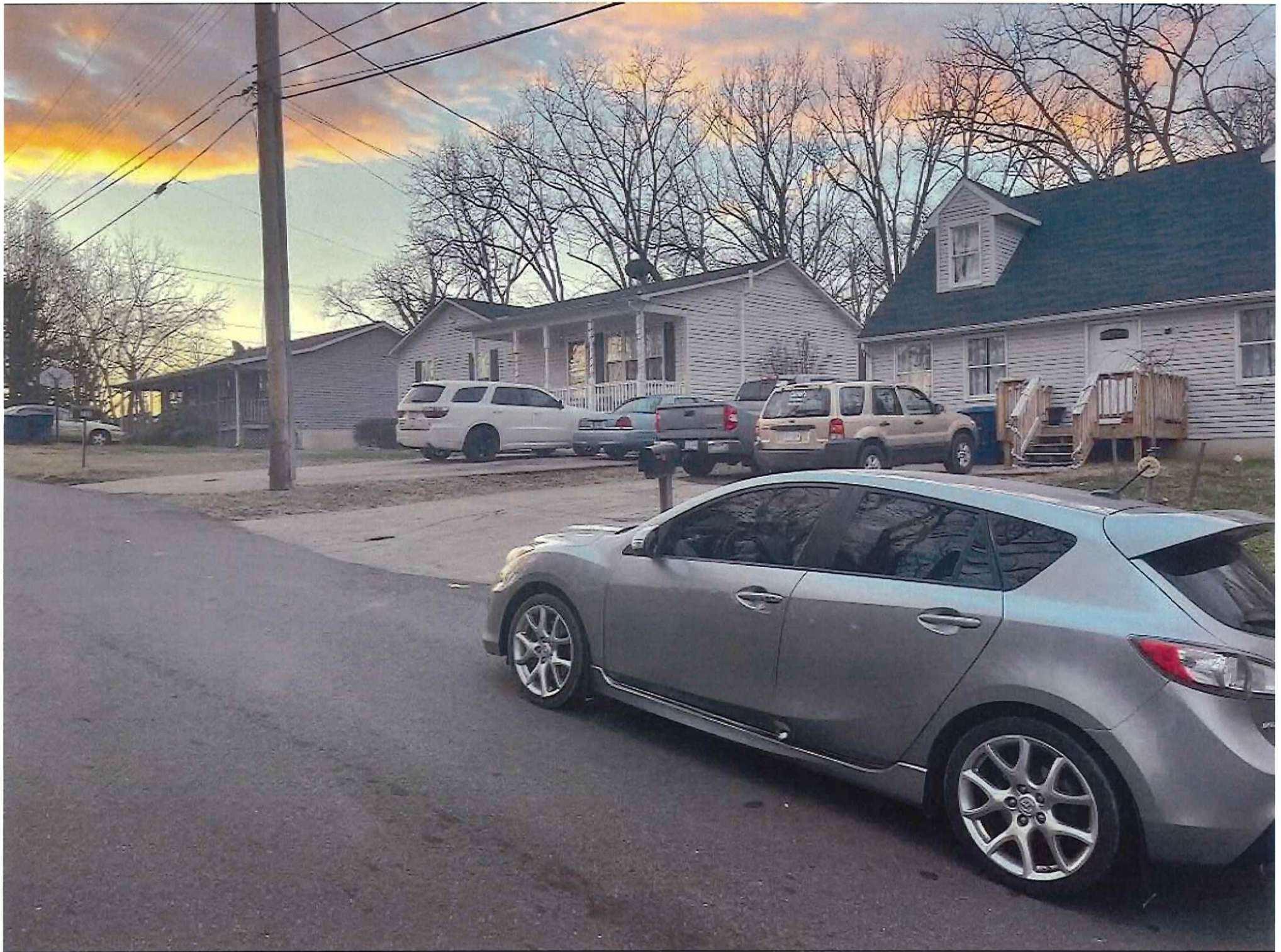
standards or certifications for lighting; except that, the Planning Director may authorize alternative design standards or certifications that reasonably achieve the purpose of controlling the spillover of light onto adjacent properties and the sky, and protecting the public safety by preventing glare from outdoor light.

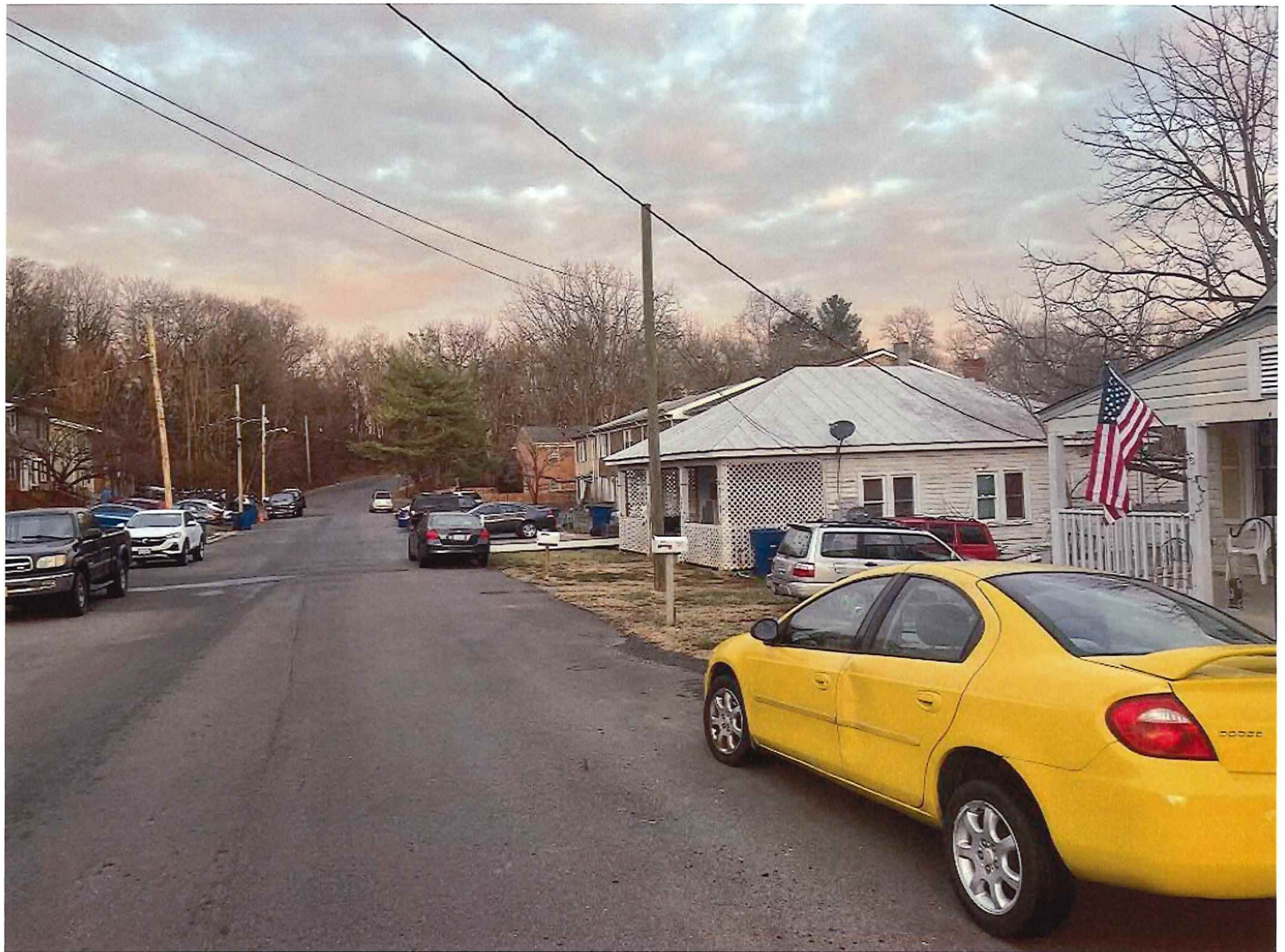
3. All outdoor lighting that produces harmful electromagnetic energy, including arc welding or acetylene torches, shall be completely screened from view sufficiently to be imperceptible beyond the lot lines.
4. All development shall conform to the regulations of the Virginia State Air Pollution Control Board concerning the emissions of smoke, particulate matter, odors and other gaseous pollutants.
5. All development shall comply not exceed the maximum height and setback regulations of the underlying zoning district, as found under Chapter 175 of the Town Code.

















Work Session Agenda Statement

Item # 03

Meeting Date: February 13, 2023

Agenda Item: Local Board of Building Code Appeals (LBBCA) By-Laws

Summary:

The State requires the creation of an LBBCA to hear appeals of the USBC and Property Maintenance Code. As part of the establishment of the Board, Council needs to approve the bylaws.

The Board met on February 2, 2023 to discuss and amend the proposed bylaws. Staff has made the requested amendments.

The Board has also requested Council approve a text amendment to the Schedule of Fees (Ch 175-137) to add an appeals application fee of \$400. Council will need to direct Planning Commission to hold a public hearing and make a recommendation for Council to approve.

Budget/Funding:

The Boards appointed by Council are not provided legal counsel by the Town Attorney, Council needs to consider budgeting legal counsel in the Boards and Commissions budget.

Staff Recommendation:

Staff has written the bylaws in accordance with State Code and recommends approval under the consent agenda at the February 27th meeting.

Town of Front Royal Local Building Code Appeals Board

Bylaws

Article 1: Officers

- 1.1 The local board of building code appeals shall organize and annually elect a chairman and a vice-chairman in the month of February.
- 1.2 The Town's Planning and Zoning Department will provide a member from its staff to serve the Board as its recording secretary.
- 1.3 The chairman shall preside at the meeting and hearings, shall decide points of order or procedure, and shall appoint any committees that are found to be necessary.
- 1.4 The vice-chairman shall assume the duties of the chairman in the chairman's absence, disability, or disqualification.
- 1.5 The secretary shall handle correspondence subject to these rules at the direction of the Board; shall send out notices required by these rules; shall keep the minutes of the Board's proceedings; and shall keep a file on each appeal that comes before the Board.

Article 2. Meetings:

- 2.1 Regular meetings of the Board for hearings of appeals shall be held on the first Thursday of each month at 6:00 p.m., except as may be canceled by a majority of the Board if no appeals are pending, in which instance no meeting shall be held.
- 2.2 Special meetings may be called by the chairman, provided at least five (5) days written notice of such meeting is given each member.
- 2.3 A majority of the full membership of the Board shall constitute a quorum.
- 2.4 Business conducted at meetings of the Board shall follow Robert's Rules of Order in all matters in which they are applicable.
- 2.5 The Board may adjourn a meeting if all applications or appeals cannot be disposed of on the meeting day, and no further notice shall be necessary for a continuation of such meeting.

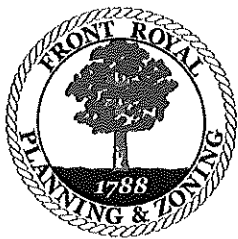
Article 3. Procedure for Hearing Appeals:

- 3.1 Appeals to the Board shall be filed with the Property Maintenance Official on a form provided by the Town's Planning and Zoning Department.
- 3.2 The Property Maintenance Official shall transmit the appeal to the secretary of the Board along with all papers constituting the record of action upon which the appeal is based.
- 3.3 The applicant shall provide the secretary with all information requested on the form provided by the Board, and with any such additional information and data as may be required by the Board to advise the Board fully with the reference to the application for appeal.
- 3.4 Applications for appeal must be on the proper form.
- 3.5 Failure by the applicant to furnish all required information to the Board may be grounds for the Board to dismiss the appeal.
- 3.6 An application for appeal filed accordingly to the above shall be assigned an appeal number within five (5) days.
- 3.7 Applications for appeal will be heard in the order in which they are received.
- 3.8 The secretary of the Board shall schedule the appeal, notify all interested parties of the hearing and give notice including the time, date and place of the meeting to anyone requesting such info action.
- 3.9 The applicant may appear in his own behalf at the hearing or may be represented by counsel or an agent.
- 3.10 Both the applicant and the Property Maintenance Official may speak and present evidence to the appeal and any person whose interests are affected may speak and present evidence for or against the issue. Speakers will be limited to a thirty (30) minute time frame.
- 3.11 The applicant shall be given opportunity for a final rebuttal, not to exceed fifteen (15) minutes.
- 3.12 The final decision on any appeal to the Board shall be in the form of a resolution approved by a majority of the Board members present and voting.
- 3.13 The Board shall notify the interested parties and the code official of the decision within seven (7) days after signing of the resolution by the

chairman, and in any event, within fourteen (14) days after the meeting in which the application for appeal was filed.

Article 4. Records:

- 4.1 A complete file on each appeal shall be kept by the secretary as part of the records of the local Board.
- 4.2 All records of the Board shall be public records.



**Town of Front Royal
Local Board of Building Code Appeals**

February 2, 2023

This is to certify that the fee for an application to the Local Board of Building Code Appeals is to be \$400, has been:

 X Recommended for Approval

 Recommended for Denial

 Postponed

The Local Board of Building Code Appeals recommends a fee of \$400 for all appeals applications and requests Town Council to have Planning Commission take up a Zoning Text Amendment of 175-137 to include this new fee.

CERTIFIED by the Local Board of Building Code Appeals

Harry R. Gillespie

Chairman Gillespie

CONDITIONED UPON THE FOLLOWING (if applicable):

N/A

Moved Gornowich Seconded Stankiewicz

Aders Yes Cline Yes Gornowich Yes Stankiewicz Yes Gillespie Yes



Work Session Agenda Statement

Item # 04A

Meeting Date: February 13, 2023

Agenda Item: Thermoplastic Pavement Marking Bid

Summary: On January 19, 2023, the Town held a public opening for invitation for bids for thermoplastics eradication and application, curb painting and street line painting in accordance with the Virginia Public Procurement Act.

Council is requested to award the bid to purchase services for the thermoplastics eradication and application, curb painting and street line painting bid to the lowest responsive and responsible bidder, Alpha Space Control LLC, out of Chambersburg, PA, in the amount of \$155,375.00.

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

4500-5473	Public Works Streets Line Painting
4500-5474	Public Works Streets Crosswalks
4102-5474	Highway Maintenance Crosswalks

Staff Recommendation: Staff recommends approving as presented on the consent agenda of 2/27/23



Work Session Agenda Statement

Item #04B

Meeting Date: February 13, 2023

Agenda Item: Purchase of a RTV Vehicle for the Wastewater Treatment Plant

Summary: Council is requested to approve the purchase of a new RTV vehicle for the Wastewater Treatment Plant.

We will be using cooperative contracting through Sourcewell as the procurement method and are requesting Council to approve the purchase during the regular scheduled meeting on February 27, 2023.

Funds totaling \$22,182.70 to purchase a new RTV vehicle are included in the current FY2022-2023 Town of Front Royal Adopted Budget.

Budget/Funding: 9801-47005 Wastewater Treatment Plant – Motor Vehicles \$22,182.70

Staff Recommendation: Staff recommends approving as presented on the consent agenda at the 2/27/23 regular meeting.

MEMORANDUM

TO: Michelle Campbell Purchasing Manager

FROM: Donald B McPaters, Director of Fleet Maintenance DBM

SUBJECT: Purchase RTV (Rugged Terrain Vehicle) for the Wastewater Treatment Plant.

DATE: December 25, 2022

The Wastewater Treatment Plant has a RTV vehicle in budget for 2023. I have got a quote from Valley Equipment Co, for a RTV-X1100WL-H through a Sourcewell Contract. The price is \$22,182.70.

Quote Provided By
 VALLEY EQUIPMENT COMPANY
 Bob Huff
 230 CHARLES ST
 HARRISONBURG, VA 22802
 email: bob.huff@valley-equipment.com
 phone: 5408300661

-- Standard Features --

-- Custom Options --



Kubota

V Series

RTV-X1100CWL-H

*** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE

Model Kubota D1105
 3 Cyl. 68.5 cu in
 +24.8 Gross Eng HP
 75 Amp Alternator

TRANSMISSION

VHT-X
 Variable Hydro Transmission
 Forward Speeds:
 Low 0 - 15 mph
 High 0 - 25 mph
 Reverse 0 - 17 mph
 Limited-slip Front Differential
 Rear differential lock

HYDRAULICS

Hydrostatic Power Steering
 with manual tilt-feature
 Hydraulic Cargo Dump
 Hydraulic Oil Cooler

FLUID CAPACITY

Fuel Tank 7.9 gal
 Cooling 8.3 qts
 Engine Oil 4.3 qts
 Transmission Oil 1.8 gal
 Brake Fluid 0.4 qts

CARGO BOX

Width 57.7in
 Length 40.5 in
 Depth 11.2 in
 Load Capacity 1102 lbs
 Vol. Capacity 15.2 cu ft

+ Manufacturer Estimate

KEY FEATURES

Factory Cab w/ A/C, Heater,
 Defroster
 Fully opening roll-down door
 windows
 Digital Multi-meter
 Speedometer
 Pre-wired w/ speakers/antenna for
 stereo
 Front Independent Adjustable
 Suspension
 Rear Independent Adjustable
 Suspension
 Brakes - Front/Rear Wet Disc
 Rear Brake Lights / Front
 Headlights
 2" Hitch Receiver, Front and Rear
 Deluxe 60/40 split bench seats
 with driver's side seat adjustment
 Underseat Storage Compartments
 Deluxe Front Guard
 (radiator guard, bumper, and lens
 guard)

SAFETY EQUIPMENT

SAE J2194 & OSHA 1928 ROPS
 Horn
 Dash-mounted Parking Brake
 Spark Arrestor Muffler
 Retractable 2-point Seat Belts

DIMENSIONS

Width 63.2 in
 Height 79.5 in
 Length 120.3 in
 Wheelbase 80.5 in
 Tow Capacity 1300 lbs
 Ground Clearance 10.4 in
 Suspension Travel 8 in
 Turning Radius 13.1 ft

Factory Spray-on Bedliner
 "L" Models Only

Bright Alloy Wheels (Silver-
 painted)
 Silver-painted with machined
 surface
 "S" Models only

TIRES AND WHEELS

Heavy Duty Worksite 25 x 10 - 12, 6 ply

RTV-X1100CWL-H Base Price: \$25,899.00

(1) LED FRONT WORK LIGHTS KIT (2) \$179.00
 77700-11811-LED FRONT WORK LIGHTS KIT (2)

(1) SIDE MIRROR KIT - CAB (1) \$91.67
 77700-V5059-SIDE MIRROR KIT - CAB (1)

(1) STROBE LIGHT KIT \$199.00
 77700-VC5058-STROBE LIGHT KIT

(1) LED REAR WORKLIGHT (1) \$99.00
 77700-11812-LED REAR WORKLIGHT (1)

Configured Price: \$26,467.67

Sourcewell Discount: (\$5,822.89)

SUBTOTAL: \$20,644.78

Dealer Assembly: \$256.67

Freight Cost: \$881.25

PDI: \$400.00

Total Unit Price: \$22,182.70

Quantity Ordered: 1

Final Sales Price: \$22,182.70

**Final pricing will be based upon pricing at the time of
 final delivery to Sourcewell members.
 Purchase Order Must Reflect Final Sales Price.**

To order, place your Purchase Order directly with the quoting
 dealer

*Some series of products are sold out for 2022. All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

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198-14337-6



Work Session Agenda Statement

Item # 04C

Meeting Date: February 13, 2023

Agenda Item: Biosolids Container Rental and Disposal Services

Summary: On February 1, 2023, the Town held a public opening of invitation for bids for biosolids container rental and disposal services in accordance with the Virginia Public Procurement Act and received one response from Republic Services.

Council is requested to award the bid to purchase services for the biosolids container rental and disposal to the only responsive and responsible bidder, Republic Services of Winchester, VA, at the following rates:

- \$457.30 / haul / container
- \$139.25 / month / container rental of 20 cu yd roll-offs
- \$60.00 / ton disposal at Page County, VA landfill

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

9801-43005 Public Works Wastewater Treatment Plant

Staff Recommendation: Staff recommends approving as presented on the consent agenda for the regular business council meeting on February 27th



Town of Front Royal Public Works

MEMORANDUM

TO: Michelle Campbell, Manager of Purchasing

CC: B.J. Wilson, Finance Director

FROM: Robert B Boyer, Public Works Director

DATE: February 3, 2023

SUBJECT: Recommendation to award Bio-solids Disposal Services

We have reviewed the one proposal received from Republic Services for the Bio-solids disposal services. We have been using Republic Services for the last few years to haul the town's bio-solids from the wastewater treatment plant to Battle Creek Landfill in Page County VA. We recommend awarding the contract to Republic Services out of Winchester, VA since they have done a good job providing this services of the last few years.

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

Thank You.



Work Session Agenda Statement

Item # 04D

Meeting Date: February 13, 2023

Agenda Item: Department of Energy GRIP Grant opportunity through American Municipal Power

Summary: On behalf of its members, American Municipal Power, Inc. (AMP) has submitted a concept paper for the “Grid Resilience and Innovation Partnerships (GRIP)” funding opportunity through the Department of Energy. If approved, AMP’s “Smart Grid: Using Edge Computing to Build Grid Resiliency” project, would provide fifty percent of the cost associated with the installation of an Advanced Metering Infrastructure (AMI).

AMP has requested an official Letter of Commitment with support of Council, by motion, to show full commitment to participation in the project should grant funding be awarded.

Budget/Funding: AMI is a project identified on the Town’s Capital Improvement Plan with an estimated cost of \$1.7million.

9400-47001 - \$500,000 AMI seed money in FY22-23 Budget

Staff Recommendation: Staff recommends approving a motion at their Regular Meeting on February 27, 2023, under the consent agenda, affirming The Town’s commitment to participating in AMP’s “Smart Grid: Using Edge Computing to Build Grid Resiliency” project.



TOWN OF FRONT ROYAL

DEPARTMENT OF TOWN MANAGER

102 E. Main St.
P.O. BOX 1560
FRONT ROYAL, VA 22630-1560
www.frontroyalva.com

Joe Waltz
Town Manager
jwaltz@frontroyalva.com
(540) 635-8007
(540) 636-7475 fax

February 8, 2023

Department of Energy
Grid Deployment Office
1000 Independence Ave. SW
Washington, DC 20585

RE: ***Grid Resilience and Innovation Partnerships (GRIP) Topic 2 Commitment Letter***

As a committed partner/end-user in American Municipal Power's Smart Grid: Using Edge Computing to Build Grid Resiliency project, this letter serves as the Town of Front Royal Energy Services commitment to participating in the project.

Our community, like so many in the country, requires new and innovative solutions to ensure that our residents can access technology that will improve their health, safety, and economic vitality. Currently, our grid system lacks substantial "smart grid edge" technology/capabilities, which will affect our system's reliability and power distribution capability. We face pressing challenges as demand on our infrastructure increases, including:

- We currently lack the capability to support distributed renewable energy integration and grid edge technology.
- Constrained budgets that require innovative solutions and strong partnerships to overcome cost barriers to implementation of grid-advancing technologies.

AMP's project to enhance service capabilities by incorporating a Smart Grid - Edge Computing Solution will have a direct improvement upon our current operations. Completion of this project will enable the Town of Front Royal and AMP, working together, to maximize existing generation, transmission, and distribution assets; minimize inefficiencies and mitigate rising demands in our distribution grid; access and manage distributed energy resources, better match energy resources with load; serve as a foundation for further enhancement of the grid; and maintain overall grid stability and resiliency.

The Town of Front Royal looks forward to the opportunity to be part of the implementation of this exciting project and a collaborative partner with AMP and its team.

Respectfully,

Joe Waltz
Town Manager
Town of Front Royal

Town Council Work Session

February 13, 2023



Carey Saffelle, Director of Energy Services



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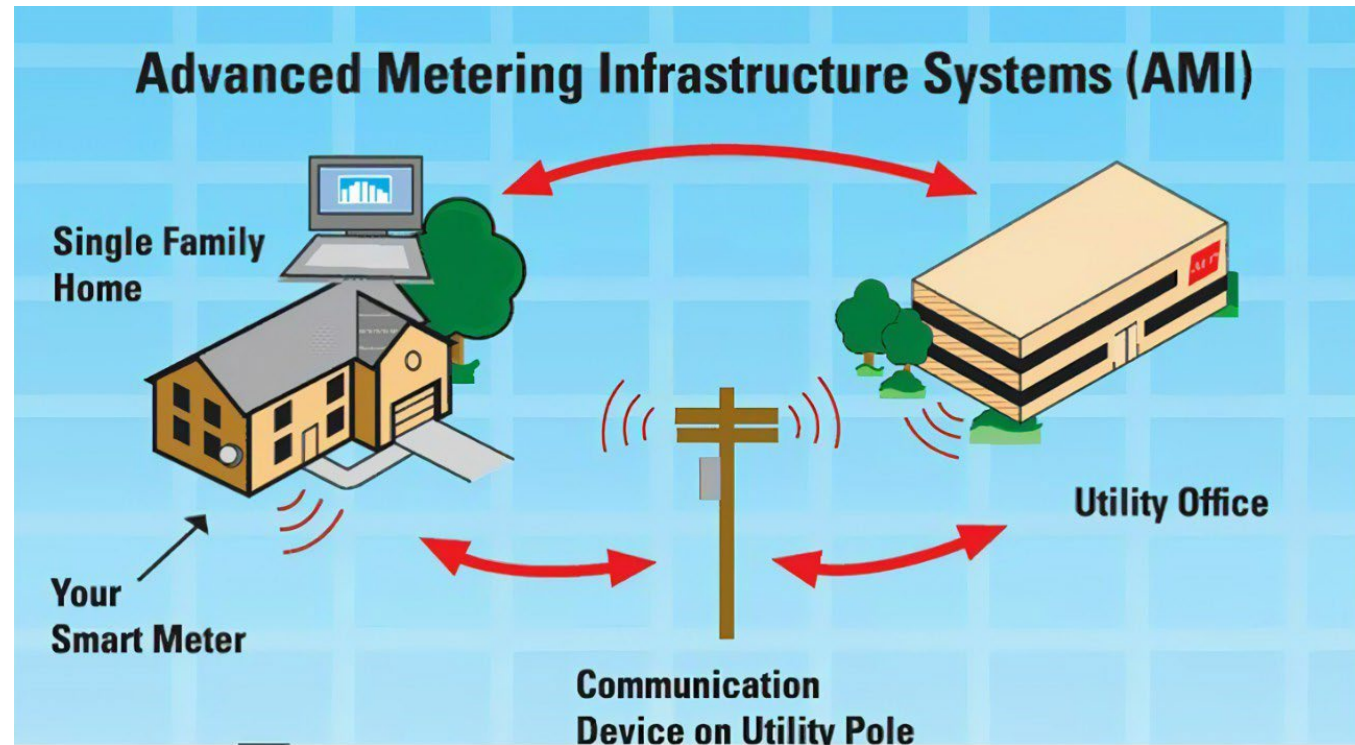
Department of Energy GRIP Grant opportunity through American Municipal Power

- What is AMI?
- What is the GRIP Grant?
- Who is AMP?
- What Services do they provide to the Town?



What is AMI?

AMI stands for Advanced Metering Infrastructure. These are a type of smart-meter infrastructure located at individual homes and buildings that help collect crucial energy usage and billing data from individual consumers. AMI automatically transmits collected information back to your utility in real-time. This allows for two-way communication and enhanced data gathering as a result of this technology, as well as control over meter and electricity usage.



FEDERAL
GRANT PROFILE



Department: U.S. Department of Energy

Agency: Grid Deployment Office

FY 2022/2023 BIL– Grid Resilience and Innovation Partnerships (GRIP): Smart Grid Grants (Section 40107)

Grant Overview

The Grid Resilience and Innovation Partnerships (GRIP) program is the combination of three individual Infrastructure Investment and Jobs Act programs combined under one application. The three programs that encompass GRIP are the competitive Grid Resilience Grants (40101c), the Smart Grid Grants (40107), and Grid Innovation Program (40103b). This overview focuses on the [Smart Grid Grants](#), also known as Deployment of Technologies to Enhance Grid Flexibility Program.

Program History

The GRIP program is newly created by the Bipartisan Infrastructure Law, also known as the Infrastructure Investment and Jobs Act.

Key Information

Total Funding: \$1.08 billion

Award Range: Up to \$50 million

Match: 50%

Solicitation Date: November 18, 2022

Proposal Due: December 16, 2022 (Concept Papers), March 17, 2023 (Full Application)



Tips

- Applicants must be registered in System for Awards Management and Grants.gov
- Applicants must submit a Community Benefits Plan
- Applications that have partnerships with critical entities to ensure project success, as well as other entities outside of the applicant's jurisdiction, may receive priority during the review process
- Buy America requirements apply to projects whose prime recipient is a "non-Federal entity," e.g., a State, local government, Indian tribe, Institution of Higher Education, or nonprofit organization



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American Municipal Power

- AMP exists to assist its members in developing power-supply options and work collectively with other members to reduce cost and provide opportunities to obtain generation assets.
- 134 Members in nine states (Ohio, Pennsylvania, West Virginia, Michigan, Virginia, Delaware, Kentucky, Indiana & Maryland)
- All member are municipalities
 - Virginia members include Front Royal, Bedford, Danville, Martinsville & Richlands



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AMP Services

- Generation Asset Ownership Opportunities
 - We have 6 Generation Assets in our Portfolio (Coal Fired, Natural Gas, Hydro & Solar) with contract that go out as far as 2049
- Power Supply Purchase Opportunities
 - AMP is not the power supplier – they transact with power supply counterparties on our behalf. They provide creditworthiness and larger scale purchasing power to negotiate the best terms and pricing.
- Long Term Power Supply Planning
- Legislative Services and Grant Opportunities
- Economic Development Support & Resources
- Mutual Aid
- Scholarship Program



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Grant Breakdown

- AMP can apply for up to \$50M, to be expended within 5 years.
- Cost share is 50% (for example, if AMP applies for \$50M in federal funds, we will need \$50M in local match for a total project budget of \$100M).
- It is AMP's understanding that the grant will cover 50% of the cost of the electric meters, installation, software and project management.

AMP's recommendation to those that wish to participate in this grant would be to move forward with an electric only deployment. AMP's AMI solution's deployment minimizes impacts on customers, billing and customer service operations.





Work Session Agenda Statement

Item # 05A

Meeting Date: February 13, 2023

Agenda Item: Special Use Permit at 437 S. Royal Ave

Summary: The applicant, Barbara Samuels, is requesting a Special Use Permit for one (1) dwelling unit to be located on the ground floor at 437. S. Royal Avenue.

Budget/Funding: N/A

Staff Recommendation:

Town Staff recommends approval of the Special Use Permit Application with the following conditions. Additional consideration may need to be given if new information is provided at the scheduled public hearing on February 27, 2023

CONDITIONS:

- 1) This Special Use Permit is only authorized for one (1) ground floor dwelling unit to be located at 437 S. Royal Avenue.
- 2) The existing parking lot shall be striped to provide the appropriate number of parking spaces prior to issuance of final zoning compliance.
- 3) Town Staff shall inspect the property prior to the issuance of final zoning compliance to ensure the construction activities are limited to one ground floor dwelling unit.
- 4) Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

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



STAFF REPORT FOR THE JANUARY 18, 2023, PLANNING COMMISSION MEETING

APPLICATION #:

2200494

APPLICANT:

Barbara Samuels

SUMMARY OF REQUEST:

A Special Use Permit Application has been submitted for one (1) dwelling unit to be located on the ground floor at 437. S. Royal Avenue.

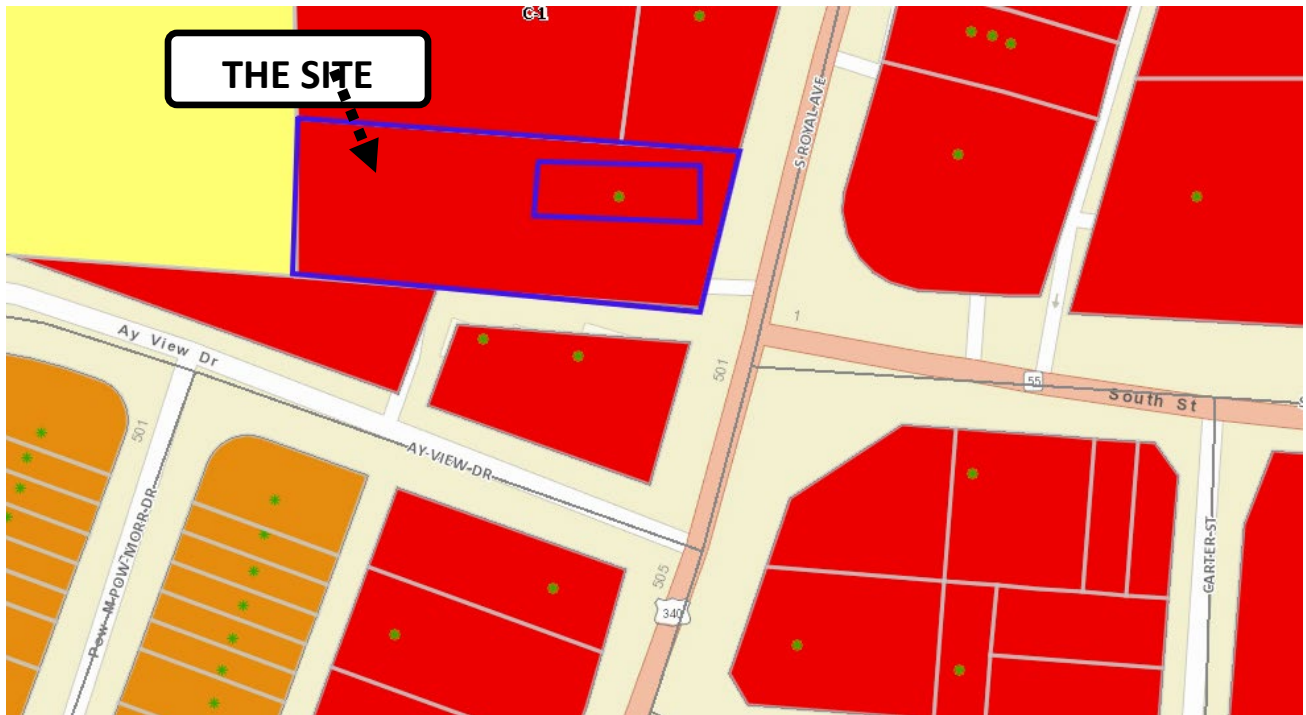
GENERAL INFORMATION:

<i>Site Addresses</i>	437 S. Royal Avenue
<i>Property Owner(s)</i>	6 Cardinal Park, LLC
<i>Existing Zoning</i>	C-1 (Community Business) District
<i>Proposed Use</i>	Ground Floor Dwelling Unit
<i>Tax Identification</i>	20A7-3-10
<i>Location</i>	The parcel is located near the northwest corner at the intersection of S Royal Ave & South St. The proposed ground floor apartment is located on the 1 st floor of the building, farthest from the street.

Vicinity Map (Warren County GIS)



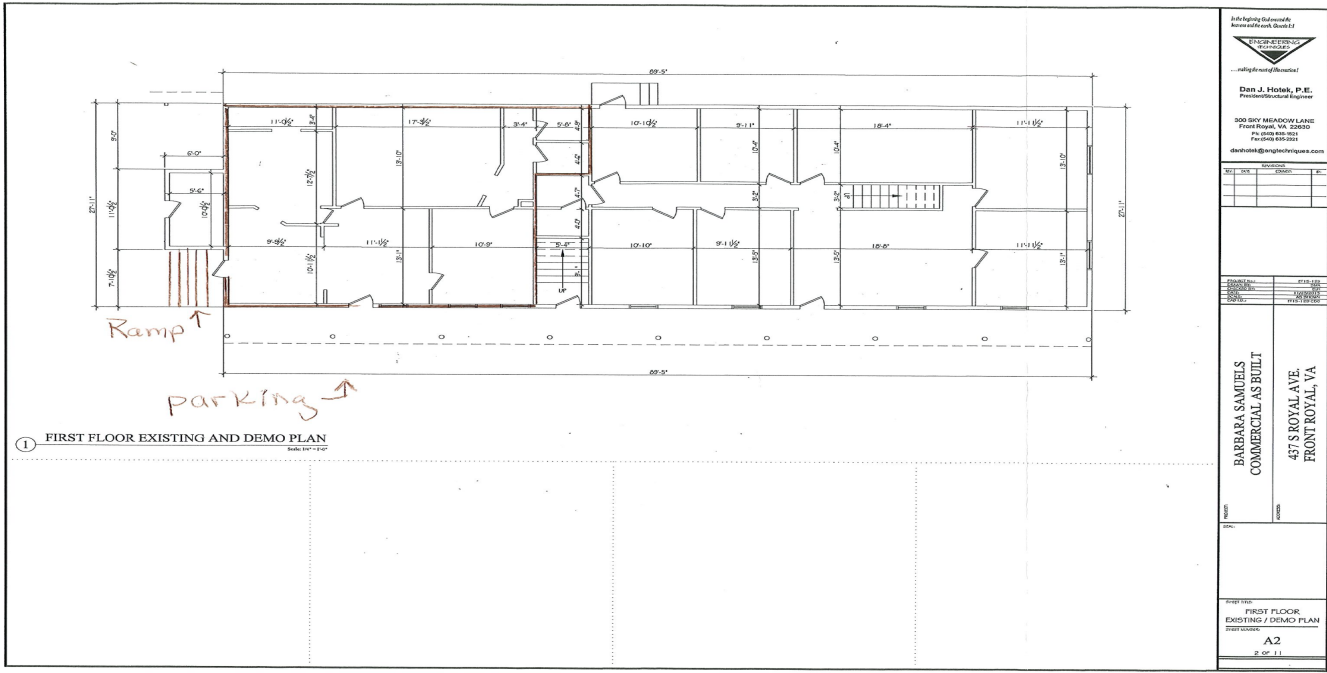
Town Zoning Map (Warren County GIS)



Aerial (Warren County GIS)



Applicant's Site Plan



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



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



INFORMATION ON THE APPLICATION:

***Project Summary
& Staff
Recommendation***

The application is to allow the applicant to convert a portion of the first floor of the structure into one (1) dwelling unit. The 1st floor of this property was previously used as business offices. There is currently one dwelling unit on the upper floor. The remainder of the space will continue to be used for commercial purposes.

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

Dwelling units = 2 per unit = 4 spaces
Commercial Space = 1 per 300 sq. ft. = 11 spaces

TOTAL = 15

The applicant has sufficient parking area to accommodate the required number of spaces.

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

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

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

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

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

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

CONDITIONS:

- 1) This Special Use Permit is only authorized for one (1) ground floor dwelling unit to be located at 437 S. Royal Avenue.
- 2) The existing parking lot shall be striped to provide the appropriate number of parking spaces prior to issuance of final zoning compliance.
- 3) Town Staff shall inspect the property prior to the issuance of final zoning compliance to ensure the construction activities are limited to one ground floor dwelling unit.
- 4) Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

ATTACHMENTS: Application and associated documents from the Applicant.



Work Session Agenda Statement

Item # 06

Meeting Date: February 13, 2023

Agenda Item: REVENUE FORECASTING FY2023-2024

Summary: Staff will provide council with a presentation showing some projected revenues for the Town and discuss possible budgetary impacts. These revenue forecasts will likely be incorporated into the proposed FY2024 budget.

Budget/Funding: N/A

Staff Recommendation: Staff recommends for Council to discuss any questions or concerns with staff.

BJ Wilson
Finance Director

FY 2023-2024 Budget
Revenue Forecasting



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FY24 Revenue Forecasting

- Forecasting is not a precise science
 - Commonwealth of Virginia revises revenues multiple times throughout year
- Data used in forecasting is collected from many different internal and external sources deemed reliable and appropriate at the time
 - AMP/Consulting Firm
 - Virginia Department of Transportation
 - Historic trends/institutional knowledge
 - Town businesses/citizens
 - Staff feedback
- Even with most reliable data there continues to be a level of uncertainty in forecasting



FY 23-24 Revenues by Fund

	<u>FY24 Projected</u>	<u>FY23 Budget</u>	<u>Difference</u>	
General Fund	12,919,425	12,071,200	848,225	7%
Streets	3,233,660	2,994,130	239,530	8%
Special Projects	752,000	752,495	(495)	0%
Electric	19,842,025	19,615,720	226,305	1%
Water	5,059,785	5,143,155	(83,370)	-2%
Sewer	6,375,000	6,307,870	67,130	1%
Solid Waste	1,194,685	1,069,035	125,650	12%
	\$ 49,376,580	\$ 47,953,605	\$ 1,422,975	3%

All figures subject to slight change due to balancing of proposed budget and fund transfers



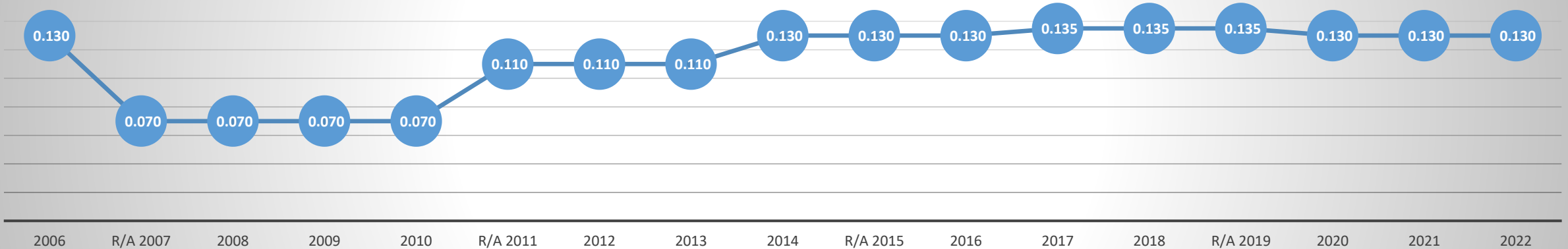
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General Fund Revenue Highlights

	<u>FY24 Projected</u>	<u>FY23 Adopted</u>	<u>Difference</u>	<u>%</u>
Meals Tax	2,388,000	2,079,955	\$ 308,045	15%
Sales Tax - Warren	1,433,735	1,327,355	\$ 106,380	8%
BPOL	940,725	800,730	\$ 139,995	17%
Personal Property	503,495	489,150	\$ 14,345	3%
Lodging Tax	299,960	317,935	\$ (17,975)	-6%



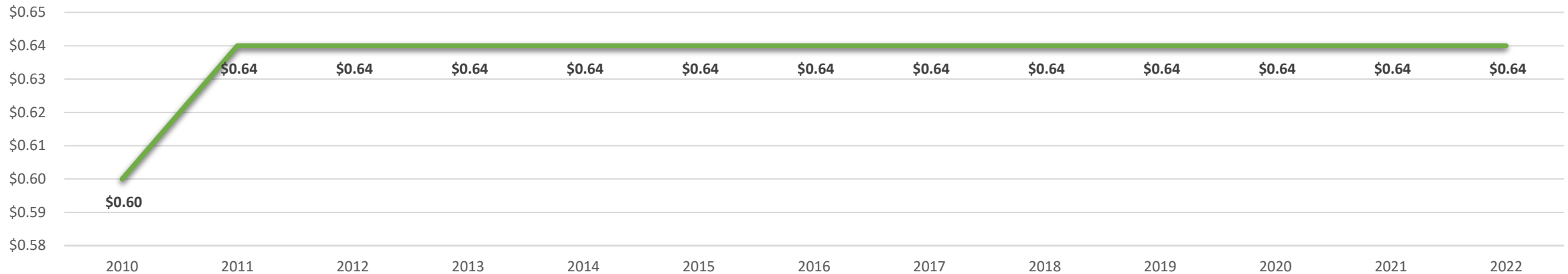
Real Estate Tax Rate per \$100 Assessed Value



- Preliminary property reassessment figures show that Town Real Estate Values have increased approximately an average of 34%
 - Assessment figures have not been finalized, final figures should be provided in February
- Based on 2022 Real Estate Assessed Value \$0.01 of RE Tax Rate = \$135,505 in revenue
- Using preliminary reassessment figures for 2023 \$0.01 of RE Rate = \$181,576
 - Staff's goal is to present the 2024 Proposed Budget to using equalized Real Estate Tax Rates for the Town of Front Royal



Personal Property Rate Per \$100 of Value



- Personal Property Tax rate proposed to remain at \$0.64 per \$100
 - Based on 2022 Personal Property Revenue \$0.01 of PP Tax Rate = \$13,035 in revenue
- Preliminary figures for vehicle values show a decrease of 12% from January 2022
- Personal Property Revenue for FY24 is projected to be near FY21
 - FY24 Projected - \$503,495
 - FY23 Budgeted - \$489,150
 - FY22 Actual - \$547,275
 - FY21 Actual \$498,304



Enterprise Fund Sales of Service

	<u>FY24</u>	<u>FY23 Adopted</u>	<u>Difference</u>	<u>%</u>
Electric Current	19,311,025	19,228,435	\$ 82,590	0%
Water Sales	4,688,275	4,807,260	\$ (118,985)	-2%
Sewer Sales	5,801,525	5,703,105	\$ 98,420	2%
Solid Waste Sales	1,109,540	1,012,650	\$ 96,890	10%



Revenue Impacts for Enterprise Funds

- Decreased water usage for industrial users
- Weather
 - Hot/Cold weather effects heat/air conditioning usage
 - Rain impacts watering of lawn/gardens
- Scheduled sewer rate increases incorporated into FY24 Proposed Budget
- Solid waste increase expected for FY24; staff's goal is to provide the proposed budget using current rates
 - Staff will return to Council with additional information concerning rate increase and applicable budget amendments in coming months
- No FY24 Proposed increase for Electric or Water
 - Expense associated with rate study for Electric to be included with FY24 Proposed Budget



Sewer Recommended Rate Increases

	<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>
Cost for 5,500 Gallons Sewer	\$ 52.74	\$ 54.58	\$ 55.82	\$ 57.07	\$ 58.36	\$ 59.68
\$ Change		\$ 1.84	\$ 1.24	\$ 1.25	\$ 1.29	\$ 1.32
% Change		3.5%	2.25%	2.25%	2.25%	2.25%

- Sewer Rate Increase 2.25% for FY24 Proposed based upon Stantec Consulting's recommendation
- Water rates are not proposed to change for FY2024



Proposed Revenues vs Actual Revenues

- Revenues included in the FY23-24 Proposed Budget have been conservatively projected based upon current trends
- Staff may request Town Council to approve budget amendments if revenues appear to be tracking significantly different than budgeted amounts



NEXT STEPS

- **March 1, 2023** – Proposed FY2023-2024 Budget provided
- **March 13, 2023** –Work Session to review FY24 Proposed Budget & discuss 2023 Real Estate & Personal Property Tax Rates to be advertised
- **March 14, 2023** – Advertisement for Public Hearing of Tax Rates
- **March 27, 2023** – Public Hearing & Approval of Town Tax Rates
- **April 5, 2023** – Advertisement for Annual Appropriation Ordinance
- **April 10th, 2023** – Additional Budget Work Session (if requested)
- **April 24, 2023** – Public Hearing & Request of Council approval for FY23-24 Appropriation Ordinance and Sewer Rate Ordinance
- The Town must provide the Warren County Commissioner of Revenue's Office with the approved ***tax rates by April*** to avoid delays in mailing of tax bills.



Questions
FY 2023-2024
Revenue Forecast

February 13th, 2023



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Work Session Agenda Statement

Item #07

Meeting Date: February 13, 2023

Agenda Item: Request to Amend Town Code Chapter 4-1(D) Pertaining to Work Sessions

Summary: Mayor Cockrell has asked for a discussion to add another regular work session to each month. Currently there is one regular work session held on the 2nd Monday of the month and one regular meeting held on the 4th Monday of the month (except for the month of December when the meetings are held on the first and second Mondays.) Town Code was amended in 2021 to reduce the number of meetings from four a month to two. In 2022 it was amended to clarify regular work sessions more clearly and add language pertaining to the special meetings. Both of those ordinances are attached for your convenience. Before 2021 Council held two regular meetings and two work sessions every month on Monday evenings. Below is currently what is in the Town Code for Chapter 4-1(D) and (E).

4-1 Meetings

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

(Added (D) 2-22-21-Effective Upon Passage; Amended (D) 9-26-22-Effective Upon Passage)

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

(Added (E) 9-26-22-Effective Upon Passage)

Budget/Funding: None

Staff Recommendation: Council takes desired action. Any amendments to the Town Code are required to be advertised for a public hearing before approval.

**ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 4 PERTAINING
TO CHAPTER 4-1 TIME OF MEETINGS, CHAPTER 4-4 READING AND
PUBLICATION OF ORDINANCES AND CHAPTER 4-19 ORDER OF BUSINESS**

WHEREAS, the Front Royal Town Council is requesting to amend Sections of Town Code Chapter 4 Administration of Government that pertains to the time of Council meetings, reading of ordinances and order of business; and,

WHEREAS, if approved Town Council will have one Regular Meeting per month and one Work Session per month; Ordinances will require only one reading and the order of business will allow a quorum of Council to decide the order of business during their first regular meeting in January for the upcoming year:

WHEREAS, upon approval Town Council may decide the order of business during their next regular meeting in March 2021 for the year 2021 and future Councils will decide the order of business during their regular meeting in January for the upcoming year; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia that Chapter 4 of the Front Royal Town Code hereby be amended as follows:

4-1 TIME OF MEETINGS

A. The Council shall hold **one** ~~its~~ regular meetings in the Warren County Government Center on the ~~second and~~ fourth Mondays of each month at 7:00 p.m.; provided however, ~~that there shall be only one (1) such~~ **the** regular meeting in the month of December of each year; ~~and it~~ shall be on the second Monday of that month, held as the same time and in the same place.

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

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

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

4-4 READING/PUBLICATION OF ORDINANCES & EMERGENCY ORDINANCES

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

B. Ordinances ~~except routine or emergency measures~~, shall be adopted at the first reading. ~~read at two (2) separate meetings of the Council and may be enacted at the second reading.~~ Ordinances may be read by title only and not verbatim.

~~C. Ordinances which receive an affirmative vote following the first reading shall be read at a separate meeting of Council. The affirmative vote following the first reading shall be a non-binding vote.~~

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

~~E. Ordinances which Council has deemed are of a routine or emergency nature may be adopted at the first reading provided upon the concurrence of four (4) members of the Town Council, who vote to waive the second reading requirement and pass the item on its first and final reading.~~

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

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

A. ORDER OF BUSINESS

~~1. At every regular meeting of the Council, the order of business shall be as follows:~~

~~Pledge of Allegiance~~

~~Moment of Silence~~

~~Roll Call~~

~~Approval of the Minutes of previous meetings~~

~~Receipt of Petitions and/or correspondence from the public~~

~~Reports~~

~~—— a. Report of Special Committees or Town Officials and Town Manager.~~

~~—— b. Requests and Inquiries of Council members.~~

~~—— c. Report of the Mayor~~

~~— d. Proposals for addition/deletion of items to the Agenda.~~

~~Consent Agenda Items.~~

~~Items for Approval.~~

~~Closed Meeting items (if applicable)~~

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

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

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

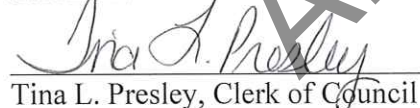
4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

This ordinance shall become effective upon passage.

APPROVED:


Chris W. Holloway Mayor

ATTEST:


Tina L. Presley, Clerk of Council

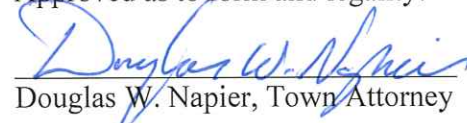
THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted Feb. 22, 2021, upon the following recorded vote:

Lori A. Cockrell ☒ Yes ☐ No
Gary L. Gillispie ☒ Yes ☐ No
E. Scott Lloyd ☐ Yes ☐ No

Jacob L. Meza ☒ Yes ☐ No
Letasha T. Thompson ☒ Yes ☐ No
Joseph E. McFadden ☐ Yes ☒ No

A public hearing on the above was held on Feb. 22, 21, having been advertised in the Northern Virginia Daily on January 23 and 30, 2021.

Approved as to form and legality:


Douglas W. Napier, Town Attorney

Date: 02/22/2021

Chapter 4

ADMINISTRATION OF GOVERNMENT

Sections:

TOWN COUNCIL

- 4-1 TIME OF MEETINGS
- 4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS
- 4-2 STANDING COMMITTEES
- 4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING
- 4-4 READING/PUBLICATION OF ORDINANCES & EMERGENCY ORDINANCES
- 4-5 ATTENDANCE OF WITNESSES & PRODUCTION OF BOOKS AND PAPERS

RULES OF ORDER

- 4-6 APPLICABILITY OF *ROBERT'S RULES OF ORDER*, ~~10TH EDITION~~
- 4-7 SUSPENSION OF RULES
- 4-8 MAYOR AS PRESIDING OFFICER
- 4-9 QUESTIONS OF ORDER
- 4-10 STATEMENT OF QUESTION AND DECLARATION OF RESULT; RECORDED VOTE
- 4-11 WITHDRAWAL FROM MEETING
- 4-12 CONDUCT IN ADDRESSING COUNCIL
- 4-13 PRIORITY IN SPEAKING
- 4-14 COMMUNICATIONS TO BE IN WRITING
- 4-15 MOTIONS
- 4-16 MEETINGS AND ORGANIZATION OF COMMITTEES
- 4-17 COMMITTEE REPORTS
- 4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES
- 4-19 ORDER OF BUSINESS; PLACEMENT OF ITEMS ON THE AGENDA

OFFICERS

- 4-20 RIGHT OF ENTRY

MAYOR

- 4-21 EXECUTIVE HEAD
- 4-22 CONTRACTING DEBT
- 4-23 RECOMMENDATIONS TO COUNCIL

TOWN MANAGER

- 4-24 (RESERVED)
- 4-25 BOND
- 4-26 POSITION TO BE FULL-TIME; REMOVAL
- 4-27 GENERAL RESPONSIBILITIES AND DUTIES
- 4-28 DUTIES AS TOWN TREASURER

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

TOWN ATTORNEY

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

TOWN ENGINEER

- 4-43 APPOINTMENT; DUTIES

DISCLOSURE BY CERTAIN EMPLOYEES

- 4-44 FILING REQUIRED
- 4-45 APPLICABILITY

PUBLIC RECORDS

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

AUXILIARY POLICE OFFICERS

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

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

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

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

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

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

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

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

4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS

A. Pursuant to Chapter 37, Virginia Freedom of Information Act §2.2-3708.3, individual members of a public body may use remote participation instead of attending a public meeting in person, if in advance of the public meeting, notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance; or
3. The member is unable to attend the meeting due to a personal matter and identifies with the specificity the nature of the personal matter. The member may not use remote participation due to personal matters more than two (2) meetings per calendar

year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Whenever a member of the public body wishes to participate from a remote location, a quorum of the public body shall be physically assembled at the primary or central public meeting location, pursuant to Chapter 37, Virginia Freedom of Information Act §2.2-3701, and arrangements made for the voice of the member attending remotely to be heard by all persons at the primary or central public body meeting location. The public body holding the meeting shall record in its minutes the member's remote participation was due to one of the above reasons as well as including in the minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description.

A member's participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provision of Chapter 37, Virginia Freedom of Information Act.

If the member's participation from a remote location is challenged, the public body shall vote whether to allow such participation. If the public body vote disapproves of the member's remote participation such disapproval shall be recorded in the minutes with specificity.

B. ALL-VIRTUAL MEETINGS - Pursuant to Chapter 37, Virginia Freedom of Information Act §2.2-3708.3. Local governing bodies, planning commission, architectural review boards, zoning appeals boards and boards with the authority to deny, revoke or suspend a professional or occupational license may not hold all-virtual public meetings.

C. STATE OF EMERGENCY - Pursuant to Chapter 37, Virginia Freedom of Information Act §2.2-3708.2., any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with §44-146.17 or the locality in which the public body is located has declared a local state of emergency pursuant to §44-146.21.

D. This ordinance, upon approval of Town Council, creates the Policy for remote participation by electronic means as required in Chapter 37, Virginia Freedom of Information Act §2.2-3708.3.

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

~~“Public Body”). Public Body Member’s requesting remote participation or the matters that will be considered or voted on at the meeting.~~

- ~~A. Whenever an individual Town Public Body Member wishes to participate from a remote location, a quorum of the Public Body shall be physically assembled at the primary or central Public Meeting location, and arrangements will be made for the voice of the remote Public Body Member to be heard by all persons at the primary or central Public Body Meeting location. The reason that the remote Public Body Member is unable to attend the Public Body Meeting and the remote location from which the Public Body Member participates will be recorded in the Public Body Meeting Minutes.~~
- ~~B. When such remote individual Public Body’s participation is due to an emergency or personal matter, such participation is limited by the Code of Virginia to two (2) meetings or 25 percent of the meetings of the Public Body per Public Body Member each calendar year, whichever is fewer.~~
- ~~C. Individual Public Body Member participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provisions of the Virginia Freedom of Information Act.~~
- ~~D. If a Public Body Member's participation from a remote location is challenged, then the Public Body shall vote whether to allow such participation. If the Public Body votes to disapprove of the Public Body Member's remote participation because such participation would violate this ordinance or the provisions of the Virginia Freedom of Information Act, such disapproval will be recorded in the Public Body Meeting Minutes with specificity.~~
- ~~E. This policy applies to all Meetings, Work Sessions, and committees of the Public Body.~~

4-2 STANDING COMMITTEES

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

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

4-3 PROPOSED ORDINANCES OR RESOLUTIONS TO BE IN WRITING

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

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

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

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

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

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

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

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

RULES OF ORDER

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

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

4-7 SUSPENSION OF RULES

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

4-8 MAYOR AS PRESIDING OFFICER

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

4-9 QUESTIONS OF ORDER

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

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

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

4-11 WITHDRAWAL FROM MEETING

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

4-12 CONDUCT IN ADDRESSING COUNCIL

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

4-13 PRIORITY IN SPEAKING

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

4-14 COMMUNICATIONS TO BE IN WRITING

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

4-15 MOTIONS

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

4-16 MEETINGS AND ORGANIZATION OF COMMITTEES

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

4-17 COMMITTEE REPORTS

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

4-18 ACTIONS UPON CLAIMS AND FOR REMISSION OF TAXES

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

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

1. At the first regular meeting of Town Council, Town Council, by majority vote of a quorum of all members of Council, shall decide upon the order of business for all regular meetings of Town Council for that upcoming calendar year. The order of business shall be reduced to writing and certified by the Mayor and Clerk of Town Council.
2. The order of business shall not be departed from except by the consent of two-thirds (2/3) of the members of the Council present and voting.
3. Items which appear under the heading "Consent Agenda items" are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion

of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the "Items for Approval" portion of the order of business.

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

B. Placement of Items on Agendas

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

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

C. Approval of Placement of Items on Agendas

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

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

OFFICERS

4-20 RIGHT OF ENTRY

Whenever any officer or employee of the Town is required or authorized by statute, the provisions of this Code or any ordinance or resolution or rules and regulations or orders issued thereunder, in order to carry out his duties thereunder, to enter any premises or vehicle for the purpose of making

an inspection thereof or of anything therein contained, such officer or employee shall have the right to enter any such premises or vehicle at any reasonable time in pursuance of such duties.

MAYOR

4-21 EXECUTIVE HEAD

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

4-22 CONTRACTING DEBT

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

4-23 RECOMMENDATIONS TO COUNCIL

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

TOWN MANAGER

4-24 (RESERVED)

4-25 BOND

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

4-26 POSITION TO BE FULL-TIME; REMOVAL

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

4-27 GENERAL RESPONSIBILITIES AND DUTIES

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

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

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

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

4-28 DUTIES AS TOWN TREASURER

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

4-29 BUDGET AND FINANCIAL ADVICE

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

4-30 ATTENDANCE AT COUNCIL MEETINGS; RECOMMENDATIONS TO COUNCIL

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

4-31 EMPLOYMENT AND DISCHARGE OF TOWN EMPLOYEES

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

4-32 MONTHLY FINANCIAL REPORT

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

4-33 SINKING FUND; INTEREST ON OUTSTANDING BONDS

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

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

4-34 CONTROL OF TOWN-OWNED REAL PROPERTY

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

4-35 BILLS

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

4-36 DISPOSITION OF TOWN FUNDS

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

TOWN ATTORNEY

4-37 ~~ELECTION~~ APPOINTMENT

The Council shall appoint ~~elect~~ a Town Attorney ~~biennially, which Attorney shall be elected at the first regular meeting in September 1932, or as soon thereafter as practicable, for a term of two (2)~~

~~years, beginning September 1, 1932.~~ Such Attorney shall have been admitted to practice law in the courts of the state.

4-38 COMPENSATION

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

4-39 GENERAL POWERS AND DUTIES

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

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

4-40 SUITS, PROSECUTIONS AND DEFENSE DUTIES

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

4-41 REPORTS TO COUNCIL

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

4-42 ACCOUNTING FOR FUNDS

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

TOWN ENGINEER

4-43 APPOINTMENT; DUTIES

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

DISCLOSURE BY CERTAIN EMPLOYEES

(Adopted 12-12-83)

4-44 FILING REQUIRED

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

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

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

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

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

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

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

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

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

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

4-45 RESERVED

PUBLIC RECORDS

(Adopted 11-26-90)

4-46 TOWN RECORDS - DEFINITION

The term "Town records" shall include all written books, papers, letters, documents, photographs, tapes, microfiche, microfilm, photostats, sound recordings, maps and other documentary materials or information in any recording medium, regardless of physical form or characteristics, including

data-processing devices and computers, which are made or received in connection with the transaction of any public business by any office or department of the Town of Front Royal.

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

4-47 TOWN RECORDS DECLARED PUBLIC PROPERTY

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

4-48 CUSTODY AND PRESERVATION OF TOWN COUNCIL RECORDS

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

4-49 RECORDS MANAGEMENT PROGRAM

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

4-50 RECORDS MANAGER

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

4-51 DEPARTMENT RECORDS OFFICERS

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

~~department. Each department Records Officer shall monitor compliance within his/her department with all provisions for the retention and disposition of Town records~~

AUXILIARY POLICE OFFICERS

(Adopted 11-14-94)

4-52 APPOINTMENT; POWER AND DUTIES

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

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

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

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

E. When called into service, the auxiliary police officers shall wear the prescribed uniform and shall have all the powers and authority and all the immunities of constables at common law and shall have all of the power and authority and all of the immunities of full-time law enforcement officers if all work forces have met the training requirements established by the Department of Criminal Justice Services under Section 9-179 §9-1 of the Code of Virginia, 1950, as amended, or its successor statute.

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

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

4-53 RESIDENCY OF TOWN EMPLOYEES

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

1. Town Manager

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

~~1. Clerk of Council;~~

1. Chief of Police;

2. Director of ~~Electrical~~ **Energy** Services;

3. Director of Public Works/~~Utilities~~;

4. Director of Planning

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

~~1. Director of Finance;~~

~~2. Director of Planning;~~

~~3. Director of Human Resources;~~

~~4. Town Engineer.~~

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

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

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

This ordinance shall become effective upon passage.

APPROVED:

Lori A. Cockrell
Lori A. Cockrell, Vice Mayor

ATTEST:

Tina L. Presley
Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted September 26, 2022, upon the following recorded vote:

Lori A. Cockrell ☒ Yes ☐ No

Gary L. Gillispie ☒ Yes ☐ No

Letasha T. Thompson ☒ Yes ☐ No

Amber F. Morris ☒ Yes ☐ No

Zachary Jackson ☒ Yes ☐ No

A public hearing on the above was held on September 26, 2022 having been advertised in the Northern Virginia Daily on September 9 and September 16, 2022.

Approved as to form and legality:

George Sonnett
George Sonnett, Deputy Town Attorney

Date: 10/03/2022



Work Session Agenda Statement

Item # 9

Meeting Date: February 13, 2023

CLOSED MEETING

Motion to go into Closed Meeting

[to be approved by affirmative recorded vote, with motion set forth in detail in the minutes]

I move that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 and 2.2-3712 of the Code of Virginia, for the following purpose:

pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, for 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, 1) proposed proffer amendments for Anna Swan Estates (HEPTAD LLC), 2) proposed proffer statement for Sayre (NVR, Inc.) rezoning, 3) tourism, destination marketing and promotion agreements, and 4) Warren Memorial Hospital PILOT fees.

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.