TOWN COUNCIL WORK SESSION

Monday, July 10, 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. CLOSED MEETING

7:00pm 3. Update on Tourism and Future Direction – *Lizi Lewis*

7:30pm 4. Old Business

A. Continued Discussion of Revitalization of Former Youth Center

8:00pm 5. Items Slated for Public Hearings on August 28th

A. Comprehensive Plan - *Lauren Kopishke*

B. Rezoning – Ramsey Inc. - *Lauren Kopishke*

C. Ordinance Amendment to Town Code Chapter 75 Pertaining to Transient Occupancy Tax - *BJ Wilson*

8:30pm 6. Consent Agenda Items for August 28th

A. Bid Award for Curb & Gutter Installation – *BJ Wilson*

B. FY24 Budget Amendment to Accept Funds from VRSA for Pavilion Damage – *BJ Wilson*

C. Comprehensive Solid Waste Utility Cost of Service Fee/Rate Study Contract and FY24 Budget Amendment – *BJ Wilson*

9:00pm 7. New Business

A. Liaison Committee Meeting Items for July 20th Meeting

8. ADJOURN

Regular Work Session Agenda Statement

Item # 02

Meeting Date: July 10, 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:

1) pursuant to §2.2-3711(A)(1) of the Code of Virginia, for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, more specifically, Town Manager and appointment to the Board of Zoning Appeals, and,

2) 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, more specifically, 1999 Front Royal-Warren County Voluntary Settlement Agreement, as amended.

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.

Regular Work Session Agenda Statement

Item # 03

Meeting Date: July 10, 2023

Agenda Item: Update on Tourism and Future Direction

Summary: Presentation of 2023 Tourism Plan for Front Royal

Budget/Funding: N/A

Staff Recommendation: For information

Work Session Agenda Statement

Item # 04A

Meeting Date: July 10, 2023

Agenda Item: Continued Discussion of Revitalization of Former Youth Center

Summary: At the work session on June 12th Samantha Barber from Reaching Out NOW presented information to Town Council about revitalizing the former Raymond E. Santmyers Youth Center into a Student Union. They have requested that the Town provide financial support to assist in getting the project up and running over the next two years.

As Town Council considers this request for funding, staff proposes the following questions:

- Does the Council want to hold a public hearing?
- Budget Amendment – how much, where, and when?
- Contract/Agreement – How to disperse the funds, accountability, metrics etc.

Budget/Funding: Requesting $25,000 immediately and $50,000 in year 2024

Staff Recommendation: Staff needs direction on how to move forward with this request

Regular Work Session Agenda Statement

Item # 05A

Meeting Date: July 10, 2023

Agenda Item: Comprehensive Plan

Summary:
Planning Department Staff, in conjunction with Summit Engineering have rewritten the Town's Comprehensive Plan. The last update occurred in 2012 but a complete rewrite has not occurred since 1998. The process to rewrite the Comprehensive Plan began in August 2021. Throughout this time staff has worked closely with the public to develop a plan that encompasses the goals and objectives of the community. Public participation has been fundamental to ensure this plan will adequately guide Front Royal into the next 20 years.

Budget/Funding: None

Staff Recommendation: Staff is requesting Council approve and adopt the Comprehensive Plan document during a public hearing on August 28th.

Regular Work Session Agenda Statement

Item # 05B

Meeting Date: July 10, 2023

Agenda Item: Rezoning – Ramsey, Inc.

Summary:
The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify a portion of Tax Map #20A4-24-1 from Commercial District C-3 to Residential District R-2. The Ordinance identifies the C-3 District as a highway commercial zone which excludes residential uses. The R-2 District is suited for medium- density residential uses. The stated purpose of the rezoning request is to allow for the construction of a multi-family structure. The applicant currently has approval for a lodging house, with this rezoning that approval would be revoked, and the applicant will need to submit a new zoning application for a multifamily dwelling unit. The property is north of the intersection of Winchester Road and Guard Hill Road. The Planning Commission held a public hearing in June 2023 and recommended forwarding the request to Town Council to rezone the 1.2837 site.

- The proposed rezoning would lower the intensity of use for the parcel from a strictly commercial zone to a residential zone.
    - The parcel is small and may be difficult to accommodate commercial uses.
- The surrounding uses are of a commercial or agricultural nature. Typically, these use categories do not abut one another in typical Euclidian Zoning, residential uses are more common next to agricultural uses.
- While the future land use designation does show an intent for commercial development, the description allows for provision for multifamily residential.
- that the subject parcel is part of a larger undivided parcel located in Warren County, that the applicant seeks to acquire additional acreage adjacent to the subject parcel to create a two-acre parcel in Town which can then be subdivided from the larger parcel at the Town/County line.

Budget/Funding: N/A

Staff Recommendation: Council is requested to discuss and advise staff if ready to advertise for a public hearing

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

STAFF REPORT - REZONING APPLICATION #2300225
Town Council– July 9, 2023

APPLICATION #:
2300225

APPLICANT:
Ramsey Inc

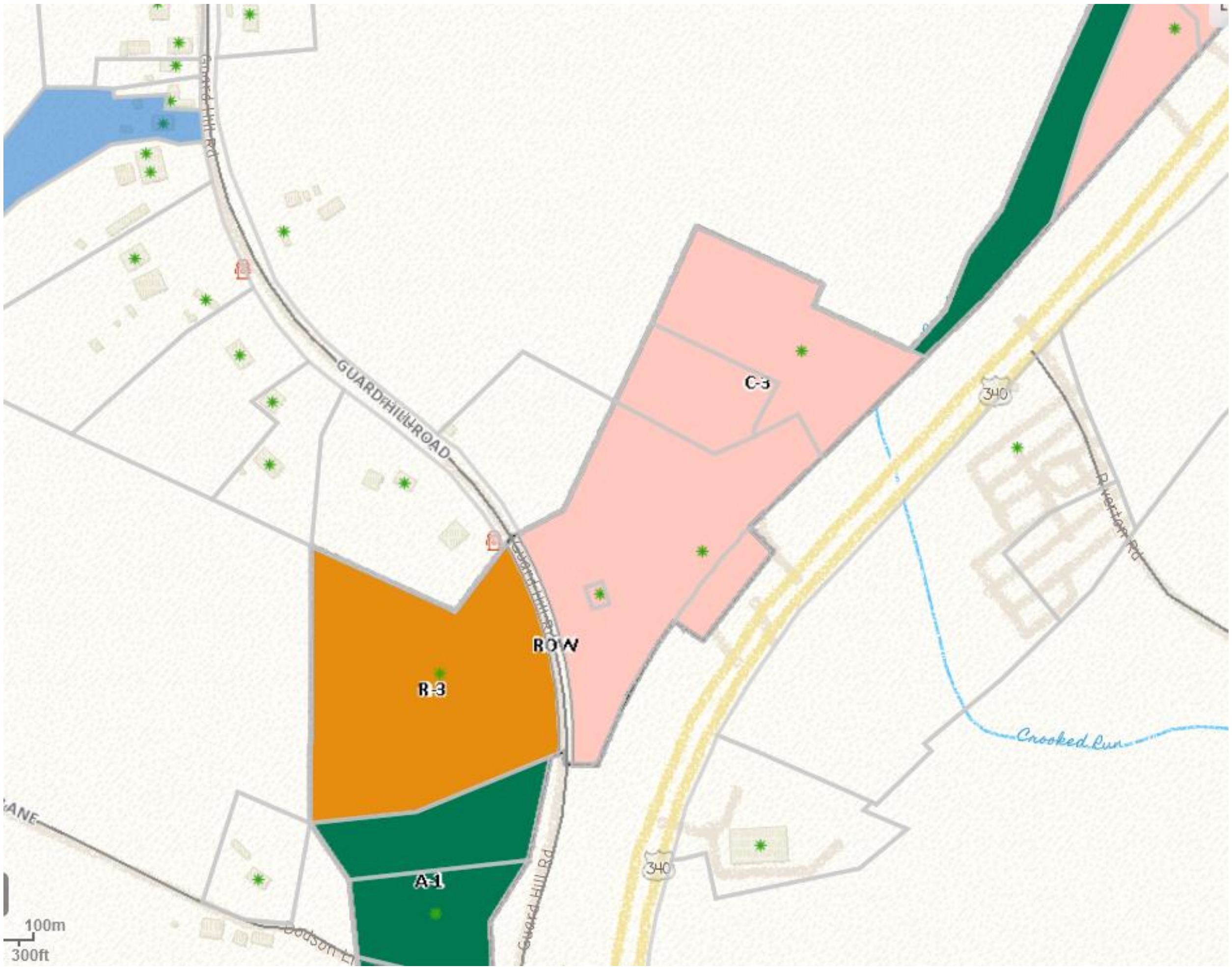
SUMMARY OF REQUEST:
The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify a portion of Tax Map #20A4-24-1 from Commercial District C-3 to Residential District R-2. The Ordinance identifies the C-3 District as a highway commercial zone which excludes residential uses. The R-2 District is suited for medium-density residential uses. The stated purpose of the rezoning request is to allow for the construction of multi-family structure. The applicant currently has approval for a lodging house, with this rezoning that approval would be revoked and the applicant will need to submit a new zoning application for a multifamily dwelling unit.

GENERAL INFORMATION:

Site Addresses	N/A
Property Owner(s)	Ramsey Inc
Existing Zoning	C-3, Commercial District
Proposed Zoning	R-2, Residential District
Tax Identification	20A4 24 1
Location	The property north of the intersection of Winchester Road and Guard Hill Road.

VICINITY MAP

AERIAL MAP – ZONING DISTRICTS



INFORMATION ON THE APPLICATION:

Application Documents

ATTACHMENT A: APPLICATION

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town.
- No proffers were made by the applicant.

ATTACHMENT B: PLAT

- **Plat.** A survey plat of the property showing property lines and proposed improvements thereon.

ATTACHMENT C: LETTER OF STATEMENT OF JUSTIFICATION

My desire is to utilize the property for the completion of a 2-Family dwelling which cannot be sold as separate units. Currently, the construction of a house is being undertaken which qualifies as a "lodging house" under C-3 zoning. Current plans include a one story house with a walkout lower level finished and an upper level that is to be unfinished at this time. This rezoning would allow Ramsey Inc to complete the upper level and occupy that level as a separate dwelling unit. Each unit would be 1040 sq ft., with each level having 2 bedrooms.

The statements of intent of the two identified zoning districts as set forth in the Front Royal Zoning Ordinance are as follows:

Zoning Ordinance

R-2 District, Zoning Ordinance Sec. 175-19.

The R-2 District is composed of medium-density concentrations of residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to protect and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to low- to medium-density concentrations, and permitted uses are limited to single-family- and two-family-type dwellings plus selected additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.

C-3 District, Zoning Ordinance Sec. 175-28.

“The Highway Corridor Business C-3 District is intended to selected commercial uses, and retailing and service operations, located along the major transportation corridors into the Town. The Highway Corridor Business C-3 District recognizes the demand for a variety of land uses along the major entrances into Town and strives to ensure that such development is compatible in use, appearance and functional operation with the Town's economic development policies and action strategies.

Differences between R-2 and C-3 Zoning Districts

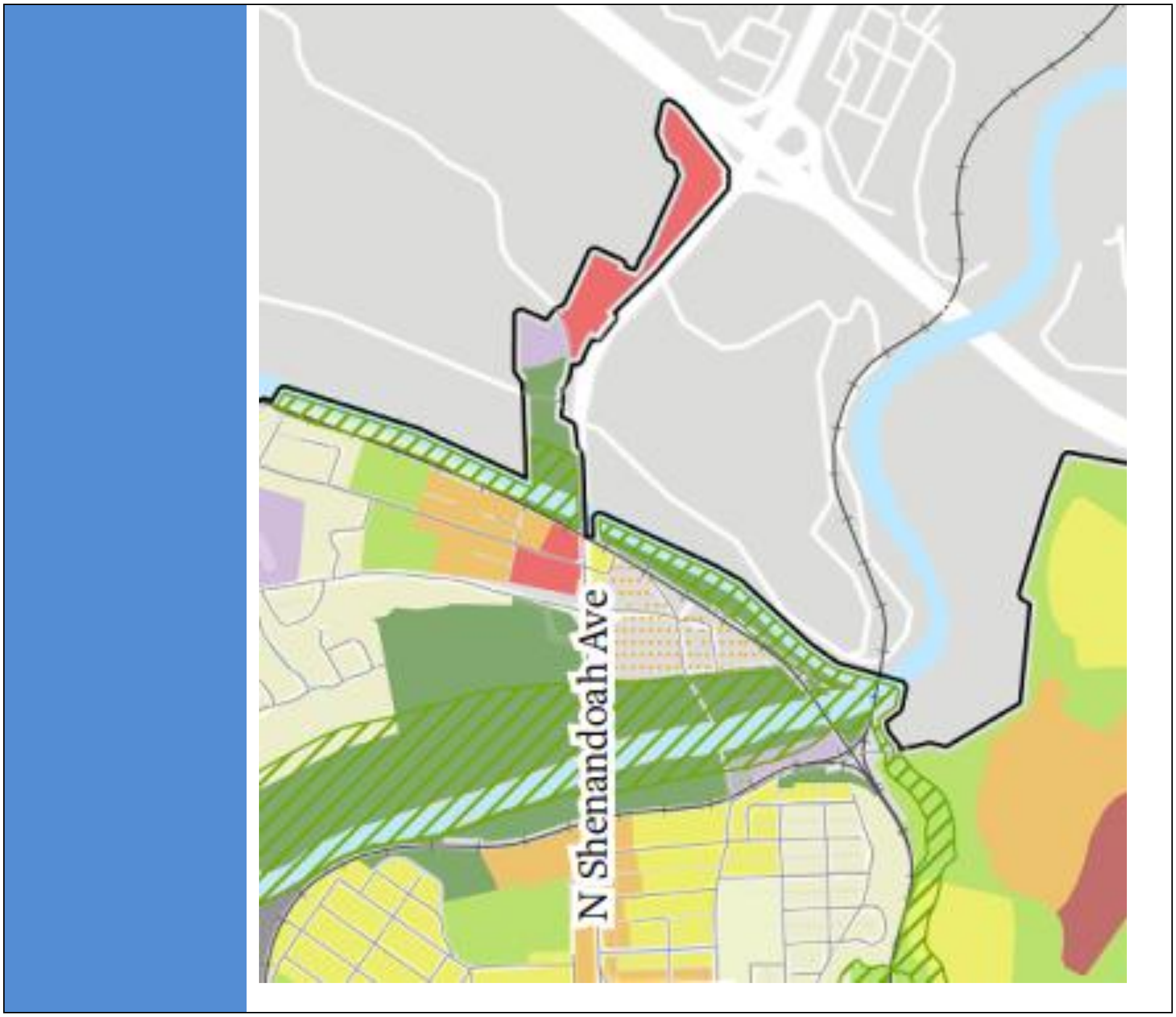
The main distinction of the R-2 district from the C-3 district is the provision of medium density residential units instead of commercial. The C-3 district excludes residential development.

Town Comp. Plan

The existing Comprehensive Plan designates this area for commercial use.

units per acre.

Commercial. Intended to accommodate commercial uses that are customarily auto-oriented, including vehicle service stations, fuel stations, hotels, banks, with limited multi-family resiential, and, with a higher height limit than elsewhere in town.



Findings and Analysis

- The proposed rezoning would lower the intensity of use for the parcel from a strictly commercial zone to a residential zone.
    - The parcel is small and may be difficult to accommodate commercial uses
- The surrounding uses are of commercial or agricultural nature. Typically, these use categories do not abut one another in typical Euclidian Zoning, residential uses are more common next to agricultural uses.
- While the future land use designation does show an intent for commercial development, the description allows for provision for multifamily residential.
- that the subject parcel is part of a larger undivided parcel located in Warren County, that the applicant seeks to acquire additional acreage adjacent to the subject parcel to create a two acre parcel in Town which can then be subdivided from the larger parcel at the Town/County line

Staff Recommendation

Based upon the above findings, staff recommends the adoption of the zoning map reclassification of the 1.28-acre parcel from Highway Commercial District C-3 Residential District R-2 as requested in the application.

Attachments: A. Application
B. Plat
C. Letter of Statement of Justification

Regular Work Session Agenda Statement

Item # 05C

Meeting Date: July 10, 2023

Agenda Item: Ordinance Amendment to Town Code Chapter 75 Pertaining to Transient Occupancy Tax

Summary: Council is requested to approve an amendment to the Town of Front Royal Municipal Code Chapter 75 (§75-33 – 75-43 Motel Excise Tax for Transients) to reflect changes made to the Code of Virginia related to short term rentals, as presented.

The Code of Virginia was revised to allow accommodation intermediaries the ability to collect/remit taxes; the proposed revisions will bring the Town of Front Royal Municipal Code in line with the Code of Virginia. The revisions include processes for accommodation intermediaries, whereas previously the operator of the establishment was responsible for collecting/remitting taxes.

The transient occupancy tax rate will remain the same at 6% of the amount charged.

Budget/Funding: N/A

Staff Recommendation: Staff recommends Council to approve the ordinance amendment at a public hearing scheduled for August 28th, as presented.

ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL MUNICIPAL CODE §75-33 – 75-43 PERTAINING TRANSIENT OCCUPANCY TAX

WHEREAS, the Code of Virginia was revised to allow accommodation intermediaries the ability to collect and remit taxes; and,

WHEREAS, the proposed revisions to Front Royal Municipal Code §75-33 – 75-43 would bring the Town Code in line with the Code of Virginia. The revisions include processes for accommodation intermediaries, whereas previously the operator of the establishment was responsible for collecting/remitting taxes; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia that §75-33 – 75-43 of the Front Royal Town Code hereby be amended as follows:

~~MOTEL EXCISE TAX FOR TRANSIENTS~~ TRANSIENT OCCUPANCY TAX

75-33 ~~MOTEL EXCISE~~ TRANSIENT OCCUPANCY TAX - DEFINITIONS

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ACCOMODATIONS - any room or space for which tax is imposed on the retail sale of the same pursuant to this ordinance.

ACCOMODATIONS INTERMEDIARY - any person other than an accommodations provider that facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider. Accommodations intermediary does not include a person:

1. If the accommodations are provided by an accommodation’s provider operating under a trademark, trade name, or service mark belonging to such person; or

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation’s provider to such person.

ACCOMODATION’S PROVIDER - any person that furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession or the sale of the right to use or possess.

HOMESTAY - the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

HOTEL - includes, but is not limited to, any public or private hotel, motel, lodging room, homestay, inn, apartment hotel, hostelry, tourist home or house, offering lodging to any transient, as hereinafter defined, for compensation.

LODGING - means and includes, but is not limited to, any space or room furnished any transient.

~~**MOTEL** - Any public or private hotel, inn, apartment, hotel, hostelry, tourist home or house, bed and breakfast home or house, motel, rooming house, travel campground or other lodging place within the Town of Front Royal with the capacity for four (4) or more transient lodgers at any one (1) time, offering lodging for compensation to any transient as defined herein.~~

~~**OPERATOR** - Includes any person, partnership, corporate entity, those acting in a representative capacity thereof and their successors and assigns, who run, manage, own or otherwise control a motel in the Town of Front Royal.~~

ROOM ~~RENTAL~~ CHARGE - ~~The total charge made by any motel for lodging and/or space furnished to any transient.~~ the total charge, exclusive of any tax imposed on such charge, made by any hotel for lodging furnished by transient. If the charge made by any hotel to a transient includes any charge for services or accommodations in addition to that of lodging, and/or use of space, such portion of the total charge as represents only lodging and/or space rental shall be distinctly set out and billed to such transient by such hotel as a separate item.

TOWN - The Town of Front Royal, Virginia.

TRANSIENT - ~~Any person who for any period of less than thirty (30) consecutive days, whether at his own expense or at the expense of another, obtains lodging or the use of any space in a motel.~~ a person who, for a period of not more than 29 consecutive days, either at his own expense or at the expense of another, obtains lodging or use of space in any hotel or travel campground, as hereinabove defined, for which lodging or use of space a charge is made.

TRAVEL CAMPGROUND - any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purposes, or temporary dwelling during travel, recreational or vacation uses.

TREASURER - The Treasurer of the Town of Front Royal, Virginia, or his designated agent.

75-34 ~~MOTEL EXCISE TAX - LEVIED; RATE~~ TRANSIENT OCCUPANCY TAX – LEVIED AMOUNT

~~There is hereby levied and imposed an excise tax of six percent (6%) of the total amount paid for motel room rental upon any transient in the Town of Front Royal. All fractional amounts of five-tenths cents ($0.005) or more shall be rounded up to the next cent.~~

Pursuant to Code of Virginia, §58.1-3819, there is imposed a transient occupancy tax on hotels, motels, boardinghouses, travel campgrounds, and other facilities offering guest rooms in the town. The amount of the tax shall be six percent (6%) of the amount of charge for the occupancy of any room or space occupied. The tax imposed under this section shall not apply to rooms or spaces rented for continuous occupancy be the same individual or group for 30 or more days in hotels, motels, boardinghouses, and travel campgrounds.

75-35 ~~MOTEL EXCISE TAX~~ - TRANSIENT OCCUPANCY TAX - PAYMENT AND COLLECTION

~~In every case the tax shall be paid by the transient and collected by the operator at the time the room rental comes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The operator shall add the tax to the amount charged for the room rental, and the operator shall pay the taxes collected to the town as provided in this Article.~~

The tax imposed by this section shall be collected by each hotel, motel, boardinghouse, travel campground, and other facilities offering guest rooms operating in the Town and remitted to the Town Treasurer.

For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge, and shall remit the same to the Town of Front Royal and shall be liable for the same.

Subject to applicable laws, an accommodations intermediary shall submit to the Town the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in the Town. Such information shall be submitted monthly.

75-36 ~~MOTEL EXCISE TAX~~ - TRANSIENT OCCUPANCY TAX - COLLECTIONS TO BE HELD IN TRUST

~~All amounts collected as taxes under this Article shall be deemed to be held in trust by the operator collecting them, until remitted to the Town as provided by this Article.~~

The taxes required to be collected under this section shall be deemed to be held in trust by the person required to collect such taxes until remitted as required in this article.

75-37 ~~MOTEL EXCISE TAX -~~ TRANSIENT OCCUPANCY TAX - COMMISSION FOR COLLECTION

Every ~~operator~~ person who collects, accounts for and remits taxes imposed herein to the Town of Front Royal; and every accommodations intermediary who submits the property address and gross receipts for all accommodations facilitated by the accommodation intermediary in the Town on or before the 20th day of the calendar month following the month being reported; shall receive a commission at the rate of four percent (4%) of the amount of tax due and accounted for by the

~~operator~~ person. Said commission shall be paid in the form of a deduction from the tax so remitted. No commission shall be received by any ~~operator~~ person in the event that the amount due from said ~~operator~~ person, or any part thereof, is delinquent under the provisions of this Article.

75-38 ~~MOTEL EXCISE TAX -~~ TRANSIENT OCCUPANCY TAX - ~~REGISTRATION;~~ REPORTS AND REMITTANCES

~~A. The Treasurer may require all prospective operators of motels licensed to do business in the Town to register for collection of the tax imposed by this Article.~~

~~B. Every operator shall make a report for each calendar month, showing the amount of charges for room rentals, and the amount of tax required to be collected. The monthly reports shall be made on forms prescribed by the Treasurer and shall be signed by the operator. They shall be delivered to the Treasurer on or before the 20th day of the calendar month following the month being reported. Each report shall be accompanied by a remittance in the amount of the tax due, made payable to the Town of Front Royal, Virginia.~~

A. The tax imposed by this article shall be collected by each hotel, motel, boardinghouse, travel campground, and other facilities offering guest rooms operating in the town and remitted to the Town Treasurer on a monthly on or before the 20th day of the calendar month following the month being reported. The monthly report shall be made on forms prescribed by the Town Treasurer. Each report shall be accompanied by a remittance in the amount of the tax due, made payable to the Town of Front Royal.

B. Subject to applicable laws, an accommodations intermediary shall submit to a locality the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality. Such information shall be submitted monthly.

75-39 ~~MOTEL EXCISE TAX~~ TRANSIENT OCCUPANCY TAX - PENALTIES AND INTEREST

~~Any operator who shall fail or refuse to make the monthly report within the time required or to remit the tax in the amount required, as provided by this Article, shall be required to pay a penalty in the amount of ten percent (10%) of the total tax due. In addition, the operator shall pay interest on all taxes imposed under this Article which are past due thirty (30) days or more, at the rate of twelve percent (12%) per annum. All penalties and interest shall be payable to the Town of Front Royal, and are in addition to any criminal penalties imposed under this Article.~~

If any person shall fail or refuse to collect the tax imposed under this article and to make, within the time provided in this article, the reports and remittances required in this article, the town manager or his/her designee shall proceed, in such manner as may deem best, to obtain facts and information on which to base his estimate of the tax due. As soon as the Town Treasurer, or their designed, shall procure such facts and information as he/she is able to obtain, upon which to base the assessment of any tax payable by any person who has failed or refused to collect such tax, and to make such report and remittance, he/she shall proceed to determine and assess against such person such tax, penalty and interest as provided for in this article and shall notify such person by certified mail, sent to his last known place of address, of the amount of such tax, interest and penalty, and the total amount thereof shall be payable within ten days from the date of the mailing of such notice.

75-40 ~~MOTEL EXCISE TAX-~~ TRANSIENT OCCUPANCY TAX - RECORDS

~~It shall be the duty of every operator liable for the collection and remittance of the taxes imposed herein to keep and preserve for a period of two (2) years records showing all purchases taxable under this Article, including the room rental charged to the transient, the date thereof, and the motel excise taxes for transients collected thereon. The Treasurer shall have the power to examine such records at reasonable times without interference by the operator for the purpose of administering and enforcing the provisions of this Article, and to make copies of all and any parts thereof.~~

It shall be the duty of every person liable for the collection and payment to the town of any tax imposed by this article to keep and to preserve for a period of four years such suitable records as may be necessary to determine and show accurately the amount of such tax as he may have been responsible for collecting and payment to the town. The Town Treasurer or designee may inspect such records at all reasonable times.

75-41 ~~MOTEL EXCISE TAX – REPORT REQUIRED FOR OPERATORS DISPOSING OF BUSINESS~~REMISSION UPON GOING OUT OF BUSINESS

~~In the event that any motel in the Town shall cease to operate, be sold or otherwise be disposed of, then notwithstanding the regular monthly report and payment requirements as set forth herein, that operator shall be required to file a report of the motel excise taxes for transients due, and make payment of those taxes on the date that the operator ceases operations or otherwise disposes of the business.~~

Whenever any person required to collect and remit the tax imposed and levied by this article shall go out of business, dispose of the business, or otherwise cease to operate, all such taxes collected shall be reported and remitted to the Town Treasurer within 30 days.

75-42 ~~MOTEL EXCISE TAX-~~ TRANSIENT OCCUPANCY TAX - EXEMPTIONS

~~The following shall not be subject to the motel excise tax for transients imposed under this Article:~~

~~A. Transient occupancy taxes imposed under Virginia Code Sections 58.1-3819 and 58.1-3820.~~

~~B. Tips paid by the transient.~~

~~C. Meals or other services not related to the rental of rooms or space furnished by the motel.~~

~~D. Lodging furnished by public or private schools to their students or employees.~~

~~E. Lodging and/or space purchased by federal, state or local government agencies, or by the officers or employees thereof while on official business.~~

~~F. Lodging furnished by a hospital, nursing clinic, convalescent home, nursing home, home for the aged, infirm or handicapped or other extended care facility to patients or residents thereof.~~

~~G. Lodging furnished by a nonprofit charitable or civic organization to the elderly, infirm, handicapped or needy persons.~~
~~H. Sales taxes on lodging and/or space furnished to transients.~~

~~I. Lodging furnished by day-care or other child care facilities for children under the care of such facility.~~

~~J. Any other lodging and/or space furnished to transients which is exempted from taxation under the provisions of Virginia Code Section 58.1-3840.~~

No tax shall be payable under this article on room rental paid to any hospital, medical clinic, convalescent home or home for the aged.

The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms.

75-43 ~~MOTEL EXCISE TAX~~ TRANSIENT OCCUPANCY TAX - VIOLATIONS

Any operator who shall violate or fail to comply with any of the provisions of the Article, or who shall file a false or misleading monthly report hereunder, shall be guilty of a Class 3 Misdemeanor and fined an amount of not more than $500.00. Each violation or failure shall constitute a separate offense. Such conviction shall not relieve any such person from the payment, collection or remittance of the tax as provided in this article.

APPROVED:

____
Lori A. Cockrell, Mayor

ATTEST:

____
Tina L. Presley, Clerk of Council

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on ____________________________, 2023 upon the following recorded vote:

Melissa DeDomenico-Payne	__Yes __No	H. Bruce Rappaport	__Yes __No
Joshua L. Ingram	__Yes __No	Duane R. “Skip” Rogers	__Yes __No
Amber F. Morris	__Yes __No	R. Wayne Sealock	__Yes __No

****
Approved as to Form and Legality:

____
George M. Sonnett, Jr., Town Attorney Dated: ___________________________

Regular Work Session Agenda Statement

Item #06A

Meeting Date: July 10, 2023

Agenda Item: Bid Award for Curb & Gutter Installation

Summary: On Thursday, June 8th, 2023, the Town held a public bid opening and received eight (8) responses for the installation of curb and gutter, in accordance with the Virginia Public Procurement Act.

Council is requested to award the bid to purchase services for the curb and gutter installation project to the lowest responsive and responsible bidder, Arthur Construction Company Co., Inc., of Dulles, Va., in the amount of $43,475.00.

Please find attached the recommendation letter and bid tabulation form.

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

4500-47941	Concrete	$43,475.00

Staff Recommendation: Staff recommends approving as presented under the Consent Agenda on Aug 28th

Town of Front Royal
Public Works

MEMORANDUM

TO: Michelle Campbell, Purchasing Manager

CC: B.J. Wilson, Finance Director

FROM: Robert B Boyer, Public Works Director

DATE: June 27, 2023

SUBJECT: Recommendation to award curb and gutter installation

The Public Works Department would like to recommend awarding the installation of curb and gutter to Arthur Construction Company out of Dulles, VA. The total cost for installing the 800 linear feet of CG-6 Curb and Gutter and 325 linear feet of CG-9 Driveway aprons. The funding fir this work is already budgeted under budget code 4500-7941.

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

Thank You.

VENDOR SPREAD SHEET

Town of Front Royal, VA

IFB #18-2023 CURB & GUTTER INSTALLATION
BID/PROPOSAL OPENING DATE: 6/8/2023
BID/PROPOSAL OPENING TIME: 2:00 PM

QTY	ITEM DESCRIPTION	IMPERIO CONSTRUCTION FALLS CHURCH,VA	STONEBRIDGE CIVIL ASHBURN, VA	ARTHUR CONSTRUCTION DULLES,VA	M&F CONCRETE INC. MANASSAS, VA	PINE KNOLL CONSTRUCTION CLEARBROOK,VA	NORTH CONSTRUCTION INC. ASHBURN,VA	FINLEY ASPHALT & SEALING MANASSAS,VA	ASBURN CONTRACTING CORP. STERLING, VA
		UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
800 LF	PER LINEAR FOOT INSTALLATION OF CG-6 CURB & GUTTER PER TECHNICAL SPECIFICATIONS	$58.37 LF	$58.00 LF	$40.00 LF	$65.38 LF	$48.00 LF	$80.00 LF	$59.05 LF	$80.00 LF
	SUBTOTAL	$46,696.00	$46,400.00	$32,000.00	$52,304.00	$38,400.00	$64,000.00	$47,240.00	$64,000.00
325 SQ/FT	PER SQUARE FOOT INSTALLATION OF CG-9 CONCRETE APRONS TECHNICAL SPECIFCATIONS	$30.00 SQ/FT	$30.00 SQ/FT	$15.00 SQ/FT	$43.15 SQ/FT	$7.75 SQ/FT	$38.00 SQ/FT	$29.04 SQ/LF	$20.00 SQ/FT
	SUBTOTAL	$9,750.00	$9,750.00	$4,875.00	$14,023.75	$2,518.75	$12,350.00	$9,438.00	$6,500.00
220 LF	REMOVAL OF EXISTING CURB	$15.00 LF	$18.90 LF	$30.00 LF	$13.18 LF	$85.00 LF	$20.00 LF	$10.00 LF	$20.00 LF
	SUBTOTAL	$3,300.00	$4,158.00	$6,600.00	$2,899.60	$18,700.00	$4,400.00	$2,200.00	$4,400.00
	Total Bid	$59,746.00	$60,308.00	$43,475.00	$69,227.35	$59,618.75	$80,750.00	$58,878.00	$74,900.00

*DENOTES NON-RESPONSIVE BID
The VENDOR SPREAD SHEET is generated from the initial, raw information collected. No award decision has been made.

Prepared by:Megan Clark,VCA

Department of Purchasing
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Front Royal, VA 22630
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Phone 540-636-6889

Regular Work Session Agenda Statement

Item #06B

Meeting Date: July 10, 2023

Agenda Item: FY24 Budget Amendment to Accept Funds from VRSA for Pavilion Damage

Summary: Council is requested to a approve a FY24 Budget Amendment in the amount of $23,404.20 to receive funds from Virginia Risk Sharing Association (VRSA) for damage to the Town's Pavilion involved in an accident.

Budget/Funding:

1000-3410205	General Fund Insurance Recovery	$23,404.20
4302-43004	General Properties – Repairs & Maintenance	$23,404.20

Staff Recommendation: Staff recommends for Council to approve the budget amendment as presented under the Consent Agenda for August 28th.

Regular Work Session Agenda Statement

Item # 06C

Meeting Date: July 10, 2023

Agenda Item: Comprehensive Solid Waste Utility Cost of Service Fee & Rate Study Contract and FY24 Budget Amendment

Summary: Council will be requested to award a contract to have a Comprehensive Solid Waste Utility Cost of Service Fee and Rate Study for the Department of Public Works by Mid-Atlantic Solid Waste Consultants in the amount of $39,500 and approve a FY24 Budget Amendment during the regular scheduled meeting of July 24, 2023.

The Town solicited a request for proposals to obtain a qualified firm to perform the cost-of-service fee and rate study. All guidelines as set forth in the Virginia Public Procurement Act have been followed when presented to Council for approval.

Staff interviewed three (3) out of four (4) respondents to the RFP, with one (1) respondent deemed non-responsive due to a late bid response.

Budget/Funding: FY24 Budget Amendment

4203-3510110	Solid Waste Appropriated Funds Forward	$39,500.00
4203-43002	Solid Waste Professional Services	$39,500.00

Funds transferred from 4203-47005 Solid Waste Motor Vehicles PO#29655 <$39,500>

Staff Recommendation: Staff recommends using a portion of funds that were previously set aside totaling $60,305 for the purchase of a replacement refuse truck on purchase order number 29655 under line item 4203-R47005 Solid Waste Motor Vehicles and place under the Consent Agenda on August 28th.

ATTACHMENT A – SCOPE OF WORK

1. PROJECT UNDERSTANDING

The Town of Front Royal, located in Warren County, provides residential and commercial waste and recycling collection within Town limits. The Department of Public Works Division of Solid Waste serves approximately 5,700 residential accounts and 18 commercial/industrial accounts with 12 full-time employees and a budget of just over $1 million. Residential households receive a 96- or 32-gallon refuse cart, while commercial customers may receive cart or dumpster service. Single-stream recycling, excluding glass, is provided to residents using smaller bins. Customers pay monthly fees for trash and recycling collection. The Town will pick up bulky items and out-of-cart setouts for an additional fee, which increases on successive uses to discourage abuse of the service.

At the current time, the Town is interested in comparing its current solid waste costs against industry standards, comparing its municipally provided service cost versus an outsourced third-party vendor, developing baseline rate and fee structures to fund solid waste operations and capital improvement requirements, exploring alternative rate and fee structures for non-standard services, and optimizing the communication of these utility costs to its citizens.

2. APPROACH

PHASE 1 – PROJECT INITIATION

Task 1.1 – Information Request & Review of Data: MSW Consultants will submit a written request for information to be provided by the Town within 7-10 business days or as otherwise discussed. We will also review publicly available information provided on the Town website. Data requested will include (but is not limited to) the following:

- Current solid waste and rate ordinances;
- Historical and projected operating expenses and revenues;
- Proposed and adopted budgets;
- Current rates, charges, and revenue mechanisms;
- Historical customer billing data or household counts, as appropriate;
- Capital asset and rolling stock lists;
- Capital improvement plan details;
- Disposal or processing contracts, historical and current tip fees being incurred;
- Division organization chart and employee roster;
- Tonnage information for all materials managed from prior collection periods; and
- Any other information that would be useful to the study.

Task 1.2 – Kick-off Meeting: MSW Consultants will conduct a kick-off meeting to clarify project expectations, confirm schedules and review remaining data needs.

Task 1.3 – Contract Review: MSW Consultants will review any disposal and processing contracts the Town currently has in effect, noting any exceptions from industry standards and best management practices if applicable. We will also review the Town's interlocal or other agreements with the County governing use of the County's facilities.

Task 1.4 – Market Research: MSW Consultants will inventory local private haulers, recycling facilities, and other local and regional vendors that may enable the Town to most easily evolve its system, make good strategic decisions, and capitalize on market competition to secure favorable terms for waste management services.

Task 1.5 –Introductory Council Meeting: The Town correctly recognizes the importance of keeping Council informed on projects that may impact residents directly through their pocketbooks, their curbside services, or both. MSW Consultants will collaborate with staff at the outset of the project to prepare introductory slides and conduct a meeting with the Town Council. This meeting will seek to inform Council about the project, and to solicit feedback, concerns, or expectations that the Council has for the project.

PHASE 2 – FULL COST-OF-SERVICE ANALYSIS & RATE DESIGN

This task includes development of a full cost-of-service model to uncover the full cost and cost-per-customer to provide each individual service (e.g., collection of garbage, recycling, etc.)

Task 2.1 – Cost of Service Analysis: MSW Consultants will perform a cost-of-service analysis to identify the actual cost per customer for all Town-provided collection services. The cost-of-service analysis will compile full costs – including direct operating expense, vehicle replacement plans, capital improvement plans, and debt service (if appropriate) – and allocate these costs to appropriate collection and management/administrative functions. Allocated full costs and current customer counts will be used to estimate the full cost and unit cost per customer that are needed to achieve system revenue sufficiency.

Our cost-of-service model allocates collection and disposal cost components separately to inform Town staff of the actual differences in the cost to provide the fixed and variable portions of these service costs. Such data are critical to achieving best management practices.

Task 2.2 – CIP & Vehicle Replacement Plan Review: MSW Consultants will review the Town's capital replacement program and policies and factor these into the revenue sufficiency analysis. If necessary, we will compare the Town's current vehicle replacement plans and policies with other collection systems and/or facilities to identify opportunities for improvement.

Task 2.3 –Ten-Year Financial Projections & Rate Sufficiency Analysis: MSW Consultants will project full costs for a 10-year period incorporating CIP and vehicle replacement plans spanning the next 10 years. We will then project the full-cost rates that would be needed to achieve break-even financial performance for five- and ten-year periods. These full cost rates will be compared to current revenue mechanisms to identify deficiencies and potential changes to the existing revenue structure.

Task 2.4 – Working Meeting 1: At this time, MSW Consultants will assemble findings and conduct a meeting with the Town staff to discuss findings and various approaches for rate design and gather Town input.

Task 2.5 – Rate Design Analysis: This exercise will define rate classes for curbside residential and commercial customers and provide the range of rate setting options available to recoup full costs. For the residential rates, it is expected that MSW Consultants will compare flat rates and a range of variable rate combinations. For commercial collection, MSW Consultants can calculate the appropriate container rate matrix, as well as the range of special service fees that are warranted using proprietary modeling.

PHASE 3 – REPORTING

MSW Consultants will collaborate with the Town to summarize and publicize project findings and rate recommendations.

Task 3.1 – Draft Report: MSW Consultants will incorporate the results of the financial modeling activities into a concise Technical Report. The report will include any recommendations for changes to rate structure, revenue mechanisms, and administration of the system based on the findings of the study.

Task 3.2 – Draft Report Comments Meeting: MSW Consultants will conduct a virtual meeting with Town staff to present the draft report and its findings at least one week after submittal of the report for comments.

Task 3.3 – Draft Report Public Information Meeting: MSW Consultants will conduct a public information meeting to present the draft report findings to the Town customers and stakeholders. All comments submitted during the meeting will be compiled in a digital format for Town staff.

Task 3.4 – Town Council Draft Report Meeting: MSW Consultants will conduct a meeting with the Town Council to present the draft report findings and address all comments provided by Town staff and customers from prior meetings.

Task 3.5 – Ordinance Revisions: Based on the findings of the evaluation and any recommendations, MSW Consultants will identify areas of the Town ordinance requiring update and provide suggested ordinance language for consideration by the Town. Note that MSW Consultants does not employ attorneys and that our suggested revisions will require legal review by the Town.

Task 3.6 – Final Report: Upon addressing comments from Town staff, customers, and Town Council, MSW Consultants will finalize the fee and rate structures and report for delivery to the Town.

Task 3.7 – Final Town Council Meeting: MSW Consultants will conduct a meeting with the Town Council to present the finalized findings from the Final Report.

Optional Task – Benchmarking: MSW Consultants will conduct a benchmarking study comparing Front Royal and five other Virginia municipalities of similar population and providing at least some similar solid waste services. The data points to compare will include size, service provider, service levels, user fees, and other system attributes as available. MSW will prepare a draft list of benchmark entities before finalizing the list following Town feedback.

3. BUDGET & SCHEDULE

The budget for the described services is provided in the table below. Due to the additional time and travel expenses involved, we have provided the baseline budget with meetings to be conducted virtually along with incremental costs for meeting the Town chooses to hold in person. These services will be performed by MSW Consultants on a milestone fixed fee basis.

ATTACHMENT A – SCOPE OF WORK

Tasks	Hours	Total
1 - Project Initiation	**39**	**$5,600**
1.1 - Information Request & Review of Data	13	$1,800
1.2 - Kick-Off Meeting (Virtual)	4	$600
1.3 - Contract Review	5	$700
1.4 - Market Research	9	$1,200
1.5 - Introductory Council Meeting (Virtual)	8	$1,300
2 - Full Cost-of-Service Analysis and Rate Design	**107**	**$14,400**
2.1 - Cost-of-Service Analysis	45	$5,800
2.2 - CIP & Vehicle Replacement Plan Review	21	$2,800
2.3 - Ten Year Financial Projections & Rate Sufficiency Analysis	14	$2,000
2.4 - Working Meeting I (Virtual)	10	$1,500
2.5 - Rate Design Analysis	17	$2,300
3 - Reporting	**124**	**$17,900**
3.1 - Draft Report	46	$6,600
3.2 - Draft Report Comments Meeting (Virtual)	11	$1,600
3.3 - Draft Report Public Information Meeting (Virtual)	12	$1,800
3.4 - Town Council Draft Report Meeting (Virtual)	12	$1,800
3.5 - Ordinance Revisions	12	$1,700
3.6 - Final Report	20	$2,800
3.7 - Final Town Council Meeting (Virtual)	11	$1,600
Grand Total	**270**	**$37,900**

In-Person Presentations	Incremental Cost
1.5 – Introductory Council Meeting (In-Person)	+$2,000
3.3 - Draft Report Public Information Meeting (In-Person)	+$2,000
3.4 - Town Council Draft Report Meeting (In-Person)	+$2,000
3.7 - Final Town Council Meeting (In-Person)	+$2,000

Optional Task		
Benchmarking	20	$1,600

Additional tasks may be added and charged with prior written authorization.

A feasible schedule to complete this project is less than six months, as shown in the chart below. We understand that various city calendars may prescribe different timing for some of the meetings and presentations.

Task No.	Task Name	Month 1				Month 2				Month 3				Month 4				Month 5				Month 6			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
1	Project Initiation																								
1.1	Information Request & Review of Data																								
1.2	Kick-Off Meeting (Virtual)																								
1.3	Contract Review																								
1.4	Council Meeting (Virtual)																								
1.5	Benchmarking (Optional Task)																								
2	Full Cost-of-Service Analysis and Rate Design																								
2.1	Cost-of-Service Analysis																								
2.2	CIP & Vehicle Replacement Plan Review																								
2.3	Ten Year Financial Projections & Rate Sufficiency Analysis																								
2.4	Working Meeting I (Virtual)																								
2.5	Rate Design Analysis																								
2.6	Working Meeting II (Virtual)																								
3	Reporting																								
3.1	Draft Report																								
3.2	Draft Report Comments Meeting (Virtual)																								
3.3	Draft Report Public Information Meeting (Virtual)																								
3.4	Town Council Draft Report Meeting (Virtual)																								
3.5	Ordinance Revisions																								
3.6	Final Report																								
3.7	Final Town Council Meeting (Virtual)																								

Regular Work Session Agenda Statement

Meeting Date: July 10, 2023

Item # 07A

Agenda Item: Liaison Committee Meeting Items for the July 20th Agenda

Summary: The Liaison Committee Meeting is scheduled for July 20th and hosted by the Town in the Town Hall beginning at 6:00pm. Council is requested to add items to the agenda for discussion. Staff is requesting the following items be placed on the agenda:

- **Liaison Committee Policy** – during the January 2023 meeting the Clerk of Council offered to revise the Policy with attendees' suggestions. During the April 2023 meeting it was noted that there may be some issues with the suggestions from January and suggested that the Town Manager revise the Policy and bring it back for review.

- **Delay of the Mailing of Real Estate and Personal Property Tax Bills the last Five Years** – the mailing of first installment of Town personal property tax bills have been delayed for 2019, 2020, 2021, 2022, and 2023; the first installment for Town real estate tax bills have been delayed for 2019, 2020, 2021, and 2023. The Town Code states that one-half of the annual assessment of such taxes are due on or before June 5th of each year and the additional one-half due on or before December 5th. Council agreed at their June 5th Work Session to add this item to the Liaison Committee Meeting for further discussion.

- **Citizen Appointment to the Front Royal/Warren County Joint Towing Advisory Board** – during the January 2023 meeting staff advised that there was an opening for a citizen representative on the Board. Per, Sergeant Travis Cave of the Warren County Sheriff's Office and member of the Joint Towing Advisory Board, there was one application submitted by a civilian employee of the Warren County Sheriff's Office, through the "Citizens Appointments" page of the County's website a few months ago.

- **Discussion of Revitalization of Former Youth Center** –

- **Update on Tourism (Town & County)**

- **School Zone Speeding and Enforcement -**

Budget/Funding: N/A

Staff Recommendation: Council takes desired action

AGENDA
TOWN/COUNTY LIAISON COMMITTEE MEETING

Warren County Government Center
Caucus Room
Thursday, April 20, 2023 at 6:00 PM

- Call to Order – Vicky L. Cook, Chair of the Warren County BOS

    1) Review of Liaison Committee Mission Statement and Policies Document
    2) Review of MOU for Use of Board Meeting Room
    3) Tourism Business/Marketing Plan Update and Next Steps for DMO
    4) Update from the Town/County Transportation Subcommittee
    5) Front Royal-Warren County EDA Negotiations/Next Steps
    6) Discussion of IT Federal Loan
    7) Disposition of McKay Springs
    8) Town Comprehensive Plan Update
    9) Redundant Water Line Update
    10) Vape Shop Discussion

- Next Meeting – Thursday, July 20, 2023 at 6:00 PM (Council Chambers)
- Adjournment