



SPECIAL CALLED TOWN COUNCIL MEETING

Monday, August 28, 2023 at 6:30pm in the Warren County Government Center Meeting Room

1. Roll Call
2. 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, the Planning Commission and Front Royal EDA.

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.

3. Adjourn

REGULAR TOWN COUNCIL MEETING

Monday, August 28, 2023 at 7:00pm in Warren County Government Center Board Room

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

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES – *I move that Council approve the Regular Meeting Minutes of July 24 and Work Session Minutes of August 7 and August 14, 2023, as presented.*
5. ADDITION/DELETION OF ITEMS FROM THE AGENDA OR REVISION TO ORDER OF BUSINESS
[Items added will be placed as the last item under Business Items. Unanimous vote is required to add/delete]
6. RECOGNITIONS/AWARDS/REPORTS/PRESENTATIONS
 - A. Recognition of Certificate of Achievement for Excellence in Financial Reporting – Finance Director BJ Wilson and his Staff in the Finance Department
 - B. Proclamations to Recognize International Overdose Awareness Day/Recovery Month
 - C. Resolution to Dedicate/Name the N. Commerce Avenue Bridge in Honor and Memory of Sergeant Dennis Smedley

7. PUBLIC HEARINGS

- A. Special Use Permit to Allow a Short-Term Rental at 912 Virginia Avenue – Joseph Chetupuzha
- B. Special Use Permit to Allow a Short-Term Rental at 417 Kerfoot Avenue – Mesa Rose Coral
- C. Special Use Permit to Allow Two Dwelling Units to be Located on the Ground Floor at 1127 N. Royal Avenue – Independence Realty LLC
- D. Special Use Permit to Allow the Painting of Two Murals at 1314 N. Royal Avenue – William Kryssing
- E. Amend the Town Zoning Map to Reclassify 1.2837 Acres at 10160 Winchester Road from Highway Commercial District C-3 to Residential District R-2 – Ramsey Inc
- F. Adopt the Certification/Recommendation of the Front Royal Comprehensive Plan dated May 19, 2023
- G. Ordinance Amendment to Chapter 75 Pertaining to Transient Occupancy Tax
- H. Receive Public Input on a Request for Funding from *Reaching Out Now* to Revitalize the former Raymond E. Santmyers Youth Center at 201 E. 8th Street.
- I. Continued Public Hearing to Amend Previously Approved Proffers for Anna Swan Estates – HEPTAD LLC

8. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS

9. REPORTS

- A. Report of Town Manager
- B. Report of Councilmembers
- C. Report of the Mayor

10. CONSENT AGENDA ITEMS - *I move that Council approve the Consent Agenda as presented.*

- A. Resolution for Blanket Project Funding Commitment/Projects Under Agreement with VDOT
- B. Bid for Various Grades of Stone FY24
- C. Bid for Various Grades of Asphalt FY24
- D. Bid for Water and Wastewater Chemicals FY24
- E. Electric Cost of Service Analysis and Rate Study
- F. Purchase **and Installation** of a Standby Generator
- G. Citizen Appointment to the Joint Towing Advisory Board
- H. Authorize the Town Attorney to Negotiate an Automated Systems Speed Enforcement Systems Agreement with Blue Line Solutions, LLC as a Cooperative Procurement

11. Business Items

- A. Request from Donald McCarty for the Vacation of a Portion of North Street and a Portion of an Unimproved Alley

12. CLOSED MEETING

13. Adjourn



TOWN COUNCIL REGULAR MEETING MINUTES

July 24, 2023@ 7:00PM in the Warren County Government Center

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

Moment of Silence

Pledge of Allegiance led by Max Elliott and Braxton Tolson (8, 9, 10-year-old All Star Team)

ROLL CALL BY CLERK OF COUNCIL

PRESENT: Mayor Lori A. Cockrell
Councilwoman Melissa DeDomenico-Payne
Councilman Joshua L. Ingram
Councilwoman Amber F. Morris
Councilman H. Bruce Rappaport
Vice Mayor R. Wayne Sealock

ABSENT: Councilman Duane R. "Skip" Rogers

OTHERS PRESENT: Clerk of Council Tina L. Presley
Town Manager Joseph E. Waltz
Town Attorney George M. Sonnett, Jr.

APPROVAL OF MINUTES – *Vice Mayor Sealock moved seconded by Councilwoman Morris that Council approve the Regular Meeting Minutes of June 26 and Work Session Minutes of July 10, 2023, as presented.*

Councilwoman De Domenico-Payne advised that she had found a couple of grammatical errors in the June 26th meeting minutes and have advised the Clerk of Council of those. She also advised that she would be abstaining since she did not attend the July 10th Work Session.

Vote: Yes – Councilmen Ingram, Morris, Rappaport and Vice Mayor Sealock

No – N/A

Absent – Councilman Rogers

Abstain – Councilwoman DeDomenico-Payne

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA OR REVISION TO ORDER OF BUSINESS - None

RECOGNITIONS/AWARDS/REPORTS –

A. Proclamation to Recognize Front Royal Little League 8, 9, 10-year-old All Stars – Mayor Cockrell read the proclamation and presented it to the two members who were present.

PUBLIC HEARINGS**A. Receive Public Input Concerning a Request from Donald McCarty to Vacate a Portion of North Street and a Portion of an Unimproved Alley**

Mayor Cockrell asked if Town Manager Joe Waltz had anything to say about this item. He advised he did not. She then asked the applicant Donald McCarty if he would like to speak. He advised that he would be available to answer questions.

Mayor Cockrell opened the public hearing.

Tom Ickes, 319 Grand Avenue advised that the alleyway was proposed at one time to be a bikeway and that the area housed long-term residents. He voiced concern that the alleyway should not be given to one person.

Karissa Green, 327 Grand Avenue voiced opposition to the approval of the proposed vacation that borders her property. She opined that the removal of the alleyway and wooded buffer did nothing to promote harmony between existing residents, which she noted appeared to be a priority in the Town's Comprehensive Plan. She quoted from the Comprehensive Plan: *the main goal of the Comprehensive Plan is to maintain and amplify the quality and appearance of Front Royal's natural and manmade environment encouraging the valuable views and care of the Town's land and native resources...community will protect its natural environment..... clear cutting trees should be avoided.... preserve trees throughout the Town...consider strategies to mitigate urban island affect.* She suggested that the Town address the numerous dilapidated buildings throughout Town.

Donald McCarty, applicant, voiced surprise at the previous speakers' concerns. He explained that what he wanted to vacate was a dead end that went nowhere. He noted that his plan was not high density, but duplexes with garages making them desirable for families.

Councilman Rappaport questioned the importance of the 14-foot alley vacation. Ms. Kopishke advised that Mr. McCarty would lose a lot. Mr. McCarty reiterated that there was no intention of high density. Mr. Rappaport suggested an option to allow neighbors to access back yards.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council appoint viewers to view the Town vacation request from Donald McCarty, for the Town to vacate 13,001 square feet of North Street Extended terminus south of the intersection of North Street and Orchard Street; and a 14-foot portion of an unimproved alley adjacent to the southern property boundary and report any inconveniences to Council that would result from granting approval of the request of Donald McCarty.

Councilwoman Morris advised that asking Council to appoint viewers fell in line with what Council had approved in the past and to give Council a professional opinion. She explained the process of vacations noting that the applicant was requesting to purchase the property from the Town. She advised that it was Council's due diligence to review all applications. She also advised that staff was working on a process to address alley concerns.

Councilwoman DeDomenico-Payne questioned whether the viewers could contact the neighbors for feedback. Mr. Waltz advised that it was not their responsibility to contact neighbors only to review the

request and report any issues as a result of the Council granting approval. He advised that he had talked to several neighbors who voiced their concerns to him.

Councilman Rappaport stated that he had no problem with a third-party review but opined that the goal could be achieved by not allowing the purchase of the 14-foot alley, noting the buffer should stay.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Vice Mayor Sealock

No – N/A

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

B. Rezoning of Approximately 43.9 Acres from R-E District to R1-A District – NVR Inc for Saddle Crest Proj.

Mayor Cockrell asked Director of Planning Lauren Kopishke to give a brief presentation of the proposed Saddle Crest Neighborhood. The presentation included: Community Information, Applicant Proffers, Concept Plan, Revised Conceptual Development Plan, Positive Net Fiscal Impact to Town, and Example of Homes. Mayor Cockrell questioned the number of homes if the rezoning was denied. Ms. Kopishke advised that it would be approximately 30 – 40.

Representative for the applicant Ty Lawson, along with Rick Lanham who was in the audience, complimented Town Staff on the work they had done on this project. He reminded Council of the original proffers in September 2022 and the many times they had come before Council with revised proffers and concept plans. He explained that Concept A was dedication of an East/West Connector Road that would connect to Shenandoah Shores Road and Concept B was the current situation where there would be an emergency entrance. He corrected the number of by-right units to 44. Vice Mayor Sealock confirmed the second entrance accessibility was a future connection.

Councilwoman Morris questioned a cul-de-sac that looked like it was going into an adjacent property. It was noted that this was not the case as the area of reference had an environmental feature that would not allow any infrastructure. She mentioned that there would not be a thru street for adjacent property owners for future development. Mr. Lawson agreed, noting that there had been numerous conversations with adjacent property owners.

Councilman Rappaport questioned where the numbers came from for their fiscal impact analysis. Mr. Lawson advised that the numbers came from the Town and County and the result was net tax positive.

Mayor Cockrell opened the public hearing.

John Lundberg, 203 Peach Tree Court, read a prepared statement that he handed out to each councilmember.

July 24, 2023

My name is JL, I live in Front Royal.

My message to the Town Council tonight is the same message I presented four months ago, when Tom Sayre requested to rezone property he owns north of the railroad tracks, so he could build a 135-home housing development.

That message is:

"Don't rezone any property on Shenandoah Shores Road north of the railroad tracks until a solution to end the 'landlocked status' of residents living in that area have been agreed to writing by:

- The Front Royal Town Council.
- The Warren County Board of Supervisors.
- Virginia Department of Transportation (VDOT).
- Developers building homes on the property.
- The Federal Government IF the solution to the landlocked status involves an "emergency-exit off I-66."

The three-fold rationale for my request is this:

1. Increasingly-long traffic back-ups currently occur 2 times a day on southbound Shenandoah Shores Road when mile-long trains are moving into or out of Front Royal. Back-ups also occur on Happy Creek Road by vehicles trying to turn north on Shenandoah Shores Road — to include fire-and-law-enforcement vehicles responding to a 911 call.

2. These traffic back-ups — which are getting longer and longer as developments occur north of the railroad tracks — are a ticking time bomb. Sooner rather than later, a grandfather suffering a heart attack or a young mother suffering a difficult delivery — but stuck in a back-up — is going to die.
3. Past Front Royal Town Councils have long kicked this can down the road. Delay no more. Take action now to end the landlocked status of residents and businesses north of the railroad tracks.

The best temporary solution appears to be an east-west connector between Shenandoah Shores Road on the west and Manassas Avenue near Bing Crosby Stadium on the east. However, do not rezone any property UNTIL this east-west connector is built.

Also, the kind of housing needed in this blue-collar community is not mc-mansions — costing a half-million dollars or more that few in this community can afford — but:

- Condos and nice apartments for seniors trying to downsize. OR
- Townhouses, starter homes, duplexes, and nice apartments for young married couples just starting their families.

Thank you very much for listening.

John Stanmeyer, 75 Stonegate Court (off Shenandoah Shores Road), advised that there were approximately 2,500 people who lived behind the railroad tracks including a college, businesses, and business park; and, that the train was an issue when stopped on the tracks. He opined that the East/West Connector Road was a good solution however, it might be six years or more before completion or use of that road. He emphasized that there was no other way out and Saddle Crest would produce 25% more traffic. He advised that by-right construction would be better for the area.

Jane Elliott, 59 Woodward Court (Shenandoah Shores Subdivision) gave the following statement.

"If" A Flyover is deemed necessary...

Norfolk Southern Railroad, which runs here, has had three major train derailments in the last FIVE months.

First, there was the disastrous ^{environmental} derailment in East Palestine, OH, in February.

Next, a nine car derailment in New Castle, PA, on May 10.

Then, a derailment on July 17, seven days ago, in Philadelphia.

Last summer on June 17th, there was a 2 ½ hour delay caused by a train stopped at the railroad crossing into Shenandoah Shores Road. This was not an isolated incident as there have been many extended train stoppages before and since.

After last week's Philadelphia derailment, the executive director of the Environmental Collaboratory at Drexel University stated:

"If you're going to protect communities, you're going to have to take a hard look about how to project the risk going into the future. Given the number of recent train derailments, communities should treat train crashes ... as a series of wake up calls, not as isolated incidents."

"It's important for communities near rail lines to plan for such events, and understand how to evacuate.... You want to make sure health care facilities are properly trained and have knowledge of the kind of hazards residents could be exposed to."

What happens if Norfolk Southern's next derailment happens here? And, has any consideration been given if an emergency like a fire, or industrial accident occurs when there is no other access in or out from Shenandoah Shores Road? A potential for a loss of life? Or potentially serious legal repercussions for the town and county?

Or the traffic backup?

This is not to opposed Mr. Sayre's right to sell and develop his property, but something first must be done to correct the problem of the one way in and out access of this area. Unless and until a secondary road is constructed, adding 100-plus homes will only compound an already very serious ~~concern~~ *problem*.

*Jane Elliott
Front Royal*

Maggie Sistanick, Shenandoah Shores Subdivision, voiced opposition to the rezoning stating that the traffic was already difficult and it was foolish to allow anything other than by-right.

Dave Vazanna, Fauquier County, advised that he has known the property owner (Tom Sayre) for many years. He commended the Town and County for the school proffers. He voiced concern over the transportation in this area of Town and that the developer had not offered anything toward transportation to address issues on Happy Creek Road, noting that the schools and the hospital use the road. He opined significant issues in the future if various intersections were not improved and a flyover was not built.

Aiden Miller, 210 E. Main Street, reminded Council that there were no positive comments tonight pertaining to this rezoning instead it would provide a burden to the community. He cautioned Council that approving the rezoning tonight would set a bad precedent for other developers who want to rezone.

Mr. Lawson advised that the Town and County had met at least once a month about transportation and that he and/or another representative have attended those meetings. He pointed out that the Traffic Study showed that trips going on Shenandoah Shores Road were small. He advised that he heard about the train blockage and there was a phone number the local entities could call if there were issues in the future. Mr. Lawson advised that the transportation meetings were working on emergency “hand offs” that could happen in catastrophic situations. He reiterated that Concept A contained building the East/West Connector Road but adjacent property owners dedication was needed. He understood and respected everyone’s right to do what they wanted with their land. Councilman Rappaport confirmed that an agreement with the federal government needed to happen before access on I-66 would happen. Vice Mayor Sealock explained that the Shenandoah Shores Fire Department could respond to emergencies and pass patients off to I-66. Councilwoman Morris reminded Council that the federal government had to be involved for that to happen due to liability issues.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilman Ingram that Council deny the rezoning application amendment of the Zoning Map of the Town of Front Royal from NVR Inc to reclassify approximately 43.9 acres (Tax Map #20A221-3A), from Estate Residential District (R-E) to Residential District (R1-A) for Saddle Crest Project, as presented.

Mayor Cockrell advised that the Transportation Committee formed from a recent Liaison Committee meeting. She asked that staff confirm the trains nine backups a day. Ms. Kopishke advised that the railroad is permitted to have five daytime closings and four nighttime closings through crossings up to a 24-hour period. She confirmed the amount of people who live beyond the railroad tracks and how many dwellings were in Town limits.

Councilwoman Morris thanked the representatives of the development for their willingness to revise plans but felt like it was not in the best interest of the community due to the train and transportation issues that had plagued the area for a long time. Councilman Ingram agreed. Councilman Rappaport agreed that the applicant had gone through a lot of “hoops” and hoped the area could be developed in the future but now was not the right time.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Vice Mayor Sealock

No –

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

William Kryssing, High Knob Road (business 1314 N. Royal Avenue) voiced concern on the amount of time it was taking to have a mural “sign” approved on the side of his business (First Response Chimney Sweep). He explained that he had been working with staff for two months and was recently told it would take another few more months to get before Council to approve a special use permit. He urged Council to assist with expediting the process.

Juliana Kryssing, High Knob Road (business 1314 N. Royal Avenue) noted that her and her husband William started their careers as first responders and wanted to take pride in that by placing them on the side of their building advertising their business.

Amanda Horn, Freezeland Road, advised that she had been contacted to paint the mural in question and urged Council to expedite the process due to the paints she used, explaining that they do not work well in colder temperatures. She urged Council to take this into consideration.

Tim Wolfe, 446 Cedar Mountain Lane, teacher for the Blue Ridge Technical Center, praised the men and women of the Front Royal Police Department for their dedication in teaching the students what their future could look like.

Glenn Wood, 1269 Kesler Road, addressed affordable housing by the following statement:

Madam Mayor and Honorable Town Council

I wanted to address the issue of affordable housing in our community and the effect it is having on us. Currently there are no new apartment buildings or condos planned nor discussed. Apartment vacancies and rentals are rare. The town is seeing infill lot development but there is a limit to them. Could a task force be established to study and promote these being built? Both the Town and County are issuing Special Use Permits monthly, further depleting our housing inventory. I would suggest you and the county to seriously consider putting them on hold for 12 months. (Thank you, Councilwoman Morris, for pointing out the use of short-term housing to house new teachers).

If you are a young professional such as our 50 new teachers, where are you living in Strasburg, Stephens City and Winchester? If so, you are probably shopping there, making friends and putting roots down and eventually going to another school system I suspect. Our law enforcement officers, firefighters EMTs and other young professionals who don't live here usually can't. These are the type of people we should want in our community, educated, trained and probably not needing a lot of services other than schools.

As you weigh in on development requests you know we need housing. The county would have you believe any new development in town will cause us to build a new school. Fact is we have been running out of room at the elementary level the last 5 years. According to the school board office we currently have an educational capacity of 1,866 elementary students and actual enrollment of 1,858 during 2022-2023 year (info provided by WCPS). Thus a new elementary school should have been in the planning for the last 5 years like the middle and high schools were. Their lack of planning should not create a negative action on your part. And may I remind you there is NO Moratorium on building in the county nor town. Have you driven around lately and seen the new housing going up in Shenandoah Farms, Shores, Reliance, Rivermont, Thunderbird Ranch, Blue Ridge Shadows and Panhandle? I want to add ALL of that development is by right which means NO Proffers to assist with schools, hiring more firefighters, police, EMTs and social services.

In 2009 a rezoning was approved for Front Royal Limited Partnership to build 320 single family homes starting in 2018 off of Shenandoah Shores Road (Rt 606) and Warren County allowed a friendly annexation to bring all of this property into the town who would provide water, sewer and other services for this type of community as all parties agreed this is where development needed to be. FRLP proffered the town \$1,220 each house not to exceed \$390,400 and Warren County \$11,000 per house as they were built and a neighborhood park of 4 to 10 acres. They also dedicated the first phase of the East West connector road. The annexation took place and the final proffer statement was executed by FRLP and Mayor Tharpe in March of 2018, these houses could be built starting tomorrow. This is public record and the County is fully aware of this. So, when the County said we don't want new large development and taxpayers to pay for a new school let's look at the full picture, proffers and all. We need housing, the builders need a workable solution, proffers should be fair and transportation issues resolved. The Comp Plan guides us on where development should go, let's follow it. Please keep in mind we still have the issue with the RR tracks and access at Shenandoah Shores Road. Thank you, Glenn Wood 1269 Kesler Rd, Front Royal.

REPORTS

A. Town Manager Report – Mr. Waltz advised that this week was Employee Appreciation Week and thanked all 167 dedicated employees for their service.

B. Town Council Reports –

Councilwoman DeDomenico-Payne advised that she was on vacation during Council's last work session. She advised that she attended the VML Human Development/Education Policy Committee meeting via Zoom and *The Trellis* Ribbon Cutting.

Councilwoman Morris advised that she attended the VML Community/Economic Policy Committee Meeting via Zoom. She noted that she had helped two teachers find short-term rentals until they could find more permanent housing and thanked Mr. Wood for his comments agreeing that more affordable housing was needed. She advised that she attended the Transportation Committee Meeting and the next one was scheduled for August 16th at the Government Center. She encouraged and appreciated all feedback.

Councilman Ingram advised that he attended the Transportation Committee and *The Trellis* Ribbon Cutting.

Councilman Rappaport advised that he attended the dedication of *Buckles and Belles* on Main Street, *The Trellis* Ribbon Cutting, and the VML Infrastructure Policy Committee meeting via Zoom.

C. Report of the Mayor advised that she attended the July 3rd Town Fireworks, *Buckles and Belles* Ribbon Cutting, *The Trellis* Ribbon Cutting, the Employee Picnic for Employee Appreciation Week and the Welcome of new teachers' event. She announced that the Town was conducting a School Supply Drive, there were openings on the Front Royal EDA and Planning Commission. She encouraged attendance to the Friday Flicks, Gazebo Gatherings and National Night Out on August 1st.

CONSENT AGENDA ITEMS

A. Bid Award for Curb & Gutter Installation –

Council approved the bid award to Arthur Construction Company, Inc. of Dulles, VA for curb and gutter installation on Braxton Road, Manassas Avenue and 50/50 on Marshall Street in the amount of \$43,475.00.

B. FY24 Budget Amendment to Accept Funds from VRSA for Pavilion Damage

Council approved 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 located near the Gazebo on E. Main Street.

C. Solid Waste Utility Cost of Service Fee/Rate Study Contract and FY24 Budget Amendment

Council approved the award of a contract to Mid-Atlantic Solid Waste Consultants in the amount of \$39,500 for a Comprehensive Solid Waste Utility Cost of Service Fee and Rate Study and approve a FY24 Budget Amendment in the same amount.

D. Reappointment of Planning Commission Member

Council reappointed Connie Marshner to the Planning Commission to a 4-year term ending Aug. 31, 2027.

E. Recommendation to the Board of Zoning Appeals

Council recommended Michael Williams to the Judge of the Circuit Court for appointment to the Board of Zoning Appeals (BZA) for an unexpired term ending May 1, 2026, pursuant to Town Code Chapter 175-138 and State Code §15.2-2308.

Councilman Ingram moved seconded by Councilman Rappaport to approve the Consent Agenda as presented.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Vice Mayor Sealock

No – N/A

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

BUSINESS ITEMS – None

CLOSED MEETING

Councilwoman Morris moved seconded by Councilman Rappaport 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, the Town Attorney and the Town Manager.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Vice Mayor Sealock

No – N/A

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

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

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Vice Mayor Sealock

No – N/A

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

Meeting adjourned.

Approved by Town Council

Date: _____



TOWN COUNCIL WORK SESSION MINUTES

Monday, August 7, 2023

Town Hall Conference Room

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

Vice Mayor Sealock opened the meeting.

Roll Call by Clerk of Council

PRESENT: Mayor Lori A. Cockrell (absent during roll call but entered meeting at 7:02pm)
Councilwoman Melissa DeDomenico-Payne
Councilman Joshua L. Ingram
Councilwoman Amber F. Morris
Councilman H. Bruce Rappaport
Councilman Duane R. "Skip" Rogers
Vice Mayor R. Wayne Sealock

OTHERS PRESENT: Town Manager Joseph E. Waltz
Town Attorney George M. Sonnett, Jr.
Clerk of Council Tina L. Presley
Various members of the staff and public

Old Business

School Zone Speeding and Enforcement – Vice Mayor Sealock asked Council how they wanted to proceed with this item. Councilman Rappaport questioned whether anyone responded to Altumint, the company that reached out to Council in July. Councilwoman Morris advised that there were out-of-pocket expenses associated with Altumint while Blue Line conducted a weeklong study at no cost; and the Chief had recommended Blue Line. Councilman Rogers respected the Chief's opinion but stated it was a courtesy to the community to look at other bids. Ms. Morris reiterated that tonight's meeting was to gather a consensus on how to move forward.

Town Manager Joe Waltz explained the procurement process noting the Town could do their own Request for Proposals (RFP) and evaluate accordingly. Mr. Rogers reiterated that he preferred the opportunity to see what other bidders had to offer and show the community that the proper background was performed by Council to make a decision.

Mayor Cockrell questioned whether Council wanted to move forward with this item. Councilwoman DeDomenico-Payne and Councilman Rappaport preferred that the agreement be reviewed, and that the language be clear. They both noted several questions they had. Town Attorney George Sonnet advised that he had not vetted the agreement but would look into those questions and determine how much departure was allowed under state law from the procured agreement's current language. He further explained that the Blue Line Agreement was a cooperative agreement through competitive procurement and another jurisdiction had contracted and did the vetting. Mayor Cockrell reminded Council that tonight did not bind

the Town to an agreement, reiterating that tonight was about a consensus on whether Council wanted to move forward. Council agreed to move forward; however, Mr. Rogers preferred to not “sole source.”

Mayor Cockrell advised it was unanimous consensus to move forward with the speed cameras. She then asked how Council wanted to proceed: 1) putting out to bid or 2) use the agreement in place. Finance Director BJ Wilson explained the RFP process, noting it could take approximately three to four months to complete. It was confirmed that an RFP required no bids, only recommendations to meet the Town’s specifications and that Blue Line could apply. Mr. Rogers confirmed that Council would receive a tabulation sheet of all those responding. Mr. Waltz recommended that Council move forward with Blue Line.

Councilman Rappaport voiced concern over the RFP’s 90-to-120-day completion, noting the confidence he had in the Chief’s ability to vet and was fine with Blue Line. Councilman Ingram preferred Blue Line but wanted assurance that all questions would be answered in the agreement. Councilwoman Morris advised that she had done her own research and Blue Line was the only company that was law enforcement owned on the east coast and preferred to move forward with them. Vice Mayor Sealock preferred Blue Line. Councilmembers De-Domenico-Payne was fine with an RFP and Councilman Rogers preferred an RFP.

Mayor Cockrell advised there was consensus to move forward with Blue Line as long as the agreement had all the things Council was looking for. She suggested that Council send Mr. Sonnett their concerns/questions this week. Mr. Waltz and Mr. Sonnet agreed that this item would be placed on the August 14th work session agenda with a review of the agreement.

Items Slated for Public Hearings on August 28th

Short Term Rental – 912 Virginia Avenue – Joseph Chetupuzha – Director of Planning Lauren Kopishke advised that the applicant wanted to rent the entire townhouse that had three bedrooms with no more than six occupants at a time. She noted that the Planning Commission voted to deny this request due to inadequate parking.

There was much discussion regarding parking situations between short-term, long-term rentals and owner occupied; and the unfairness of it all. Ms. Kopishke advised that her recommendations to Council were based on meeting the requirements of Town Code. Councilwoman DeDomenico-Payne confirmed that the parking rules for owner-occupied dwelling was at least two parking spaces. Councilman Rappaport noted that there was no parking on Virginia Avenue and agreed with the recommendation of denial. Councilmen Rogers and Vice Mayor Sealock agreed. Councilman Ingram agreed more than two parking spots were not available. Councilman Morris favored protecting the rights of the homeowners. Mayor Cockrell directed staff to add to the August 28th agenda for a public hearing.

Short-Term Rental – 417 Kerfoot Avenue – Mesa Rose Coral – Director of Planning Lauren Kopishke advised that the applicant was to rent the entire house with two bedrooms and no more than four occupants at a time. She advised that there was not a driveway on site but there was street parking. It was confirmed that parking for short-term rentals was set by the number of bedrooms – one vehicle per bedroom. Councilman Ingram noted that the street parking was better at this location and felt it was not an issue. Mayor Cockrell directed staff to add to the August 28th agenda for a public hearing.

Special Use Permit for Two Apartments – 1127 N. Royal Avenue – Planning Director Lauren Kopishke explained that upon conducting a property maintenance inspection it was determined that the house was converted into multiple units which was not permitted in the Commercial District without a special use permit. She explained that while there was not adequate parking, the applicant had obtained a lease for

parking from the adjoining property owner. Councilwoman De-Domenico-Payne questioned whether a fine was imposed for noncompliance. Ms. Kopishke advised that the zoning permit fee was doubled from \$25.00 to \$50.00; however she did not know what the County charged. Mayor Cockrell directed staff to add to the August 28th agenda for a public hearing.

Items Slated for Consent Agenda on August 28th.

Resolution for Blanket Project Funding Commitment/Projects Under Agreement with VDOT - Director of Public Works Robbie Boyer explained that the Virginia Department of Transportation (VDOT) revised the required resolution needed for localities pertaining to Revenue Sharing and Smart Scale projects. The most significant changes were to identify the position of the signature authority instead of the name and removal of the cost of the project(s). Mr. Sonnett noted that he did not have any issues with the wording of the resolution. Mayor Cockrell directed staff to add to the August 28th consent agenda.

Bid for Various Grades of Stone FY24 & Bid for Various Grades of Asphalt FY24 – Mr. Wilson gave a brief overview of both bids and advised that there was more interest in the bidding this year compared to other years. Mayor Cockrell directed staff to add to the August 28th consent agenda.

New Business

Revisions to the Liaison Committee Meeting Policy – Mr. Waltz reviewed the three major revisions (meeting schedule, placing items on the agenda and reports) to the policy as discussed in the most recent Liaison Committee Meeting. Mayor Cockrell elaborated more on what the revision to the reports from the Town Manager and County Administrator consisted of. She questioned whether Council would like an oral and/or written report or both. While there was consensus on the written report there was continued discussion on whether the oral report should continue as the policy states.

Mayor Cockrell moved the discussion to another time and before the next Liaison Committee Meeting scheduled for October.

Dedication/Naming of Town Bridges – Vice Mayor Sealock advised that he had asked for this item to be placed on agenda to recognize those Town employees who had died in the line of duty by dedicating/naming a Town bridge after them. Two (2) Town employees that were discussed were Sergeant Dennis Smedley who died over 40 years ago and Lieutenant Pat Farrell shortly thereafter. He recognized Mr. Smedley's sister Cheryl Cullers who was in attendance. He encouraged Council to recognize these two gentlemen who gave their lives for the Town. He suggested naming the N. Commere Avenue bridge located in front of Advance Auto in memory of Sgt. Dennis Smedley. He advised that staff had advised him that the cost of the sign and installation would cost the Town approximately \$300.00. He noted that the anniversary of Mr. Smedley's death was September 20th and hoped to have a dedication ceremony on that date with the family in attendance. It was noted to wait on the dedication of a bridge in memory of Lt. Pat Farrell until the family could be notified and a bridge could be identified by Council.

Councilman Rogers advised that he "loved" the idea as it was emotional and very powerful knowing that the two gentlemen gave their lives to the community. Councilwoman DeDomenico-Payne advised that she was fine with honoring the two gentlemen but voiced caution on public comments that may arise. She suggested a process/policy for future dedications. Vice Mayor was adamant about making sure the signs included their rank upon their deaths.

There was much discussion on whether to have a policy in place and the criteria that would go into the policy. Town Manager Joe Waltz suggested that staff could work on something if that is the desire of

Council. Town Attorney Sonnet advised that they could choose ala carte or a written policy. Mayor Cockrell asked staff to write a resolution to be approved at the August 28th agenda and then proceed with a policy if that is was the desire of Council.

Mr. Waltz advised that it would be approximately one to two weeks to complete the sign.

Councilwoman Morris asked that Council keep “on the horizon” once the new East 8th Street bridge was completed to honor Vice Mayor Sealock’s father who was in law enforcement and often helped with the youth dedicating his entire life to service.

Text Amendment to Chapter 175 Pertaining to Short Term Rentals/Refer to PC – Councilman Rappaport advised that he requested that this item be added to the agenda. Mayor Cockrell gave a brief history of how the short-term rental ordinance was “born” noting that the parking for them kept coming up as an issue. She asked Council if there was anything in the current ordinance that Council wanted to revise.

Ms. Kopishke advised that since the inception of the ordinance 18 months ago, Council had approved fifteen (15) short-term rentals noting that there had been no complaints or violations. She cautioned that she did not have the staff to assure they were complying. Mayor Cockrell confirmed that if there were any reports staff had the ability to bring them into conformance.

Councilman Rappaport read Town Code 175-151 and voiced concern with the image of the defined neighborhoods and suggested more definition to protect them. He also suggested defining the type of housing in business districts noting there were a lot of mixed-use definitions. He continued his concern on the housing demand in Front Royal as most available dwellings were going to short-term rentals. He read Winchester’s City Code regarding home share and central business districts for short-term rentals. He suggested that Council review and advise whether it would work in Front Royal.

There was much discussion about the pros and cons of short-term rentals versus long-term rentals and permanent residents. Councilwoman Morris questioned “*at what point do we have the right to tell people to own property here*”? She opined that short-term rentals were safer than staying in a hotel/motel in Town. Mr. Rappaport voiced concern on the amount of people looking for homes and the Town just not having them available due to the influx of purchases being flipped for short-term rentals.

Councilman Rogers noted that Ms. Kopishke and her staff did a great job reviewing applications with the guidelines that were in place. He reiterated that during the last (18) months the Town had fifteen (15) homes dedicated to short-term rentals which he noted didn’t present too much of an issue given the fact that applications were being reviewed against existing policies, procedures, and rules. He reminded Council that they could recommend approval or denial when it comes before them. Councilman Rappaport reiterated that he wasn’t “bashing” short-term rentals only he felt they belonged in central and residential business districts and for Council to consider and/or review the home share option. He urged Council to look at the future land use map.

Mr. Waltz advised that once staff receives direction from Council on the revisions they wished to see to the Town Code it would be referred to the Planning Commission during a regular meeting of Council to obtain their recommendation.

Discussion ensued on parking issues throughout neighborhoods and how special exceptions could be applied for but due to the current process would be weeks for final approval. Town Attorney Sonnet read

Town Code 175-104 and 148-870 pertaining to parking and explained how it was left to the Planning Director to determine the closest category that applied to the application. He noted that there was no process for waiving parking. Ms. Kopishke advised that a special exception could take approximately three months. She advised that there was a problem with the Town Code, noting that short-term rentals have to have parking. Mr. Sonnet explained that short-term rentals was an expanded use of a property, and referred to a table in the Town Code. He reiterated that when an application came in staff was looking to meeting the requirements for that application.

Mayor Cockrell suggested bringing this item back to a work session to review the language Council would like to see revised. Mr. Waltz advised that staff could work on revised language; however, there needed to be consensus on what is to be referred to the Planning Commission for a recommendation. He suggested bringing it back to a work session in September.

Proclamations

International Overdose Awareness Day (August 31) and Recovery Month (September) - Mayor Cockrell reviewed briefly and asked staff to add to the August 28th agenda.

CLOSED MEETING

Councilwoman Morris moved seconded by Councilwoman De-Domenico-Payne that Council that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 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, Clerk of Council and appointments to the Planning Commission, Front Royal EDA and Joint Towing Advisory Board.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Adjourned meeting at 9:52pm

Approved by Town Council

Date: -----



TOWN COUNCIL WORK SESSION MINUTES

Monday, August 14, 2023

Town Hall Conference Room

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

Roll Call by Clerk of Council

PRESENT: Mayor Lori A. Cockrell
Councilwoman Melissa DeDomenico-Payne
Councilman Joshua L. Ingram
Councilwoman Amber F. Morris
Councilman H. Bruce Rappaport
Councilman Duane R. "Skip" Rogers
Vice Mayor R. Wayne Sealock

OTHERS PRESENT: Town Manager Joseph E. Waltz
Town Attorney George M. Sonnett, Jr.
Clerk of Council Tina L. Presley
Various members of the staff and public

Introduction to UHY LLP Auditing Services – Director of Finance BJ Wilson introduced Thomas Ray from UHY LLP who gave a brief introduction of his company. He went through a presentation "Financial Statements Audit Presentation Fiscal Year Ended 6/30/2023" that included: 1) About UHY; 2) UHY Team; 3) Scope of Services; 4) UHY's Audit Approach; 5) Significant Risks of Material Misstatement; 6) UHY's Accounting Procedures & Policies Approach; 7) Building the Relationship; 8) UHY's Communications Approach; and 9) Timeline for 2023. It was confirmed that the Finance/Audit Committee would be meeting with the auditors as they have done in the past.

Mr. Ray urged Council to communicate with UHY on anything they may have concerns about. He noted that while a large amount of the auditing can be done virtually, onsite can be done as much as the Town can facilitate.

Old Business

School zone speeding and enforcement. Cooperative procurement of photo speed monitoring device and all related support services, including consulting, operations, and administration pursuant to Virginia Code §46.2-882.1. – Town Attorney George Sonnett advised Council that the agreement in the agenda packet was a rough draft and that he had in his possession the cooperative agreement that Blue Line signed, noting it was much cleaner and tighter. He confirmed that fewer changes would be needed now that he has seen the signed agreement. He explained that the agreement was between Blue Line and another locality who put out the Request for Proposals (RFP), noting that is why cooperative procurement works. Mr. Sonnett advised that once Council decided to go forward with Blue Line, he would vet the agreement and make

certain all Council's questions were answered. Councilman Rogers suggested that Council put an RFP out for a short turn around.

Councilwoman Morris asked what the major differences were between the draft agreement Council received and the signed agreement. Mr. Sonnett advised that the term of the agreement was four (4) years versus two (2) and the fee was \$15.00 versus \$25.00 collected. He confirmed that both agreements could be terminated without cause but not during the first year.

Council questioned what would happen if legislation changed after the agreement was signed. While it was not clear what would happen, Mr. Sonnet felt like a sunset clause would be initiated and there would be no additional costs. He advised that he would check on this to make sure.

Mayor Cockrell questioned the appeals process. Mr. Sonnett advised that it would be similar to contesting a parking ticket which was within seven (7) days and identified as an administrative appeal meaning no court costs since it was not a criminal citation. It was suggested that the true cost of appeals be reviewed. Mr. Sonnett noted that court costs cannot be negotiated. Chief Magalis explained the difference between contested citations and appealed, noting that there were very few people who had contested the citations in other localities.

There was much discussion between the two companies (Blue Line and Altumint) and what they offered including but not limited to costs of (cameras, infrastructure, upfront, etc), technology, and appeals.

Council asked that the signed agreement be sent to them for their review.

Councilwoman DeDomenico-Payne voiced concern on all the negative feedback. Councilwoman Morris stated that Council should not be afraid of backlash since everyone agrees that protecting children was a priority. Vice Mayor Sealock stated that this was a mechanism with the potential to slow people down.

Mayor Cockrell asked Council whether they wanted an RFP or move forward with Blue Line. Town Manager Joe Waltz recommended Blue Line but Council had the option to put out a RFP. Vice Mayor Sealock questioned the monthly costs associated with Altumint. Councilwoman DeDomenico-Payne suggested Blue Line with the condition that they meet the priorities of Council in the agreement. Councilman Rogers stated that it was Council's fiduciary responsibility to define requirements. Councilman Ingram stated that Blue Line was the better option, noting that the bottom line was that Council was paying for a service. Councilman Rogers reiterated that Council was to look at the bottom number for both companies and do their due diligence. Councilwoman DeDomenico-Payne was fine with proceeding with Blue Line and negotiating the agreement.

Mayor Cockrell suggested asking other jurisdictions who had the cameras what they wished they knew before signing the agreement. Councilman Rappaport suggested having Altumint present before Council to see how flexible they were. Councilwoman Morris respectively asked that this item not be placed on another agenda because staff had given their recommendation. Vice Mayor Sealock agreed.

It was confirmed to place under the consent agenda on the 28th authorizing staff to revise the agreement with Blue Line and come back to Council at a later time to approve the agreement as revised. Mr. Sonnett cautioned Council that if they were to begin looking at other contracts/agreements they would have to put out an RFP to open up the process to other vendors.

Mayor Cockrell advised that there was a consensus to move forward with Blue Line. Mr. Waltz advised that it would be placed on the August 28th Consent Agenda authorizing the Town Attorney to negotiate an agreement with them and then bring it back to a September work session with a vote on an executed agreement thereafter. Mr. Sonnet advised that the contract could be tailored but not competitively negotiated.

Front Royal EDA Proposed MOU that Dictates Support Services – Town Manager Joe Waltz advised that he had been working with FREDa to get them back up and running. He explained that they would be revising the bylaws so that they matched the Town Code as well as presenting a proposed Memorandum of Understanding (MOU) between the Town and FREDa dictating staff support services. He recommended moving forward with the MOU and bringing it back to Council for review. Mayor Cockrell and Councilwoman Morris gave a brief history with the past FREDa and Mr. Waltz had direction to move forward.

Public Hearing Slated for August 28th

Special Use Permit to Paint Two Murals Larger than 60 square feet located at 1314 N. Royal Avenue – William Kryssing – Director of Planning Lauren Kopishke advised that the applicant purchased the property in April and submitted plans for mural renderings in July. Town Attorney George Sonnett read the Town Code that defined artistic murals as a sign with a maximum of (60) square footage allowed and anything larger required a special use permit which the Director of Planning could not grant administratively. Ms. Kopishke showed the mural renderings explaining that one side of the building would be (210) square feet and the other would be (400) square feet, noting that an additional submittal was needed for the commercial sign advertising their business. It was confirmed that the Planning Commission was holding their public hearing on Wednesday, August 16th. Mayor Cockrell confirmed that Council would hold their public hearing on August 28th.

Vice Mayor Sealock updated Council on what the mural renderings honored. Councilman DeDomenico-Payne questioned the murals on Main Street. Ms. Kopishe explained that they were regulated through the Historic District, noting that the request before them was in the Entrance Corridor.

There was a brief discussion on the tastefulness of art in general along with color and picture choices. Mr. Sonnett reminded Council that the issue tonight was the size of the mural “sign”. He explained that the Zoning Ordinance focused on health, safety and welfare, noting that murals were defined as a sign that may divert motorists’ attention which was why the size was regulated to keep control.

Town Manager Joe Waltz advised that it has been advertised as a public hearing on the August 28th.

Consent Agenda Items for August 28th

Electric Cost of Service Analysis and Rate Study – Finance Director BJ Wilson advised Council that an RFP was issued to review the Town’s electric rates that included: 1) commercial demand; 2) net metering for solar and 3) connection fees for new development. He noted that the last analysis/study was in 2018 and it was good standard practice to review every five (5) years. Council agreed to place on August 28th Consent Agenda.

Purchase of a Standby Generator for the Energy Services Department – Purchasing Manager Michelle Campbell advised that this was through cooperative contracting, funds were available, and staff recommended its approval. Council agreed to place on August 28th Consent Agenda.

Bid for Water and Wastewater Chemicals FY24 – Purchasing Manager Michelle Campbell advised that this bid was placed every year and this year eight (8) responses were received. She noted that four (4) were approved for fixed pricing. Mr. Wilson advised that other localities piggyback off this bid due to it being a hard bid to put together.

CLOSED MEETING

Councilwoman Morris moved seconded by Councilman Rappaport 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 purposes:

- 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, the Clerk of Council, and,*
- 2) pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically, portions of North Street and adjacent unimproved alleyway, and,*
- 3) 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, Swan Farm/HEPTAD proposed proffer amendments.*
- 4) pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, more specifically, Town of Front Royal v. Front Royal Warren County EDA, et al. and Front Royal Warren County EDA v. Town of Front Royal.*

Motion to Certify Closed Meeting at its Conclusion

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

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

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Adjourned meeting at 10:45pm.

Approved by Town Council

Date: -----



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

7/24/2023

Joe Waltz
Manager
Town of Front Royal, Virginia

Dear Joe:

We are pleased to notify you that your annual comprehensive financial report for the fiscal year ended June 30, 2022 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and give appropriate publicity to this notable achievement. A sample news release is included to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

Michele Mark Levine
Director, Technical Services



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

7/24/2023

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
Email: mlevine@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **Town of Front Royal** for its annual comprehensive financial report for the fiscal year ended June 30, 2022. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 21,000 members and the communities they serve.

PROCLAMATION



WHEREAS, the people of Warren County and Front Royal, Virginia, have been impacted by the opioid epidemic and the influx of fentanyl into our community; and,

WHEREAS, International Overdose Awareness Day is a global event held on the 31st of August each year, that aims to raise awareness of overdose and reduce the stigma of a drug-related death; and,

WHEREAS, we acknowledge the grief felt by families and friends remembering those who have died or had a permanent injury resulting from a drug overdose; and,

WHEREAS, International Overdose Awareness Day is one opportunity to remember community residents, friends, and family that have been lost to overdose death and promote strategies that can prevent future overdose deaths; and,

WHEREAS, hope can be found through community education and the support of people with substance use disorders and their families; and,

WHEREAS, Northwestern Prevention Collaborative and Warren Coalition invite all Warren County residents to participate in an International Overdose Awareness Day Vigil on August 31, 2023;

NOW, THEREFORE, the Front Royal Town Council does hereby proclaim August 31, 2023, as International Overdose Awareness Day, and call upon our residents to observe these occasions and participate in events and programs that support this year's observance.

APPROVED:

Lori A. Cockrell, Mayor

Attest:

Tina L. Presley, Clerk of Council

This proclamation was approved on August 28, 2023

PROCLAMATION



WHEREAS, the people of Warren County and Front Royal, Virginia, have been impacted by the opioid epidemic and the influx of fentanyl into our community; and,

WHEREAS, hope for recovery from substance use disorders can be found through community education and support; and,

WHEREAS, providing Naloxone, fentanyl test strips, and other harm reduction measures can help keep people alive until they discover that recovery is possible; and,

WHEREAS, Medication Assisted Recovery options provide an avenue of recovery that helps people repair relationships and begin the hard work of healing; and,

WHEREAS, we battle against stigma by using person-first language, providing a welcoming atmosphere for all, and encouraging businesses to provide jobs to those in recovery; and,

WHEREAS, we encourage relatives and friends of people who use drugs to implement preventative measures; recognize the signs of overdose and be prepared to respond with naloxone and support their loved ones in accessing appropriate treatment, medications and recovery support services as overdoses are preventable and recovery as possible; and,

WHEREAS, we recognize that National Recovery Month increases awareness and understanding of substance use disorders, reduces the stigma for people who have a substance use disorder, and celebrates people in recovery; and,

WHEREAS, September 30th is recognized as the National Recovery Day of Services; and,

WHEREAS, Warren Coalition and Northwestern Prevention Collaborative invite all Warren County residents to participate in National Recovery Month during September 2023 and the National Recovery Day of Service;

NOW, THEREFORE, the Front Royal Town Council does hereby proclaim September 2023 as National Recovery Month, and September 30th as National Recovery Day of Service, and call upon our residents to observe these occasions and participate in events and programs that support this year's observance.

APPROVED:

Lori A. Cockrell, Mayor

Attest:

Tina L. Presley, Clerk of Council

This proclamation was approved on August 28, 2023

Resolution for the Dedication of North Commerce Avenue Bridge in Memory of Sergeant Dennis Michael Smedley

WHEREAS, Dennis Michael Smedley was born December 28, 1954 to Francis and Wanda Smedley; and,

WHEREAS, Mr. Smedley was hired by the Town of Front Royal Police Department on October 7, 1977 as a patrolmen after working for the Department of Corrections since March 1976; and,

WHEREAS, Mr. Smedley was promoted to the position of Sergeant September 9, 1981; and,

WHEREAS, at 6:35am on September 20, 1983, Sergeant Dennis Michael Smedley, received multiple gunshots on his way to work ultimately succumbing to his wounds at 7:47am; and,

WHEREAS, Mr. Smedley was a police officer and a public servant who without a doubt performed his duties accordingly making our community a better place in which to live; and,

WHEREAS, Mr. Smedley sacrificed his life and paid the ultimate price to perform his duties; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Town Council of the Town of Front Royal dedicate the North Commerce Avenue Bridge in memory of 28-year-old Front Royal Police Sergeant Dennis Michael Smedley who not only fulfilled the duties of a sworn police officer and public servant in an outstanding manner but sacrificed his life in the line of duty.

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 August 28, 2023, upon the following recorded vote:

Melissa DeDomenico-Payne ☐ Yes ☐ No
Joshua L. Ingram ☐ Yes ☐ No
Amber F. Morris ☐ Yes ☐ No

H. Bruce Rappaport ☐ Yes ☐ No
Duane R. "Skip" Rogers ☐ Yes ☐ No
R. Wayne Sealock ☐ Yes ☐ No

Approved as to Form and Legality:

George M. Sonnett, Jr., Town Attorney

Dated: _____



Regular Council Meeting Agenda Statement

Item # 07A

Meeting Date: August 28, 2023

Agenda Item: PUBLIC HEARING – Special Use Permit to Allow a Short-Term Rental at 912 Virginia Avenue – Joseph Chetupuzha

Summary: Council has received a request from Joseph Chetupuzha for a special use permit to allow a short-term rental at 912 Virginia Avenue (*tax map 20A5-3-38-6A1*). The property is zoned R-3, Residential District. The applicant plans to rent out three bedrooms with no more than six occupants at one time. The Planning Commission recommended denial of the application based on lack of adequate parking.

Budget/Funding: None

Meetings: Work Session held August 7, 2023

Proposed Motion: I move that Council approve the request from Joseph Chetupuzha for a special use permit to allow a short-term rental at 912 Virginia Avenue (*tax map 20A5-3-38-6A1*) as presented.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Seacock _____



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

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

SPECIAL USE PERMIT REQUEST FOR SHORT TERM RENTAL

APPLICANT:

NAME: Joseph Chetupuzha PHONE: 7033429080
ADDRESS 912 Virginia Avenue, Front Royal, Virginia
E-MAIL Joseph.Springfield@gmail.com

PROPERTY OWNER:

NAME: Joseph Chetupuzha PHONE: 7033429080
ADDRESS 912 Virginia Avenue, Front Royal, Virginia
E-MAIL Joseph.Springfield@gmail.com

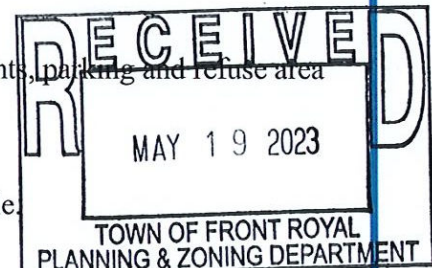
PROPERTY DESCRIPTION:

PROPERTY ADDRESS 912 Virginia Avenue, Front Royal, Virginia
TAX MAP 20A5 SECTION 3 BLOCK 38 LOT 6A1
SUBDIVISION NAME Front Royal Riverton Improvement
ZONING DISTRICT R-3 Residential Medium to High Density ACREAGE .15
SPECIFIC SPECIAL USE PERMIT REQUEST _____

- ☐ Whole house rental ☒ Partial rental, # of rooms rented 3
☒ Primary Residence ☐ Secondary Residence

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

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



IN CASE OF AN EMERGENCY

If there is an emergency, or there are questions in regard to the property, please contact (owner) 7033429080
at (phone number) _____ or (property manager) _____
at (phone number) _____.

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

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

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

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

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

Emergency/afterhours 540-635-2111

OCCUPANCY

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

NOISE

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

PARKING

Parking is limited to 2 cars in the driveway.

TRASH AND RECYCLING

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

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

•Living room
•3 Bathrooms
•3 Bedrooms
•Kitchen
•Dining room

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

Trash is to be collected on Mondays's and should be placed at the beginning of the entrance of the compound. The property owner will take care of this.

CHECK-IN & CHECK-OUT

Provide details

- Check-in time will be at 4 PM, but can be negotiable depending on the customer's needs.
- The code for getting into the house will be provided within one business day of booking.
- Check-out time will be at 12 Pm but can be negotiable depending on the customer's needs.
- The guests are requested leave the property in the same condition that they found it

WIFI/PHONE/ETC

Provide details for special amenities if available

- Wifi is included

SPECIFIC PROPERTY DETAILS

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

The property is 6521 Sq ft. Use of all available household features are permitted provided they are within reasonable use.

AREA ATTRACTIONS

Provide a map of area attractions

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

SPECIFIC PROPERTY REGULATIONS

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

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

- No shooting of firearms
- No fireworks
- No illicit substances
- No parties

Revised 5/06/2022

As per 175-3

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

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

Short-term rental:
§ 175.151 Short-term rentals.

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

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

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

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

Property Owner's Signature: _____



CERTIFICATION:

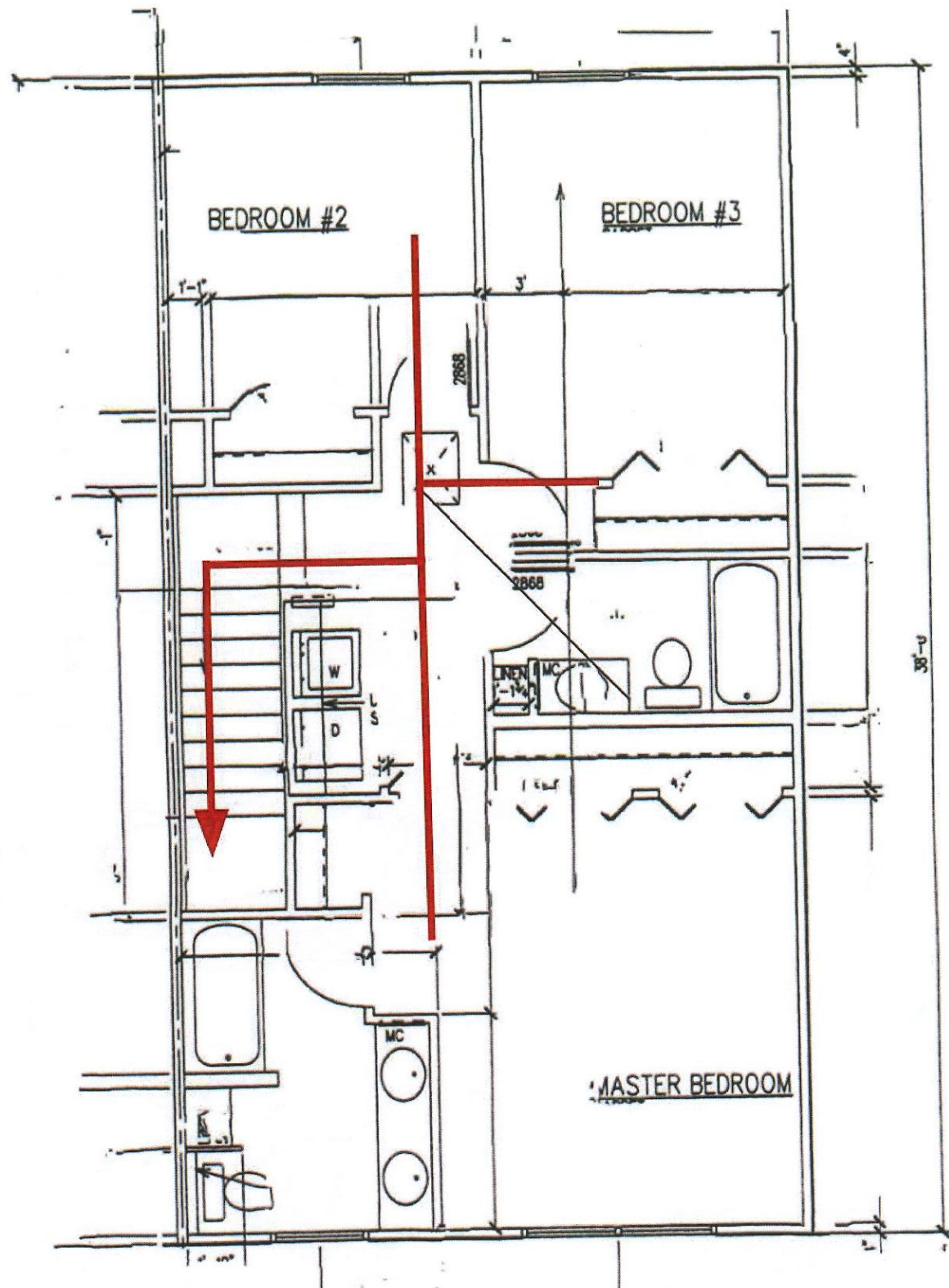
I certify that the information provided with this application is correct to the best of my knowledge and should the special use permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

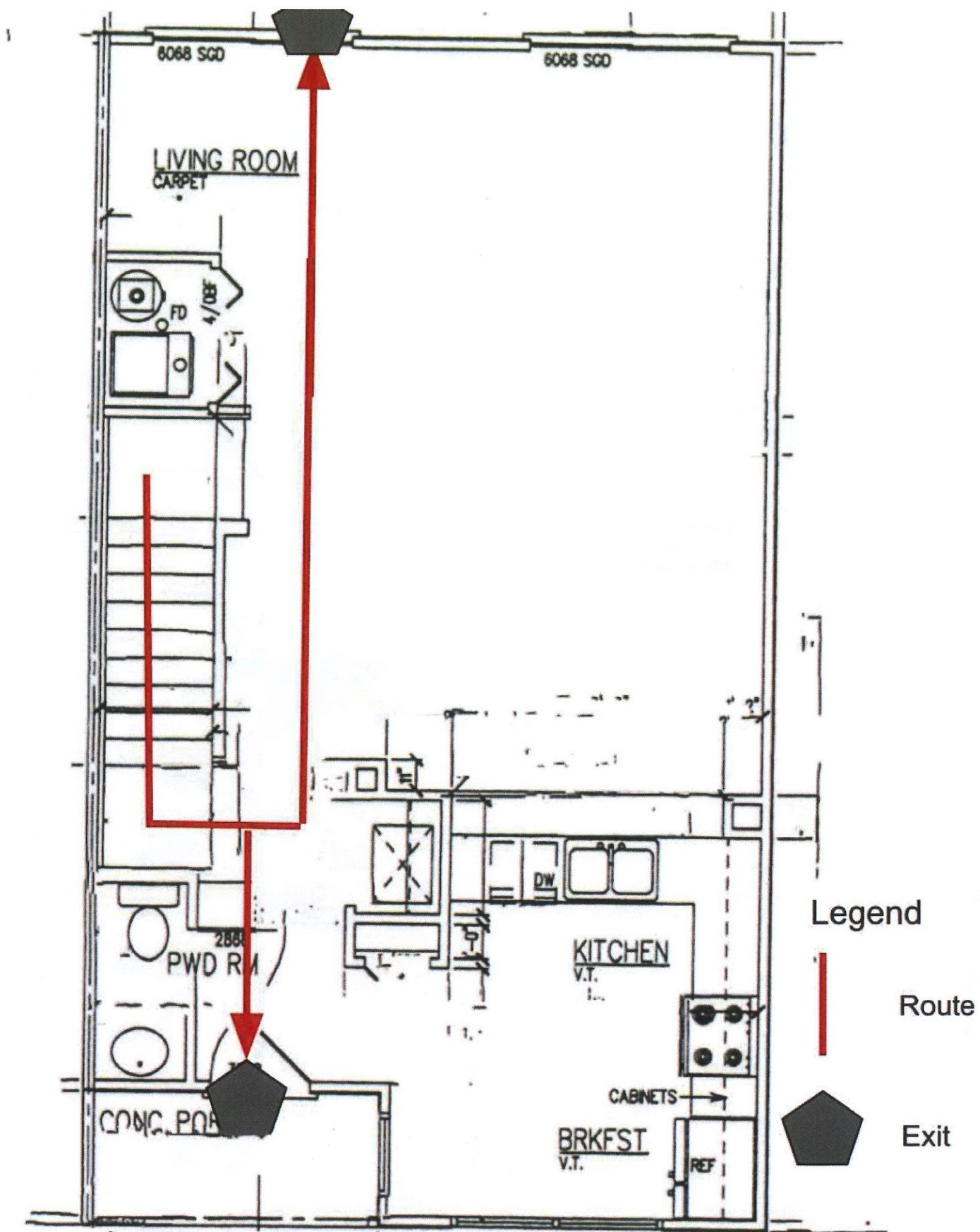
Signature _____

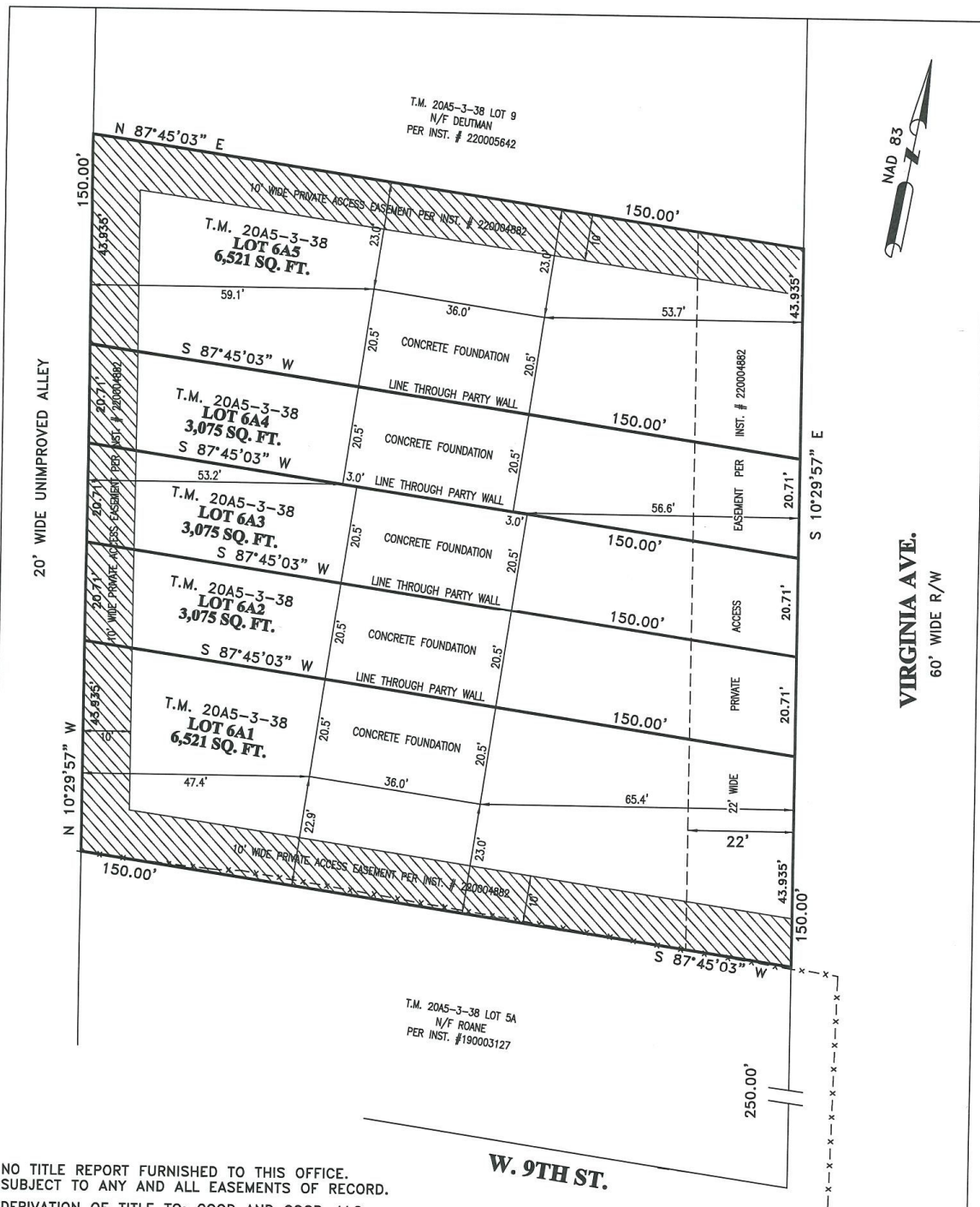
Date _____

05/19/2023

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







NO TITLE REPORT FURNISHED TO THIS OFFICE.
 SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
 DERIVATION OF TITLE TO: GOOD AND GOOD, LLC.
 PER INST. # 190003466.

PLAT REF: INST. # 220004882.

PROPERTY SITUATED OUTSIDE THE
 LIMITS OF THE FEMA FLOOD ZONE.

SUBJECT AND JOINING PARCELS ZONED R-3.

FOUNDATION LOCATION
 LOTS 6A1 THRU 6A5, BLOCK 38
 FRONT ROYAL RIVERTON IMPROVEMENT CO. INC.

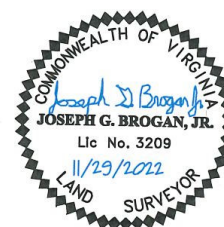
NORTH RIVER MAGISTERIAL DISTRICT

TOWN OF FRONT ROYAL
WARREN COUNTY, VA.



SCALE 1" = 20'

PREPARED BY:
 BROGAN LAND SURVEYING, PLC
 P.O. BOX 1578
 FRONT ROYAL, VA. 22630-0034
 TEL. & FAX (540) 635-5657
 NOVEMBER 29, 2022



Property Identification Card

Record Number: 10595

COUNTY OF WARREN

Property Information (Map: 20A5 338 6A1)

Owner: CHETUPUZZHA JOSEPH P	Legal Description(s): L 6A1 BL 38 FRONT ROYAL RIVERTON IMP CO SUB LOT 6,7,8 LR22-4882
Owner Address: 912 VIRGINIA AVE FRONT ROYAL, VA 22630	Zoned: R3
Total Land Area: 0.15 Acres	Prior Assessment: \$25,000
Property Address: 912 VIRGINIA AVE FRONT ROYAL, VA 22630	Magisterial District: NORTH RIVER - TOWN
	Instrument: 23 0000979
	Remarks: DWELLING MOVED TO L 9 PER PLAT 6/19 LF

Assessment Values (Map: 20A5 338 6A1)

Building 1:	\$243,200
Land Value:	\$28,800
Other Improvements:	\$0.00
Total Value:	\$272,000

Acresage Description (Map: 20A5 338 6A1)

Size In Acres:	.15
Description:	Homesite
Lump Sum or Per Acre:	Lump Sum
Unit Value:	
Adjustment Percentage:	0.00
Utility Value:	28,800
Acresage Value:	\$28,800

Total Value:	\$28,800
---------------------	-----------------

Other Improvements (Map: 20A5 338 6A1)

TOTAL VALUE:

Sales Information (Map: 20A5 338 6A1)

Sales Date:	3/10/2023
Sales Price:	\$354,900
Instrument:	Instrument: 23 0000979
Grantor:	GOOD AND GOOD LLC

Transaction History (Map: 20A5 338 6A1)

Sales Date:	7/15/2019
Sales Price:	\$124,500
Instrument:	LR 19 0003466
Grantee:	GOOD AND GOOD LLC

Sales Date:	6/26/2013
Sales Price:	
Instrument:	LR 13 0004293
Grantee:	SHENANDOAH AVENUE LLC

Sales Date:	4/30/2001
Sales Price:	\$170,000
Instrument:	LR 01 0002857
Grantee:	LLEWELLYN RONALD L & CORINNE

Sales Date:	11/20/2000
Sales Price:	
Instrument:	LR 00 0007115
Grantee:	DAVISON DARYL D ET UX

Sales Date:	8/25/1995
Sales Price:	
Instrument:	LR 95 0004194
Grantee:	DAVISON DARYL D ET UX ET AL

Sales Date:	00/00/0000
Sales Price:	
Instrument:	0
Grantee:	WINES RENA B

Building Information (Map: 20A5 338 6A1)

Building 1:

EXTERIOR INFORMATION

Year Built:	2022
Occupancy Type:	TWNHSE/CONDO
Condition:	GOOD
Foundation:	CONCRETE
Exterior Walls:	VINYL
Roofing:	COMP SHG
Roof Type:	GABLE
Garage:	NONE
Number of Cars:	None
Built-In No. Cars:	None
Carport:	NONE

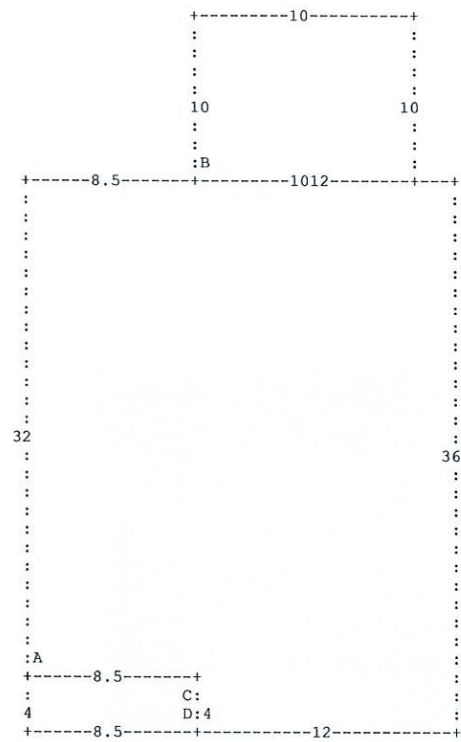
INTERIOR INFORMATION

Story Height:	2.00
Number of Rooms:	6
Number of Bedrooms:	3
Number of Full Baths:	2
Number of Half Baths:	1
Building Sq. Feet:	1442
Basement Sq. Feet:	704
Fin. Basement Sq. Feet:	None
Interior Walls:	DRYWALL
Floors:	WOOD
Floors:	CARPET
Floors:	VINYL
Heating:	HEAT PUMP
A/C:	YES

SITE INFORMATION

Zoning Type:	R3
Terrain Type:	ON
Character:	ROLLING/SLOPING
Right of Way:	PUBLIC
Easements:	PAVED
Water:	PUB-I
Sewer:	PUB-I
Electric:	YES
Gas:	NO
Fuel Type:	ELECTRIC
Utility Value:	None
Fireplace:	None
Stk Fireplace:	None
Flues:	None
Metal Flues:	None
Stacked Flues:	None
Inop. Flue/FP:	None

Building 1 Sketch





Regular Council Meeting Agenda Statement

Item # 07B

Meeting Date: August 28, 2023

Agenda Item: PUBLIC HEARING – Special Use Permit to Allow a Short-Term Rental at 417 Kerfoot Avenue –
Mesa Rose Coral

Summary: Council has received a request from Mesa Coral Rose for a special use permit to allow a short-term rental at 417 Kerfoot Avenue (*tax map 20A6-7-41 & 42*). The property is zoned R-1, Residential District. The applicant is renting out two bedrooms with no more than four occupants at one time. The Planning Commission recommended denial of the application based on lack of adequate parking.

Budget/Funding: None

Meetings: Work Session held August 7, 2023

Proposed Motion: I move that Council approve the request from Mesa Coral Rose for a special use permit to allow a short-term rental at 417 Kerfoot Avenue (*tax map 20A6-7-41 & 42*), as presented.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Seacock _____



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

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

SPECIAL USE PERMIT REQUEST FOR SHORT TERM RENTAL

APPLICANT:

NAME: Mesa Rose Coral PHONE: (505) 859-1661
ADDRESS 417 Kerfoot Ave. Front Royal, VA 22630
E-MAIL mesa.coral@yahoo.com

PROPERTY OWNER:

NAME: Mesa Rose Coral PHONE: (505) 859-1661
ADDRESS 417 Kerfoot Ave. Front Royal, VA 22630
E-MAIL mesa.coral@yahoo.com

PROPERTY DESCRIPTION:

PROPERTY ADDRESS 417 Kerfoot Ave. Front Royal, VA 22630
TAX MAP 20A6 7 4 41 SECTION _____ BLOCK _____ LOT 41-42
SUBDIVISION NAME Viscose City
ZONING DISTRICT R-1 ACREAGE 0.172
SPECIFIC SPECIAL USE PERMIT REQUEST Short-term rental

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

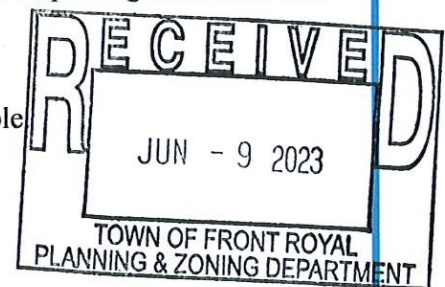
ATTACHMENTS: The following must be submitted with the application. Additional information may be required depending on the nature of the request.

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

Receipt # 01001922069 Date Paid 6-9-23

CK# 1003

Revised 5/06/2022



Taxes are pd.

IN CASE OF AN EMERGENCY

If there is an emergency, or there are questions in regard to the property, please contact (owner) Mesa Rose Coral
at (phone number) (505) 859-1661 or (property manager) Tiffany Peer
at (phone number) (540) 683-0442.

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

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

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

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

Emergency/afterhours 540-635-2111

OCCUPANCY

The Special Use Permit limits the occupancy for this short-term rental at 4 People and 2 Bedrooms.

NOISE

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

PARKING

Parking is limited to 2 cars in the driveway.

TRASH AND RECYCLING

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

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

Trash bags and the trash can are located in the cabinet under the kitchen sink. Full trash bags can be taken out to the large trash bin located on the north side of the house (go left out the backdoor).

Recyclables can be placed in the blue recycle bin located directly inside the backdoor.

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

Trash is collected Tuesday mornings. The outdoor trash bin is to be placed at the curb before 6:30 am or after 7:00 pm the night before collection day.

The clear bag containing recyclables can be placed next to the trash bin at the curb.

CHECK-IN & CHECK-OUT

Provide details

-Contactless check in begins at 2:00 pm using an individualized code on the front door keypad. If there are issues with the code, the smart lock can also be opened using the associated phone application (Eufy). If issues persist, the local contact can be called to open the door with a key.
-Check out is at 10 am. Guests should lock all exterior doors, throw trash in the outdoor bin, load and run the dishwasher or hand wash dishes, open any closed shades, and return keys (if applicable).

WIFI/PHONE/ETC

Provide details for special amenities if available

Wifi name: 417 Kerfoot
Wifi password: Shenandoah

SPECIFIC PROPERTY DETAILS

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

-Property boundaries are clearly marked by fencing that surrounds the house.
-HVAC controls are located in the kitchen, in addition to amenities available for use including a coffee maker, blender, cooking utensils, cutlery, and dinnerware.
-Guests will have access to use the entire house, minus the unfinished basement, where the door will remain locked.

AREA ATTRACTIONS

Provide a map of area attractions

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

SPECIFIC PROPERTY REGULATIONS

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

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

-No shooting of firearms
-No outdoor fire burning
-No fireworks
-No parties or loud disturbances

Revised 5/06/2022

As per 175-3

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

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

Short-term rental:
§ 175.151 Short-term rentals.

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

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

Revised 5/06/2022

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

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

Property Owner's Signature: _____



CERTIFICATION:

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

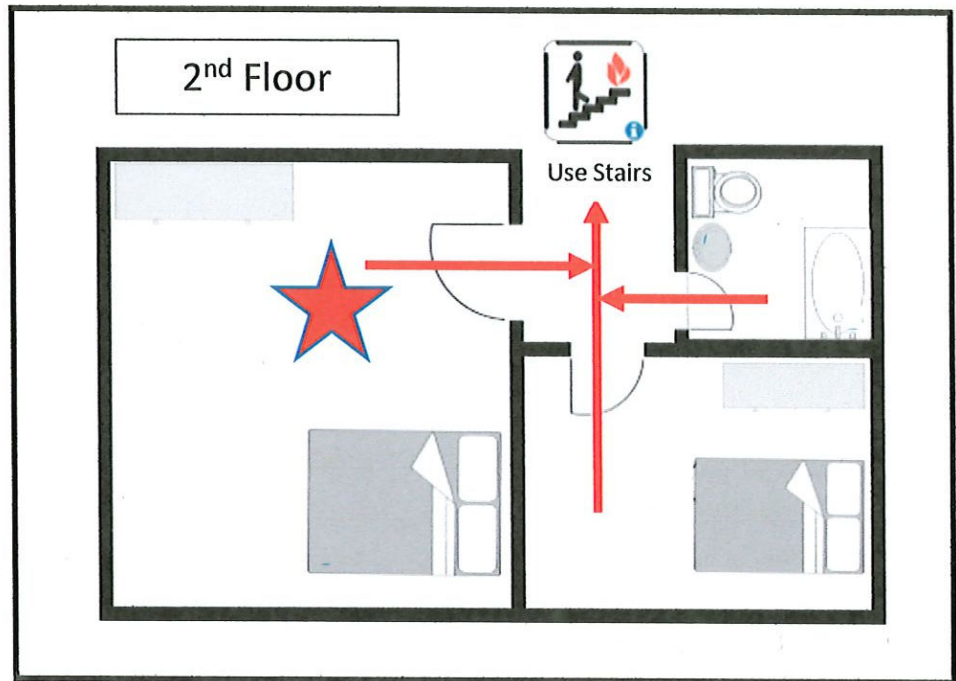
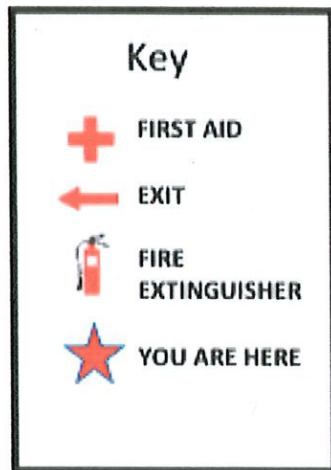
Signature _____



Date 6-8-2023

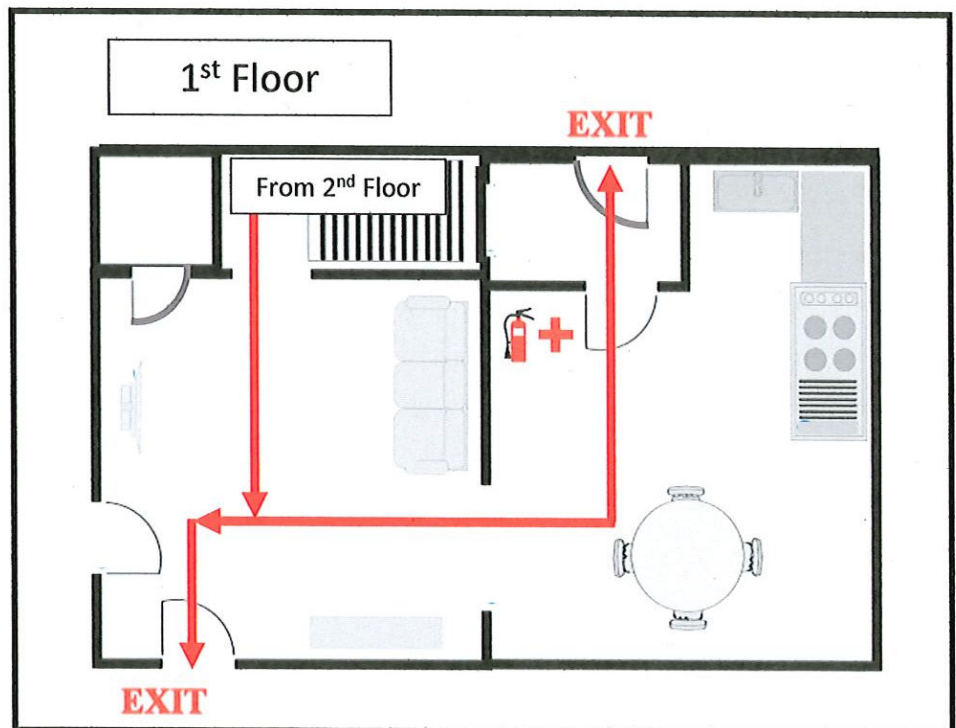
By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Emergency Evacuation Route – Main Bedroom

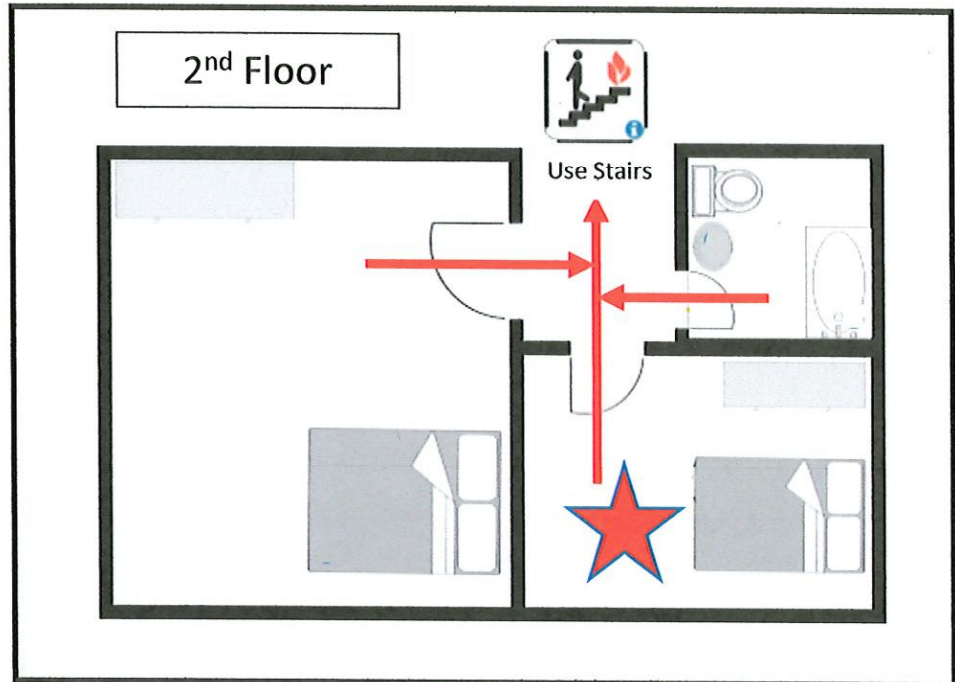
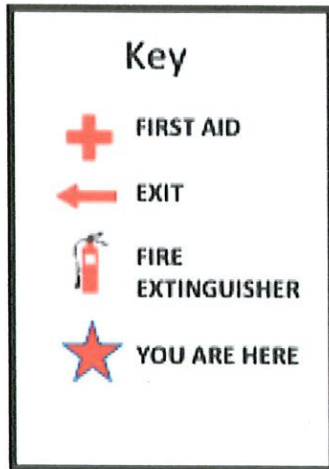


In an emergency, call **911**, or the following:

- Front Royal Police Dept:
540-635-2111
- Front Royal Volunteer Fire and Rescue:
540-635-2540
- Warren Memorial Hospital:
540-636-0300
- Electrical Outage:
540-635-3027

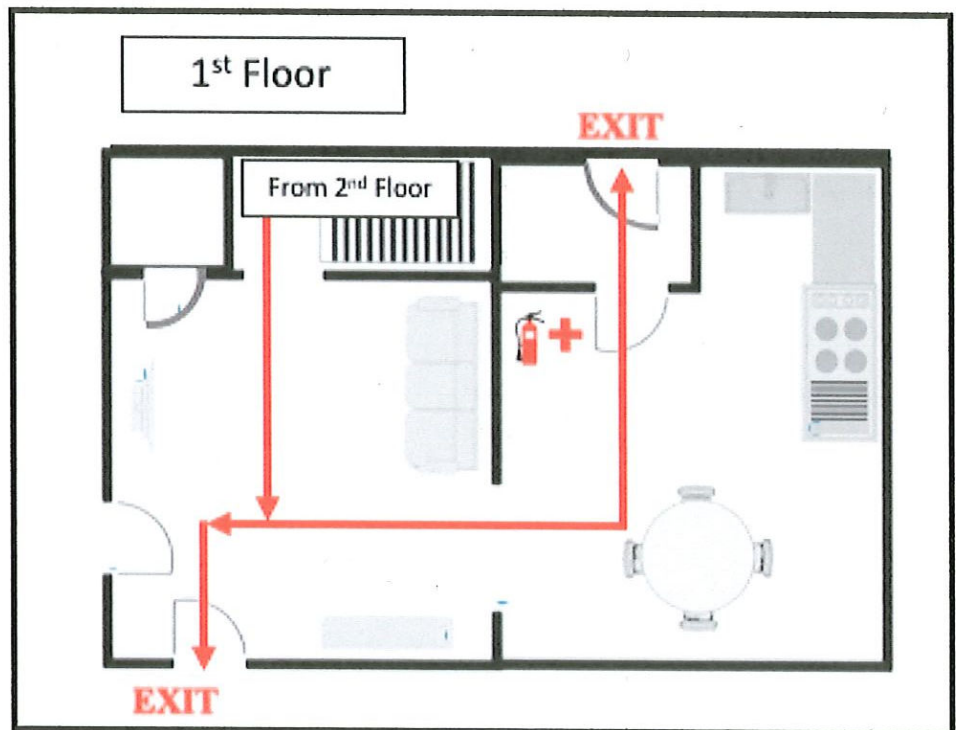


Emergency Evacuation Route – Guest Bedroom

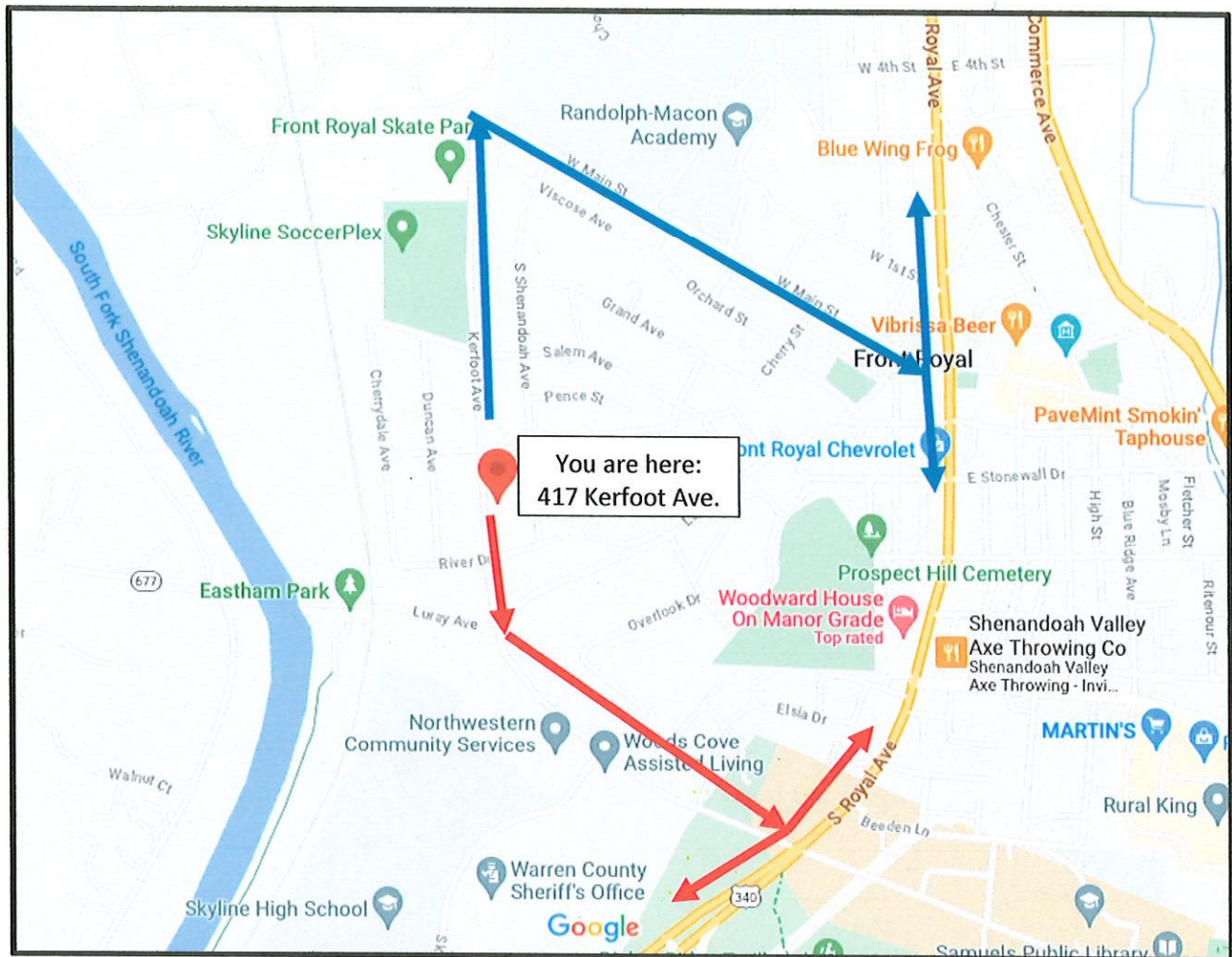


In an emergency, call **911**, or the following:

- Front Royal Police Dept:
540-635-2111
- Front Royal Volunteer Fire and Rescue:
540-635-2540
- Warren Memorial Hospital:
540-636-0300
- Electrical Outage:
540-635-3027



Emergency Evacuation Route - Neighborhood



Neighborhood Evacuation Instructions

Primary Route (red arrows):

- Head south on Kerfoot Avenue and continue around bend on W. Criser Road.
- At S. Royal Avenue, turn left to travel north on Highway 340 toward Interstate 66. Alternatively, you may turn right at S. Royal Avenue to head south on Highway 340.

Secondary Route (blue arrows):

- Head north on Kerfoot Avenue and continue around bend on W. Main Street.
- At S. Royal Avenue, turn left to travel north on Highway 340 toward Interstate 66. Alternatively, you may turn right at S. Royal Avenue to head south on Highway 340.

Mesa Coral
(505) 859-1661
417 Kerfoot Ave.
Front Royal, VA 22630

June 9, 2023

Short-term Rental Property Management Plan

417 Kerfoot Ave. Front Royal, VA 22630

Points of Contact

- Local Contact: Tiffany Peer | (540) 683-0442 | tiffpeer14@gmail.com
 - May be contacted for: entry/door code issues, immediate response to complaints, garbage cleanup, management of unruly tenants, and utility issues.
- Homeowner: Mesa Coral | (505) 859-1661 | mesa.coral@yahoo.com
 - May be contacted for: response to complaints, billing or legal requests, and any additional questions, or issues.

Management

All marketing, booking, tenant resolution management, cleaner scheduling, tax collection, and 24-hour tenant services is provided by the management company Evolve. The single point of contact for the Evolve account associated with the home is Robert Holden ((720) 776-1871 robert.holden@evolve.com).

Tiffany Peer provides all cleaning services and serves as the local contact available for immediate, in-person response.

The homeowner, Mesa Coral, will ensure proper management is maintained from Evolve. She will confirm proper cleaning is being conducted after each stay, with deep-cleaning of the home occurring once per month, and that the house remains in excellent condition through scheduled maintenance and checks throughout the short-term rental duration.

Minimizing Neighborhood Impact

In order to minimize the possibility of the house being used for parties, a two-night minimum stay is required and enforced by Evolve during the booking process. Additionally, specific property regulations include: no shooting of firearms, no outdoor fire burning, no fireworks, and no parties or loud disturbances to neighbors.

Prior to rentals being booked, neighbors directly surrounding the home will be notified that the home will be used as a short-term rental and they will be provided with the contact information for both the homeowner and local contact. Complaints and requests will be taken seriously and responded to appropriately by the local contact for urgent matters, with a follow-up from the homeowner, and by the homeowner for all other matters.

Parking

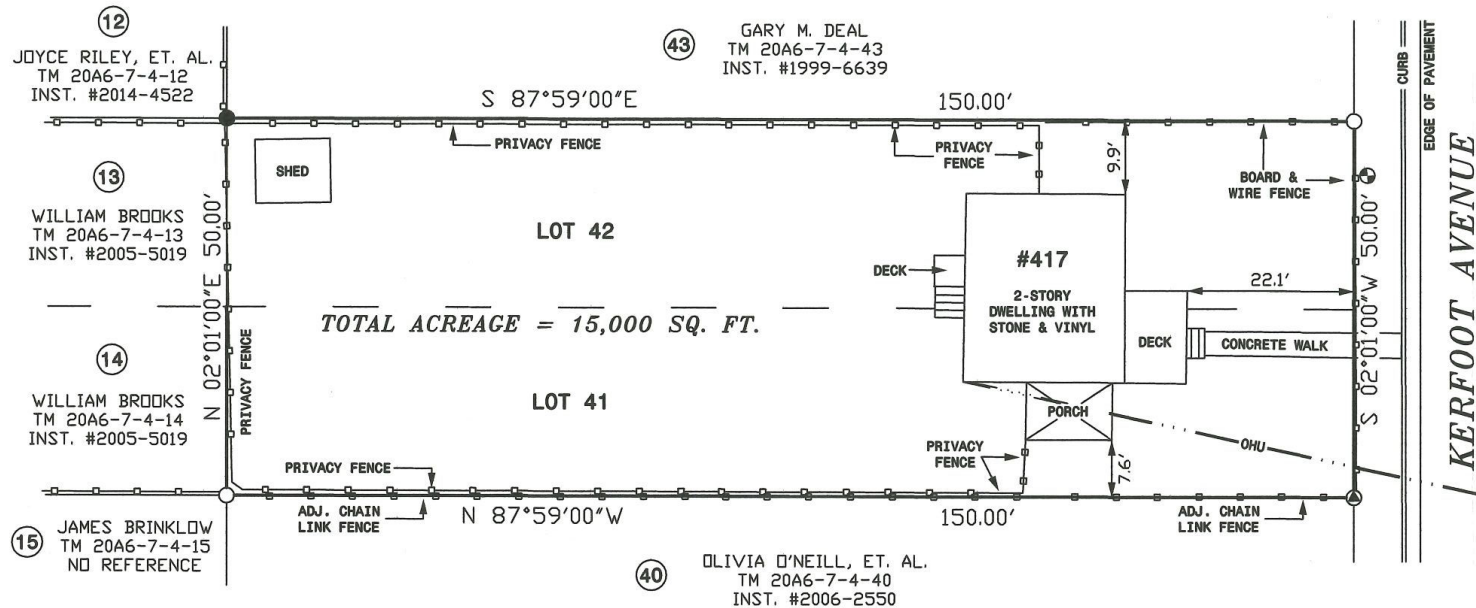
Parking is limited to two vehicles that are to be parked directly in front of the home, parallel to the curb on Kerfoot Avenue. No vehicles shall be parked in front of neighbor's driveways or other non-designated areas.

- 1) TAX MAP: 20A6-7-4-41 & 42
- 2) DATUM AS SHOWN HEREON IS ACCORDING TO RECORDED INFORMATION AND IS A CURRENT FIELD SURVEY.
- 3) OTHER RIGHTS OF WAY AND EASEMENTS, IF ANY, ARE NOT SHOWN.
- 4) NO TITLE REPORT FURNISHED.

LEGEND

- = IRON PIN FOUND
- = IRON PIN SET
- ⊙ = SPIKE SET AT BASE OF FENCE POST
- ⊕ = WATER METER
- OHU = OVERHEAD UTILITY LINE
- = FENCE LINE (AS NOTED)

SCALE: 1"=20'
 (PER PLAT BOOK 1, PAGE 1)



PLAT SHOWING A BOUNDARY SURVEY ON LOTS 41 & 42, SECTION B, BLOCK 4 OF VISCOSITY CITY AS RECORDED IN PLAT BOOK 1, PAGE 1.

TOWN OF FRONT ROYAL

FORK MAGISTERIAL DISTRICT
 WARREN COUNTY, VIRGINIA

MAY 25, 2023
 PREPARED BY,
 VALLEY SURVEYING, P.L.L.C.
 7911 SENEDD ROAD
 MT. JACKSON, VIRGINIA 22842
 PHONE: (540) 477-3686

DERIVATION OF TITLE
 OWNER: MESA CORAL
 REFERENCE: INSTRUMENT #230001541



Regular Council Meeting Agenda Statement

Item # 07C

Meeting Date: August 28, 2023

Agenda Item: PUBLIC HEARING – Special Use Permit to Allow Two Dwelling Units to be Located on the Ground Floor at 1127 N. Royal Avenue – Independence Realty LLC

Summary: Council has received a request from Independence Realty LLC for two (2) dwelling units to be located on the ground floor of 1127 N. Royal Avenue (*tax map 20A3-5-24 & 25*). The property is zoned C-1, Community Business District and located in the Entrance Corridor Overlay District. Staff conducted a property maintenance inspection March 2, 2023 and found the single family dwelling unit had been converted into a multi-family dwelling units without obtaining a zoning permit. The special use permit is required for ground floor residential uses. The Planning Commission recommended approval with the following conditions:

1. Applicant submits a parking agreement with adjoining property owner for an additional two parking spaces.
2. The applicant enlarges the current parking area to accommodate 4 spaces.

Budget/Funding: None

Meetings: Work Session held August 7, 2023

Proposed Motion: I move that Council approve the request from Independence Realty LLC for two (2) dwelling units to be located on the ground floor at 1127 N. Royal Avenue (*tax map 20A3-5-24 & 25*) conditioned upon the following: 1) Applicant submits a parking agreement with adjoining property owner for an additional two parking spaces and 2) The applicant enlarges the current parking area to accommodate 4 spaces.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Seacock _____

**TOWN OF FRONT ROYAL**

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

102 EAST MAIN STREET

P.O. BOX 1560

FRONT ROYAL, VA 2263

Main: 540.635.4236

Fax: 540.631.2727

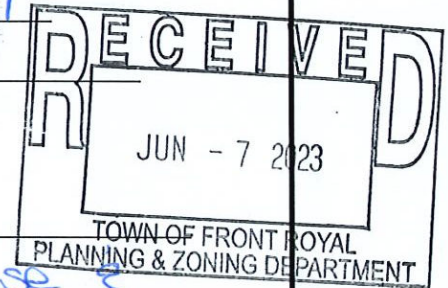
www.frontroyalva.com

SPECIAL USE PERMIT REQUEST

FRSPU _____

APPLICANT:NAME yo Lynn Deel Cell 540-252-6513NAME Independence Realty LLC PHONE 703-366-3462ADDRESS 10307 Piper Lane Manassas VA 20110E-MAIL lynn@greenteaminc.com**PROPERTY OWNER:**NAME Independence Realty LLC PHONE 703-366-3462ADDRESS 10307 Piper Lane Manassas VA 20110E-MAIL lynn@greenteaminc.com**PROPERTY DESCRIPTION**PROPERTY ADDRESS 1127 N Royal Ave Front Royal VA 22630TAX MAP 20 SECTION A3 BLOCK 5 LOT 24SUBDIVISION NAME North River ACREAGE _____**REQUEST**ZONING DISTRICT C-1

PROPOSED USE OF PROPERTY _____

SPECIFIC SPECIAL USE PERMIT REQUEST Special useZoning permit per Monica McClure
letter dated 3/2/2023

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

1. Survey/Plat of property showing all existing improvements.

(10 copies if larger than 11" X 17")

2. Site Plan Application

3. Application Fee of \$400.00 Receipt # 819105 Date Paid 6-7-23 Check # 3494

4. Additional information as required by the Dept. of Planning & Community Development.

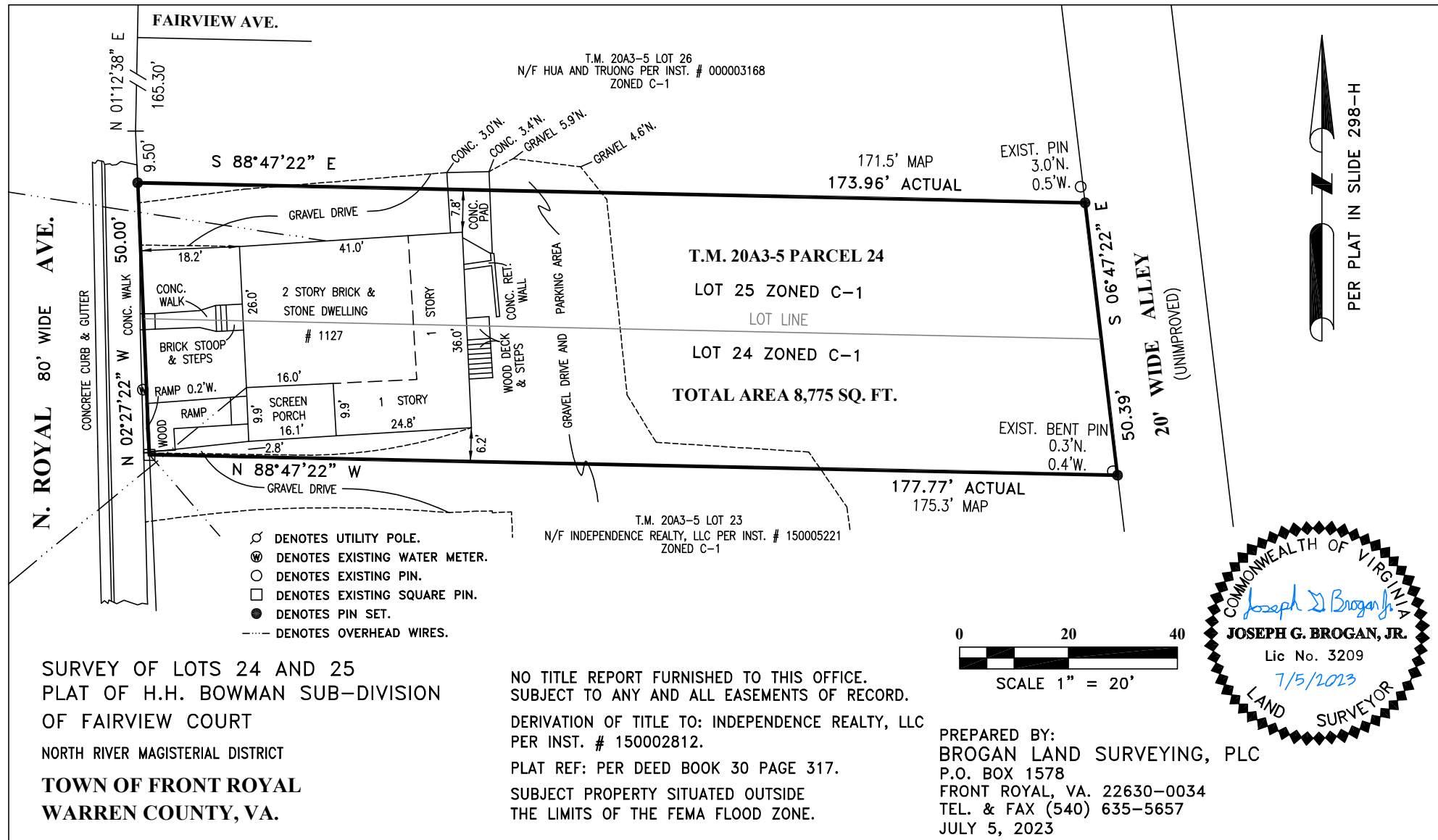
CERTIFICATION

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

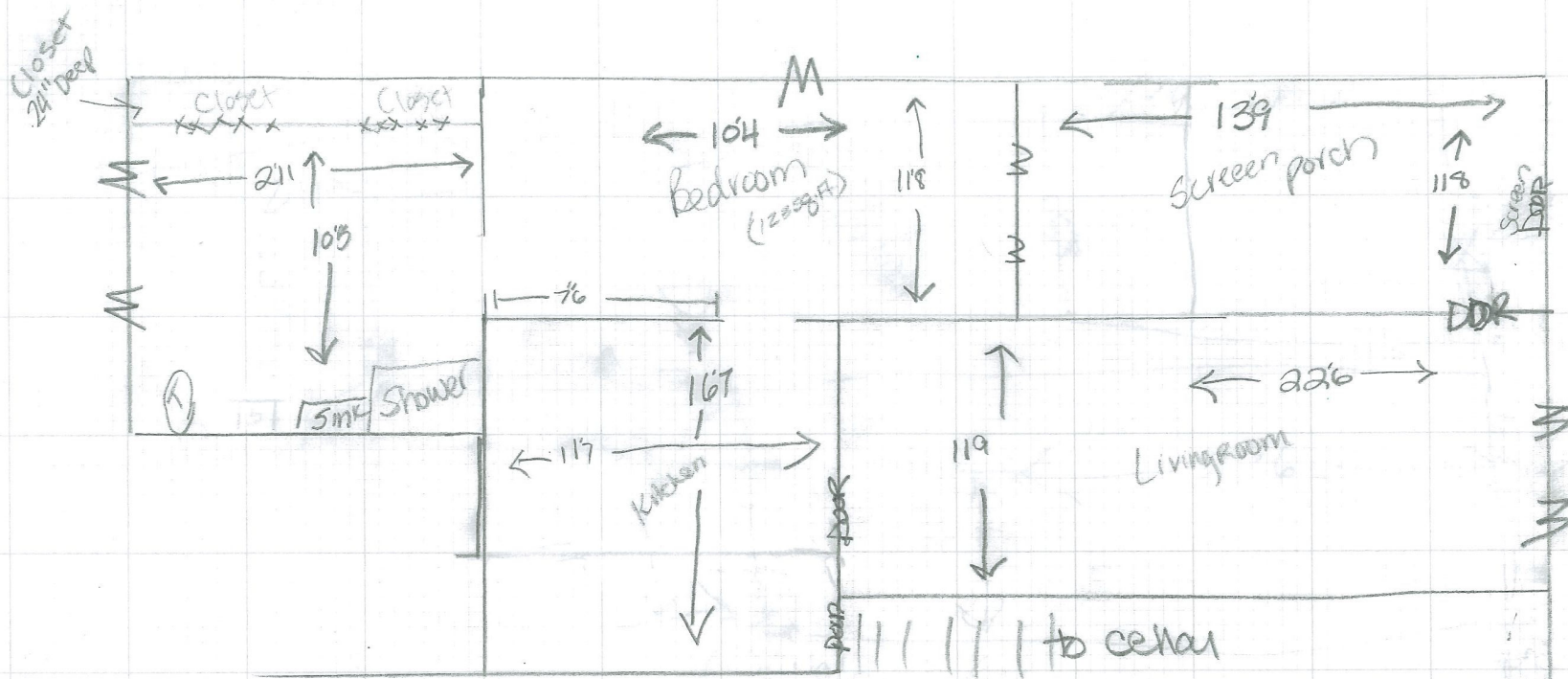
Signature _____

Date 3/30/2023

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







Independence Realty LLC

Lynn Deel-Schultz
 Cell 540-252-6513
 lynn@greenteaminc.com



Property Management & More

Office 703-366-3462
 10307 Piper Lane
 Manassas, VA 20110

1127 N Royal Ave, Unit 1
 (Screen Porch)
 Front Royal VA 22630

GREEN TEAM, INC.

1127 N ROYAL AVE
 FRONT ROYAL, VA 22630



Regular Council Meeting Agenda Statement

Item # 07D

Meeting Date: August 28, 2023

Agenda Item: PUBLIC HEARING – Special Use Permit to Allow the Painting of Two Murals at 1314 N. Royal Avenue – William Kryssing

Summary: Council has received a request from William Kryssing to paint two (2) murals, larger than sixty (60) square feet on two sides of their building located at 1314 N. Royal Avenue (*tax map 20A2-456-8*). The property is zoned C-1 and located in the Entrance Corridor Overlay District. Per Town Code any mural is a sign used or intended to attract the attention of the public therefore a wall sign permit is required and the maximum size is determined by the length of the building wall (1 square foot of sign per 1 linear foot of the building) with a maximum of sixty (60) square feet. If over the maximum a special use permit is required. The applicant wishes to paint two (2) murals: one totals 210 square feet and the other is 400 square feet. The Planning Commission recommended approval.

Budget/Funding: None

Meetings: Work Session held August 14, 2023

Proposed Motion: I move that Council approve the request from William Kryssing to paint two (2) murals larger than sixty (60) square feet on two sides of their building at 1314 N. Royal Avenue (*tax map 20A2-456-8*), as presented.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Sealock _____



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 2263

Main: 540.635.4236
Fax: 540.631.2727
www.frontroyalva.com

SPECIAL USE PERMIT REQUEST

FRSPU _____

APPLICANT:

NAME JULIANA AND WILLIAM KNYSAING PHONE (571) 436-0844

ADDRESS 1250 HIGH KNOB RD, FRONT ROYAL, VA 22630

E-MAIL WILLIAM@FIRSTRESPONSECHIMNEY.COM

PROPERTY OWNER:

NAME WSK Properties LLC PHONE SAME

ADDRESS _____

E-MAIL _____

PROPERTY DESCRIPTION

PROPERTY ADDRESS 1314 N. ROYAL AVE, FRONT ROYAL, VA 22630

TAX MAP _____ SECTION _____ BLOCK _____ LOT _____

SUBDIVISION NAME _____ ACREAGE _____

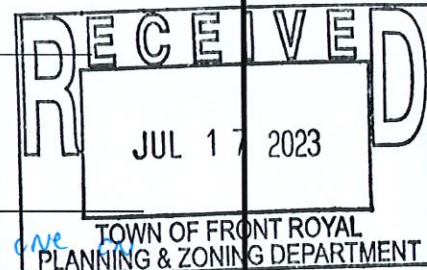
REQUEST

ZONING DISTRICT _____

PROPOSED USE OF PROPERTY C-1, Retail

SPECIFIC SPECIAL USE PERMIT REQUEST Paint & murals

each long side of building - First Responder Tribute
North facing 210 SF, South facing 400 SF



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

1. Survey/Plat of property showing all **existing** improvements.
(10 copies if larger than 11" X 17")
2. Site Plan Application
3. Application Fee of \$400.00 Receipt # CC Date Paid 7-17-23 MPM
4. Additional information as required by the Dept. of Planning & Community Development.

CERTIFICATION

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

Signature [Signature] Date 7/17/23

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

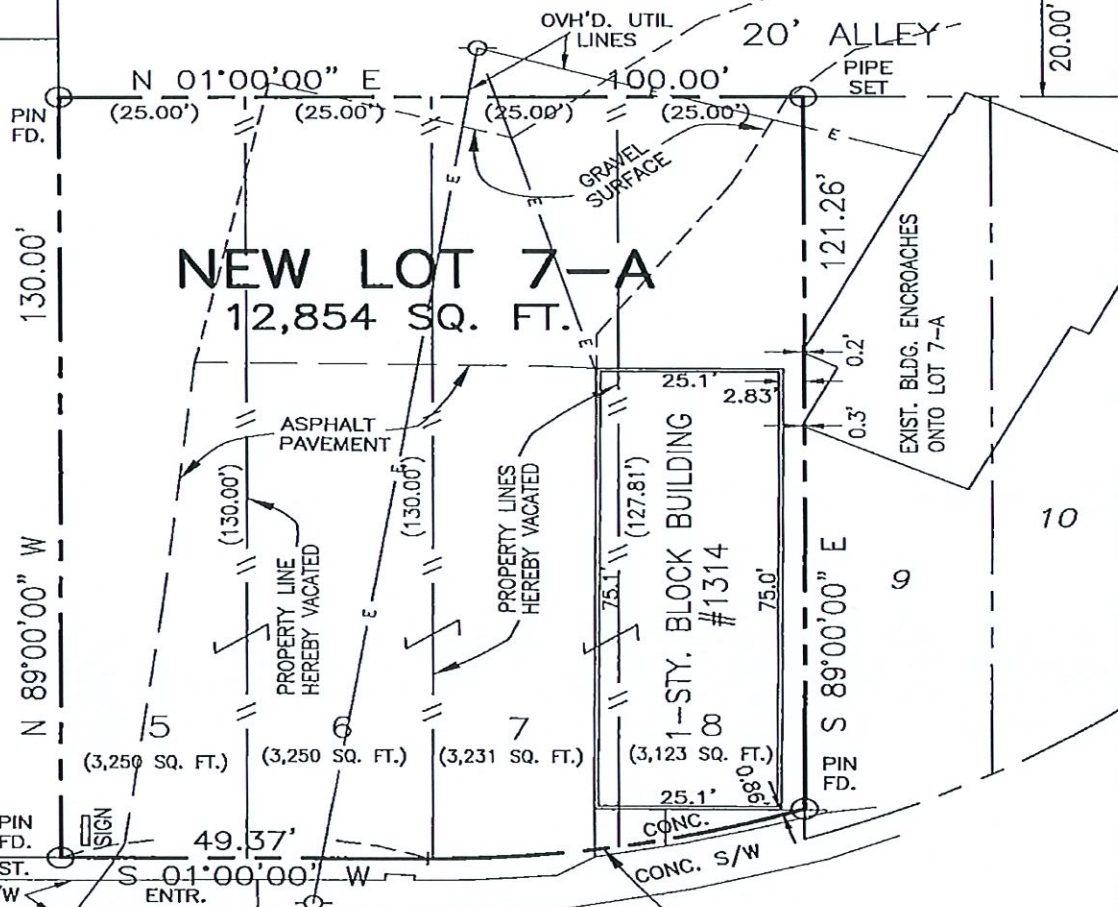
30A LR16-5857

20' ALLEY

14

BLOCK 56
13

LOT 1A LR16-5857

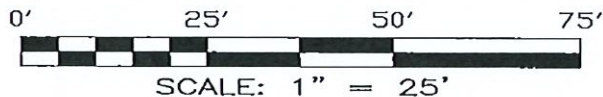


N. ROYAL AVENUE
U.S. RT. 340-522

R/W VARIES - SEE VDOT PROJ. #2693-02
PER R.W.THOMAS SURVEY DATED 5-10-82

SEE SHEET 1 OF 2 FOR NOTES

CURVE DATA
A=51.63'
R=150.99'
D=19°35'31"
CB=S 08°47'46" E
CD=51.38'



survey@measure-map.com
540-636-4949

Darryl G. Merchant
Consulting Land Surveyor
P.O. BOX 1508
FRONT ROYAL, VA 22630

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23-F110

DWG. No. AM-1825

PLAT SHOWING LOT CONSOLIDATION OF

LOTS 5, 6, 7 & 8
BLOCK 56

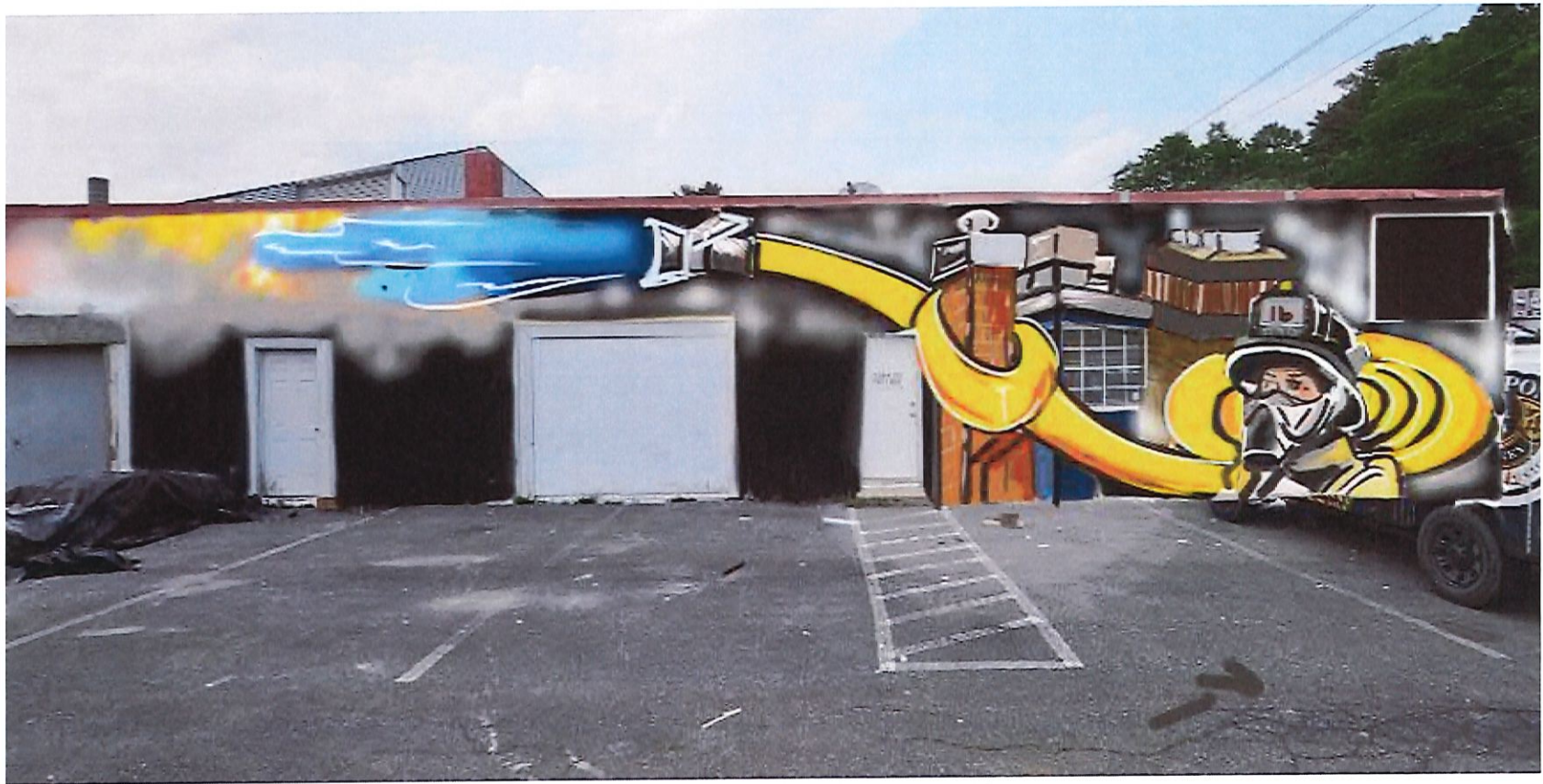
FRONT ROYAL - RIVERTON
IMPROVEMENT CO.

TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

DATE: 26 APRIL 2008

SHEET 2 OF 2

400 S.F.



210 S.F.



Carol Buffa

From: John Ware
Sent: Friday, July 14, 2023 12:18 PM
To: First Response Chimney Sweeps & Services
Cc: Joe Waltz; George Sonnett; Lauren Kopishke; Connie Potter; Carol Buffa
Subject: RE: 1st Response Chimney Mural

William,

If you would like an official Zoning Determination of your project prior to submitting an Sign Application, please contact Lauren Kopishke our Planning & Zoning Director at 540-635-4236 or email her at lkopishke@frontroyalva.com

Respectfully,

John M. Ware, ESCA0307, SWPA0226, CZO
Deputy Zoning Administrator / Town Planner I
Town of Front Royal, VA | Dept. of Planning & Zoning
102 E. Main St | Front Royal, VA 22630
Office: (540) 635-4236
E-mail: jware@frontroyalva.com



From: First Response Chimney Sweeps & Services <william@firstresponsechimney.com>
Sent: Thursday, July 13, 2023 5:09 PM
To: John Ware <jware@frontroyalva.com>
Cc: Carol Buffa <cbuffa@frontroyalva.com>; Connie Potter <cpotter@frontroyalva.com>; Lauren Kopishke <lkopishke@frontroyalva.com>; artbyamandahorn@gmail.com
Subject: Re: 1st Response Chimney Mural

John,

I disagree with the interpretation of the definition. You could interpret this a few different ways and I feel like your team is interpreting in a way, against us. The mural doesn't sell anything for my business nor does it have any product related to my business. If anything, it would actually do the opposite considering I offered to not put a physical sign on the two sides of the building for the sake of possible interference of the mural and our business signs. When we spoke last week, I made it very clear that we wouldn't mix the signs and the mural so it wouldn't be misconstrued and you were in what seemed to be complete understanding. After numerous statements from you how much you really liked the sign and the tribute to first responders, I felt comfortable with our meeting last week and confident we would be able to do a tribute to first responders by mural.

Because my mural doesn't contain any product or business advertising, at all, I don't see what the driving force is for needing to get these special use permits and go through this extremely expensive, stringent process.

From my interpretation of a mural, what we want to paint wouldn't even be considering a marquee sign (mural) in your book either because a marquee sign in your book displays what you sell as a business, neither of which we are doing.

So the question is, my mural we want to paint, what's the actual definition and abiding rules for this considering your definition of marquee sign doesn't really define it either?

As a first responder in Warren County for the last 13 years, this is a shame. I am from Front Royal and have graduated here. I would spend every weekend at the firehouse when a high school student and developed my entire first responder career from this system. Front Royal Fire Station is the firehouse which developed me into the Firefighter Paramedic I am today. Denying this tribute to first responders would make this a total shame, especially because this could be easily approved in-house by your staff. This mural is a in remembrance and in thought of all past, present and future first responders not only in Warren county but across the country.

Just a little reminder of the first responders who have been injured or died in the line of duty over the last FEW years:

*Chief 8 Homer Cross

*WCFR Chris Jones (injured when he fell through the floor of a basement fire)

*Austin Cucciardo and partner - injured when attending a medical patient on i66 a few years ago when their ambulance was hit by a passing car.

*myself three times when sustaining second degree burns on three separate house fires.

On Thu, Jul 13, 2023 at 3:39 PM John Ware <jware@frontroyalva.com> wrote:

William,

See attached document pertaining to Town Code for Signs.

As per Town Code 175-106-A-4 (Definitions) **Sign**,- "Any device employing letters, words, symbols, etc., **used or intended to attract the attention of the public from streets, sidewalks or other outside public rights-of-ways.** For the purposes of this Article, the term "sign" shall include all structural members.

As per Town Code 175-106-B-2-b-3a **Wall or Marquee Sign**..... "Artistic murals containing business or product advertising may be approved for a **size exceeding sixty (60) square feet by special permit, pursuant to Section 175-136, when located outside the Historic Overlay District...**"

Basically, any Mural is a Sign as per the definition. It is used or intended to attract the attention of the public. Therefore, a Wall Sign Permit is required and the maximum size is determined by the length of the building wall (1 square foot of sign per 1 linear foot of the building) with a maximum of 60 square feet.

If the Mural is over 60 square feet, then a Special Use Permit is required.

John

From: First Response Chimney Sweeps & Services <william@firstresponsechimney.com>
Sent: Thursday, July 13, 2023 12:40 PM
To: John Ware <jware@frontroyalva.com>
Cc: Carol Buffa <cbuffa@frontroyalva.com>; Connie Potter <cpotter@frontroyalva.com>; Lauren Kopishke <lkopishke@frontroyalva.com>; artbyamandahorn@gmail.com
Subject: Re: 1st Response Chimney Muarl

John,

Please explain further reason being that these are "signs" when nothing in these murals, at all references chimney sweeping, inspections, wood stove installs. We even informed you that we would not put any signage on that wall if that's what it took.

Please cite your ordinances specifically as well.

Please also send me copies of all ordinances possibly pertaining to murals.

Please also send any by right ordinances that would pertain. Thanks.

On Thu, Jul 13, 2023 at 12:14 PM John Ware <jware@frontroyalva.com> wrote:

William,

After consultation with Town Staff, it has been determined that all Artistic Murals are indeed signs.

You will need to apply for a Sign Permit for the Mural. The fee would be \$75.00 since the building is in the Entrance Corridor. With the proposed Murals exceeding 60 square feet in size, this would also require an application for a Special Use Permit. The fee for a Special Use Permit is \$400.00. The deadline for submittal of a Special Use Permit to be on the September Planning Commission Public Hearing is August 7th.

If you have any questions, feel free to contact me.

John M. Ware, ESCA0307, SWPA0226, CZO

Deputy Zoning Administrator / Town Planner I

Town of Front Royal, VA | Dept. of Planning & Zoning

102 E. Main St | Front Royal, VA 22630

Office: (540) 635-4236

E-mail: jware@frontroyalva.com



--
William Kryssing
CEO/Owner
First Response Chimney Sweeps & Services LLC
(571)436-0844 william@firstresponsechimney.com
PO BOX 749, Front Royal, VA 22630
firstresponsechimney.com

CONFIDENTIALITY NOTICE: This e-mail message, including all attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, you may NOT use, disclose, copy or disseminate this information. Please contact the sender by reply e-mail immediately and destroy all copies of the original message including all attachments. Thank you.

--

Carol Buffa

From: Lauren Kopishke
Sent: Thursday, July 20, 2023 10:50 AM
To: Planning and Zoning
Subject: FW: First Response Chimney Mural

From: Joe Waltz <jwaltz@frontroyalva.com>
Sent: Thursday, July 20, 2023 10:11 AM
To: Lauren Kopishke <lkopishke@frontroyalva.com>
Subject: FW: First Response Chimney Mural

Lauren,
Please be prepared to discuss this mural issue in detail on Monday night. Please review the email below.
Thanks,
Joe

Joseph Waltz
Town Manager
Town of Front Royal, VA

From: Lori Athey Cockrell <cockrell@frontroyalva.com>
Sent: Wednesday, July 19, 2023 3:57 PM
To: Joe Waltz <jwaltz@frontroyalva.com>; Amber Morris <morris@frontroyalva.com>; Joshua Ingram <jingram@frontroyalva.com>; Wayne Sealock <wsealock@frontroyalva.com>; Skip Rogers <rogers@frontroyalva.com>; H. Bruce Rappaport <hbrappaport@frontroyalva.com>; Melissa DeDomenico-Payne <mdedomenico-payne@frontroyalva.com>
Subject: Fwd: First Response Chimney Mural

Joe,

I'm forwarding this to you so that you're aware of this email.

Lori

Sent from my iPhone

Begin forwarded message:

From: First Response Chimney Sweeps & Services <william@firstresponsechimney.com>
Date: July 19, 2023 at 3:01:08 PM EDT
To: Lori Athey Cockrell <cockrell@frontroyalva.com>
Cc: "H. Bruce Rappaport" <hbrappaport@frontroyalva.com>, Joshua Ingram <jingram@frontroyalva.com>, Melissa DeDomenico-Payne <mdedomenico-payne@frontroyalva.com>, Amber Morris <morris@frontroyalva.com>, Skip Rogers <rogers@frontroyalva.com>, Wayne Sealock

<wsealock@frontroyalva.com>

Subject: First Response Chimney Mural

Hi all,

My name is William, a Warren County HS graduate Class of 2014 and I'm the founder and CEO of First Response Chimney Sweeps & Services. We are a full service fireplace and chimney restoration company and our new location is at 1314 N. Royal Avenue, Front Royal, Virginia which many of you have probably seen that we have been putting tons of effort into fixing the dilapidated building to make a nice location for customers and passerby's rather than the eyesore that it's been for as long as I can remember. We plan to open a hearth shop in the retail space and have around 20-30 different units and to sell wood and pellet stoves, fireplaces and inserts, accessories, etc.

We moved into the building the very beginning of April and we have been putting nearly \$400,000 into renovations for the entire building and our goal is to have a grand opening on October 7th, 2023 where we will offer discounts on wood stoves and hopefully have a big turnout. We plan to have burn demonstrations, fire safety talks, activities and food trucks - we really want to have a GRAND opening, if you get my drift. We want an event, at the very beginning of our busy season. We have been working hard to get this building to finished by this date so we can go live 10/7/23 but one of our hiccups right now, is the holdup with approval to paint a memorial / tribute to first responders on the two long sides of the building.

My wife and I are owners of this business and we are both first responders for the last decade. We both started our careers locally at the Front Royal Fire Station - hence First Response.... Chimney! We wanted to do a tribute to first responders on our building, because we are first responders ourselves.

We both know the significance a simple chimney inspection makes and the safety and assurance it can bring a family starting a fire in their home. In Warren county alone last year, there were 15 chimney fires - which could have been prevented possibly, with an annual chimney inspection and some simple "chimney tips and tricks".

Attached are the two murals that we want to get approved so we can have the building painted in time for the grand opening. We are having issues because now zoning and planning is telling us that we need to get a special use permit, which can take up to four months for approval, if it even gets approved. We were told when we asked about sign permits that if the sign is over 60 square feet, that we would need a special use permit for approval, but we didn't want a sign that large so it didn't matter. We have been in contact with the town about our murals for the last two months or so, but it wasn't until last week when we submitted the sketches and measurements, were we told that the mural is classified as a sign, and because they are bigger than 60 square feet, now we need to get this special permit for approval before we can paint. It's been about two months I've been in contact with the town zoning office, back and forth about miscellaneous things, mostly related to painting the fence, installing actual signs, murals, etc and never once were we advised until this last week that the mural is classified as a sign, and now two months later we are told that we need to have the special permit. This is extremely essential to us because if two months ago we had been told, and we had applied, we would have approval in time for October 7th completion - but now it's no where near possibly without an expedited process. Time is of the essence here, for our grand opening to be on October 7, 2023.

Our timeline of events is specific to October 7, 2023 because Fire Prevention week across the USA is October 8 - October 14th. We wanted to make an impact right before fire prevention week because of the role our business plays into safe burning habits and fire prevention in a home. The bigger our event is, the more families we can make an impact on to employ safer burning habits, stress fire safety, fire

drills in the home, the stop drop and roll techniques and anything related to prevention of disastrous, deadly fires.

I will be attending the meeting this Monday to introduce myself and make a statement. I will bring my wife/business partner and our Muralist - Amanda Horn who shows an incredible talent for creativity and pride in painting murals. My goal this Monday is to hopefully approve these two murals somehow, someday. We would really like the town to approve these murals or hopefully help us expedite the process for approval. We hope we make a positive impact in the community we both serve.

We hope to be an influence in the Front Royal / Warren County community professionally and personally. We hope to influence people to employ safer fire safety tactics. We hope to maybe create the spark in a little kids mind when they see the murals thinking "I want to grow up to be a firefighter paramedic", just like I did and have become.

With this, we can hopefully create some safer homes, develop some more people in the Warren County Fire & Rescue Volunteer system and make our town more beautiful at the busiest intersection in Warren County.

Attached are the two murals we want to paint and also a link to a call I responded too where a 7 year old girl was shot in the chest in which I saved her life.

If anyone has any questions and wants to meet in person, or for a phone call my number is 571-436-0844.

I just please ask, help us get this mural painted on the building. We want to paint it within 1.5 months.

Thank you,
William

<https://www.wusa9.com/article/life/heartwarming/get-uplifted/7-year-old-shot-thanks-first-responders-get-uplifted/65-1e555586-dcd9-44e4-a5fa-d6c1847f7fc3>



Regular Council Meeting Agenda Statement

Item # 07E

Meeting Date: August 28, 2023

Agenda Item: PUBLIC HEARING – Amend the Town Zoning Map to Reclassify 1.2837 Acres at 10160 Winchester Road from Highway Commercial District C-3 to Residential District R-2 – Ramsey Inc

Summary: Council has received a request from Ramsey Inc. for an amendment to the Zoning Map of the Town of Front Royal to reclassify 1.2837 acres being that portion of tax map #20A4-24-1 located within the Town of Front Royal, from Highway Commercial District C-3 to Residential District R-2. The property is located north of the intersection of Winchester Road and Guard Hill Road. The stated purpose of the rezoning request is to allow for the construction of a multifamily dwelling unit. The applicant currently has approval for a lodging house that will be revoked at the applicant's request upon approval of this rezoning. The applicant intends to submit a new zoning application for a multifamily dwelling unit.

The Town Code 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 Planning Commission held a public hearing in June 2023 and recommended approval of the rezoning.

Budget/Funding: None

Meetings: Work Session held July 10, 2023

Proposed Motion: I move that Council approve a request from Ramsey Inc to amend to the Zoning Map of the Town of Front Royal to reclassify 1.2837 acres being that portion of tax map #20A4-24-1 located within the Town of Front Royal, from Highway Commercial District C-3 to Residential District R-2 on property located north of the intersection of Winchester Road and Guard Hill Road.

Moved _____ *Seconded* _____

DeDomenico-Payne _____ *Ingram* _____ *Morris* _____ *Rappaport* _____ *Rogers* _____ *VM Sealock* _____



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

STAFF REPORT - REZONING APPLICATION #2300225
PLANNING COMMISSION- June 21, 2023

APPLICATION #:

2300225

APPLICANT:

Ramsey Inc

SUMMARY OF REQUEST:

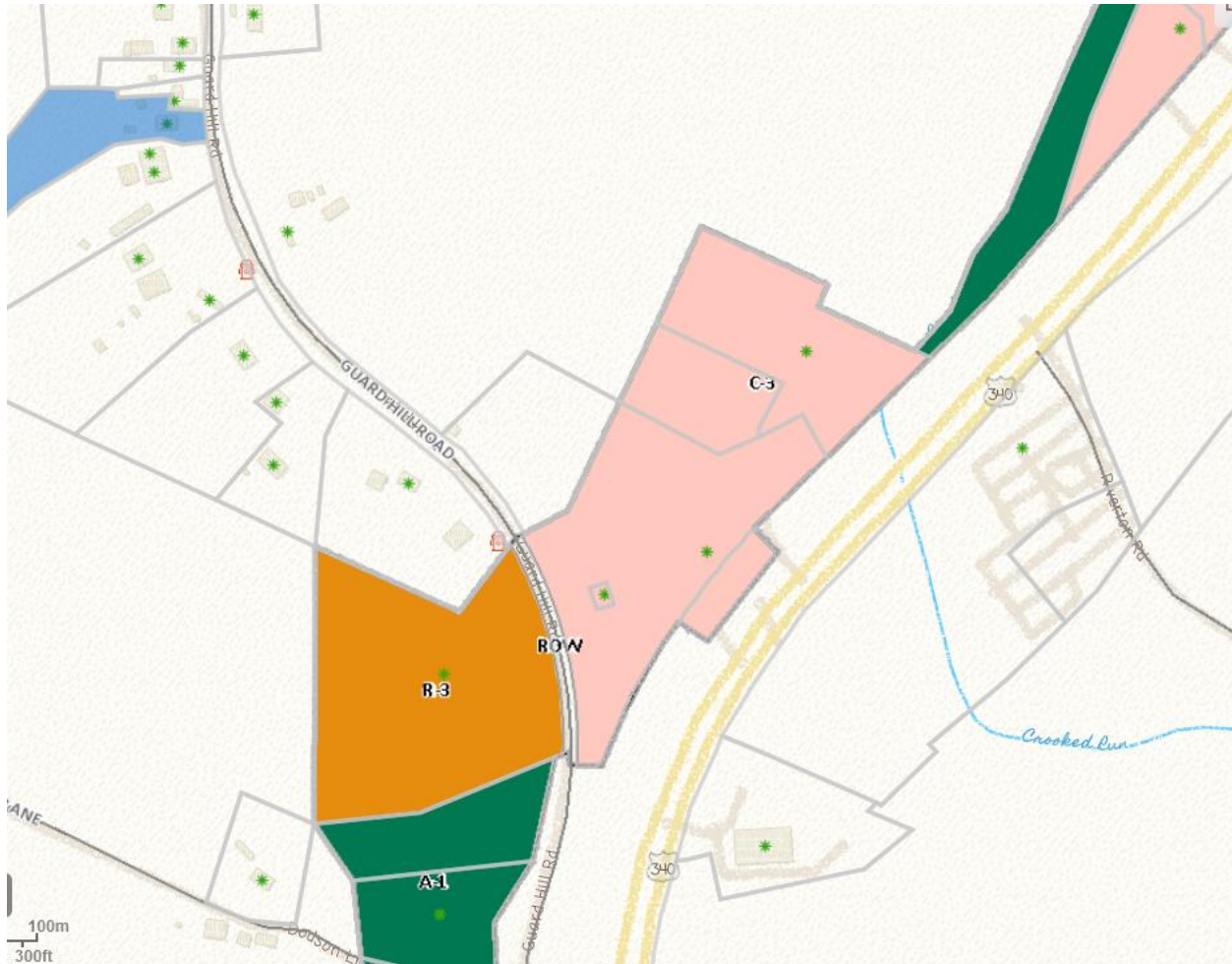
The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify a portion of Tax Map #20A4-24-1 from Commercial District C-3 to Residential District R-2. The Ordinance identifies the C-3 District as a highway commercial zone which excludes residential 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:

<i>Site Addresses</i>	N/A
<i>Property Owner(s)</i>	Church RMA 201 W Third St
<i>Existing Zoning</i>	C-3, Commercial District
<i>Proposed Zoning</i>	R-2, Residential District
<i>Tax Identification</i>	20A4 24 1
<i>Location</i>	The property north of the intersection of Winchester Road and Guard Hill Road.

VICINITY MAP





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

**Zoning
Ordinance**

forth in the Front Royal Zoning Ordinance are as follows:

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.

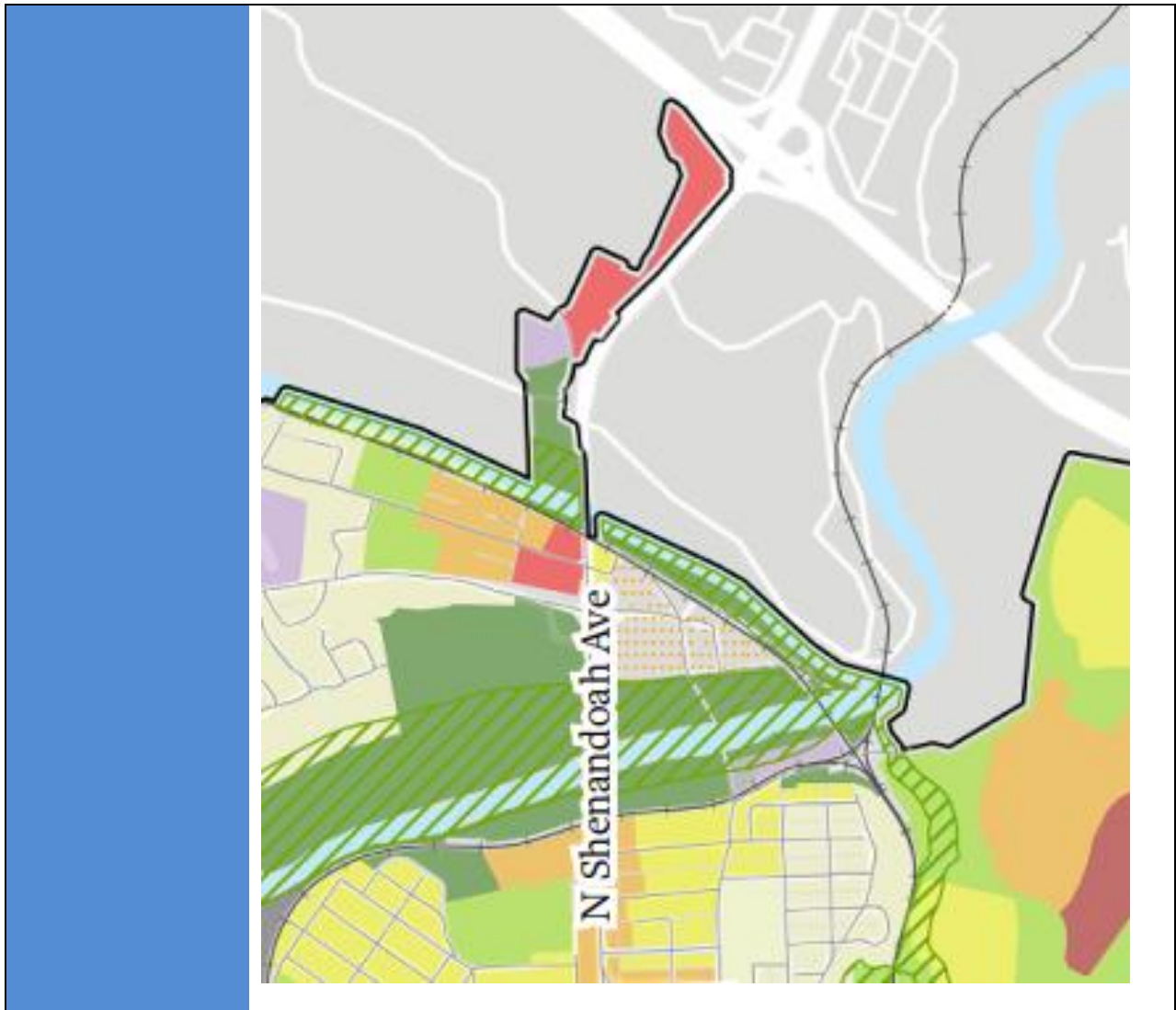
**Town Comp.
Plan**

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 residential, 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

D. Letter from Randolph Macon Academy



Regular Council Meeting Agenda Statement

Item # 07F

Meeting Date: August 28, 2023

Agenda Item: PUBLIC HEARING – Adopt the Certification and Recommendation of the Front Royal Comprehensive Plan dated May 19, 2023

Summary: Council is requested to adopt the certification and recommendation of the Front Royal Comprehensive Plan dated May 19, 2023 which shall update and supersede the Front Royal Comprehensive Plan adopted March 23, 1998, in accordance with Chapter 22 Article 3: §15.2-2223 through §15.2-2232 of the Code of Virginia that outlines the legal authority and requirement that all localities prepare, recommend and adopt a Comprehensive Plan.

The last update to the Front Royal Comprehensive Plan occurred in 2012 but a complete rewrite had not occurred since 1998. Throughout this time staff 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.

The Planning Commission recommended approval on June 7, 2023 to the Town Council and certified the Comprehensive Plan document dated May 19, 2023 with all the amendments listed in the documents entitled Spreadsheet Comp Plan May Amendments, Future Land Use, Categories, Amendments and also with the understanding that this was a living document.

Budget/Funding: None

Meetings: Various Council, Planning Commission, Liaison Committee and public meetings held in 2022 and 2023 with the last one held before Council on July 10, 2023

Proposed Motion: I move that Council approve the Front Royal Comprehensive Plan dated May 19, 2023 as presented in accordance with Chapter 22 Article 3: §15.2-2223 through §15.2-2232 of the Code of Virginia; and that it supersedes the Front Royal Comprehensive Plan adopted March 23, 1998.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Sealock _____

PLANNING COMMISSION SPECIAL MEETINGTown Hall – 2nd Floor, East Conference Room

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

CALL TO ORDER

Chairman Merchant called the special meeting of the Planning Commission to order at 6:00 pm.

ROLL CALL

Present: Darryl Merchant, Chairman
Connie Marshner, Commissioner
Glenn Wood, Commissioner
Michael Williams, Commissioner

Absent: Daniel Wells, Vice Chairman

Staff Present: Lauren Kopishke, Planning Director/Zoning Administrator
George Sonnett, Town Attorney
John Ware, Deputy Zoning Administrator
Connie L. Potter, Executive Assistant, Clerk of the Planning Commission

OLD BUSINESS

- **Comprehensive Plan** - Certification and recommendation of the new Comprehensive Plan document which shall update and supersede the Front Royal Comprehensive Plan, adopted March 23, 1998. Chapter 22, Article 3: §15.2-2223 through §15.2-2232 of the Code of Virginia outlines the legal authority and requirement that all localities prepare, recommend, and adopt a Comprehensive Plan.

Chairman Merchant explained there was a motion on the floor and a second from the April 19, 2023 meeting. He stated they needed to amend the previous motion changing the date of the Final Document from November 30, 2022 to May 19, 2023.

Commissioner Marshner moved, seconded by Commissioner Williams to amend the date in the previous motion to May 19, 2023.

Note: This being the only change.

VOTE: Yes – Williams, Wood, Marshner, Merchant
No – N/A
Abstain – N/A
Absent – Wells

ROLL CALL

Ms. Potter read the previous Planning Commission motion from the April 19, 2023 meeting with the date change.

Commissioner Williams moved, seconded by Commissioner Wood to forward a recommendation of approval to Town Council and certify the Comprehensive Plan document dated May 19, 2023 in accordance with Chapter 22, Article 3: §15.2-2223 through §15.2-2232 of the Code of Virginia with all the amendments listed in the documents entitled Spreadsheet Comp Plan Map Amendments, Future Land Use, Categories, amendments and also with the understanding this will remain a living document.

Vice Chairman Wells moved, seconded by Commissioner Wood to postpone consideration of the pending motion until our next regularly scheduled meeting on May 17, 2023.

The decision at the May 17, 2023 meeting was postponed to the June 7, 2023 special meeting.

Commissioner Wood mentioned that there was a minor correction needed but did not think it was a reason to postpone a vote.

Commissioner Williams reminded Commission members that this was a living document.

Chairman Merchant thanked Ms. Kopishke and staff for their work on the proposed Comprehensive Plan. His wish for the Comprehensive Plan was to determine what the will of the people is. The primary thing he heard was “hometown charm”. That is the direction staff, and the consultant took in building a document around that statement. Chairman Merchant stated that he supports moving the document forward to the Town Council.

VOTE: Yes – Marshner, Williams, Wood, Merchant
No – N/A
Abstain – N/A
Absent – Wells

ROLL CALL

ADJOURNMENT

Chairman Merchant asked all those in favor of adjourning the meeting say aye.

VOTE: Yes – Wood, Marshner, Merchant, Williams

No – N/A

Abstain – N/A

Absent – Wells

VOICE VOTE

The meeting was adjourned at 6:07 p.m.

Approved by Planning Commission

Date: 6/21/2023

MINUTES



Regualr Council Meeting Agenda Statement

Item #07G

Meeting Date: August 28, 2023

Agenda Item: PUBLIC HEARING – Ordinance Amendments to Town Code Chapter 75 Pertaining to Transient Occupancy Tax

Summary: Council is requested to approve amendments to Town Code Chapter 75 specifically §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 and remit taxes. If approved, the proposed revisions will bring the Town of Front Royal Municipal Code in line with the Code of Virginia. The transient occupancy tax rate will remain the same at 6% of the amount charged.

Budget/Funding: None

Meetings: Work Session held July 10, 2023

Proposed Motion: I move that Council approve amendments to Town Code Chapter 75 specifically §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.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Seacock _____

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 by 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

If any ~~operator~~ person, as otherwise required by law, 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, as otherwise required by law, 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 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

Vote recorded on next page

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: _____

DRAFT



Regular Council Meeting Agenda Statement

Item # 07H

Meeting Date: August 28, 2023

Agenda Item: PUBLIC HEARING – Receive Public Input on a Request for funding from Reaching Out Now to Revitalize the Former Raymond E. Santmyers Youth Center at 201 E. 8th Street

Summary: Council is requested to receive input from the public regarding a request for funding from a nonprofit organization named *Reaching Out Now* who plans to revitalize the former Raymond E. Santmyers Youth Center located at 201 E. 8th Street into a Student Union. The Town has been approached to provide financial support to assist in getting the project up and running. The current request is \$25,000 immediately and \$50,000 in year 2024.

Budget/Funding: None at this time

Meetings: Work Sessions held June 12 and July 10, 2023 and Liaison Committee Meeting held July 20, 2023.

Proposed Motion: Council takes no action

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Seacock _____



Regular Council Meeting Agenda Statement

Item #07I

Meeting Date: August 28, 2023

Agenda Item: CONTINUED PUBLIC HEARING to Amend Previously Approved Proffers for Anna Swan Estates – HEPTAD LLC

Summary: On April 24, 2023, Council moved to continue this public hearing until tonight. The request is for Council to amend the previously approved proffers for the subdivision entitled ANNA SWAN ESTATES (*tax map parcel #20-A21-2-1 and #20A20-2-11*) dated February 2, 2012. The property is located in the Leach Run Planning Area and consists of 98.25 acres. The original HEPTAD rezoning application was initially submitted to the Town on July 5, 2005, referred to as the Swan Farm. In 2012 Council approved an amendment to the original proffers. The Planning Commission held a public hearing on December 21, 2022 and recommended approval to amend previously approved proffers for Anna Swan Estates with conditions:

1. The applicant amends the language of section 3.1 to state *"In the event that the Front Royal Town Council approves these Amendments, such approval will be deemed an acknowledgment by the Front Royal Town Council that (i) Leach Run Parkway ("LRP") has been completely constructed and (ii) Heptad, LLC complied with any prior approved proffers pertaining to the dedication of right of way, with the exception of the payment of the related cash proffers"*.
2. The applicant is able to provide adequate residential parking per 175-104, 175-105, 148-48 of Town Code.
3. The applicant amends the language of 7.5.1 to remove the word *"the"* before Warren County.
4. The applicant will amend the proffer statement to include language addressing their responsibility to expand and install the on-site utility infrastructure in accordance with Town Code Chapter 134.
5. The applicant will amend their proffers to include language addressing their responsibility for the cost of installing stormwater facilities on site.

Proffer amendment dated March 15, 2023 adds the following language: *Each proffer listed herein and made in connection with this application is made voluntarily and complies with applicable law.* (page 2 - redlined)

Proffer amendment dated April 4, 2023 corrects the amount per residential dwelling unit (whether single-family detached or single-family attached) from \$1,044.31 to \$699.40 (page 13 - redlined).

At the June 26, 2023 Public Hearing Council continued the public hearing to allow time for the completion of a proffer analysis. The proffer analysis has been completed.

Proffer amendment dated August 4, 2023 increased the contribution of a one-time cash contribution to Warren County from \$4,247.00 to \$5,500 for each residential dwelling unit (SFA or SFD) Which shall be used by Warren County to support capital improvement relating to the impacts ... on the Warren County Public Schools and removed mention of how the numbers were calculated. (page 14 - redlined)

Budget/Funding: None

Meetings: Work Sessions held January 9, February 12, March 6, and April 3, 2023. A public hearing was scheduled for January 23, 2023 but was removed by Council the same night. A public hearing was held on April 24, 2023 but Council continued to June 26 and August 28, 2023.

Proposed Motions –

- 1) I move that Council further continue this public hearing until October 23, 2023.
- 2) I move that Council approve the Amended Proffer Statement of August 4, 2023, amending the previously approved proffers for the subdivision entitled ANNA SWAN ESTATES (*tax map parcel #20-A21-2-1 and #20A20-2-11*) dated February 2, 2012, as presented.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Sealock _____

AMENDED PROFFER STATEMENT

REZONING: RZ# 05-07-56
Suburban Residential (R-S) District to Planned Neighborhood
Development (PND) District

PROPERTY: 98.25 acres +/-;
Tax Parcel #20-A21-2-1 and Tax Parcel # 20A20-2-11

APPLICANT/
OWNER: HEPTAD, LLC

PROJECT NAME: Swan Estates

ORIGINAL DATE
OF PROFFERS: June 30, 2005
Amended November 2005
Amended March 2006
Amended April 15, 2011
Amended January 31, 2012
Amended February 1, 2012
Amended September 16, 2022
Amended December 22, 2022
Amended March 15, 2023
Amended April 4, 2023
Amended August 4, 2023

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance as set forth in Chapter 175 of the Town of Front Royal Municipal Code (the “Town Code”) with respect to conditional zoning, the Front Royal Town Council approved the rezoning of approximately 98.25 acres from the Suburban Residential (R-S) District to Planned Neighborhood Development (PND) District (RZ#05-07-56), to be developed in general conformity with the terms and conditions set forth in a certain Proffer Statement dated

February 1, 2012 and approved by the Front Royal Town Council as part of the conditional rezoning approval (the “Approved Proffers”). The subject property, identified as the Anna Swan Estate, and more particularly described as the lands owned by Heptad, LLC, being all of Tax Map Parcels 20-A21-2-1 and 20A20-2-11 by virtue of a deed dated August 14, 2009 and recorded among the land records of the Warren County Circuit Court Clerk’s Office as Instrument No. 090004959. More particularly consisting of Tax Map Parcels 20-A21-2-1, containing 97.7395 acres, more or less, as shown by plat of survey dated May 5, 2003, prepared by Mark D. Smith, L.S., of Greenway Engineering, entitled “Boundary Survey of the land of Anna Swan Estate, Town of Front Royal, Warren County, Virginia” and recorded as Instrument number 030007026, and Tax Map Parcel 20-A20-2-11, containing .52 acres, more or less, as shown by plat of survey dated May 3, 1957, prepared by S. M. Boyd, Jr., C.L.S., recorded in Warren County Deed Book 102, page 300.

Pursuant to §15.2-2302 of the Code of Virginia and the applicable provisions of the Town of Front Royal Zoning Ordinance, the Applicant desires to amend the Approved Proffers such that the subject property as described above shall be developed in general conformity with the terms and conditions set forth in this Amended Proffer Statement, the Master Land Use Plan (as defined in Proffer I below, and the Design Guidelines (as defined in Proffer II below).

Each proffer listed herein and made in connection with this application is made voluntarily and complies with applicable law.

I. **Master Land Use Plan**

The Applicant hereby proffers to develop the 98.25-acre property in general conformity with a Master Land Use Plan (Master Plan) approved as part of the rezoning application, as amended with the Revised Functional Use Plan – Land Bay Layout (as defined below and attached hereto as Exhibit A), and subject to revisions by the Applicant due to lot layout and road alignment in accordance with final engineering considerations. The Master Land Use Plan is intended to illustrate the systems of roadways that will provide access to the land bays and serve the single-family residential lots, parking areas and community facilities therein. The Master Land Use Plan consists of the following:

1. Cover Sheet – June 30, 2005, Revised November 2005, March 2006, March 2011
2. Generalized Location Plan – June 30, 2005, Revised November 2005, March 2006, March 2011
3. Boundary Survey – June 30, 2005, Revised November 2005, March 2006, March 2011
4. Slope Analysis – June 30, 2005, Revised November 2005, March 2006, March 2011
5. Topography Map – June 30, 2005, Revised November 2005, March 2006, March 2011
6. Trip Distribution & Road Classification Plan – June 30, 2005, Revised November 2005, March 2006, March 2011
7. Flood Plain and Wetlands Delineation – June 30, 2005, revised November 2005, March 2006, March 2011

8. Leach Run Parkway Layout – June 30, 2005, Revised November 2005, March 2006, March 2011
9. Revised Functional Use Plan- Land Bay Layout – Prepared by Greenway Engineering and dated May 5, 2022

II. **Design Guidelines**

The Applicant hereby proffers the Revised Swan Estates Design Guidelines (“Design Guidelines”) prepared by Greenway Engineering, Inc. and dated September 9, 2022, which are attached hereto as Exhibit B. The Revised Swan Estates Design Guidelines may be revised by the Applicant in accordance with final engineering considerations. The Revised Swan Estates Design Guidelines shall generally have the same force and effect as if incorporated herein. and the Applicant, in developing the Property, shall generally conform to such Design Guidelines; however, modification and alternatives shall be allowed provided such modifications and alternatives achieve the same intent. If any provision of the Revised Swan Estates Design Guidelines shall subsequently be found to be invalid, the remaining provisions shall remain intact. Provided, however, notwithstanding anything in the Revised Swan Estate Design Guidelines to the contrary, the applicant hereby proffers that the foundation of any residential structure shall be faced with brick, natural stone, synthetic stone, colored textured concrete, stamped concrete, or any combination thereof.

III. **Transportation**

3.1 Leach Run Parkway. In the event that the Front Royal Town Council approves these Amendments, such approval will be deemed an acknowledgment by the Front Royal Town Council that (i) Leach Run Parkway (“LRP”) has been completely

constructed and (ii) Heptad, LLC complied with any prior approved Proffers pertaining to the dedication of right of way for LRP with the exception of the payment of cash proffers.

3.2. Off-Site Swan Estates Drive to Existing Westminster Drive.

The Applicant proffers to engineer, design and construct an extension of Swan Estates Drive to connect to existing Westminster Drive to the west of the subject property (Tax Map 20-A21-2-1) across property currently owned by the Warren County School Board (Tax Map 20-A14-2-1) (the “Westminster Connector”) conditioned upon an agreement between the Town and School Board as to the final location and legal status of the property across which the Westminster Connector will be built. The Applicant proffers to make its best efforts to have the School board dedicate the Westminster Connector easement to the Town in fee simple. In the interest of public safety and general welfare, the Westminster Connector will provide an alternate access to the public schools located on Westminster Drive.

3.3 Intentionally Deleted.

3.4 Interparcel Connection. The Applicant’s Revised Functional Use Plan – Land Bay Layout accommodates a future interparcel connection to the Happy Creek Knolls subdivision. The Applicant shall provide the necessary right-of-way dedication upon request by the Town for such interparcel connection, at no cost to the Applicant.

IV. **Residential**

4.1. **Residential Density**

4.1.1 The maximum number of dwelling units to be constructed on the Property shall not exceed three hundred thirty five (335) dwelling units.

4.1.2. In general conformance with the Master Plan as amended, the single-family detached land bays may contain one hundred seventy (170) single family detached dwelling units and the single-family attached land bays may contain one hundred sixty five (165). The Applicant reserves the right to adjust the above mix of housing unit types but in no case shall the total number of units exceed three hundred thirty five (335).

4.2. **Phasing**

The Applicant hereby proffers that residential development shall be phased such that building permits shall not be issued for more than one hundred (100) dwelling units every twelve (12) months. For the purposes of this provision, the first twelve-month period shall be considered the first full twelve (12) months following the beginning of construction on the Swan Estates project. All units not developed within the specified twelve-month period shall be carried forward to the next twelve-month period.

V. Community Design

5.1. Design

The Applicant agrees to provide an overall continuity of design within the community by means of selecting standards for the following elements, which will be uniformly specified and applied over the entire project, excluding areas within the public rights-of-way or public property:

1. Custom mailbox design.
2. Standardized common area fencing styles and color.
3. Standardized private residential fencing styles and color.
4. Community color selections to create neighborhood theme.
5. Uniform site furnishing selection (benches and trash receptacles).
6. Custom designed street signage and stop signage.
7. Landscaping at the entrance monuments along Swan Estates Drive selected to provide for a repetition of the neighborhood flower color scheme and theme trees throughout the community.

5.2. Architectural

- 5.2.1. The Applicant shall develop architectural and design covenants for the overall community. Said covenants will establish an architectural review board for the purpose of review and approval of all architectural elevations, exterior architectural features (including but not limited to fences, railings, walls and decks) for

all uses within Swan Estates, as well as any publicly provided structures located on sites dedicated for public use. These covenants are intended to assure a continuity of overall architectural appearance, quality material selection, and a cohesive color palate for all structure within the entire development.

5.2.2. The Applicant shall construct all homes in conformance with the Revised Swan Estates Design Guidelines referenced in Section II of these proffers.

5.3 Intentionally Deleted.

5.4. Signage

The Applicant shall provide an entrance feature with entry sign on the right and/or left side of Swan Estates Drive. The entrance feature shall be in conformance with Section 175-106 of the Town Zoning Ordinance or applicable successor provision. The sign may be lighted from the front at ground level with a minimal amount of illumination. Landscaping both in front of and behind the signage and wall will be provided. The sign shall have either stone or brick columns and will be compatible with and closely related to the themes and color schemes for the overall community. All signage shall comply with Section 175-106 of the Town Zoning Ordinance or successor provision thereto, except as waived or modified by the Town.

5.5. Lighting

Any exterior lighting of common use recreation areas shall be directed downward and inward to reduce glare on adjacent properties, the public and/or private right-of-way, and upward stray illumination.

5.6. Landscape Adjacent to Adjoining Property

5.6.1. Happy Creek Knolls. The Applicant shall provide a landscape area within the fifty-five foot (55') perimeter buffer and along the common boundary with the Happy Creek Knolls subdivision either through tree preservation and/or installed landscaping. This landscape area will be owned and maintained by the property owners association and will not be part of any private lot. If the Applicant elects to not provide tree preservation in connection with this landscape area, the landscape area will be planted at a rate of one (1) tree per forty (40) linear feet with a minimum of twenty-five percent (25%) deciduous trees within said area.

5.6.2. Williamsburg Estates. The Applicant shall provide a landscape area on the south side of Swan Estates Boulevard and along the common boundary with the Williamsburg Estates subdivision Section 3, Block K, Lots 3-6 either through tree preservation and/or installed landscaping. The installed landscaping will include a double row of evergreen trees adjacent to Swan Estates Boulevard. This landscape area will be owned and maintained by the home owners association and will not be part of any private lot.

5.6.3. Additional Commercial Buffer. In addition to the 55' vegetative buffer surrounding the Commercial portion of the project (as reflected in the Master Land Use Plan), the Applicant

hereby proffers an additional 50' vegetative buffer along the property line of the subject property where the Commercial portion of the project lies adjacent to Green Hills Subdivision (the "Additional Commercial Buffer"); provided, however, that the Applicant shall be under no duty to maintain or add new plantings to the Additional Commercial Buffer.

5.7. Recreational Amenities

5.7.1 Neighborhood Park. Before the seventy sixth (76th) building permit is issued, the Applicant shall design and submit a site plan for a neighborhood park of 3.5 acres minimum in size to applicable government agencies for review (the "Proffered Neighborhood Park"). Once the site plan is approved, the Applicant shall complete the construction of the Proffered Neighborhood Park in accordance with the above-mentioned approved site plan and dedicate the land and improvements for the Proffered Neighborhood Park to Warren County. The location of the Proffered Neighborhood Park and its associated amenities shall be located in the general area shown on the Revised Functional Use Plan – Land Bay Layout . The Neighborhood Park shall be designed pursuant to the guidelines for Neighborhood Parks as set forth within Chapter 5, Community Facilities, of the 2013 Comprehensive Plan adopted by the Warren County. The park will include a field area that will allow multi-purpose sports for children of all ages; a playground for younger children ranging from toddler to 12 years; a picnic area that will include picnic

tables and possibly a walking trail. Upon Warren County's acceptance of the dedication of the Neighborhood Park, the Applicant shall receive a credit against the Warren County Proffers for the value of the dedicated land as set forth in Proffer 7.5.1 below. In the event that the County declines to accept the aforesaid dedication, the Neighborhood Park shall be dedicated to an HOA created pursuant to Section VI below, and the Applicant shall not receive any credits against the Warren County Proffers.

5.7.2 Passive Recreation Area. Additionally, the Applicant shall provide passive recreation on the Property consisting of a bird habitat preservation area, to be located in the general area shown on the Revised Functional Use Plan – Land Bay Layout. Active development of and use in the bird habitat area will be limited to areas outside of any wetlands or other resource protection areas. Only those activities that are allowed by appropriate regulatory agencies without additional permitting will be allowed inside such areas. No applications for additional use in these areas will be made.

5.8 Schools Sidewalk

The Applicant hereby proffers to construct, on the west side of Westminster Drive, a concrete sidewalk six feet (6') wide beginning approximately at the northern entrance to the Warren County High School and ending approximately at the southern most entrance to the Hilda J. Barbour Elementary School (the "Schools Sidewalk"). The Applicant will construct this portion of the Schools Sidewalk to Town standards after the

final approval of the subject rezoning and after the issuance of all applicable permits necessary for such construction. This obligation is conditional upon the granting of any necessary easements or dedications by the School Board to allow such construction; the Applicant shall then begin construction within sixty (60) days of written notification by the Town of Front Royal requesting such construction. The exact location of the sidewalk is to be determined by the Town of Front Royal, with the approval and agreement of the Applicant and the School Board.

5.9 Commercial Entrance Aesthetic. To the extent possible and commercially reasonable, the aesthetic elements of the entrance corridor for the commercial portion of the project shall be generally consistent with the visual elements of the entrance corridor of the residential portions of the project. Further, the aesthetic of the residential and commercial entrance corridors for the project shall, to the extent possible and commercially reasonable, be generally consistent with the aesthetic of Leach Run Parkway.

VI. Creation of a Homeowner's Association

6.1. A homeowners association ("HOA") shall be created for the residential portions of the Property and shall be made responsible for the maintenance and repair of all common areas, together with such other responsibilities, duties and powers as are customary for such associations or as may be required for such HOA herein.

6.2. In addition to such other responsibilities and duties as may be assigned or as may be set forth herein, the HOA shall have title to and responsibility for all common open space areas not otherwise dedicated to public use and common buffer areas located

outside of residential lots, to include, but not limited to, the entry of feature sign proffered herein.

VII. **Cash Proffers.**

7.1 **Town Proffers.**

7.1.1 The Applicant shall contribute to the Town of Front Royal, Virginia, a one-time cash contribution in the amount of \$7,910.36 for each residential single family detached (SFD) dwelling unit and in the amount of \$6,039.72 for each single family attached (SFA) dwelling unit constructed on the Property, which contribution shall be used by the Town of Front Royal to defray the costs and expenses associated with the design and construction of the Leach Run Parkway Improvements. The above contribution amounts were calculated using the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc. This per-unit contribution shall be calculated at the time of approval of the building permit for construction of each residential dwelling unit on the Property and shall be payable prior to the issuance of the occupancy permit for said dwelling unit.

7.2 **Credits Against Town Proffers.** As per the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc., the fair market value of the land previously dedicated by the Applicant as part of Leach Run Parkway was \$234,300.00. Therefore, notwithstanding the foregoing Proffer 7.1.1, the Applicant shall be entitled to a credit against the proffer amounts specified in Proffer 7.1.1 above equal to \$699.40 ~~1,041.33~~ per residential dwelling unit (whether SFD or SFA).

Proffers 7.3 and 7.4 Intentionally Deleted.

7.5 County Proffers.

7.5.1. The Applicant shall contribute to Warren County, Virginia, a one-time cash contribution in the amount of \$~~5,500.00~~4,247.00 for each residential dwelling unit (SFA or SFD) constructed on the Property, which contribution shall be used by Warren County to support capital improvements relating to the impacts of the residential development on the Warren County Public Schools. ~~This contribution was calculated using the Proffer Analysis dated September 8, 2022 and prepared by Greenway Engineering, Inc.~~ This per-unit contribution shall be calculated at the time of approval of the building permit for construction of each residential dwelling unit on the Property and shall be payable prior to the issuance of the occupancy permit for said dwelling unit.

7.5.2 Intentionally Deleted.

7.5.3 Intentionally Deleted.

7.5.4 Credits Against County Proffers. Notwithstanding the foregoing Proffer 7.5.1, the audited costs of the engineering, design, and construction of the Neighborhood Park as provided in these Proffers shall be credited against the aforesaid Warren County Proffers, provided further that the Applicant shall be entitled to a credit for the dedication of the land for the Neighborhood Park. As per the Proffer Analysis dated September 8, 2022 and

prepared by Greenway Engineering, Inc., the fair market value of the land to be dedicated by the Applicant for the Neighborhood Park is \$350,000.00.

Therefore, the Applicant shall be entitled to a credit against the proffer amounts specified in Proffer 7.5.1 above equal to \$1,044.78 per residential dwelling unit (whether SFD or SFA).

7.5.5 Intentionally Deleted.

7.6 Intentionally Deleted.

VIII. **Comprehensive Plan Conformity**

Approval of the subject zoning map amendment and its constituent parts, including Proffers, Master Plan, as amended, and Revised Swan Estates Design Guidelines, by the Town Council of Front Royal, Warren County, Virginia, constitutes a finding that the subject zoning map amendment is found to be in substantial conformance with the Town of Front Royal adopted Comprehensive Plan.

IX. **Miscellaneous Provisions**

9.1 Monetary contributions as set forth in this Proffer Statement shall be adjusted on a yearly basis from the base year of 2023 and change effective on January 1, 2024 and each January 1 thereafter, in accordance with changes to the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Arlington-Alexandria, DC-MD-VA-WV Metropolitan Statistical Area (the “CPI”), subject to a cap of 3% per year, non-compounded.

9.2 The Applicant proffers that development of the subject property shall generally comply with all applicable provisions of Article 8 of Chapter 148 of the Front

Royal Town Code (Subdivisions and Land Development), including those provisions pertaining to stormwater management, parking, and utility infrastructure.

X. **Signature**

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Town Council of the Town of Front Royal grants this revision to the previously approved rezoning and accepts these Amended Proffer Statement, such proffers shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Town Code and Virginia law.

XI. **Interpretation**

Upon approval of this Amended Proffer Statement by the Front Royal Town Council, this Amended Proffer Statement supersedes any proffer statements previously submitted and approved in connection with this application and this Property.

THIS SPACE INTENTIONALLY LEFT BLANK.

SIGNATURE PAGE TO FOLLOW.

APPLICANT:

HEPTAD, LLC

By: _____

Ronald Llewellyn, Manager

STATE OF VIRGINIA

CITY/COUNTY OF _____, TO-WIT:

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by Ronald Llewellyn, in his capacity as Manager of HEPTAD, LLC.

My commission expires: _____.

Notary Registration Number: _____.

NOTARY PUBLIC



Regular Council Meeting Consent Agenda Statement

Item # 10A

Meeting Date: August 28, 2023

Agenda Item: Resolution for Blanket Project Funding Commitment and Projects Under Agreement with VDOT

Summary: A “blanket resolution” is now the preferred method for the localities commitment to the funding needed and names a signatory authority for project agreements with the Virginia Department of Transportation (VDOT). The resolution is required for submittal of project applications into the VDOT Smart Portal. Council is requested to approve the resolution as presented.

Budget/Funding: Should a project be funded; the amount of funding is confirmed with an agreement.

Meetings: Work Session held August 7, 2023

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

Proposed Motion: I move that Council approve a Resolution for Blanket Project Funding Commitment and Projects Under Agreement with the Virginia Department of Transportation (VDOT) as presented.

Moved _____ *Seconded* _____

DeDomenico-Payne _____ *Ingram* _____ *Morris* _____ *Rappaport* _____ *Rogers* _____ *VM Sealock* _____

**RESOLUTION
OF THE
COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA
FOR BLANKET PROJECT FUNDING COMMITMENT AND
PROJECTS UNDER AGREEMENT WITH THE VIRGINIA DEPARTMENT OF
TRANSPORTATION**

Recitals

A. The Town of Front Royal administers transportation projects under agreement with the Virginia Department of Transportation;

B. The Town of Front Royal desires to provide clear commitment for funding these transportation projects and clear signature authority for signing the Project Administration agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Front Royal, Virginia that:

1. the Town of Front Royal hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s).
2. the Town Manager or Acting/Interim Town Manager is authorized to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

Adopted this _____ day of _____, 2023.

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: _____

DRAFT



Regular Council Meeting Consent Agenda Statement

Item #10B

Meeting Date: August 28, 2023

Agenda Item: Bid for Various Grades of Stone FY24

Summary: Council is requested to approve a bid from Heidelberg Materials NorthEast LLC for fixed pricing on various types of stone for streets and water/sewer maintenance for FY24 in the amount of \$120,949.00.

Budget/Funding: The Public Works Department has budgeted for and are available from the Streets, Highway, Water, and Sewer Departments as follows:

9602-45407	Water Maintenance Repair & Maintenance Supplies	\$ 28,000
9802-45407	Sewer Maintenance Repair & Maintenance Supplies	\$ 20,000
4500-45407	Highway Maintenance Repair & Maintenance Supplies	\$ 120,000
4102-45407	Streets – Non-VDOT Funded Repair & Maintenance Supplies	\$ 10,000

Meetings: Work Session held August 7, 2023

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

Proposed Motion: I move that Council approve a bid from Heidelberg Materials NorthEast LLC for fixed pricing on various types of stone to be used for maintenance in the Water, Sewer and Street Departments for FY24 in the amount of \$120,949.00.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Sealock _____



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: July 20, 2023

SUBJECT: Recommendation to award the bid for various size stone

The Public Works Department would like to recommend awarding the bid for various size stone to Heidelberg Materials NorthEast LLC that's located in Front Royal, VA. The town has used Heidelberg Materials for several years now and have always gotten good quality materials from them, and their Riverton location makes it's very accessible to us.

The Public Works Department has funding budgeted for various size stone for the water and sewer department and street department in budget codes 9602-5407, 9802-5407, 4500-5407 and 4102-5407.

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

Thank You.



Town of Front Royal, VA

BID TABULATION

IFB #22-2023 STONE

BID OPENING DATE: JULY 18, 2023

BID OPENING TIME: 2:00 PM

BIDDER				HEIDELBERG MATERIALS NORTHEAST LLC		J.R. THARPE TRUCKING COMPANY, INC.	
Item	Stone Description	Unit	QTY	Unit Price	Extended Total Price	Unit Price	Extended Total Price
1	#26 CRUSHER RUN	TON	1000	\$15.95	\$15,950.00	\$49.95	\$49,950.00
2	#21B	TON	5000	\$16.78	\$83,900.00	\$48.95	\$244,750.00
3	#57	TON	600	\$19.26	\$11,556.00	\$59.00	\$35,400.00
4	CBR-30	TON		No Bid	\$0.00	No Bid	\$0.00
5	#21A PUGGED	TON	100	\$16.98	\$1,698.00	No Bid	\$0.00
6	OGB	TON	100	\$20.07	\$2,007.00	No Bid	\$0.00
7	CLASS 1	TON	100	\$29.17	\$2,917.00	No Bid	\$0.00
8	CLASS 1A	TON	50	\$40.00	\$2,000.00	No Bid	\$0.00
9	#3	TON	50	\$18.42	\$921.00	No Bid	\$0.00
Total Base Bid				\$120,949.00		\$330,100.00	

***DENOTES NON-RESPONSIVE BID**

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

Apparent Low Bidder: Heidelberg Materials Northeast, LLC

Prepared By: Michelle Campbell, VCA



Regular Council Meeting Consent Agenda Statement

Item #10C

Meeting Date: August 28, 2023

Agenda Item: Bid for Various Grades of Asphalt FY24

Summary: Council is requested to approve a bid for firm fixed pricing on various grades of asphalt for general street patching and surfacing of Town streets for FY24 from Stuart M. Perry, Inc. in the following amounts per ton: base, \$83.00; intermediate, \$83.00; and finish, \$85.00.

Budget/Funding: 4500-45407 Highway Maintenance Repairs & Maintenance

Meetings: Work Session held August 7, 2023

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

Proposed Motion: I move that Council approve a bid for firm fixed pricing on various grades of asphalt for general street patching and surfacing of Town streets for FY24 from Stuart M. Perry, Inc. in the following amounts per ton: base, \$83.00; intermediate, \$83.00; and finish, \$85.00.

Moved _____ *Seconded* _____

DeDomenico-Payne _____ *Ingram* _____ *Morris* _____ *Rappaport* _____ *Rogers* _____ *VM Sealock* _____



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: July 24, 2023

SUBJECT: Recommendation to award the bid for Asphalt Purchase

The Public Works Department would like to recommend awarding the bid for purchase of asphalt from Stuart M. Perry located on Riverton Rd, Front Royal VA. The town has purchased asphalt from Stuart M. Perry for several years now and have received great service from them and good quality of asphalt. The funding is already budgeted under budget code 4500-5407.

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

Thank You.



Town of Front Royal, VA

BID TABULATION

IFB #23-2023 ASPHALT

BID OPENING DATE: JULY 18, 2023

BID OPENING TIME: 2:30 PM

				SUPERIOR PAVING CORP. 27608 Gum Spring Rd., Chantilly, VA			STUART M. PERRY INC. 1685 Riverton Rd., Front Royal, VA		
Item	Description	Unit	QTY	Unit Price	Overhead Cost 1.5 hrs	Extended Price	Unit Price	Overhead Cost 0 hrs	Extended Price
1	BASE ASPHALT, TYPE BM-25.0, STANDARD MATERIAL	ton	10	\$78.00	\$56.67	\$836.67	\$83.00	\$0.00	\$830.00
2	INTERMEDIATE ASPHALT, TYPE IM-19.0A, STANDARD MATERIAL	ton	10	\$79.00	\$56.67	\$846.67	\$83.00	\$0.00	\$830.00
3	FINISH ASPHALT, TYPE SM-9.5A, STANDARD MATERIAL	ton	10	\$80.00	\$56.67	\$856.67	\$85.00	\$0.00	\$850.00
Total Base Bid				\$2,540.01			\$2,510.00		

*DENOTES NON-RESPONSIVE BID

Overhead Cost = \$37.78/hr round trip transporting asphalt beyond Town of Front Royal from Vendors location.

This spreadsheet is generated from the initial, raw information collected. No award decision has been made.

Prepared By: Michelle Campbell, VCA



Regular Council Meeting Consent Agenda Statement

Item # 10D

Meeting Date: August 28, 2023

Agenda Item: Bid for Water and Wastewater Treatment Chemicals FY24

Summary: Council is requested to approve the following for FY24 water and wastewater treatment chemicals at firm fixed pricing as follows:

- Chemrite Inc., Buford, GA: Sodium Permanganate \$7,123.20
- Univar Solutions USA, Inc., Morrisville, PA:
 - DeLPAC 2020 \$87,040.00
 - Sodium Hypochlorite \$129,600.00
 - Carbon \$7,680.00
 - Sodium Fluoride \$22,170.00
 - Potassium Permanganate, Tech Grade \$30,036.00
- USALCO, Baltimore, MD: DELPAC-XG \$79,848.00
- Suffolk Sales & Services Corp., Suffolk, VA: Glycerin \$116,480.00

Budget/Funding: Funding has been budgeted and is available in FY24 budget line items:
9601-45406 WTP Chemical Supplies
9801-45406 WWTP Chemicals

Meetings: Work Session held August 14, 2023

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

Proposed Motion: I move that Council approve approve the following for FY24 water and wastewater treatment chemicals at firm fixed pricing as follows:

- Chemrite Inc., Buford, GA: Sodium Permanganate \$7,123.20
- Univar Solutions USA, Inc., Morrisville, PA:
 - DeLPAC 2020 \$87,040.00
 - Sodium Hypochlorite \$129,600.00
 - Carbon \$7,680.00
 - Sodium Fluoride \$22,170.00
 - Potassium Permanganate, Tech Grade \$30,036.00
- USALCO, Baltimore, MD: DELPAC-XG \$79,848.00
- Suffolk Sales & Services Corp., Suffolk, VA: Glycerin \$116,480.00

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Sealock _____

VENDOR SPREAD SHEET



Town of Front Royal, VA

IFB #20-2023 CHEMICALS
 BIDL OPENING DATE: 7/25/2023
 BID OPENING TIME: 2:00 PM

	KUEHNE CHEMICAL, CO, INC. KEARNY, NJ	CHEMRITE INC. BUFORD, GA	CARBON ACTIVATED CORP. COMPTON, CA	SHANNON CHEMICAL CORP. MALVERN, PA	UNIVAR SOLUTIONS USA, INC. MORRISVILLE, PA	BRENNTAG MID-SOUTH INC BEDFORD, VA	USALCO BALTIMORE,MD	SUFFOLK SALES & SERVICES CORP. SUFFOLK, VA
	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
WATER TREATMENT PLANT CHEMICAL DESCRIPTION								
ESTIMATED 32,000 GALLONS POLYALUMINUM HYDROXYCHLOROSULFATE EQUIVALENT TO DELPAC 2020					\$2.72 / GAL			
ESTIMATED 54,000 GALLONS SODIUM HYPOCHLORITE	\$4.95 / GAL				\$2.40 / GAL	\$3.29 / GAL (MIN 4500 GAL ORDER)		
ESTIMATED 4 TONS CARBON (AQUA NUCAR) 50# BAGS ONLY		\$3,099 / TON (MIN ORDER 1 SKID 25X44LB BAGS)	\$2,980 / TON (MIN ORDER 1 PALLET 2000 LBS)		\$1,920 / TON			
ESTIMATED 6 TONS SODIUM FLUORIDE (CRYSTAL) 50 LBS BAG ONLY		\$4,498 / TON (MIN ORDER 1 SKID)			\$3,695 / TON			
ESTIMATED 6 TONS TECHNICAL GRADE ONLY POTASSIUM PERMANGANATE 55# PAILS		\$5,780 / TON (MIN ORDER 1 SKID)		\$10,860 / TON	\$5,006 / TON			
ESTIMATED 8 DRUMS SODIUM PERMANGANATE		\$890.40 / DRUM (MIN ORDER 4 DRUMS)		\$1,462.56 / DRUM	\$898.90 / DRUM			
WASTEWATER TREATMENT CHEMICAL DESCRIPTION								
ESTIMATED 52,000 GALLONS GLYCERIN								\$2.24 / GAL
ESTIMATED 18,000 GALLONS DELPAC-XG							\$4.436 / GAL	

***DENOTES NON-RESPONSIVE BID**

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

Prepared by: Michelle Campbell, VCA



Regular Council Meeting Consent Agenda Statement

Item # 10E

Meeting Date: August 28, 2023

Agenda Item: Electric Cost of Service Analysis and Rate Study

Summary: Council is requested to approve an award to GDS Associates, Inc., in the amount of \$40,000 to provide an Electric Cost of Service Analysis and Rate Study.

NOTE: The method of procurement was sealed competitive negotiation. On June 13th, 2023, the Town held a public bid opening and received 2 proposals. In accordance with the Virginia Public Procurement Act, an evaluation team met with the two firms. Negotiations began with the firm ranked first and a price considered fair and reasonable and pursuant to the contractual terms and conditions acceptable to the Town is offered for Council review.

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

9401-43002	Professional Services	\$40,000.00
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Meetings: Work Session held August 14, 2023

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

Proposed Motion: I move that Council approve an award to GDS Associates, Inc., in the amount of \$40,000 to provide an Electric Cost of Service Analysis and Rate Study.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Sealock _____



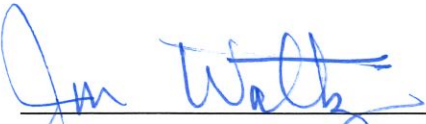
Town of Front Royal, Virginia

Purchasing, Department of Finance

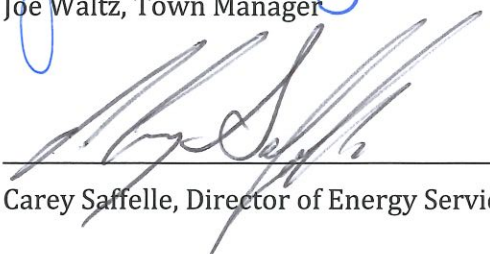
July 27, 2023

RE: RFP #17-2023 ELECTRIC COST OF SERVICE ANALYSIS AND RATE STUDY

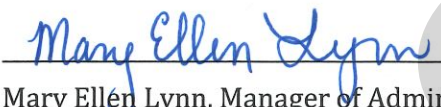
The evaluation committee for the Electric Cost of Service Analysis and Rate Study Request for Proposals has reached a consensus after proposals were scored and the committee was able to meet with all offerors. After elaborating on the firm's methodology and approach, proposal completeness, the firm's experience in similar types of services, qualifications, and schedule, the evaluation committee would like to request Town Council to award a contract to GDS Associates, Inc., to provide the Electric Cost of Service Analysis and Rate Study.



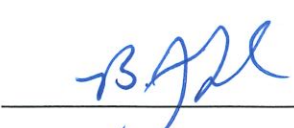
Joe Waltz, Town Manager



Carey Saffelle, Director of Energy Services



Mary Ellen Lynn, Manager of Administration of Energy Services



B.J. Wilson, Director of Finance

August 2, 2023

Michele Campbell, Purchasing Manager
Town of Front Royal
1101 Manassas Avenue
P.O. Box 1560
Front Royal, VA 22630
(540) 636-6889
mcampbell@frontroyalva.com

Subject: Request for Proposal #17-2023

Dear Ms. Campbell:

GDS Associates, Inc. ("GDS") appreciates the opportunity to confirm the scope of services we propose to provide for a full cost of service ("COS") and rate study on behalf of the Town of Front Royal ("Front Royal"). This letter is provided to confirm the scope of work to be performed, to provide a cost estimate for such work activities, and to provide a schedule for conduct of the project.

Scope

GDS will work directly with Front Royal staff to complete a full cost of service study, the steps of which are provided in Section III.1 of the enclosed original RFP: data collection and kickoff meeting, revenue requirements, cost of service, rate design, and reporting and presentations. Pursuant to discussions with Front Royal during the interview process, it is my understanding that the following elements in particular are to be included as part of the study:

- Evaluation of the customer charge level for all rates, but especially residential. Raising customer charges, if a cost-basis supports such change, can help better align fixed cost recovery and help to reduce cash flow volatility associated with extreme and mild weather;
- Net metering policy review, including evaluation and recommendation of alternative approaches as appropriate and developing a recommendation for an application fee if such is appropriate;
- Institution of a demand charge for commercial accounts. This was evaluated by Front Royal and GDS in a prior rate study but never got implemented, so the analysis will be refreshed with a recommendation for implementation;
- Review of connect fees and a line extension policy;
- Review of the Power Cost Adjustment factor, including its design (currently cannot go negative) and its use. Review may result in a recommendation for updated design.

I have included these analyses into the cost estimate I have provided below. Furthermore, I assume one presentation to City Council at the conclusion of the study.

Cost Estimate

Several of the specific elements of the study are incremental to a typical cost of service study, including the net metering policy review and the review of connect fees and line extension policy. Given our familiarity with Front Royal and having conducted several studies in the past, we are confident we can complete many elements in a very efficient manner. We have broken down our cost estimate as follows:

Project Element	Cost Estimate
Standard COS*	\$30,000
Net Metering Policy	\$5,000
Line Extension/Connect Fee Policy	\$5,000
Total Project	\$40,000

** Includes data collection, revenue requirements, cost of service model, rate design, and one City Council presentation. Also includes evaluation of customer charges, demand charges, and PCA.*

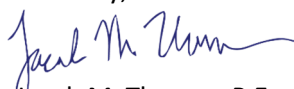
If the total cost is in excess of Front Royal's budget or expectations, we are amenable to discussing project elements that might be adjusted or modified in order to achieve a lower cost. The project cost does NOT include any travel expenses. GDS is happy to make an in-person presentation at Front Royal's request. Such travel expenses as would thereby be incurred would be billed to Front Royal at cost and without mark-up.

Schedule

Assuming notice to proceed occurs and data collection can begin in the second half of August, GDS can complete the study by the end of 2023. A typical study takes in the range of 8-10 weeks, so with holidays, work should begin in early September to ensure timely completion of the project. We would recommend regular check-in calls with designated Front Royal staff to allow the GDS team to report on project status and to identify any data questions, issues, or scheduling problems in advance and maintain open communication throughout the conduct of the project.

Please let me know if there is any other information about our proposal or GDS that we can provide to assist you in your consideration. I personally would very much enjoy working with the great staff at the Town again on such important rate matters.

Sincerely,



Jacob M. Thomas, P.E.
Principal

RFP #17-2023 ELECTRIC COST OF SERVICE ANALYSIS

RATE STUDY

Score Card Tabulation

GDS Associates

	<u>Weight</u>	<u>Weighted Evaluation</u>	<u>Eval #1</u>	<u>Eval #2</u>	<u>Eval #3</u>	<u>Eval #4</u>
Methodology and Approach	20	195	9	10	10	10
Proposal Completeness	10	95	10	10	8	10
Firm's Experience in Similar Types of Services	30	293	9	10	10	10
Qualifications	30	285	9	10	9	10
Schedule	10	90	8	8	10	10
Total		9.6				

RGrid Power PLLC

	<u>Weight</u>	<u>Weighted Evaluation</u>	<u>Eval #1</u>	<u>Eval #2</u>	<u>Eval #3</u>	<u>Eval #4</u>
Methodology and Approach	20	190	8	10	10	10
Proposal Completeness	10	90	7	10	9	10
Firm's Experience in Similar Types of Services	30	218	8	7	6	8
Qualifications	30	248	8	8	8	9
Schedule	10	88	7	8	10	10
Total		8.3				



Regular Council Meeting Consent Agenda Statement

Item #10F

Meeting Date: August 28, 2023

Agenda Item: Purchase and Installation of a Standby Generator for Energy Services

Summary: Council is requested to approve the purchase and installation of a Standby Generator for the Department of Energy Services, to Carter Machinery Company, Inc Sourcewell Contract in the amount of \$48,834.15 (\$29,773.50 generator + \$19,060.65 instllation).

Budget/Funding: 9401-R47009 Building & Structures \$48,834.15 (P.O. #30779)

Meetings: Work Session held August 14, 2023

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

Proposed Motion: I move that Council approve the purchase and installation of a Standby Generator for the Department of Energy Services, to Carter Machinery Company, Inc Sourcewell Contract in the amount of \$48,834.15.

Moved _____ *Seconded* _____

DeDomenico-Payne _____ *Ingram* _____ *Morris* _____ *Rappaport* _____ *Rogers* _____ *VM Sealock* _____

Town of Front Royal
Department of Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027 Fax: (540) 631-3620
"Powering the community since 1894"



Memo

To: The Purchasing Department
From: Carey Saffelle, Director of Energy Services
Date: July 24th, 2023
Re: Generator for Energy Services Facility

The purchase and installation of a Standby Generator for the Department of Energy Services Facility was identified in our Capital Improvement Program. Southeastern Consulting Engineers Inc, has assisted in engineering, properly sizing and procuring the attached quote, from Carter Machinery Company, Inc for \$48,834.15.

We recommend moving forward with this purchase, through Carter Machinery Company, Inc's Sourcewell Contract, see below.

Funds for this purchase are available on P.O. # 30779.

Thank you,

Carey Saffelle
Director of Energy Services
Town of Front Royal

Carter Machinery Company, Inc.
8362 Richfood Road, Mechanicsville VA 23116

Gary Ouellette Phone (804) 823-1163
Craig Brander Phone (804) 380-3649

July 13, 2023

Quote # CAB-INVBUDET

Town of Front Royal

Priced Via SOURCEWELL CONTRACT 092222-CAT

Item Qty.

PROPOSAL SUMMARY

- | | | |
|---|---|---|
| 1 | 1 | CAT DIESEL Fueled Standby Generator Set Model D100GC (100kW), 120/208V, 3-Phase, 60hz, 1800RPM <ul style="list-style-type: none"> ▪ UL2200 Certified and NFPA 110 Upgraded ▪ Cat C4, 4.1-Liter Diesel Engine, EPA Emissions Rated Stationary / Emergency Rated ▪ Engine-Mounted Radiator with Coolant ▪ Brushless Generator End Featuring PMG Excitation and Anti-Condensation Heater ▪ L2 Steel Sound Attenuated White Enclosure Level 2 (76.4dBA @ 23ft.) with critical silencer (internally mounted) ▪ 203-gallon UL142 Listed, Double-Walled Integral Diesel Tank with Low Fuel, High Fuel, and Leak Alarms <ul style="list-style-type: none"> • 24hrs at 100% load / 30hrs at 75% load / 40hrs at 50% load ▪ Control Panel: GCCP1.2, NFPA 110. CAN J139 / MODBUS RS485 Communications ▪ Caterpillar PL444 4G LTE Telematics installed which provides generator data / information for customer use via J1939/CAN; Modbus (RS-485); 4G LTE with 2G/3G fallback; Bluetooth®/BLE 5.0 • Generator Run and Common Alarm Relays Installed • Circuit Breaker (generator mounted): One (1) 40amp (100% Rated), LSI Adjustable Trip, 12V Shunt Trip and Aux Contacts. (One spare for future Loadbank Testing.) • Lead Acid 12V Battery System: Battery, Racks, and Cables • Factory Mounted UL Rated Battery Charger 10A • Jacket Water Heater • Factory 0.8 PF Test with report |
|---|---|---|

BASE MODEL & ATTACHMENT LIST PRICE:..... \$ 43,150.00

SOURCEWELL MEMBER DISCOUNT (31%):.....(-) \$ 13,376.50

TOTAL SOURCEWELL MEMBER GENERATOR ONLY CONTRACT PRICE:..... \$ 29,773.50

OTHER SOURCEWELL DISCOUNTABLE PRICE ITEMS

- One (1) Asco 3ATS Series, 400amp NON-Service Entrance Rated, 3-Pole, 208v 3-Phase, Open Transition, Nema-3R Outdoor Enclosure with 44G Anti-Condensation Heater and 11BE Engine Exerciser Package. (11BE Bundle provides RS-485 Serial Modbus Comms, Advanced Engine Exercise Scheduler, 300 Entry Historical Event Log, Alarm Output.)
- Incoming and outgoing Freight. Delivery to Jobsite Included. (Off-Loading and Setting by others).
- Any necessary Yardwork/Pre-Delivery Inspection.
- Standard Startup Procedures and NFPA110 Resistive Loadbank Testing Performed During Normal Business Hours (No Fuel included)
- FIVE (5) YEAR / 2500hr PLATINUM LEVEL GENSET WARRANTY. No Deductibles.
- **OTHER SOURCEWELL DISCOUNTABLE NET PRICE ITEMS:.....(+) \$ 19,060.65**

100kW TOTAL CUSTOMER NET PRICE, F.O.B. Jobsite:..... \$ 48,834.15

SOURCEWELL Contract # 092222-CAT

Town of Front Royal
Priced Via SOURCEWELL CONTRACT 092222-CAT

APPROXIMATE DIMENSIONS of Genset: 128”L x 44”W x 66”H and weighs 3,400lbs without Fuel.

SCOPE REVIEW:

Specifications Sections: None.

Drawings: None

This Bill of Materials based on customer request only. This Bill of Materials represents the entire offer and should be considered budgetary at this time.

CLARIFICATIONS / DEVIATIONS / EXCEPTIONS:

- Federal, State and local code compliance is strictly the responsibility of the owner and their engineers and/or representatives.
- The equipment, services, and testing defined in this proposal constitute the entire offer. No other items are included or implied.

RELATED ITEMS NOT INCLUDED:

- TAX
- Contractor/Customer is responsible for Off-Loading, Setting and all installation of Genset/ATS and any Ship Loose items.
- Contractor/Customer is responsible for all Diesel Fuel needed for commissioning, testing, and final fill of the new Cat Genset.
- Any additional items including Coordination Study, Arch Flash Study, and all 3rd Party testing such as NETA, Infrared Scanning, Vibration, Emissions, Harmonic, Noise Level, Fuel Consumption, or other special testing are not included.

EQUIPMENT LEAD-TIME:

- Generator: Either in CMCo Inventory or 16-20 weeks from factory. ATS is 5-8 weeks. All after approval and release.

TERMS:

- Quotation is valid for 30-days from date of proposal.
- NET 30-days payment from shipment with approved credit.
- Buyer may not cancel a purchase order, return equipment or change the delivery date without Carter’s written consent.
 - Any cancellation, return or change of delivery date is subject to additional charges based on Carter’s costs.
- Due to significant increases in material costs for items such as copper, brass, aluminum, and steel, Carter Machinery reserves the right to pass on price increases in the form of a materials surcharge. If Carter Machinery’s cost increases between the date of this quotation and the release of the product for production, Carter Machinery may add a materials surcharge to cover the increase. Such materials surcharge will carry the same terms and conditions as the other elements of this quotation and the invoicing therein.

CARTER MACHINERY CO., INC.

By: Gary Ouellette

Gary Ouellette – Power Systems Sales Representative

Craig A. Brander

Craig A. Brander – Power Systems Sales Engineer

Thank You for the Opportunity!



Regular Council Meeting Consent Agenda Statement

Item #10G

Meeting Date: August 28, 2023

Agenda Item: Citizen Appointment to the Joint Towing Advisory Board

Summary: Council is requested to appoint a citizen member to the Joint Towing Advisory Board for an unexpired term ending August 31, 2026. The Warren County Board of Supervisors made the appointment on August 15, 2023.

Budget/Funding: None

Meetings: Work Session held August 7, 2023.

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

Proposed Motion: I move that Council appoint Christian Downs as the Citizen Representative to the Joint Towing Advisory Board to an unexpired term ending August 31, 2023.

Moved _____ *Seconded* _____

DeDomenico-Payne _____ *Ingram* _____ *Morris* _____ *Rappaport* _____ *Rogers* _____ *VM Seacock* _____



Regular Council Meeting Consent Agenda Statement

Item #10H

Meeting Date: August 28, 2023

Agenda Item: Authorize the Town Attorney to Negotiate an Automated Systems Speed Enforcement Systems Agreement with Blue Line Solutions, LLC as a Cooperative Procurement

Summary: Over the last several months Council has discussed the installation of speed cameras and enforcement during drop off and pickup hours in four (4) school zones [Warren County Middle School, Skyline Middle School, A.S. Rhodes Elementary School and Ressie Jeffries Elementary School]. Council agreed during the August 14, 2023 Work Session to move forward with Blue Line Solutions LLC and to place on the August 28, 2023 Regular Agenda, to authorize the Town Attorney to negotiate an Automated Systems Speed Enforcement Systems Agreement with Blue Line Solutions, LLC. Council further agreed to review the negotiated agreement in a work session thereafter. Once the agreement was in final form for approval it would be placed on the September 25, 2023 Council agenda for approval.

Budget/Funding: None at this time

Meetings: Work Sessions June 12 and August 14, 2023 and Regular Meeting of June 26, 2023

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

Proposed Motion: I move that Council Authorize the Town Attorney to negotiate an Automated Systems Speed Enforcement Systems Agreement with Blue Line Solutions, LLC as a cooperative agreement and bring back to Council at a later time for review and ultimate approval.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Sealock _____



AUTOMATED SPEED ENFORCEMENT SYSTEM AGREEMENT

THIS AGREEMENT is made this 16th day of May 2022, by and between Blue Line Solutions, LLC (herein "BLS"), and the County of Wythe (herein "County"), a County in the Commonwealth of Virginia.

RECITATIONS

WHEREAS, the General Assembly of the Commonwealth of Virginia has authorized localities to enact ordinances to monitor, enforce and penalize violations of school zone and highway construction zone speed limits; and

WHEREAS, BLS has the legal possession and processes referred to collectively as the "Automated Speed Enforcement System" (herein "ASE" or "ASE System") and the "Manned Photo Laser System" (herein "MPL" or "MPL System"), and "Automated Photo Speed Trailer" (herein "AST" or "AST System"); and

WHEREAS, County desires to use the ASE, MPL and AST Systems to monitor excessive speeding infractions and other potential traffic violations, issue traffic notices of violations and evaluate traffic movement and safety, affirms it has no other such equipment or service provider, and has the right, power and authority to execute this Agreement; and

WHEREAS, County has no authority to conduct speed enforcement and traffic safety activities on its own, but relies on its duly-elected Sheriff for law enforcement functions, including speed and traffic enforcement, to include school and highway construction safety zones; and

WHEREAS, the Wythe County Sheriff's Office has been a party to researching and instituting this additional enforcement and is included as a party to this agreement due to its role as the County agency authorized to enforce this state code and County ordinance;

NOW THEREFORE, the parties agree:

As used in this Agreement, the following words and terms shall apply:

"Notice of Liability" means a written notification or summons to the registered owner of a motor vehicle that is issued by a competent state or authorized law enforcement agency or by a court of competent jurisdiction relating to a violation that involves the motor vehicle owned by that registered owner as evidenced by the ASE, MPL and AST System.

"Person" or "Persons" means any individual, partnership, joint venture, corporation, trust, unincorporated association, governmental authority, or political subdivision thereof or any other form of entity.

"ASE System" means Automated, Stationary Speed Enforcement System, described as photographic traffic monitoring devices capable of accurately detecting a traffic infraction and recording such data with images of such vehicle.

"AST System" means a mobile trailer equipped with an automated speed enforcement system containing a minimum of one LIDAR/camera for each lane of travel in which enforcement is conducted.



"MPL System" means Manned Photo Laser System, described as photographic traffic monitoring equipment capable of accurately detecting a traffic infraction and recording such data with images of such vehicle.

"Violation" means failure to obey the maximum speed limits set for "highway work zones" and "school crossing zones," as outlined Va. Code 546.2-878.1 and Va. Code 546.2-873.

2. BLS AGREES TO PROVIDE:

The scope of work identified in Exhibit A.

3. COUNTY AGREES TO PROVIDE:

The scope of work identified in Exhibit B.

4. TERM AND TERMINATION

a. The term of this Agreement shall be for 4 (four) years beginning on the date of the first notice of a liability is issued and payable and may be automatically extended for additional 2 (two) year periods at the sole option of County. Either party may terminate this Agreement at the expiration of any term providing written notice of its intent not to extend the Agreement at least thirty (30) days prior to the expiration of the current term.

Either party shall have the right to terminate this Agreement by written notice:

i) At any time during the term of this Agreement without cause with 30-day notice, provided however, (a) if the County terminates the Agreement prior to the expiration of any term, the County shall pay the applicable costs set forth in Exhibit C; and (b) the County shall not terminate this Agreement without cause in the first year of the term;

ii) If applicable law is changed so as to prohibit or substantially interfere with the operation or feasibility of either the ASE, MPL or AST Systems or the parties' obligations under this Agreement;

iii) For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection may occur if the terminating party notifies the other party of its intent to terminate, stating the specific grounds therefore, and the other party fails to cure the default within sixty (60) days after receiving notice.

b. Upon any termination of this Agreement, the parties recognize that BLS and the Sheriff's Office will use best efforts to continue to process any and all pending and legitimate traffic law Violations. Accordingly, the parties shall have the following obligations which continue during the termination process: County shall cease using the ASE, MPL and AST Systems, shall allow BLS to retrieve all equipment to BLS within a reasonable time not to exceed 60 days, and shall not generate further images to be processed. Unless reasonably agreed upon otherwise by both parties, BLS and the Sheriff's Office shall continue to process all images and Violations that occurred before termination in accordance with



this Agreement and BLS shall be entitled to all Fees (as described in Exhibit C) specified in the Agreement as if the Agreement were still in effect.

c. Notwithstanding any provision to the contrary this Agreement terminates automatically upon a determination by any Court of jurisdiction, State or Federal, that the ASE, MPL and AST Systems or the underlying infractions are unconstitutional, illegal, or otherwise prohibited. Any legislative act, State or Federal, which prohibits the use of the ASE, MPL and AST Systems or the enforcement of the underlying infractions, shall also automatically terminate this agreement.

5. ASSIGNMENT AND EFFECT OF AGREEMENT

Neither party may assign all or any portion of this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld or delayed; provided, however, the County hereby acknowledges that the performance of BISS equipment and obligations pursuant to this Agreement require a significant investment by BLS, and that, in order to finance such investment, BLS may be required to enter into certain agreements or arrangements with financial institutions or other similar entities. The County hereby agrees that BLS shall have the right to assign or pledge its rights under this Agreement in connection with any financing subject to the County's prior written approval, which approval shall not be unreasonably withheld or delayed. The County further agrees that in the event BLS provides written notice to the County that it intends to assign or pledge its rights pursuant to this Agreement, and in the event that the County fails to provide such approval or fails to object within thirty (30) days after its receipt of such notice from BLS, then BLS shall be free to affect such transaction.

This Agreement shall inure to the benefit of and be binding upon all of the parties hereto and their respective executors, administrators, successors and assigns as permitted by law.

6. FEES AND PAYMENT

All equipment, services and maintenance are based on the Service Fee schedule indicated in Exhibit C.

BLS shall collect and accumulate all payments to County on a monthly basis and provide proper payment to County on or before the 15th day of the following month. County shall forward to BLS any payments received by County directly from violators within three (3) days of receipt, in order for BLS to process and reconcile all payments due and owing under this Agreement.

7. AVAILABILITY OF INFORMATION

BLS agrees that all relevant information obtained by BLS through operation of the ASE, MPL and AST Systems shall be made available to County at any time during BLS's normal working hours upon reasonable notice, excluding trade secrets and other confidential or proprietary information not reasonably necessary for the prosecution of Notices of Liability or the fulfillment of BLS's obligations to County under this Agreement.

8. CONFIDENTIAL INFORMATION



No information provided by BLS to County will be of a confidential nature, unless specifically designated in writing as proprietary and confidential by BLS; however, nothing in this paragraph shall be construed contrary to the terms and provisions of any the "Virginia Freedom of Information Act" or similar laws, insofar as they may be applicable.

9. OWNERSHIP OF SYSTEM

It is understood by the County that the ASE, MPL and AST Systems and all associated hardware and software being provided by BLS is, and shall remain, the sole property of BLS, unless separately procured by County. The ASE, MPL and AST Systems are being provided to County only pursuant to the terms of this Agreement. County agrees that it shall not make any modifications to BLS's equipment, nor disassemble or perform any type or reverse engineering to the ASE, MPL and AST Systems, nor infringe on any property or patent rights, nor cause or allow any other Person to do any of the foregoing. The parties agree that upon termination of this Agreement for any reason, BLS shall have the right, but not the obligation, to remove any equipment provided.

10. LEGAL COMPLIANCE

County shall at all times comply with all federal, state and local laws, ordinances and regulations. County acknowledges that, based on representations by BLS, it reasonably believes that the ASE, MPL and AST Systems and associated summons procedures comply with federal, state, and local laws and ordinances,

11. FORCE MAJEURE

Neither party will be liable to the other or be deemed to be in breach of this Agreement for any failure or delay in rendering performance arising out of causes beyond its reasonable control. Such causes may include but are not limited to, acts of God or the public enemy, terrorism, significant fires, floods, earthquakes, unusually severe weather, epidemics, strikes, or governmental authority approval delays or denials. The party whose performance is affected agrees to notify the other promptly of the existence and nature of any delay.

12. CORRESPONDENCE BETWEEN PARTIES

All notices required to be given under this Agreement shall be deemed provided upon the date postmarked when mailed by first class mail, or by registered mail, and addressed to the proper party at the address set forth in Section 21 below.

13. DISPUTE RESOLUTION

Both parties desire all disputes arising out of or in connection with this Agreement to be resolved through good-faith negotiations between the parties, and to be followed, if necessary, by professionally assisted mediation within 45 days. Any such mediator must be acceptable to each party. The mediation will be conducted as specified by the mediator and agreed upon by the parties. The parties agree to attempt to reach an amicable resolution of the dispute. The mediation will be treated as a settlement discussion and remain confidential. Each party will bear its own costs in the mediation and will equally



share the fees and expenses of the mediator. If good faith efforts by all parties to agree on a mediator fail within 45 days of one party notifying another party of a dispute in need of resolution, the parties are all permitted to seek resolution in a court of law with jurisdiction in Wythe County.

14. ADDITIONAL SERVICES

Additional systems and services provided by BLS may be added to this Agreement by mutual consent of the parties. In the event the County agrees to contract for other services provided by BLS or companies owned by Blue Line Holdings, LLC whether or not associated with the program herein, County authorize BLS to withdraw invoiced amounts on a one-time basis, or monthly basis, whichever is chosen by the County, as payment for products/services, subject to review and approval by the County. Such services may include but are not limited to Automated License Plate Recognition Systems, Surveillance Cameras, Video Management Systems, or other related technologies.

15. VALIDITY AND CONSTRUCTION OF TERMS

In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision and all remaining provisions of this Agreement shall remain in full force and effect.

16. ENTIRE AGREEMENT

This Agreement replaces any previous agreements and discussions and constitutes the entire agreement between the parties with respect to the subject matters herein. No amendments, modifications, or alterations of the terms herein shall be binding unless the same is in writing and duly executed by the parties.

17. AUDIT RIGHTS

Each party shall have the right to audit the records of the other party pertaining to the Summons issued pursuant to this Agreement solely for the purpose of verifying the accuracy of payments, if any, payable pursuant to this Agreement. Any such audit shall be conducted upon not less than forty-eight hours' notice, at mutually convenient times. The cost of any such audit shall be borne by the party requesting the audit.

18. COVENANT OF FURTHER ASSURANCES

All parties to this Agreement shall, upon request, perform any and all acts and execute and deliver any and all certificates, instruments, and other documents that may be necessary or appropriate to carry out any of the terms, conditions, and provisions hereto or to carry out the intent of this Agreement.

19. NO AGENCY

The relationship between the parties shall be that of independent contractors, and the employees, agents and servants of either party shall in no event be considered to be employees, agents, or servants



of the other party. This Agreement shall not create an agency relationship between BLS and County and neither party may incur any debts or liabilities or obligations on behalf of the other party, except as specifically provided herein,

20. NOTICES

Any notices or demand which under the terms of this Agreement or under any law shall be in writing shall be made by personal service, first class mail, or by certified or registered mail to the parties at the following address:

Notices to Blue Line Solutions:
Mark Hutchinson, CEO
3903 Volunteer Dr., Suite 400
Chattanooga, TN 37416

Notices to County of Wythe Co.
Wythe County Administrator
340 South Sixth St.
Wytheville, VA. 24382
Office of the Sheriff
Wythe County, Va.
245 South Fourth Street
Wytheville, VA 24382

21. COMPLIANCE WITH LAWS

Nothing contained in this Agreement shall be construed to require the commission of any act contrary to law, and whenever there is a conflict between any term, condition or provision of this Agreement and any present or future statute, law, ordinance or regulation contrary to which the parties have no legal right to contract, the latter shall prevail, but in such event shall be curtailed and limited only to the extent necessary to bring it within the requirements of the law, provided it is consistent with the intent of the parties as expressed in this Agreement.

22. PUBLIC INFORMATION & EDUCATION

BLS agrees to work with the County toward implementation of a public information & education program preceding any enforcement. Such efforts will include press releases for TV, radio, newspaper, and internet, social media posts (content), & dissemination of information through the County School System.

23. COOPERATIVE PROCUREMENT AGREEMENT

This agreement follows notice of cooperative procurement advertised by Wythe County. Other Virginia local governments (counties, cities, towns) may, at their option, enter into agreement with Blue Line Solutions under the terms of this contract, which may be modified to the unique circumstances of each local government.

COOPERATIVE PROCUREMENT NOTICE: This solicitation is a cooperative procurement. Pursuant to Virginia Code Section 52.2-4304, any resultant contract from this solicitation may be extended to any public agency or body in the Commonwealth of Virginia to permit those public agencies or bodies to



purchase at contract prices, in accordance with the terms and conditions and specifications of this solicitation.

25. STATE LAW TO APPLY

This Agreement shall be construed under and in accordance with the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date accepted by the Customer.

Blue Line Solutions, LLC.

By: _____

Wythe County Administrator



Wythe County Sheriffs Office



Authorized Signature

Approved and authorized this 16th day of May, 2022.

Exhibit A

BLS Obligations and Scope of Work

- 1) BLS at the request of County shall perform an analysis on selected roadways to determine potential Violation rates and assess the most suitable locations for the ASE, MPL and AST System equipment.
- 2) BLS shall provide the quantities of ASE, MPL and AST System equipment as indicated on Exhibit D. From time to time, the parties may agree to add or subtract the number of ASE, MPL and AST Systems to be provided and may modify the location(s) without penalty or additional cost to the county if the parties agree in writing.



- 3) BLS shall provide an automated, web-based processing program for all valid Notices of Liability including image processing, mailing of the initial Notice and a reminder Notice, printing and mailing costs. The program shall be conducted in a timely manner to comply with any applicable statute of limitation for filing Notices of Liability. Subject to the approval and authorization from County, each Notice shall be delivered by First Class mail to the registered owner within the agreed or statutory period. Subsequent Notices or collections notifications may be delivered by First Class, Certified Mail-Return Receipt Requested, or by process servers for additional compensation to BLS as agreed by parties.
- 4) BLS shall provide reasonably available vehicle registration information necessary to issue Notices of Liability resulting from the ASE, MPL and AST Systems, assuming BLS is authorized to receive such registration data, at no additional cost to the County.
- 5) BLS shall provide Sheriff's Office with an Evidence Package to include a set of images with related documentation for each notice of violation contested.
- 6) BLS shall provide necessary training for persons designated by the County and Sheriff's Office and provide reasonable public relations resources to County.
- 7) BLS shall provide an expert witness as reasonably necessary to establish judicial notice for contested Violations to establish the accuracy and technical operations of the ASE, MPL and AST Systems.
- 8) BLS shall maintain files with regular updates of specific Notices of Liability issued and shall update the status of all accounts based on the disposition information provided by General District Court, indicating payments received, Notices of Liability outstanding, and cases otherwise closed, dismissed, or resolved.
- 9) BLS shall provide to County and Sheriff's Office a monthly report of ASE, MPL and AST Systems results within fifteen days of the end of each calendar month. The report shall include the following information:
 - i) Total number of Violation events.
 - ii) Total number of actionable Violation events,
 - iii) Total number of Notices of Liability issued.
 - iv) Total number of Notices of Liability paid.
 - v) Such reports on ongoing operations as are required, or such other reports and documents as are mutually agreed upon between BLS and the County.
- 10) BLS shall provide all routine maintenance of ASE, MPL and AST Systems equipment and timely respond to equipment repairs.



11) BLS will provide one (1) radar speed sign per ASE System utilized in school zones. Notwithstanding the foregoing, the parties agree that the County shall be solely responsible for placement, installation and obtaining any regulatory approval related thereto.

12) As related to the MPL System only, BLS agrees, upon request by the Sheriff's Office, to provide reimbursement for overtime or part-time officer pay for hours of MPL System use outside of the officer's normal working hours provided, however that the foregoing shall not apply to warning periods (the first thirty (30) days following the implementation of each MPL System) and the following additional conditions shall apply:

- i) personnel shall be selected by the Sheriff's Office.
- ii) the MPL Systems and accompanying personnel shall be deployed in areas required by state or local statute and tracked daily for all court documents; and iii) if and when this option of deployment with personnel is exercised:
 - a) The location(s) shall be mutually agreed upon by both BLS and the County.
 - b) BLS will reimburse the County for officer(s) utilizing the equipment at the following rates:
 - i. Full-time officer Overtime — 1.5 times the officer's rate of pay.
 - ii. Full-time officer Regular Time — Officer's rate of pay.
 - iii. Sheriff's Office shall be responsible for normal on-duty use of the MPL System by on duty officers.
 - c) Sheriff's Office will provide an invoice and time sheet to BLS for reimbursement of officer pay by the fifth (5th) day of the month following the closing of the preceding month. All payments for the deployed personnel will be delivered to the County on or before the 15th day of the month following the closing of the preceding month. The first officer pay reimbursement will accompany the agency's first 30-day cycle summons revenue check. All payments shall be delivered to the address designated by County in this Agreement.
 - d) BLS has the right to audit the hours of use as logged by the MPL system for verification of hours submitted for payment. Reimbursement will be provided for only those hours in which officers utilize the MPL system for its intended purpose as associated with this agreement.

13) BLS will provide an equal amount of Automated License Plate Recognition (ALPR) cameras as the number of ASE Systems under this agreement at no additional charge to the County as long as this agreement remains in effect. Additional ALPR systems may be purchased as described in section 15 of this agreement.

14) BLS will provide services and data for public information & education (PI&E) campaigns prior to the deployment of any school zone and/or construction zone enforcement program.

15) BLS will provide data and reporting information as required by Virginia Code 5 46.2-882.1.B.9. for filing the report to the Department of State Police by January 15 of each year.

Copy



B

County Obligations and Scope of Work

- 1) Sheriff's Office shall ensure that each ASE, MPL and AST System shall be in place and operating each month in areas of speed safety concern, barring unusual downtime for maintenance, weather, act of God or court order.
- 2) Sheriff's Office shall diligently prosecute each valid Notice of Liability and collect all fines.
- 3) Sheriff's Office shall cause an authorized officer of the agency to carefully review each potential Violation captured by the ASE System, AST and MPL System and shall transmit an electronic signature to each Notice of Liability approved by County. County hereby acknowledges and agrees that the decision to issue a Notice of Liability shall be the sole, unilateral and exclusive decision of the authorized officer in such officer's sole discretion, and in no event shall BLS have the ability or authorization to make a Notice of Liability decision.
- 4) Wythe County General District Court is the court of jurisdiction with the authority to schedule cases and hear disputed summonses.
- 5) Sheriff's Office agrees to reasonably pursue payments of valid Notices of Liability with service of follow-up letters or summons as required for unpaid Notices of Liability or contested summonses as described in 546.2-882.1.
- 6) County and Sheriff's Office agree to work with BLS to the best of their ability in efforts to implement the program.
- 7) County agrees to use due diligence in working with BLS to acquire in a timely manner any necessary permit under its control, and approvals or other necessary documentation from the County as necessary for the operation of the ASE, MPL and AST Systems.
- 8) Sheriff's Office shall ensure the programs and their enforcement procedures comply with all applicable laws including VA Code 546.2-882.1, and/or policies and shall assist BLS in securing all necessary DOT permits as well as any other permits necessary to erect ASE Systems and operate MPL Systems. Further, if ASE systems are operated in school zones, or construction zones, County shall also assist BLS in obtaining any other permits or authorizations from the appropriate school district, Department of Transportation, County, or other government agency, as applicable, for operation in such locations at BLS cost. County shall provide any necessary permits at no cost to BLS.
- 9) County shall complete and sign any necessary letters to NLETS authorizing BLS to retrieve vehicle data records for processing.
- 10) As necessary, County shall provide assistance to BLS in obtaining access to vehicle ownership records data, and if requested, provide a letter and support for BLS to use with appropriate licensing



bureau agencies indicating that BLS is acting as an authorized agent of County for the purposes of accessing vehicle ownership information on behalf of County.

11) County shall promptly reimburse BLS for negligent or intentional damage to the ASE, MPL and AST System caused by County, its employees, or authorized agents.

14) County, if applicable, will make available to BLS their Public Works Department, Electricians, or other staff to assist in determining locations of poles, placement of poles, gaining access to electricity, electrical hookup, etc. as needed. To the extent such is necessary, County will assist BLS in obtaining all County permits needed for placement of poles, electrical, or any other service needed for the installation and usage of the ASE Systems. BLS will place and install poles at the direction of the County. After installation by BLS, County shall make any requests for changes, alterations or modifications related thereto in writing and shall be responsible for any expenses incurred by BLS in making such changes, alterations, or modifications.

15) If Sheriff's Office operates the ASE or AST systems in school zones, County shall supply BLS with appropriate school schedules and times for pre-programming of cameras for use, as provided by the school system. Sheriff's Office shall also notify BLS of any unscheduled school closings or disruptions in normal schedule. This includes early dismissals, snow days, school cancellations, etc. BLS shall wait one business day to process any violations received, so as to ensure adequate time is given for any potential such notification. To the extent permitted by law, the County shall indemnify and hold harmless BLS against all liabilities and expenses arising from County's failure to notify BLS of any closings or changes in school schedules.

16) County shall provide a project manager or other designated individual with authority to execute County's responsibilities under the Agreement.



C

Service Fees

The County agrees to pay BLS the Fee(s) as itemized below:

Virginia Code authorizes collection of a civil penalty up to \$100 for speeding violations of 11 miles per hour or more in school and construction zones.

BLS provides all ASE, MPL and AST Systems equipment, installation, wireless integration, & infrastructure. Pricing includes all MPL and AST System equipment, installation, maintenance, processing services, first mailed notice, second reminder mailed notice, website, and Call Center Support.

Costs associated with the ASE System installation, infrastructure, development, and implementation are recovered/amortized equally and monthly by BLS over the initial term of this agreement from net citation processing fees generated and apportioned to BLS under this agreement. In the event the agreement is terminated by the County as allowed by Section 4.a.(i), prior to the end of the initial term of this agreement and, hence, the full recovery/amortization of above stated costs by BLS, the County will be responsible for the balance. The parties agree the cost of installation, infrastructure, development, and implementation of the ASE System is \$75,000 per installed ASE System, and upon early termination under Section 4.a.(i) prior to the end of the initial term of this agreement, the County shall reimburse BLS for such costs as prorated for any monthly periods remaining in the initial term of this Agreement. Full payment of all such costs will be due within 30 days after the date of termination.

Processing Services

BLS shall provide processing services, which will include the following:

- a) Summons processing of speeding violations
- b) Agency summons approval process.
- c) Summons Mailing
- d) Returned Mail
 - a. Change of Address (COA) lookup
 - b. COA Summons Reissue
- e) Affidavit process as defined in 546.2-882.1, Section 3
- f) Affidavit process as defined in 546.2-882.1, Section 5 "a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3"
- g) Reports as required by 546.2-882., Section 9
- h) Payment Services for collections of summons payments



- a. Call Center Support
 - b. Mail Center Support
 - c. Web Payment Support
- i) Court Liaison Services
- a. Evidential case information on each contested summons
 - b. Assistance with establishment of court process

The fee for Processing Services, as described above will be \$15.00 per processed speeding summons and shall be subtracted from the County's gross receipts of paid summonses.

Violation Information Sheet

Optional: BLS will make available a Violation Information Sheet (VIS) for mailing with Violations. The VIS will include general information about the automated speed enforcement program, the varying methods in which it is administered and traffic related statistics to validate the need for the program. The fee for this service will be \$2.00 per Violation and shall be subtracted from the County's gross receipts. [X] Place X in box if declined.

Fees Charged to Violators

A credit card convenience fee of \$5.90 to be charged to the violator using a credit card (unless prohibited by state statute) for Violation payment processed manually for phone payments. Such convenience fees shall be collected by BLS during payment of Violation and shall not be shared with County or included in County's share of Revenue.

Pricing Alteration

This pricing may be changed by agreement of both parties in the event the General Assembly changes allowable charges by statute.

D

Number and Locations of ASE, MPL and AST System Equipment

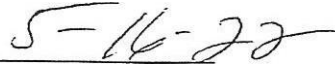
The number of ASE, MPL and AST Systems, as well as the locations for equipment installation will be determined after a careful analysis by the County, County's Sheriff's Office and BLS personnel, considering traffic dynamics, volume and safety assessments on the County's roadways. Based on such analysis, BLS and the County have determined the following:

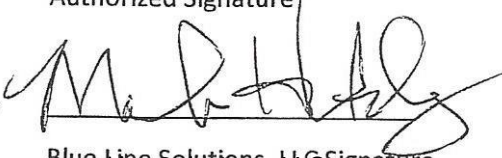
___ () ASE System(s) will be provided: Additional units may be added without contract amendment.

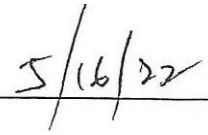
___ () MPL System(s) will be provided: Additional units may be added without contract amendment. ___ () AST System(s) will be provided: Additional units may be added without contract amendment.

Agreed to this date:


Authorized Signature


Date


Blue Line Solutions, LLC Signature


Date

Copy

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CHATTANOOGA, TN. 37416



March 4, 2022

Wythe County Government
Stephen D. Bear
County Administrator
340 South Sixth Street
Wytheville, VA. 24382-2598

Dear Administrator Bear,

On behalf of Blue Line Solutions, I would like to thank you for allowing us to submit a response for your Request for Proposal regarding Camera Speed Enforcement & Related Services.

Blue Line Solutions, LLC (BLS) is a law enforcement technology company based in Chattanooga, TN, founded in 2010. The company specializes in Automated Speed Enforcement Programs, and Automated License Plate Recognition. Having served as a law enforcement officer and worked for the Governor's Highway Safety Offices in Tennessee and Georgia, as the founder & CEO of the company, we understand the impact of crashes and fatalities on our roadways, which is why our program is focused on safety, not revenue.

In the documents ahead, we outline the key components that other companies push to the back burner, Public Information & Education. These components are the most important part of our program, as it's designed to be a data driven program, transparent to the community, and safety focused. To date, the programs our company services have a 91% reduction in speeding vehicles traveling through school zones versus the same school locations prior to the program. If given the opportunity, we will strive to provide these same results to your community in an effort to make your schools and construction zones safer.

Thank you.

Mark Hutchinson
Founder & CEO
Blue Line Solutions, LLC

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Request for Proposal Response
Camera Speed Enforcement & Related Services

1. Speed Enforcement Cameras - LIDAR

The TrueBlue™ Automated Speed Enforcement Program utilizes a single beam per lane LIDAR (laser) for the calculation of vehicle speeds. While most other companies use RADAR to measure speeds, LIDAR has been proven to be more accurate and 100% effective in determining the speed of a particular vehicle. When *radar* sends a Doppler signal, it is in a wide cone shape, capturing speed data on multiple vehicles at a time, therefore when a person asks “how do you know you got me instead of the car behind or beside me?” it’s a difficult answer to provide. Our LIDAR emits a single beam (not scanning beams) to a point on the roadway in which a vehicle travels through. By capturing hundreds of data points per second as the vehicle travels through the laser, the *single beam* LIDAR provides more data points than any other system by which to calculate speed accurately. By virtue of this process, our technology captures only one vehicle at a time, precisely pinpointing not only *which* vehicle it captured, but also *where* on the vehicle the laser made contact.



The red box on the back of the vehicle indicates where the LIDAR (laser) contacted the vehicle. This leaves no doubt that this vehicle was the one captured.

The black bar at the bottom of each image includes metadata including date, time, location, speed limit, vehicle speed, distance from camera to vehicle, and direction.

Installation, Maintenance, Repair, Upkeep

Blue Line Solutions (BLS) will supply, install, and maintain all equipment throughout the duration of the program. Such maintenance will include wireless communication and power supplies and/or solar. In the event of malfunctions, weather damage, destruction, or theft, BLS will replace the equipment as soon as possible with no cost to the county.

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Signs

BLS will provide all warning signs for school zones, work zones, and any other area as required by the County or VA Code. In addition, the program includes banners for placement in school zones as a reminder for students, parents, and teachers to slow down.



School Superintendent (Left)
Sheriff (Right)
Effingham County, GA

2. Law Enforcement Review

A unique characteristic of the TrueBlue™ (TB) system is that all agency data, servers, etc. are housed at the NLETS facility in Arizona. As an NLETS partner, BLS is CJIS compliant, and follows all the required protocols and cyber security recommendations and requirements of NLETS & CJIS.

The TB program provides a proprietary software suite that allows an officer(s) to review, decline, or approve all violations prior to issuance. This function is achieved by logging into our software through a secure connection and reviewing speeding violations that have already been processed by BLS staff. In compliance with VA Code, no summons will be issued without approval by an authorized officer.

3. Summons / Fine Processing

The TrueBlue™ provides civil fine processing, violator notification, record keeping, payment receipt and remittance to the county.

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The TrueBlue™ program includes fine collection services as described below:

- Once a violation has been approved by an officer for issuance, BLS will mail the summons on behalf of the agency.
 - All envelopes, paper, postage, etc. are provided as part of the services provided
 - Through the BLS Pitney Bowes mailing system, each piece of mail can be tracked through the postal service to the point that the Postal Carrier places the mail in the violator's mailbox.
- Once the violator receives the summons, they may pay by one of three methods
 - Check or money order
 - Once received, our processing team will post the payment in the citation processing software and scan the check into the account
 - Once the payment is processed, the summons will be closed
 - Via Credit / Debit Card over the phone
 - The violator may call a 1-800 # where they can ask questions and/or pay the summons via credit or debit card. Once the payment is processed, the summons will be closed
 - Via Credit /Debit card through a website
 - The violator can visit www.violationpayment.net to pay their summons online
 - Two pieces of information are required to view or pay their summons
 - Plate Number
 - Summons Number
 - Once paid, the summons will be closed

By the 15th of each month, BLS will provide a Revenue Report that will describe:

- Number of Speeding Violations
- Number of violations spoiled during processing
- Number of violations spoiled by an approving officer
- Number of mailed summonses
- Number of paid summonses
- Number of non-paid summonses
- Amount of revenue received
- Amount of revenue paid to the county

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Violator Notifications:

The program includes additional notifications and/or correspondence sent to violators such as:

- Second Notice (if not paid by the first notice)
- Final Notices
- Underpaid Notice (If a partial payment is made, the letter will advise the amount still owed)
- Void Notice (If a summons is voided by the Agency, a notice will be mailed.
- Collection and/or legal notices

Service Fees

The VA Code requires that a vendor's fee be based on services or a lease. The TrueBlue™ program charges \$15.00 per processed citation. Such fees will be paid in addition to the assessed civil fine to the amount allowed by VA Code.

§46.2-882.1 (1.) states: *Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions.*

** In the event that violations are captured, approved, and mailed, but the revenue received does NOT cover the above-mentioned service fee, BLS WILL NOT invoice the county, nor hold the county responsible for the difference. The county will NEVER receive an invoice for any part of the TrueBlue™ Automated Speed Program for fees.

Record Keeping

All data related to the program are housed at the NLETS data center known as NOVA. This provides significant satisfaction that all data is kept completely secure.

Retention:

All data will be retained as required by the county & VA Code.

VA Code §46.2-882.1 (5) states:

“If the law enforcement agency that was operating the photo speed monitoring device does not execute a summons for a violation of §46.2-873 or §46.2-878.1 issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

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Payment Remitted to the County:

By the 15th of each month, BLS will send the county the above-mentioned revenue report, accompanied by check for the amount due to the county.

4. Public Information & Education (PI&E)

Timeframe From Award

If approved to do so by the Sheriff, the PI&E will begin immediately following program implementation. The program will begin with dissemination of the speed studies from:

- School Zones
- Construction Zones

This period will last 15 – 30 days, followed by a 30-day warning period.

The TrueBlue™ program utilizes Public Information & Education (PI&E) as a key component of the program. By communication and transparency with the public regarding speed data, the size & scope of the speeding problem, and the plan of action to remedy it, the program finds much more acceptance among politicians, media, community. PI&E includes several components that are key to the program:

- Speed Studies (*See Addendum A for Wythe County Preprogram Speed Data*)
 - Sharing speed data & the problem with the community
 - School social media posts
 - School parent email portal
 - Brochures sent to parents through students
 - Rack cards for bus drivers & teachers
 - Information for inserts in water and/or electric bills
 - Press releases through the police department
 - Police dept. social media posts
 - Banners hung on ball fields & community fences
- Comparative speed data studies throughout the program to measure speeding reductions
 - Results shared through the above methods

Working with the schools as well as police departments, the TrueBlue™ program has been successful in 100% of its programs in reducing the number of speeders travelling through school zones.

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Below are 2 Video Examples of PI&E PSA's that include testimonies from

- Principles
- Police Chiefs
- School Board Members
- Mayors

South Fulton, GA Ren'gia Majors School Safety Program

Visit YouTube: https://youtu.be/LS1gQ_3vn8A

Jefferson, GA School Zone Safety Program

Visit YouTube: <https://youtu.be/yxMASGCAq6w>

Public Information (PI&E)

The TB program starts with public information by providing the agency/school with:

- (1) Press release templates
 - i. BLS believes a warning period of no less than 30 days is an essential component of the PI&E program.
- (2) Media talking points
- (3) Assistance with press conferences/program deployment information & dissemination.
- (4) Provide *one radar speed sign (per speed enforcement camera)* for placement at or after the school zone flashing lights/speed reduction sign to warn drivers of their speed prior to entering the enforcement zone
 - a. *If the agency chooses NOT to utilize the radar speed signs in the school zone, we recommend they be placed in park areas, or in locations where children often are present.*



Education

Education is an essential element of the deployment and continuation of a program. We begin by providing the public and school parents with information regarding:

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- (1) The deployment of the program
- (2) The purpose for the program
- (3) Ongoing results from the program

We achieve this by working with the agency and the school system to provide:

- (1) Brochures about automated enforcement
 - a. Statistics on pedestrian crashes & fatalities
 - b. 5X7 Cards to be provided to teachers and bus drivers
- (2) Brochures for parents/students regarding the importance of watching where they are walking (to the bus, crossing streets) instead of looking at their phones
- (3) Pre-enforcement school zone traffic data
 - a. Number of cars traveling the school zone
 - b. Number of speeders
- (4) Ongoing school zone traffic data provided to the school & parents to show the results of the program.
- (5) Information for dissemination at parent/teacher conferences, parent events, etc.

Multi-Phase Approach / Data Collection

The TrueBlue™ Program has proven successful in numerous cities and counties throughout the United States. With the combination of public information, education, & enforcement, the program has proven positive data driven results that are making school zones safer all across the United States. Through speed surveys conducted at different intervals during the program, we can evaluate the change in driving behavior by measuring the reduction in speeding vehicles. The below terms are used to define each phase:

Pre-Program Survey – a 5-day speed study is conducted prior to the implementation of the program to determine the level of the speeding problem

PI&E Survey – a 5-day speed survey conducted at the beginning of the warning period to measure the effectiveness of the PI&E campaign

Warning Survey – a 5-day survey conducted after the warning period has concluded to measure the effectiveness of the warning period

Initial Enforcement Survey – a 5-day survey conducted approximately 5 weeks into enforcement to measure the effectiveness of week 1 – 4 of the of enforcement period

Periodic Surveys - 5 days surveys conducted periodically throughout the school year

Summer Surveys – a 5-day survey conducted during the summer break

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Back to School Surveys – a 5-day survey each time school comes back into session from Christmas, summer, or extended periods of leave

Anomalous Surveys - Surveys conducted during a period in which an unusual event has occurred, altering enforcement conditions

PI&E Examples

PRESS RELEASE

The City of **Your Community's Name** will implement a new speed enforcement program throughout the City similar to the programs implemented in a number of nearby cities. According to the Georgia State Patrol, 1,554 people were killed in Georgia in vehicle crashes in 2016, up 8.5% from 2015.

In effort to reduce the number of crashes and fatalities in our school zones, the **Your Police Department** will institute a fixed position photo laser speed program focused on reducing the number of speeding vehicles in the School Zones. The Councilmembers voted to approve the program on 08/08/19, which will allow the Police Department to utilize the technology. The unit captures a photo of the violation, and after later approval by a supervisor, issue the violation by mail. Fines to start at \$75.00 plus a \$25.00 processing fee.

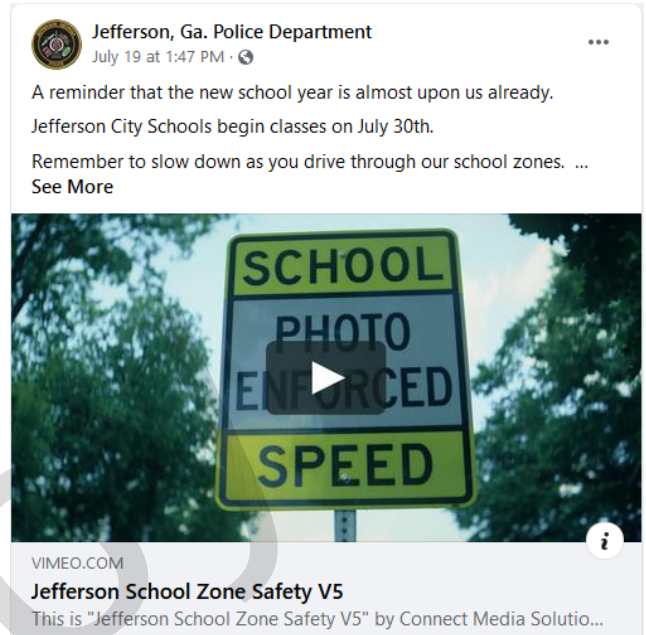
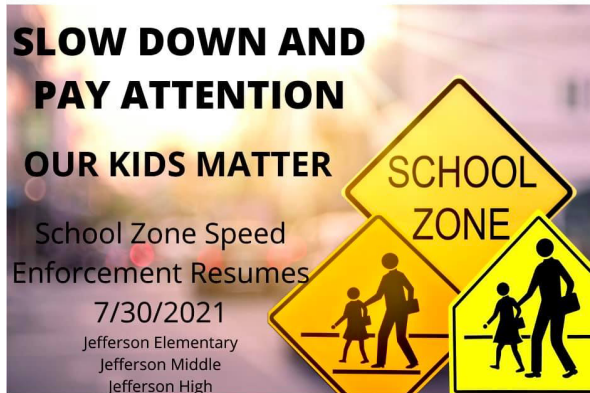
The City will begin the program on 09/01/19 with a 30-day warning period. Citations issued during this period will not include a fine, but rather serve as notice that the program is underway. After the warning period, violators will have 30 days to pay the fine by mail, Internet, or by phone. Failure to pay the violation will result in the citations being sent to the department of revenue. Registered owners of the violating vehicles may attend Municipal Court to contest the charge. The law states that a person who is issued the ticket may contest the ticket by filing a written request for a Municipal Court Hearing to review the citation. Citations may be contested through due process as approved by the state of Georgia.

Programs of this kind are being implemented in multiple cities throughout the nation. Studies from the National Highway Safety Administration and the Governor's Highway Safety Association consistently show that programs of this nature reduce the number of crashes, injuries, fatalities, and crime. It is the goal of the City is to maintain a safe community for our children, citizens and motorists.

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Social Media Examples

Jefferson, GA Back to School Post



Top Fan

Jim Cole

We are from the government and are here to help you prevent the mayhem, massacres and fatalities like the ones that have occurred in our school zones over the past decades. "If it just saves one life....." Just think, if we issue 300 video citations in a month, we may have saved 300 lives.

Like · Reply · 1w · Edited



Christopher Garner

We've had these in Rockdale for a few months now. They definitely seem to help deter speeders

Like · Reply · 6d



Claire Marie

Thankful that measures are being put in place to help keep our children safe. "Constitutional rights" and "revenue" arguments are easily solved by...wait for it...not speeding in a school zone!

Thanks BCSO for putting in measures to deter speeders in school zones, which could potentially save lives!

Like · Reply · 6d



Barrow County Sheriff's Office

July 21 at 4:50 PM ·

Public Service Announcement

On August 3, 2021, the Barrow County Sheriff's Office in conjunction with the Barrow County School System will begin an Automated Traffic Enforcement Speed Device Program at nine schools throughout the county to increase safety for students, parents, teachers, and anyone else traveling through the school zones.

As a part of this program, speed studies were conducted across the county to see how many vehicles were speeding through the school zones during a one-week period. The results were quite astounding. During the one-week test period, the nine schools had a combined total of 18,329 speeding vehicles. Speeding vehicles are defined as any vehicle speeding in excess of 10 miles per hour over the posted speed limit.

August 3 will start the initial 30-day warning period. During this 30-day warning period violators will receive a warning in the mail. After the warning period has expired violators will receive a citation in the mail.

Implementation of these cameras at other locations across the state have proven to make the school zones safer for everyone. Agencies that have implemented this program have seen large reductions in both the number of vehicles traveling through the school zone as well as the number of speeding vehicles. The reduction of speeding vehicles in our school zones is the main goal of this program.

For more details about this program go to the Barrow County School System link <https://tinyurl.com/29vtm6cy>



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Example Media Story: *(Chatham Co, GA PD –Savannah, GA is the county seat)*

Chatham police report new speed cameras led to dramatic drop in school zone citations

[Bianca Moorman](#)

Savannah Morning News

In 2019, Chatham County Police Department (CCPD) conducted a speed study in school zones throughout unincorporated parts of the county. The department found that nearly 93,000 vehicles traveled through the school zones during school hours over a five-day period. During that same time, more than 10,700 speeding violations occurred.

Since installing speed cameras in August of this year, however, the department has issued a total of 16,388 citations. During the initial 30-day warning period between Aug. 16 and Sept. 15, 8,415 warnings were issued. Between Sept. 16 and Oct. 31, Chatham Police wrote 7,974 citations with fines. Between Oct. 25 and Oct. 29, 972 citations were written, representing a 91% drop from the five-day study period in 2019.

Eye in the sky



"We did a speed study and realized that we had a huge problem in our school zones," said Betsy Nolen, spokesperson for the CCPD. "Getting people to slow down and reduce the speed, we are also preventing accidents and hoping to prevent a tragedy."

Georgia law allows speed cameras to be installed in school zones. The law states that cameras can be turned on one hour before the school day, then remain on during school hours and one hour after school ends.

During this first phase, speed-detection cameras were installed at May Howard and Marshpoint elementary schools, Georgetown K-8, Coastal Middle School, and St. Andrew's, a private school on Wilmington Island.

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The cameras were first activated on Aug.15, and between Aug. 16 and Aug. 31, during the initial 30-day warning period, the department issued 4,051 warning citations. By the end of the 30-day warning period on Sept.15, citations were reduced to 1,521, Nolen said.

[Slow down! Speed cameras near Savannah-Chatham schools are watching, with citations in the mail](#)

Progress is measured week to week and month to month. Citations with fines started Sept. 16, and since then, more than 7,900 citations with fines have been issued.

According to the latest monthly report released Nov. 15, the numbers went down again in October, with 4,255 total citations issued.



Based on location, Nolen said, speed limits can change throughout the day. She explained the cameras will take a photo of a vehicle and the license plate; if a driver is caught speeding, the driver will receive a citation in the mail.

More:[What parents, students, Savannah need to know when school starts](#)

For the first offense, a \$75 fine is levied. For additional offenses, a \$125 fine is incurred. Each time, a \$25 processing fee is charged.

Nolen said there are plans to install cameras at additional schools, but the process involves a multi-agency collaboration among the Georgia Department of Education, the SCCPSS Board of Education police department, and construction companies. Although there isn't a firm timeline, more cameras are coming.

A comparison between the five-day study period in 2019 and the five-day period in Oct. 2021 shows May Howard Elementary went from 3,620 speeding violations to 84 — a 98% decrease. St. Andrew's went from 1,580 speeding violations to 294, representing an 81% decrease.

Nolen added that speeding has been reduced as of Oct. 29 by 84% at the Marshpoint Elementary and Coastal Middle School zone.

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Construction Zone PI&E

The PI&E plan and process will mirror that of the school zone program except for a few points. Since construction zones have more transient traffic, it is more difficult to reach the transient motorist than parents who have children in a school system. For this reason, the PI&E efforts of construction zones will also include the following:

- Radio, TV, & printed media
 - Dissemination of preprogram data
 - Dissemination of ongoing speeding reductions
- Billboard Rental for motorist notification

All speed data collection phases and information dissemination will be followed as outlined above.

5. State Police Reporting

BLS will file the required reports on behalf of the agency with the State Police, following the guidelines as established by VA Code.

6. Optional Services

TrueBlue™ Automated License Plate Recognition

The TrueBlue™ School Zone Speed Program includes the addition of the equal amount of ALPR cameras as school zone safety cameras provided at NO COST. The ALPR cameras however ARE NOT required to be placed in school zones. These cameras can be placed on high traveled highways/interstates, inner city locations, rural areas, or where criminal activities occur. True Blue ALPR software will be provided as well at NO COST for the most comprehensive analytics available in the law enforcement market. Some of the features of the system include:

Convoy – *When two more vehicles travel together, but far enough apart as to not be noticed by humans, Ex; Two cars travelling 2 minutes apart on the interstate every Monday & Wednesday at the same times on each of the days.*

Cohort – *The ability to make associations with people that otherwise were unknown. (Ex. When two or more vehicles frequent the same location at different times, such as a drug house. Analytics can determine that each day that Car A visits the house, Car B visits the house on the same day)*

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Crumb Trails – *Track a vehicle on a map throughout the city/nation based on ALPR cameras the vehicle has passed.*

If the County wishes to add ALPR or surveillance cameras in addition to those provided by the program (1:1 match of photo speed cameras), the following pricing will apply.

True Blue ALPR Camera / True Blue ALPR Analytic Software - **\$3,250.00** per camera per year

Included:

- Installation
- ALPR Camera
- Make, Model, Color
- Analytic ALPR Software
- Communication Devices & Data Plan
- AC / Solar Power
- All maintenance, upkeep, etc.
- Replacement if destroyed or becomes inoperable

No additional contract will be required under this RFP response and shall be compliant with the Additional Services section of the contract.

C.I.N. (CRIMINAL INTELLIGENCE NETWORK) –

C.I.N. is a predictive and comparative analytical investigative software platform that allows agencies to combine data sources of one or multiple types to predict an event may be getting ready to take place, or compare data from different sources to solve crimes through comparative analytics.

Data sources include, but are not limited to:

- Twitter
- Facebook
- Instagram
- RMS
- CAD
- Pawn Shop Databases
- Jail Records
- Court Records

C.I.N. Predictive – The software “scrapes” the internet through defined sources, allowing the user to be alerted to social media/internet posts that may assist investigators in predicting an event is about to take place (*ex. A protest being planned via social media platforms*) Based on filters and/or images, and investigator will receive “alerts” when the software receives information that falls within the parameters of investigative filters.

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C.I.N. Comparative – The software compares information from data sources to alert investigators that information about a data source that is connected to another data source (*ex. Alerting an investigator that a pawned gun serial # matches the serial # of a stolen gun in the agency RMS system*)

C.I.N. Pricing (Both platforms included)

<u>Licenses/Seats</u>	<u>Price per Year Per License/Seat</u>
1-15	\$3,000
16-30	\$2,750
31-60	\$2,500
61 – 125	\$2,250
126+	\$2,000

Data Source Integration & Setup (One Time Setup)

Up to 3 Data Sources	\$10,000
Additional Data Sources	\$5,000 ea.

(On premise server or private cloud will be added based on agency requirements)

If the agency wishes to add C.I.N. to the ALPR platform, there will be no costs for the ALPR (up to the 1:1 match). The two above C.I.N. models can be added at the above costs. No additional contract will be required under this RFP response and shall be compliant with the Additional Services section of the contract.

Experience, Technical Expertise & Background

Blue Line Solutions was founded by former Law Enforcement Officer Mark Hutchinson in 2010. In addition to serving as Chief Deputy of the Johnson County TN Sheriff's Department, he also served as the Law Enforcement Liaison for the TN Governor's Highway Safety Office, Law Enforcement Coordinator of the GA Governor's Office of Highway Safety, and Law Enforcement Administrator of the TN Governor's Highway Safety Office. Through his tenure he gained expertise in the management of highway safety programs, to include the launch of the *Click It or Ticket (CIOT)* Program funded by the National Highway Traffic Safety Administration (NHTSA). The CIOT program utilized a combination of public information, education and enforcement, which at the time was a new concept in changing adult driving behavior. Throughout the years of program implementation, it has proven that the combination of those three components are key to a successful highway safety campaign.

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Following the CIOT proven methodologies, BLS formatted our TrueBlue Automated Speed Enforcement Programs using the same components, Public Information, Education, & Enforcement. To strengthen the knowledge base and foundation of the program, below are a number of key members of staff that, if awarded, will work on this project:

Gena Sullivan

Communication Specialists (Public Information Officer)

Former Law Enforcement Officer / 15 years as Public Information Officer

Public Information & Education

Upon award of the contract, Gena will begin communication with the Public Information Officer (PIO) with the Sheriff's Office. Through a collaborative effort, a PI&E plan will be generated, then implemented. The initial dissemination of information will concern the data of the pre-implementation speed studies conducted in each zone. Gena will work closely with the agency PIO throughout the duration of the program.

James Hardeman

Operations Manager, Permit & Infrastructure

Retired Asst. Chief of Police (28 Years)

Upon award of the contract, James and his staff will begin communication with the assigned rank at the Sheriff's Office to discuss and begin planning for permit applications to the VA Department of Transportation (VDOT) for installation of automated speed enforcement cameras in school zones and construction zones. The permit team have worked with DOT's in multiple states throughout the country, and have expertise in government relations, site plan preparation, technical drawings, infrastructure installation, and DOT application processes. This team will handle all aspects of the permit process other than the required signatures from the County required by DOT.

Kelly Abercrombie

Project Manager & Automated License Plate Recognition Specialist

Former Police Officer, Law Enforcement Liaison /TN Governor's Highway Safety Office

Upon award of the contract, Kelly and his staff will begin communication with the assigned rank at the Sheriff's Office to discuss and begin planning for permit applications to the VA Department of Transportation (VDOT) for the installation of Automated License Plate Recognition Cameras. This team will handle all aspects of planning, permit applications (other than required County signatures), and infrastructure installation.

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Corky Jewell

Project Manager & Criminal Intelligence Network (CIN) Program Specialist
State Patrol Major (Retired, GA State Patrol, 35 years in Technology Management)

If the agency desires to implement modules of the C.I.N. Predictive Analytic and Data Management Platform, Corky will work with the appropriate rank at the Sheriff's Office to implement the program. Having served as a Major for the GA State Patrol in the area of technology, Corky brings a level of understanding and expertise required for implementation of interoperable technologies as it relates to law enforcement investigations.

Kevin Edmondson

Senior Hardware Engineer
Former Fire Fighter, EMT

Kevin serves as the Senior Hardware Development Engineer regarding the TrueBlue Automated Speed Enforcement & ALPR Programs. He and his team will work with the Permit & Infrastructure team to ensure installation of all cameras are completed with precision, efficiency & quality. This team also manages any ongoing technical issues arising from electronic failure, internet communication, weather related destruction, etc., and are responsible for immediate repair and/or replacement of cameras when necessary.

Brooke Hutchinson

Operations Manager, Processing & Call Center

Brooke began working for BLS in 2015 and manages the processing team and call center. She and her team are responsible for software set up of the county program and will work with the agency throughout the duration to ensure good communication and continued program quality. After the program has completed enforcement implementation, this team will be the lead point of contact for agency concerns.

Greg Hogston

Regional Sales Manager
Retired Law Enforcement Officer (25 years in VA)

Greg serves as the local point of contact for the agency and will maintain strong relations ongoing. In the event the County or agency has an immediate need, Greg is located in Glade Springs, VA, ready to provide immediate assistance.

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National Origin of Components & Assembly Location

All major components of the TrueBlue™ Automated Speed Enforcement system are assembled in Norcross Georgia, including the LIDAR Speed Measuring device, Camera System, support electronics and cabinet enclosures. The vast majority (cost based) of components are manufactured in the U.S. The system complies with the "manufactured product" requirements of both the Buy American Act and the Buy America Act (as adopted by the FHWA).

All software utilized to process citations, track data, payments, etc. is developed in Chattanooga, TN. The data is stored at the NLETS facility in Arizona in their data center known as NOVA. BLS is CJIS compliant and adheres to all cyber security protocols as required by NLETS & CJIS.

Cost to the Agency, Payment, Terms, & Frequency of Civil Fine Remittance

There will never be "out of pocket" cost to the agency for the TrueBlue™ Automated Speed Enforcement Program.

Processing Fee:

A processing fee of \$15.00 will be assessed for each violation captured. Such fees will be deducted from gross proceeds of citation revenue.

** In the event that violations are captured, approved, and mailed, but the revenue received does NOT cover the above-mentioned service fee, BLS WILL NOT invoice the county, nor hold the county responsible for the difference. The county will NEVER receive an invoice for any part of the TrueBlue™ Automated Speed Program for fees.

Frequency of Civil Fine Remittance:

BLS will provide a revenue report and a revenue check by the 15th of each month for the previous month's receivables.

Officer Overtime Reimbursement:

If the agency chooses to utilize the handheld photo LIDAR unit, BLS will provide 100% reimbursement of officer's hours that he/she utilized the LIDAR for speed enforcement. If the agency provides an invoice by the 3rd of each month for the preceding month's officer hours, BLS will provide 100% reimbursement to the county by the 15th of each month.

- The check for officer reimbursement will be separated from agency revenue and will be provided in a separate check for accounting purposes.

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Authority

§46.2-882. B.1 states: *Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions.*

The VA Code requires that a vendor's fee be based on services or a lease. The TrueBlue™ program charges \$15.00 per processed citation.

§46.2-882. B.6 states:

A private vendor may enter into an agreement with a law-enforcement agency to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer may swear to or affirm the certificate required by this subsection. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of § [46.2-208](#), to obtain vehicle owner information regarding the registered owners of vehicles that committed a violation of § [46.2-873](#) or [46.2-878.1](#). Any such information provided to such private vendor shall be protected in a database.

**** In the event that violations are captured, approved, and mailed, but the revenue received does NOT cover the above-mentioned service fee, BLS WILL NOT invoice the county, nor hold the county responsible for the difference. The county will NEVER receive an invoice for any part of the TrueBlue™ Automated Speed Program fees.**

References

South Fulton, GA Police Dept.

Lt. Roxanne Shoemaker 404.831.3743 roxanne.shoemaker@cityofsouthfulton.gov

Jefferson, GA Police Dept.

Chief Joseph Wirthman 706.708.6268 jwirthman@cityofjeffersonga.com

Barrow Co., GA Sheriff's Office

Sheriff Jud Smith 404.557.8764 jsmith@barrowsheriff.com

Effingham Co., GA Sheriff's Office

Sheriff Jimmy McDuffie 912.429.8027 jmcduffie@EffinghamCounty.org

Chatham Co., GA Police Dept.

Chief Jeffrey Hadley 912.346.8329 jhadley@chathamcounty.org

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Liberty Township, OH PD

Cpt. Ray Buhala 330.314.6499 rbuhala@libertytwp.com

Girard, OH Police Dept.

Chief John Norman 330.770.4910 jnorman@cityofgirard.com

Richmond Hill, GA PD

Cpt. Ray Fowler 912.321.7476 rfowler@richmondhill-ga.gov

Program Success

The following data (pages 21 – 24) are just a sample of programs implemented by Blue Line Solutions. As indicated in the PI&E section of this document, the program uses a 4-phase approach, documenting speeding reductions in each phase. The example below represents eleven (11) communities in GA. Across all communities, the program has achieved a **92.8%** reduction in the number of speeding vehicles versus before program implementation.

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JURISDICTION	SCHOOL	5-DAY STUDY INFO PER PHASE				EFFECTIVENESS OF EACH PHASE			TOTAL REDUCTION
		PRE-PROGRAM (SPEED STUDY)	PI&E/W ARNING	ENFORC.	POST ENFORC.	PRE-PRO. TO PI&E/WARNING	WARNING TO ENFORC.	ENFORC. TO POST ENFORC.	
BALDWIN	Baldwin Elem.	2,375	174	167	131	92.7%	0.3%	1.5%	94.5%
SOUTH FULTON									
	A. Phillip/Sandtown	7,410	2,353	1,198	624	68.2%	15.6%	7.7%	91.6%
	Arlington Christian	920	182	78	83	80.2%	11.3%	-0.5%	91.0%
	Bethune/Mcnair	2,091	887	678	238	57.6%	10.0%	21.0%	88.6%
	Cliftdale	5,039	1,739	637	166	65.5%	21.9%	9.3%	96.7%
	Evoline C. West	3,711	2,154	521	217	42.0%	44.0%	8.2%	94.2%
	Feldwood	4,404	1,994	1,109	514	54.7%	20.1%	13.5%	88.3%
	Hapeville	2,863	823	621	519	71.3%	7.1%	3.6%	81.9%
	Love T. Nolan	3,080	1,287	914	266	58.2%	12.1%	21.0%	91.4%
	Seaborn Lee	2,025	1,023	477	162	49.5%	27.0%	15.6%	92.0%
	Stonewall Tell	4,770	1,281	779	231	73.1%	10.5%	11.5%	95.2%
	Westlake	4,865	1,084	526	221	77.7%	11.5%	6.3%	95.5%
	Wolfcreek	3,416	196	158	194	94.3%	1.1%	-1.1%	94.3%
S. FULTON				7,696	2,798	66.4%	16.4%	11.0%	93.7%

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SUMMARY		44,594	15,003						
JEFFERSON									
	Jefferson Elem	870	176	46	35	79.8%	14.9%	1.3%	96.0%
	Jefferson H.S.	3,063	1,419	414	374	53.7%	32.8%	1.3%	87.8%
JEFFERSON SUMMARY		3,933	1,595	460	409	59.4%	28.9%	1.3%	89.6%
PORT WENTWORTH	Port Wentworth Elem.	133	9	21	11	93.2%	-9.0%	7.5%	91.7%
BLOOMINGDALE	Bloomingtondale Elem.	1,005	369	242	144	63.3%	12.6%	9.8%	85.7%
EMERSON	Emerson Elem	710	327	269	235	53.9%	8.2%	4.8%	66.9%
TEMPLE									
	Providence Elem/Temple Middle	1,251	90	55	35	92.8%	2.8%	1.6%	97.2%
	Temple H.S.	424	175	51	7	58.7%	29.2%	10.4%	98.3%
TEMPLE SUMMARY		1,675	265	106	42	84.2%	9.5%	3.8%	97.5%
BARROW									
	Apalachee HS	1,190	189	108	46	84.1%	6.8%	5.2%	96.1%
	Bethlehem Elem - McElhannon	29	8	2	-	72.4%	20.7%	6.9%	100.0%

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	Bethlehem Elem - SR11	6,668	4,458	2,492	848	33.1%	29.5%	24.7%	87.3%
	Bramlett Elem	570	179	51	22	68.6%	22.5%	5.1%	96.1%
	County Line Elem - Miles Patrick	2,252	886	261	64	60.7%	27.8%	8.7%	97.2%
	County Line Elem - Rockwell Church	3,399	866	377	133	74.5%	14.4%	7.2%	96.1%
	Holsenbeck Elem	203	64	33	9	68.5%	15.3%	11.8%	95.6%
	Kennedy Elem	1,593	821	491	190	48.5%	20.7%	18.9%	88.1%
	Westside MS	1,691	56	44	17	96.7%	0.7%	1.6%	99.0%
BARROW SUMMARY		17,595	7,527	3,859	1,329	57.2%	20.8%	14.4%	92.4%
EFFINGHAM									
	Blandford Elem	2,581	144	200	87	94.4%	-2.2%	4.4%	96.6%
	Ebenezer Elem & MS	342	440	160	118	-28.7%	81.9%	12.3%	65.5%
	Effingham Co. MS/HS	1,156	411	143	141	64.4%	23.2%	0.2%	87.8%
	Marlow Elem	1,566	168	56	73	89.3%	7.2%	-1.1%	95.3%
	South Effingham Elem	1,746	174	45	41	90.0%	7.4%	0.2%	97.7%
	South Effingham MS/HS	326	91	23	15	72.1%	20.9%	2.5%	95.4%
EFFINGHAM SUMMARY		25,312	8,955	4,486	1,804	64.6%	17.7%	10.6%	92.9%

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CHATHAM									
	Coastal MS	4,819	1,262	1,133	791	73.8%	10.2%	7.1%	83.6%
	Georgetown K-8	694	100	9	20	85.6%	91.0%	-1.6%	97.1%
	May Howard Elem	3,620	805	84	34	77.8%	89.6%	1.4%	99.1%
	St Andrew's	1,580	1,808	295	127	-14.4%	83.7%	10.6%	92.0%
CHATHAM SUMMARY		10,713	3,975	1,521	972	62.9%	22.9%	5.1%	90.9%
RICHMOND HILL	Richmond Hill HS	3,777	495	317	200	86.9%	4.7%	3.1%	94.7%
TOTALS		111,822	38,694	19,144	8,075	65.4%	17.5%	9.9%	92.8%

Wythe County Speed Data

BLS conducted speed studies in four (4) school zones and one (1) construction zone in the county. The following pages provide the baseline data collected. The data was collected with small radar units that are unassuming to motorists for a 5-day period during school hours. As the data indicates, a significant problem exists with speeding throughout. BLS expects the TrueBlue™ program to achieve similar results for this program as those highlighted on pages 21 - 24, significantly reducing the number of speeding vehicles traveling through these high-risk zones.

The data reflects **5,671** speeding violations in the four school zones between the hours of 7:00 a.m. – 4:00 p.m., meaning that **22,684** vehicles are traveling through these school zones at 10+MPH each month.



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Addendum A: Wythe County Speed Studies



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Forth Chiswell High School

Wythe, VA: Fort Chiswell Rd

Times: (7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)

Blue Line Solutions, LLC (BLS) conducted speed studies at Fort Chiswell High School on Fort Chiswell Rd during the periods and times listed below.

This report was completed given the speed and time limit parameters of:

Regular Speed Limit: 45 MPH

School Zone Speed Limit: 25 MPH

Dates of Study:

Monday	1/10/2022 :	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Tuesday	1/11/2022 :	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Wednesday	1/12/2022 :	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Thursday	1/13/2022 :	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Friday	1/14/2022 :	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)

The following report only reflects dates and times listed in the dates above. During the specified dates and time periods, the traffic counts were as follows:

Date	(7:30 AM - 9:00 AM)			(9:00 AM - 2:30 PM)			(2:30 PM - 4:00 PM)		
	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>
1/10/2022	502	216	43.0%	1,265	16	1.3%	566	295	52.1%
1/11/2022	479	228	47.6%	1,403	18	1.3%	585	328	56.1%
1/12/2022	461	194	42.1%	1,335	11	0.8%	550	293	53.3%
1/13/2022	499	194	38.9%	1,406	10	0.7%	654	335	51.2%
1/14/2022	451	194	43.0%	1,584	5	0.3%	666	319	47.9%
Totals:	2,392	1,026	42.9%	6,993	60	0.9%	3,021	1,570	52.0%

5 Day Total Vehicle Count:

12,406

5 Day Total Speeding Violations Recorded:

2,656

Note: Speeding is defined as any recorded speed more than 10MPH over the designated speed limit.



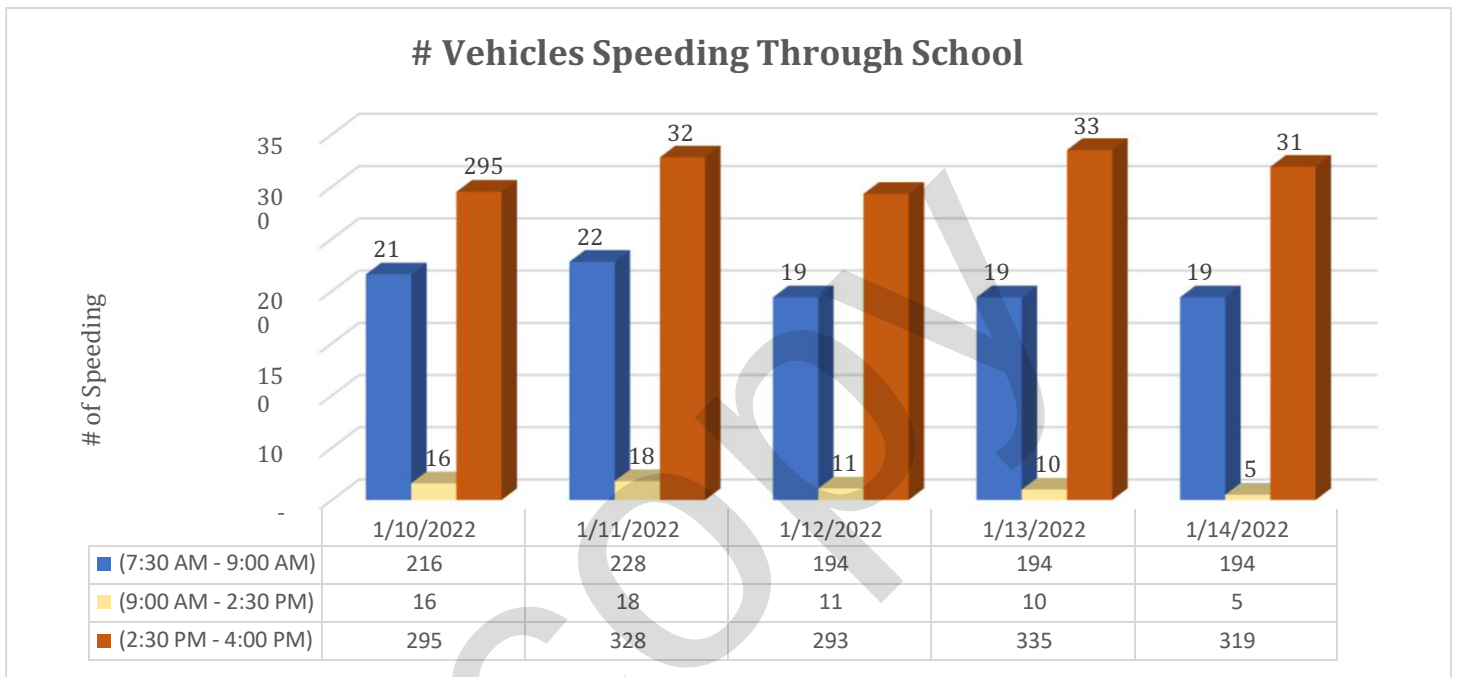
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

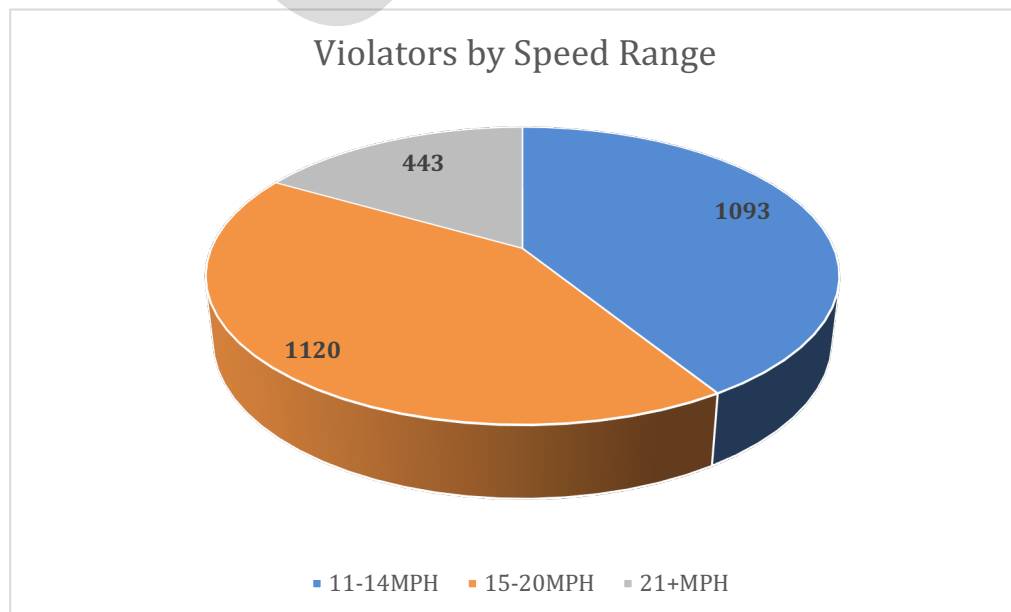
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The below graph indicates the number of vehicles speeding through the zone at 11 MPH+ during the times of (7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM).



The following graph depicts the speed range breakdown of violators.





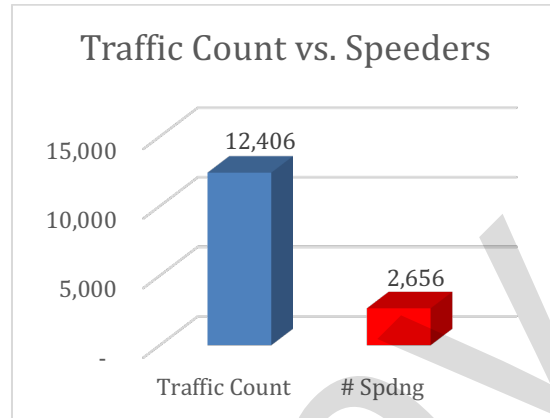
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

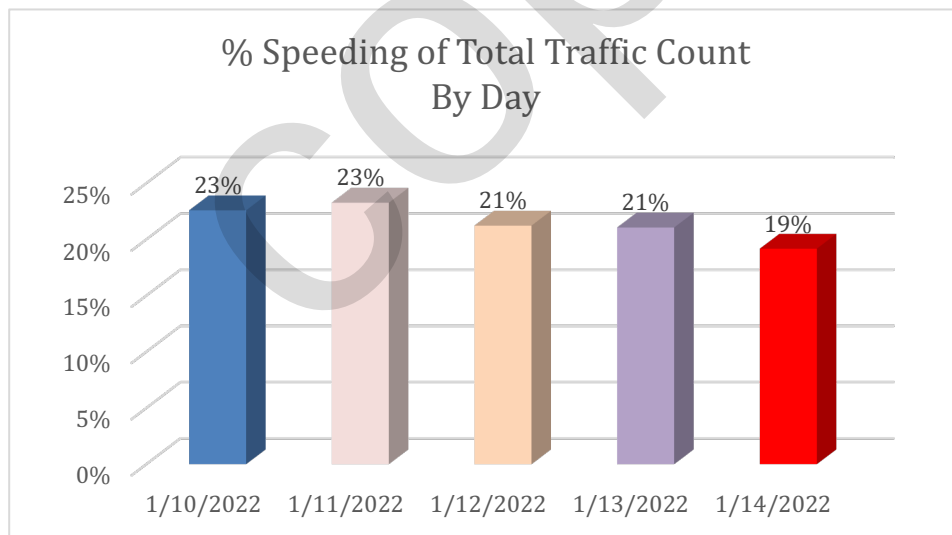
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The total traffic count during the hours (7:30 AM - 4:00 PM) was 12,406. Of those, 2,656 (21%) were speeding at 11 MPH+ above the speed limit.



Data indicates a percentage range of 19% - 23% of vehicles traveling through the zone during the hours of (7:30 AM - 4:00 PM) were speeding in excess of 11 MPH+ throughout the week.



IMPORTANT NOTE

This report is based off the raw data of time and speeds captured from: 01/10/2022 - 01/14/2022.

**All data recorded with Houston Radar Armadillo Tracker may differ from future results due to public education and information efforts, deployment of radar speed signs upon entrance to the speed zone, and use of L.I.D.A.R (Light Detection and Ranging) Laser enforcement systems.*



Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

Interstate 77 North & South Bound (Combined)

Wythe, VA: Interstate 77

Times: (6:00 AM - 9:00 AM), (9:00 AM - 2:00 PM), (2:00 PM - 6:00 PM)

Blue Line Solutions, LLC (BLS) conducted speed studies in Wythe, VA on Interstate 77 during the periods and times listed below.

This report was completed given the speed and time limit parameters of:

Regular Speed Limit: 60 MPH

School Zone Speed Limit: 60 MPH

Dates of Study:

Tuesday 12/28/2021 : (6:00 AM - 9:00 AM), (9:00 AM - 2:00 PM), (2:00 PM - 6:00 PM)
Wednesday 12/29/2021 : (6:00 AM - 9:00 AM), (9:00 AM - 2:00 PM), (2:00 PM - 6:00 PM)
Thursday 12/30/2021 : (6:00 AM - 9:00 AM), (9:00 AM - 2:00 PM), (2:00 PM - 6:00 PM)
Friday 12/31/2021 : (6:00 AM - 9:00 AM), (9:00 AM - 2:00 PM), (2:00 PM - 6:00 PM)
Monday 1/3/2022 : (6:00 AM - 9:00 AM), (9:00 AM - 2:00 PM), (2:00 PM - 6:00 PM)

The following report only reflects dates and times listed in the dates above. During the specified dates and time periods, the traffic counts were as follows:

Date	(6:00 AM - 9:00 AM)			(9:00 AM - 2:00 PM)			(2:00 PM - 6:00 PM)		
	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>
12/28/2021	701	102	14.6%	13,254	2,279	17.2%	11,185	1,810	16.2%
12/29/2021	3,345	387	11.6%	10,005	1,446	14.5%	8,893	1,293	14.5%
12/30/2021	3,578	560	15.7%	13,337	2,900	21.7%	10,907	2,882	26.4%
12/31/2021	2,794	711	25.4%	10,440	2,944	28.2%	6,646	1,754	26.4%
1/3/2022	621	-	0.0%	4,391	456	10.4%	6,075	1,124	18.5%
Totals:	11,039	1,760	15.9%	51,427	10,025	19.5%	43,706	8,863	20.3%

5 Day Total Vehicle Count:

106,172

5 Day Total Speeding Violations Recorded:

20,648

Note: Speeding is defined as any recorded speed more than 10MPH over the designated speed limit.



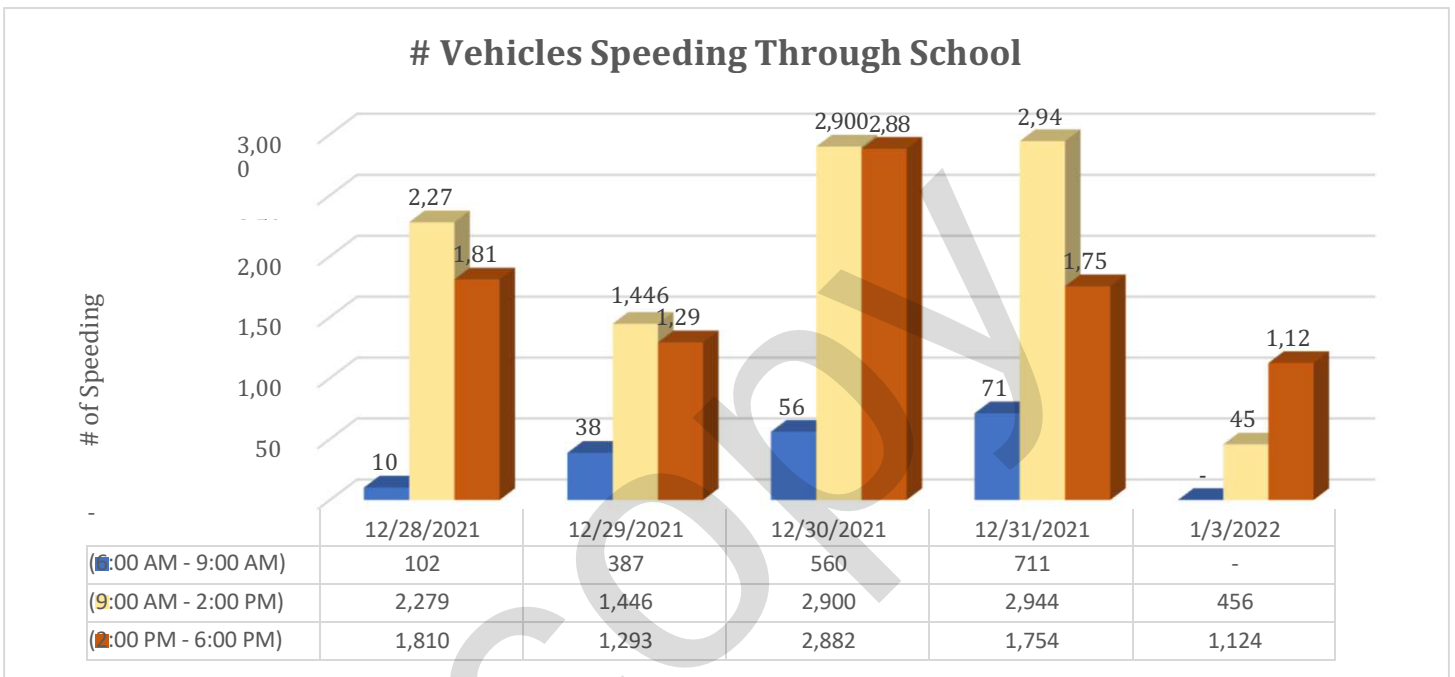
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

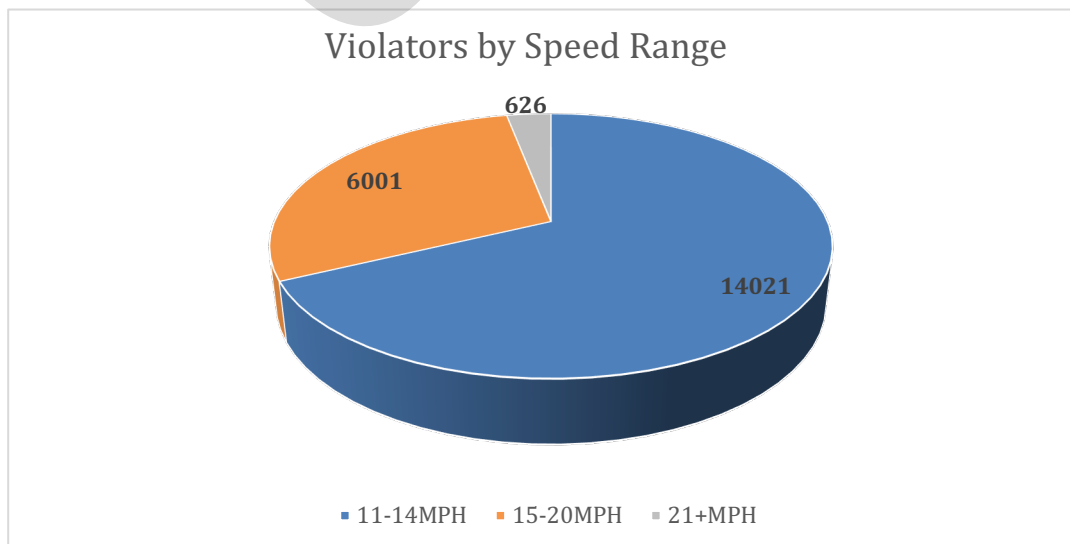
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The below graph indicates the number of vehicles speeding through the zone at 11 MPH+ during the times of (6:00 AM - 9:00 AM), (9:00 AM - 2:00 PM), (2:00 PM - 6:00 PM).



The following graph depicts the speed range breakdown of violators.





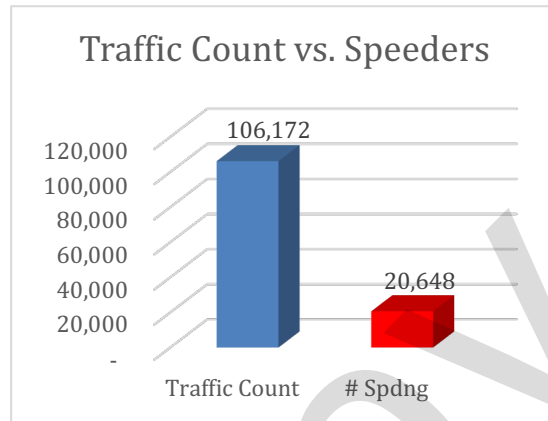
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

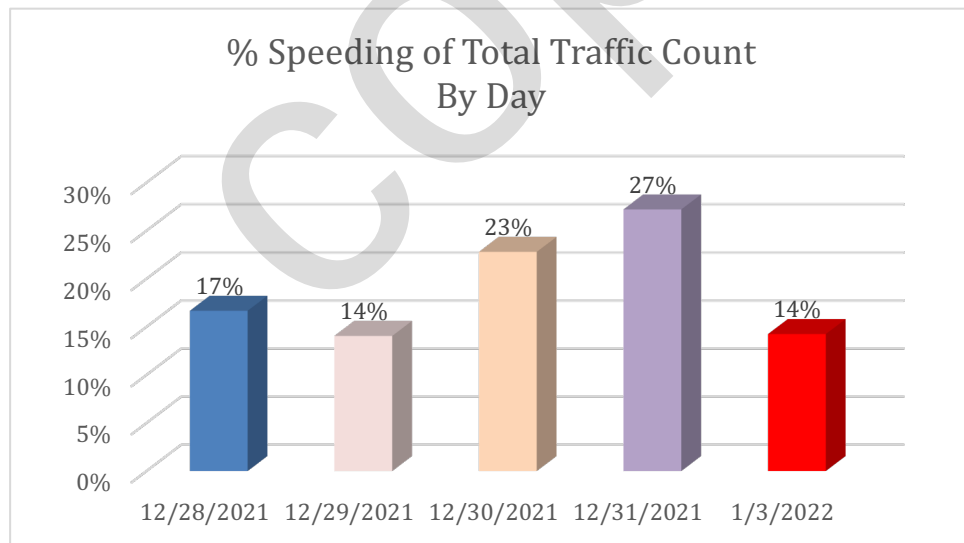
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The total traffic count during the hours (6:00 AM - 6:00 PM) was 106,172. Of those, 20,648 (19%) were speeding at 11 MPH+ above the speed limit.



Data indicates a percentage range of 14% - 27% of vehicles traveling through the zone during the hours of (6:00 AM - 6:00 PM) were speeding in excess of 11 MPH+ throughout the week.



IMPORTANT NOTE

This report is based off the raw data of time and speeds captured from: 12/28/2021 - 01/03/2022.

**All data recorded with Houston Radar Armadillo Tracker may differ from future results due to public education and information efforts, deployment of radar speed signs upon entrance to the speed zone, and use of L.I.D.A.R (Light Detection and Ranging) Laser enforcement systems.*



Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

Jackson Memorial Elementary School

Wythe, VA: Lee Hwy

Times: (7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)

Blue Line Solutions, LLC (BLS) conducted speed studies at Jackson Memorial Elementary School on Lee Hwy during the periods and times listed below.

This report was completed given the speed and time limit parameters of:

Regular Speed Limit: 55 MPH

School Zone Speed Limit: 25 MPH

Dates of Study:

Monday	1/10/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Tuesday	1/11/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Wednesday	1/12/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Thursday	1/13/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Friday	1/14/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)

The following report only reflects dates and times listed in the dates above. During the specified dates and time periods, the traffic counts were as follows:

Date	(7:30 AM - 9:00 AM)			(9:00 AM - 2:30 PM)			(2:30 PM - 4:00 PM)		
	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>
1/10/2022	217	104	47.9%	496	2	0.4%	242	113	46.7%
1/11/2022	217	96	44.2%	528	2	0.4%	281	110	39.1%
1/12/2022	237	103	43.5%	527	-	0.0%	251	100	39.8%
1/13/2022	242	89	36.8%	542	3	0.6%	286	98	34.3%
1/14/2022	217	90	41.5%	578	-	0.0%	294	102	34.7%
Totals:	1,130	482	42.7%	2,671	7	0.3%	1,354	523	38.6%

5 Day Total Vehicle Count:

5,155

5 Day Total Speeding Violations Recorded:

1,012

Note: Speeding is defined as any recorded speed more than 10MPH over the designated speed limit.



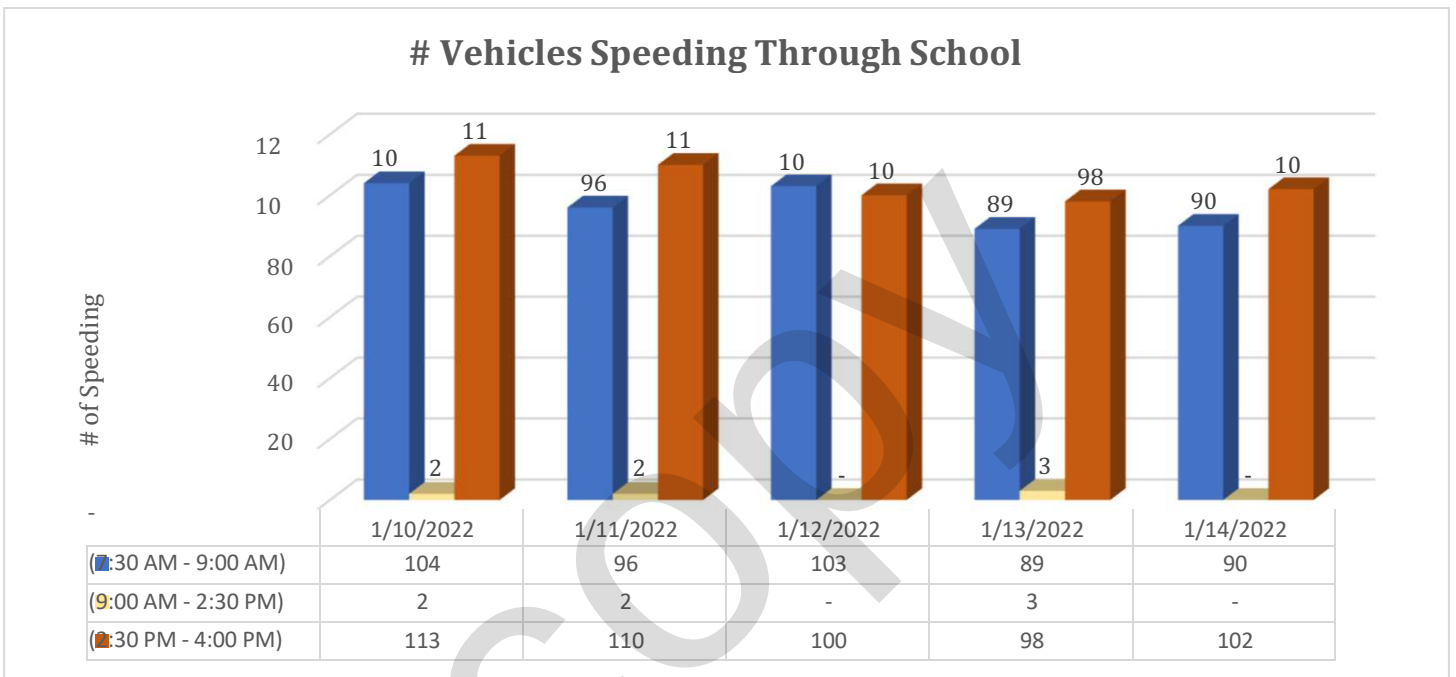
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

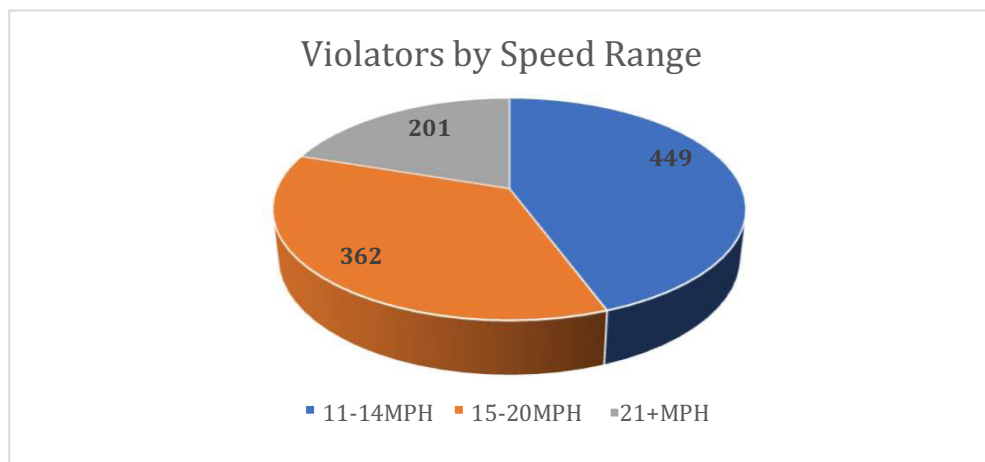
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The below graph indicates the number of vehicles speeding through the zone at 11 MPH+ during the times of (7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM).



The following graph depicts the speed range breakdown of violators.





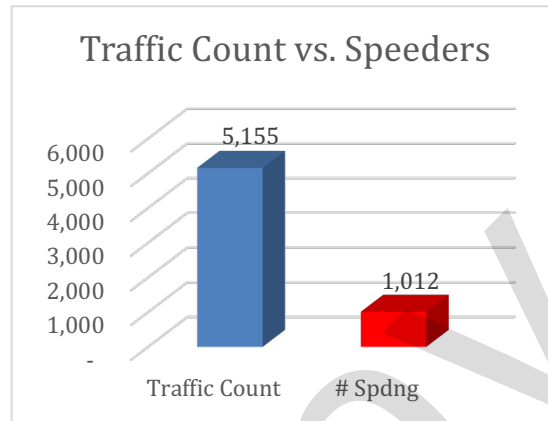
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

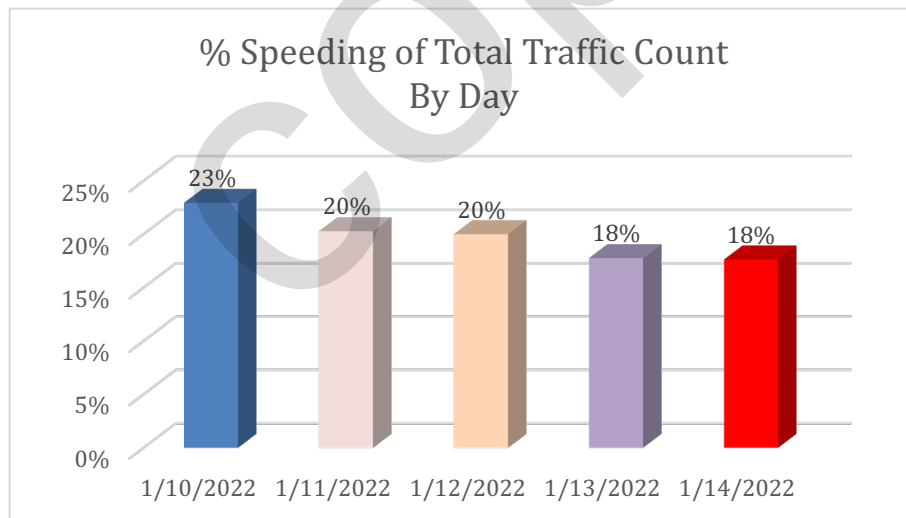
Tel: (855) 252-0086 Fax: (423) 803-1500

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The total traffic count during the hours (7:30 AM - 4:00 PM) was 5,155. Of those, 1,012 (20%) were speeding at 11 MPH+ above the speed limit.



Data indicates a percentage range of 18% - 23% of vehicles traveling through the zone during the hours of (7:30 AM - 4:00 PM) were speeding in excess of 11 MPH+ throughout the week.



IMPORTANT NOTE

This report is based off the raw data of time and speeds captured from: 01/10/2022 - 01/14/2022.

**All data recorded with Houston Radar Armadillo Tracker may differ from future results due to public education and information efforts, deployment of radar speed signs upon entrance to the speed zone, and use of L.I.D.A.R (Light Detection and Ranging) Laser enforcement systems.*



Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

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www.bluelinesolutions.org

Rural Retreat Elementary School

Wythe, VA: Lee Hwy

Times: (7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)

Blue Line Solutions, LLC (BLS) conducted speed studies at Rural Retreat Elementary School on Lee Hwy during the periods and times listed below.

This report was completed given the speed and time limit parameters of:

Regular Speed Limit: 55 MPH

School Zone Speed Limit: 35 MPH

Dates of Study:

Monday	1/10/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Tuesday	1/11/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Wednesday	1/12/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Thursday	1/13/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Friday	1/14/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)

The following report only reflects dates and times listed in the dates above. During the specified dates and time periods, the traffic counts were as follows:

Date	(7:30 AM - 9:00 AM)			(9:00 AM - 2:30 PM)			(2:30 PM - 4:00 PM)		
	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>
1/10/2022	266	119	44.7%	817	3	0.4%	403	221	54.8%
1/11/2022	270	118	43.7%	932	2	0.2%	421	187	44.4%
1/12/2022	289	146	50.5%	886	2	0.2%	422	184	43.6%
1/13/2022	318	145	45.6%	1,035	3	0.3%	410	208	50.7%
1/14/2022	296	134	45.3%	1,047	3	0.3%	487	241	49.5%
Totals:	1,439	662	46.0%	4,717	13	0.3%	2,143	1,041	48.6%

5 Day Total Vehicle Count:

8,299

5 Day Total Speeding Violations Recorded:

1,716

Note: Speeding is defined as any recorded speed more than 10MPH over the designated speed limit.



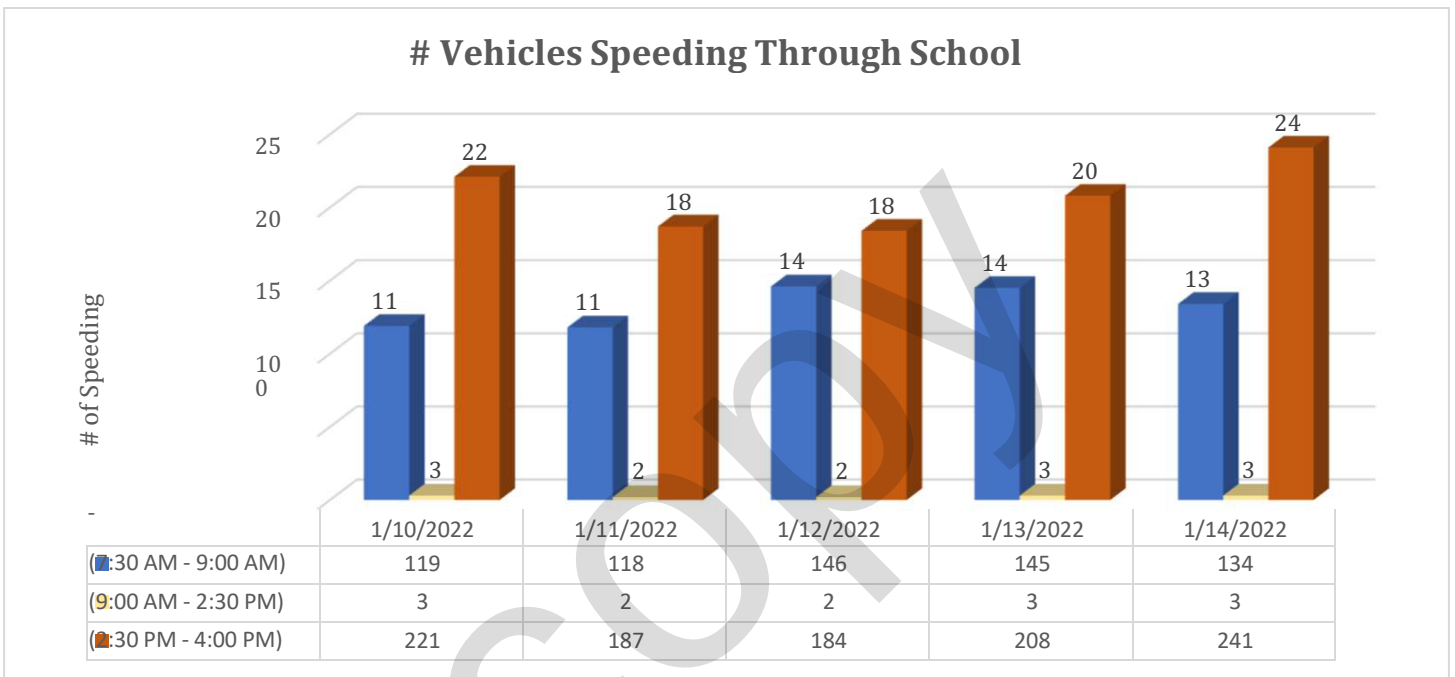
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

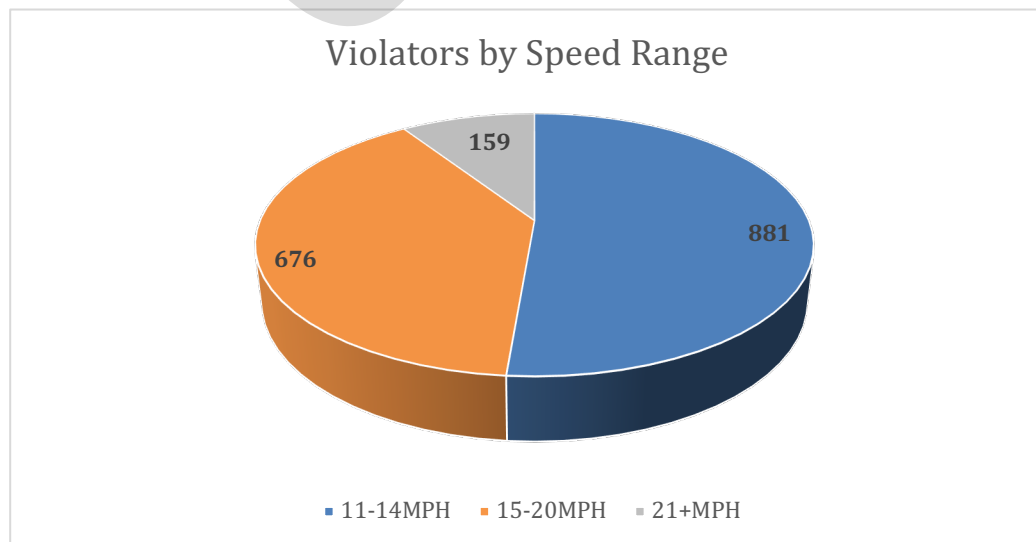
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The below graph indicates the number of vehicles speeding through the zone at 11 MPH+ during the times of (7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM).



The following graph depicts the speed range breakdown of violators.





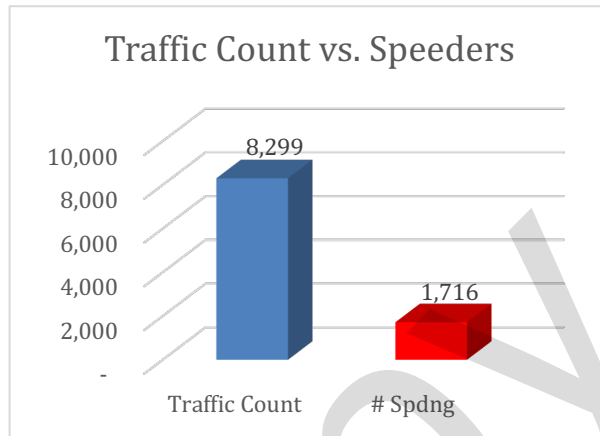
Blue Line Solutions, LLC

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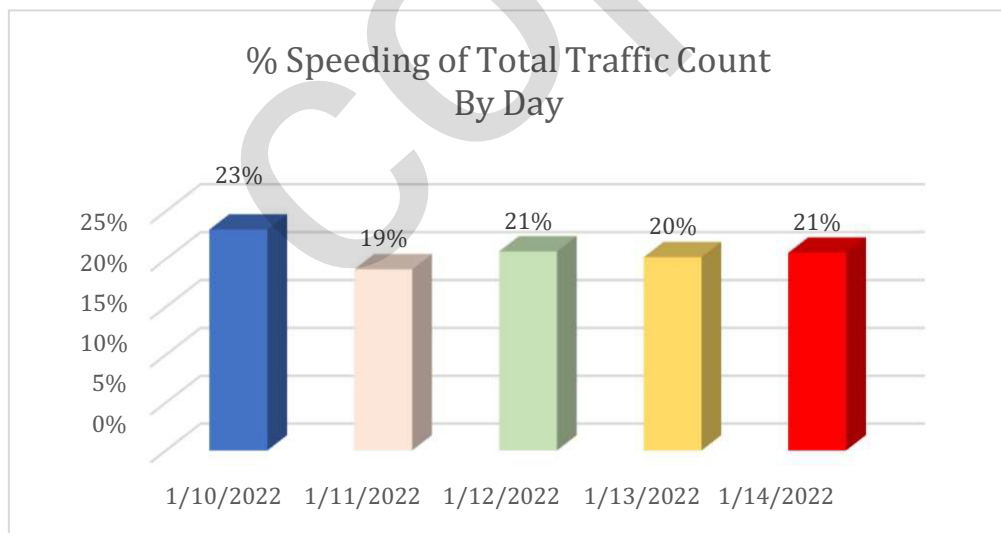
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The total traffic count during the hours (7:30 AM - 4:00 PM) was 8,299. Of those, 1,716 (21%) were speeding at 11 MPH+ above the speed limit.



Data indicates a percentage range of 19% - 23% of vehicles traveling through the zone during the hours of (7:30 AM - 4:00 PM) were speeding in excess of 11 MPH+ throughout the week.



IMPORTANT NOTE

This report is based off the raw data of time and speeds captured from: 01/10/2022 - 01/14/2022.

**All data recorded with Houston Radar Armadillo Tracker may differ from future results due to public education and information efforts, deployment of radar speed signs upon entrance to the speed zone, and use of L.I.D.A.R (Light Detection and Ranging) Laser enforcement systems.*



Blue Line Solutions, LLC

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www.bluelinesolutions.org

Speedwell Elementary School

Wythe, VA: Cedar Springs Rd

Times: (7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)

Blue Line Solutions, LLC (BLS) conducted speed studies at Speedwell Elementary School on Cedar Springs Rd during the periods and times listed below.

This report was completed given the speed and time limit parameters of:

Regular Speed Limit: 45 MPH

School Zone Speed Limit: 25 MPH

Dates of Study:

Monday	1/10/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Tuesday	1/11/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Wednesday	1/12/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Thursday	1/13/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)
Friday	1/14/2022	:	(7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM)

The following report only reflects dates and times listed in the dates above. During the specified dates and time periods, the traffic counts were as follows:

Date	(7:30 AM - 9:00 AM)			(9:00 AM - 2:30 PM)			(2:30 PM - 4:00 PM)		
	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>	<u>Vehicle Count</u>	<u>Speeders</u>	<u>% Speeding</u>
1/10/2022	112	19	17.0%	251	1	0.4%	123	29	23.6%
1/11/2022	124	28	22.6%	260	-	0.0%	153	30	19.6%
1/12/2022	120	32	26.7%	279	1	0.4%	152	31	20.4%
1/13/2022	122	20	16.4%	301	-	0.0%	134	33	24.6%
1/14/2022	122	22	18.0%	298	-	0.0%	159	41	25.8%
Totals:	600	121	20.2%	1,389	2	0.1%	721	164	22.7%

5 Day Total Vehicle Count:

2,710

5 Day Total Speeding Violations Recorded:

287

Note: Speeding is defined as any recorded speed more than 10MPH over the designated speed limit.



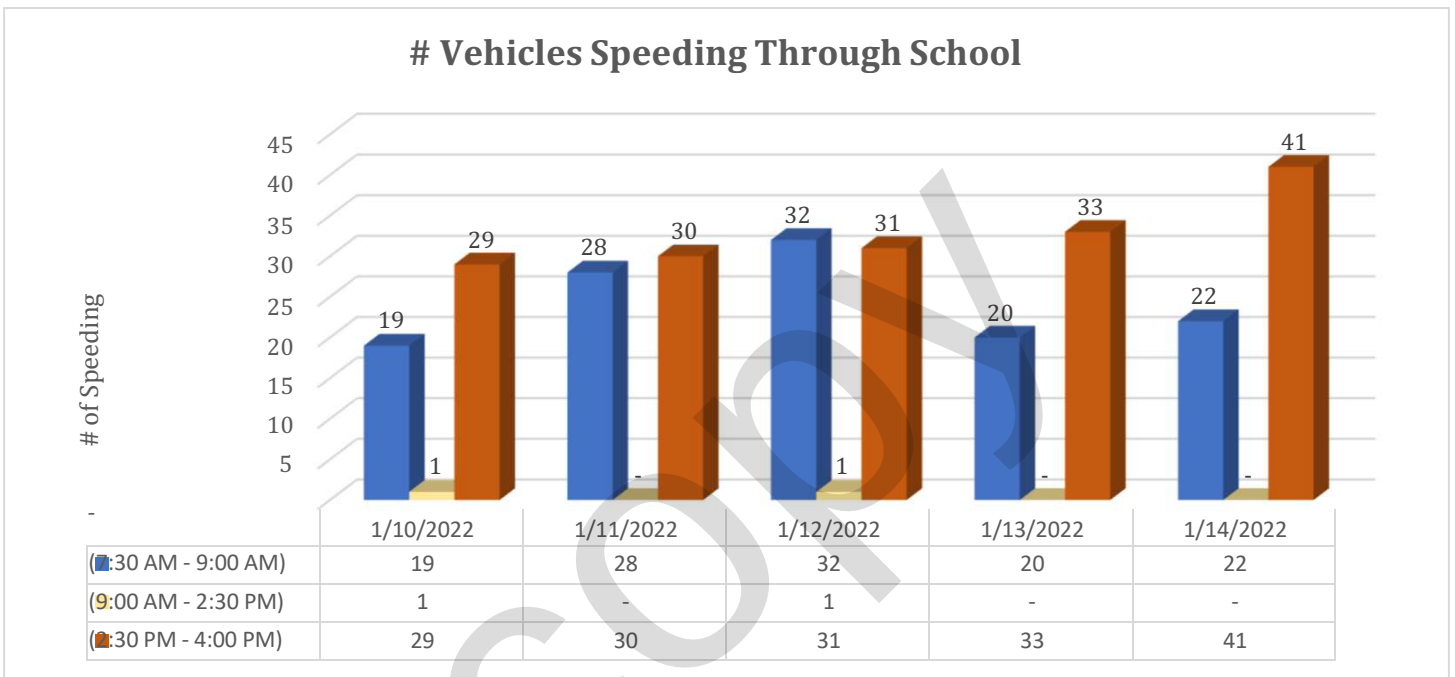
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

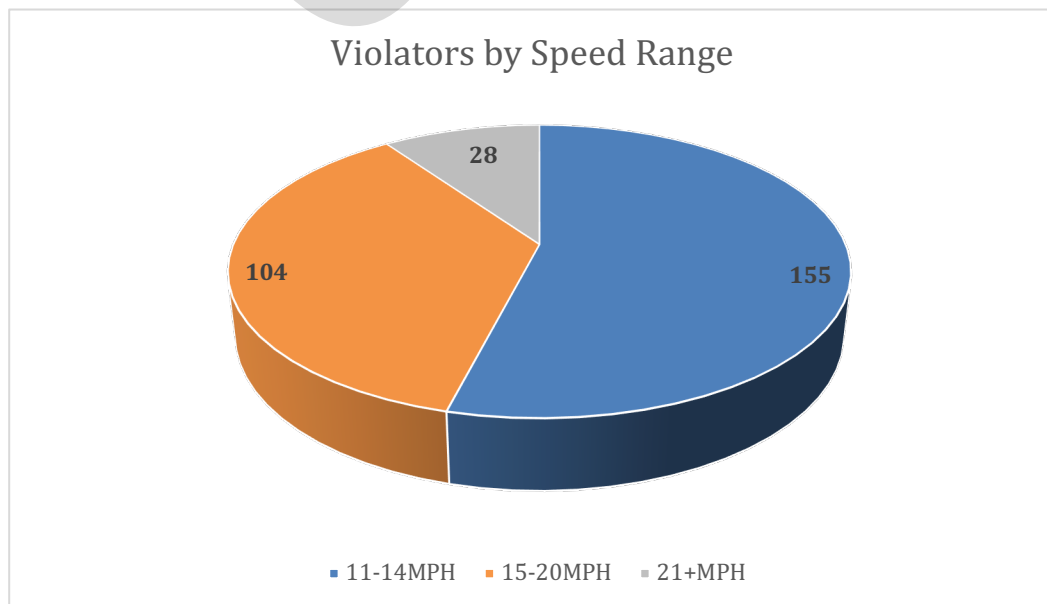
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The below graph indicates the number of vehicles speeding through the zone at 11 MPH+ during the times of (7:30 AM - 9:00 AM), (9:00 AM - 2:30 PM), (2:30 PM - 4:00 PM).



The following graph depicts the speed range breakdown of violators.





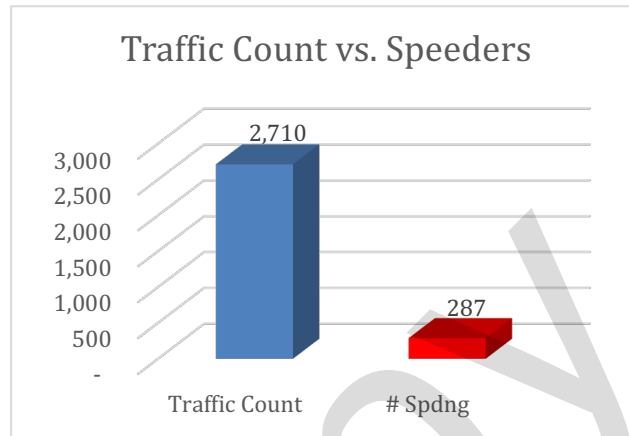
Blue Line Solutions, LLC

3903 Volunteer Dr. - Suite 400, Chattanooga, TN 37416

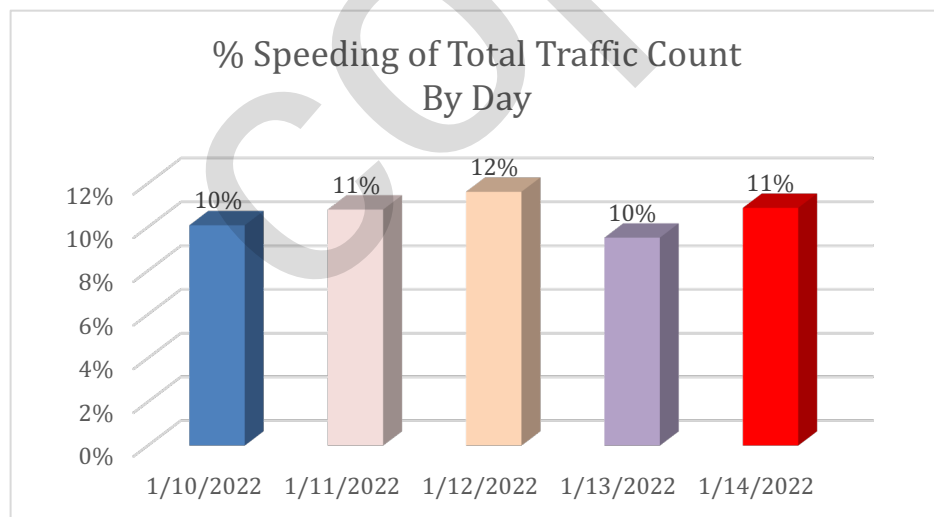
Tel: (855) 252-0086 Fax: (423) 803-1500

www.bluelinesolutions.org

The total traffic count during the hours (7:30 AM - 4:00 PM) was 2,710. Of those, 287 (11%) were speeding at 11 MPH+ above the speed limit.



Data indicates a percentage range of 10% - 12% of vehicles traveling through the zone during the hours of (7:30 AM - 4:00 PM) were speeding in excess of 11 MPH+ throughout the week.



IMPORTANT NOTE

This report is based off the raw data of time and speeds captured from: 1/10/22 - 1/14/22.

**All data recorded with Houston Radar Armadillo Tracker may differ from future results due to public education and information efforts, deployment of radar speed signs upon entrance to the speed zone, and use of L.I.D.A.R (Light Detection and Ranging) Laser enforcement system*



Stephen D. Bear
County Administrator

County Administrator's Office

340 South Sixth Street
Wytheville VA 24382-2598
Telephone (276) 223-4500
Fax (276) 223-4515

Request for Proposals Camera Speed Enforcement & Related Services

Wythe County requests cooperative procurement proposals from qualified vendors to provide camera-based speed enforcement in school zones and construction zones as provided under Code of Virginia §46.2-882.1. The county prefers devices which use LIDAR or any technology with demonstrated speed detection accuracy 95% or higher.

Expected minimum services to be provided by the selected vendor include:

1. **Speed enforcement cameras.** Selected vendor must install, maintain, repair, upkeep and replace speed cameras and related equipment and provide communications connections, mounts, warning signs and any other state requirements necessary to ensure safety of school and highway work zones.
2. **Law Enforcement Review.** Vendor must provide a reliable, secure, technology-based infraction review system for local law enforcement to certify speeding violations.
3. **Fines Processing.** Vendor must provide civil fine processing, violator notification, record keeping, payment receipt and remittance to the locality. Vendors must specify their processing fee to be paid in addition to the assessed civil fine.
4. **Public Education.** Vendor must provide a plan to implement the system, including expected timeframe from award, citizen education and notification efforts, and expected means of outreach to notify residents of the impending change in speed enforcement.
5. **State police reporting.** Vendor must file required annual state police reports on behalf of the locality and within the deadlines required by the Virginia State Police.
6. **Optional services.** Describe any optional or additional services including customer service, criminal activity monitoring, fusion centers, local police investigative assistance or any other ancillary service related to the operation and use of the speed enforcement cameras. Include pricing, if any, for each additional service.

Respondents must deliver five hard copies and one electronic copy (.pdf preferred) of their response, which shall include the following:

- 1) Letter of introduction and interest.
- 2) Address all five areas of the expected minimum services and any optional or additional services.
- 3) Demonstrate the experience, technical expertise and background of the company, its principals and the technical team which will complete the work for the County.
- 4) Address all six of the expected minimum services.
- 5) Identify the national origin of components and assembly location of all components.
- 6) Cost to the agency, payment terms and planned frequency of civil fine remittances.

- 7) References for similar work, in and out of Virginia, demonstrating success in reducing speeding in school and construction zones.

Responses will be scored on the following:

- Speed detection technology (25 points maximum)
- Qualifications and experience of the vendor team (25 points)
- Processing services and methods and reporting (25 points)
- Public Education Plan (10 points)
- Optional Services and their value to the County (15 points)

COOPERATIVE PROCUREMENT NOTICE: This solicitation is a cooperative procurement. Pursuant to Virginia Code Section §2.2-4304, any resultant contract from this solicitation may be extended to any public agency or body in the Commonwealth of Virginia to permit those public agencies or bodies to purchase at contract prices, in accordance with the terms, conditions and specifications of this solicitation. The successful contractor shall deal directly with each public agency or body in regard to order placement, delivery, invoicing and payment.

Submit five hard copies and a .pdf file of responses to: Martha G. Collins, Wythe County Clerk, ATTN: Speed Enforcement Cameras, 340 South Sixth Street, Wytheville, VA 24382. Responses are due by Wednesday, March 16, 2022 at 2 p.m.

Wythe County is an equal opportunity offeror. Disadvantaged business enterprises are encouraged to respond.



WYTHE COUNTY SHERIFF'S OFFICE

Wythe County Law Enforcement & Judicial Complex
245 South Fourth Street
Wytheville, Virginia 24382

CHARLES W. FOSTER
SHERIFF

Office (276) 223-6000
Fax (276) 223-6127

To: Assistant County Administrator Matt Hankins

From: Chief Deputy Anthony Cline

Date: March 17, 2022

Re: Photo Speed Enforcement RFP review

The RFP proposals for photo speed enforcement were reviewed by the administration from the Wythe County Sheriff's Office. There were (5) submissions that were reviewed.

Altumint: charges a fee of \$25 per summons along with a \$10 fee that must be paid by the locality if the summons goes to collections and is paid. This company uses fixed radar to detect speeds and provide handheld lidar to the agency. There is no equipment cost to the locality for Automated License Plate Readers (ALPR).

Blueline Solutions: charges a fee of \$15 per summons. This company uses fixed lidar to detect speeds and provides handheld units to the agency at no additional cost. The company also provides 100% reimbursement for overtime of deputies using the handheld units. There is no equipment cost to the locality for ALPR. This is the only company that provided speed studies in Wythe County.

Conduent: charges a fee of \$10.25 per summons. There is an additional charge of \$1.74 per citation that goes to collection paid by the locality. They only offer a scanning lidar method to detect speeds. There are additional equipment fees. To add ALPR technology to the photo cameras there is a \$290 per camera per month charge to the locality.

Nova: did not provide a cost per summons. The document provided stated it was negotiable. The company did not provide pricing on equipment for the locality to use the device. The company does provide a Radar method only when detecting speed.

Sensys: charges \$12 per license plate it scans in a school zone and \$1,000 a month from the locality. If the device is used in a construction zone the locality shall pay \$1,185/\$1,380 per day to operate the device. They only provide radar to detect speeds.

Recommendation: Upon reviewing the proposals this agency wants to move forward with a company that uses fixed lidar to determine speeds. This method is more accurate and fair to the traveling public. Blueline Solution provides this method. The speed studies conducted by Blueline Solutions along with being willing to pay the overtime for deputies to operate the handheld units is the most attractive offer. They also charge a \$15 fee per citation and are willing to put in their contract the locality will never be billed for anything including equipment. Please accept this agency's recommendation of Blue Line Solutions for photo speed enforcement which will provide ALPRs in all of our school zones at no additional cost.

Copy



Regular Council Meeting Agenda Statement

Item #11A

Meeting Date: August 28, 2023

Agenda Item: Request from Donald McCarty for the Vacation of a Portion of North Street and a Portion of an Unimproved Alley

Summary: On July 24, 2023 Council voted to appoint viewers to view the vacation request from Donald McCarty an abutting property owner for the Town to vacate 13,001 square feet of North Street Extended terminus south of the intersection of North Street and Orchard Street; and a 14-foot portion of an unimproved alley adjacent to the southern property boundary and report any inconveniences to Council that would result from granting approval of the request of Donald McCarty. The Viewing Committee have given their report to Council and is in the agenda packet for tonight.

Council is requested to either deny the request from Mr. McCarty or approve the request for the Town to vacate a portion of North Street and a Portion of an unimproved alley conditioned upon the applicant purchasing the property from the Town for an agreed price to be paid within ninety (90) days of approval.

Budget/Funding: None

Meetings: Work Session held June 12, 2023 and Public Hearing held July 24, 2023

Proposed Motion: Council is requested to take action on one of the proposed motions below:

- 1) I move that Council approve the request from Donald McCarty for the Town to vacate 13,001 square feet of North Street Extended terminus south of the intersection of North Street and Orchard Street; and a 14-foot portion of an unimproved alley adjacent to the southern property boundary conditioned upon the applicant purchasing the property from the Town for an agreed price to be paid within ninety (90) days of approval. I further move that Council authorize the Town Manager to negotiate a purchase price with the applicant to be presented to Council for approval.
- 2) I move that Council deny the request from Donald McCarty for the Town vacate 13,001 square feet of North Street Extended terminus south of the intersection of North Street and Orchard Street: and a 14-foot portion of an unimproved alley adjacent to the southern property boundary.

Moved _____ Seconded _____

DeDomenico-Payne _____ Ingram _____ Morris _____ Rappaport _____ Rogers _____ VM Sealock _____

Tina Presley

From: staigem@comcast.net
Sent: Friday, July 28, 2023 4:06 PM
To: Tina Presley; Hillary Wilfong
Subject: Application for Vacation Of North Street and Alley From Mr. Donald McCarty

MEMORANDUM

FROM: Viewers Ronald "Jay" Crawford, Staige Miller, Jr., Robert North
TO: Town of Front Royal Council Members
DATE: July 28, 2023
SUBJ: Application for Vacation of a Portion of North Street and Portion of Alley from Mr. Donald McCarty

Applicant has requested Town Council to vacate a portion of North Street located at the intersection of North Street and Orchard Street, and a portion of an alley between Orchard Street and Grand Avenue. Neither of the two properties is improved and is covered by miscellaneous trees and heavy undergrowth. We were made aware that several adjacent property owners objected to the vacation of the alley between Orchard Street and Grand Avenue at the Public Hearing held prior to this viewing.

The viewers visited the site of the proposed vacation on July 28, 2023 to view the portion of North Street and the alley. It was not possible to walk on the properties due to the heavy undergrowth. We noted the following:

1. Town staff noted there are no public utilities in either North Street or the alley.
2. We noted there is one existing storm water catch basin located on Orchard Street, close to the portion of North Street proposed for vacation. The size of the existed piping is not known by the viewers.
3. We also noted there is one existing fire hydrant close to the existing storm water catch basin.
4. Neither the portion of North Street and the alley requested to be vacated is currently in use by anyone and was covered with miscellaneous trees and heavy undergrowth.

We, the viewers, are in unanimous agreement that the application from Mr. McCarty to vacate a portion of North Street and a portion of the alley between Orchard Street and Grand Avenue be **APPROVED**.

s/ Ronald "Jay" Crawford

s/ Staige Miller, Jr.

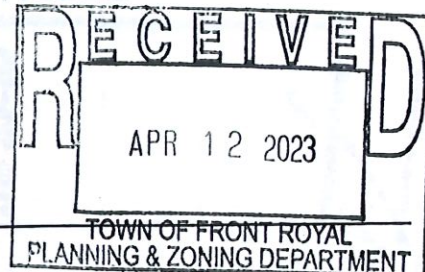
s/ Robert North



VACATION OF STREETS AND ALLEY
and OTHER TOWN RIGHTS-OF-WAYS
APPLICATION

2300198

APPLICANT INFORMATION
(please print)



Name Donald M. Carthy

Mailing Address 12425 Chapel Rd
Clifton, VA 20124

Phone # 703-407-7559 E-mail jay1mccarty@G-mail.com

VACATION INFORMATION

Description (please select all that apply)

☒ Street/Portion of Street

☐ Alley/Portion of Alley

☐ Other (please specify)

40' x 100' (dimensions noted on plat in yellow)

Southern portion of vacate N. St (entire area) + variable width alley way

Location North Street extended terminus at intersection

of North Street and Orchard Street

see attached plat total inc 13,001 sq ft on survey of a variable width alley + the unimproved portion of N. St.

Reason for request Side yard expansion

increase the area of parcel to be developed which fronts Orchard St.

☒ Current Plat Attached Showing Property to be Vacated highlighted in Orange

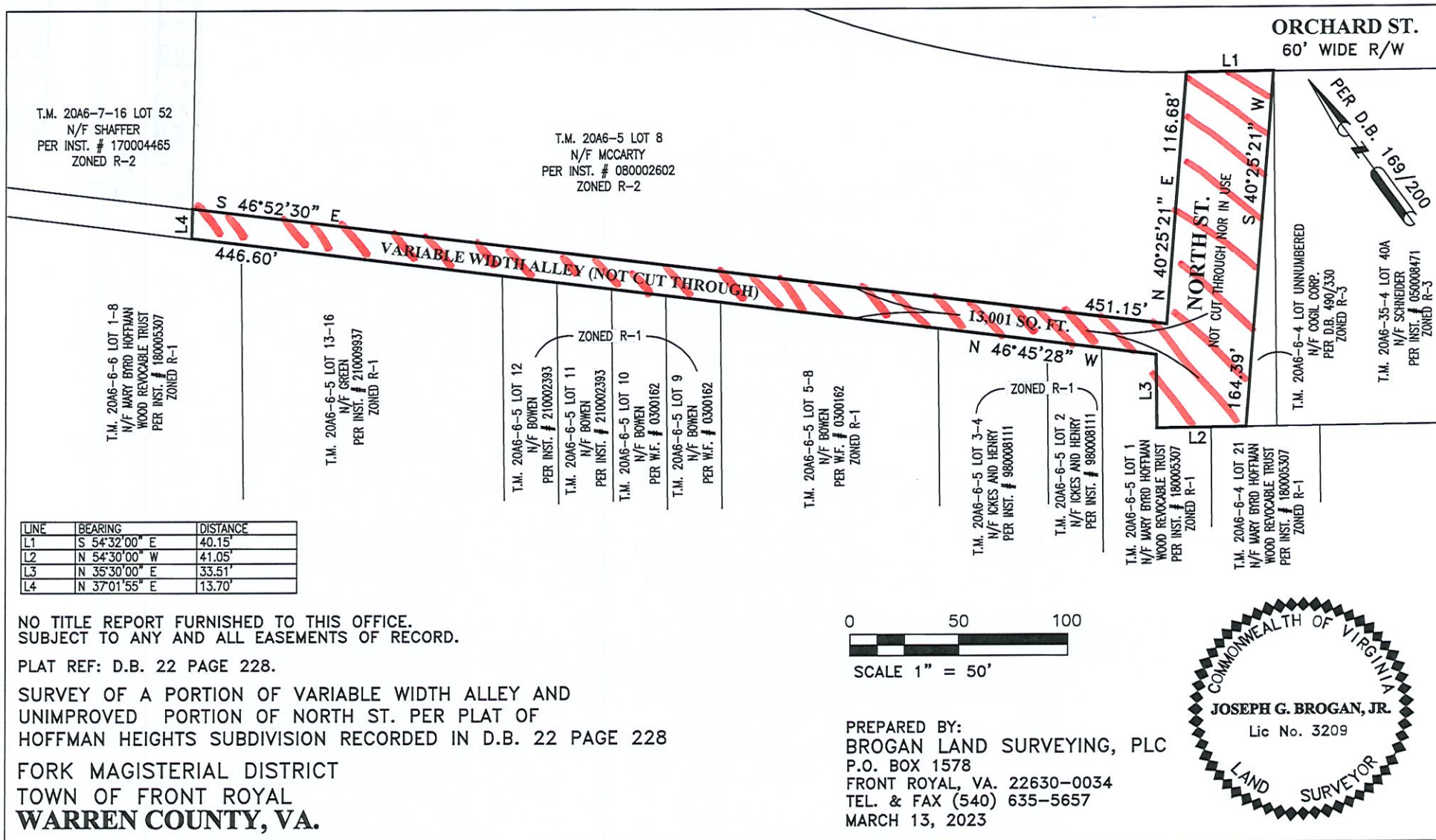
Applicant's Signature Donald M. Carthy Date 5/10/22

Completed application shall be returned by mail or delivery to:

Town Manager's Office, Town Hall, 102 E. Main Street, P.O. Box 1560, Front Royal, VA 22630

Additional Information: Town Manager's Office (540)635-8007, Monday-Friday, 8:00am - 5:00pm

Revised 8/5/2020



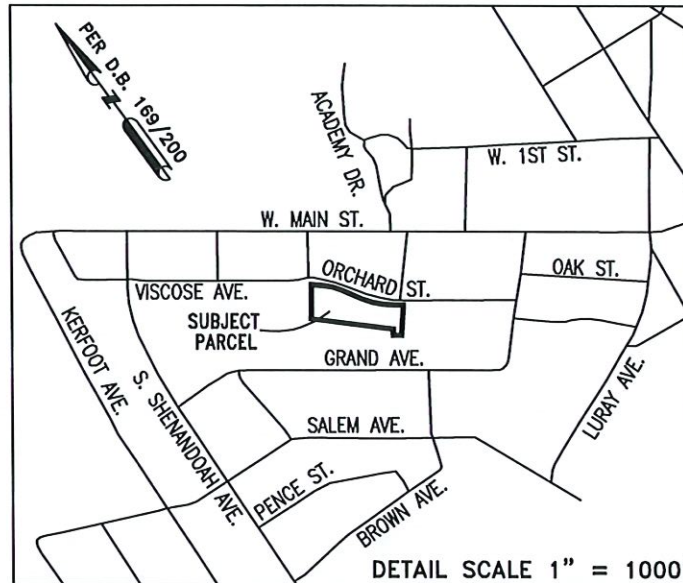
THIS IS TO CERTIFY THAT THE LAND SHOWN ON THIS PLAT IS THE LAND CONVEYED TO DOUGLAS NEAL MCCARTY, DENNIS PAGE MCCARTY, AND DONALD JAY MCCARTY IN INST. # 080002602 AND D.B. 544/780 AND A PORTION OF VARIABLE WIDTH ALLEY AND UNIMPROVED PORTION OF NORTH ST. PER PLAT OF HOFFMAN HEIGHTS SUBDIVISION IN D.B. 22 PAGE 228 RECORDED IN THE WARREN COUNTY CIRCUIT COURT CLERKS OFFICE AND THAT THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINES EXCEPT AS SHOWN.

DATE _____

DATE _____

DATE _____

DATE _____

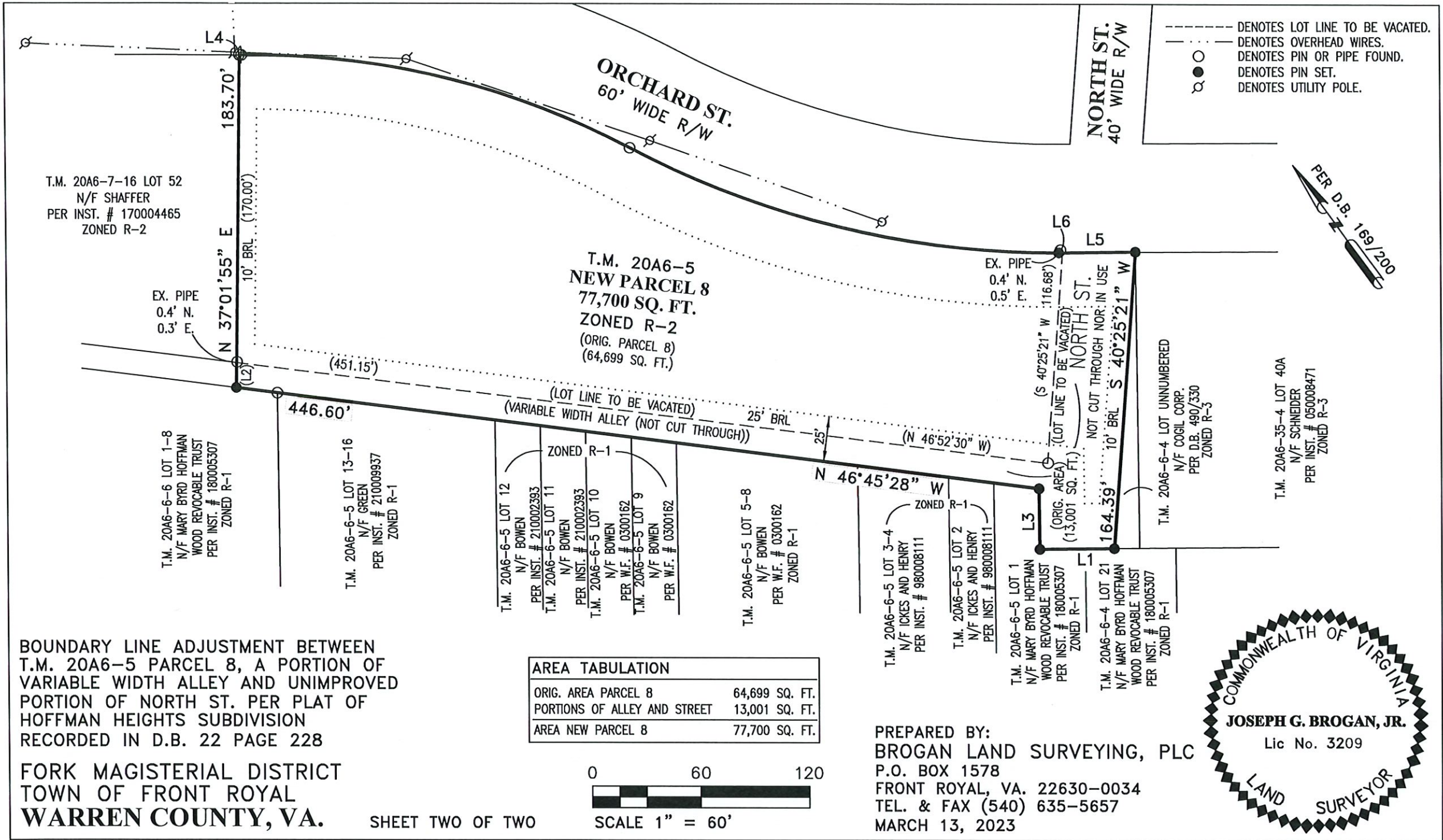


CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	246.23'	500.00'	28°12'57"	N 40°09'28" W	243.75'
C2	222.08'	439.98'	28°55'12"	N 40°30'04" W	219.73'

LINE	BEARING	DISTANCE
L1	N 54°30'00" W	41.05'
L2	N 37°01'55" E	13.70'
L3	N 35°30'00" E	33.51'
L4	S 53°43'09" E	1.11'
L5	S 54°32'00" E	40.15'
L6	S 54°15'56" E	2.16'



PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
MARCH 13, 2023



T.M. 20A6-7-16 LOT 52
N/F SHAFFER
PER INST. # 170004465
ZONED R-2

EX. PIPE
0.4' N.
0.3' E.

T.M. 20A6-6-6 LOT 1-8
N/F MARY BYRD HOFFMAN
WOOD REVOCABLE TRUST
PER INST. # 180005307
ZONED R-1

T.M. 20A6-6-5 LOT 13-16
N/F GREEN
PER INST. # 210009937
ZONED R-1

T.M. 20A6-6-5 LOT 12
N/F BOWEN
PER INST. # 210002393
T.M. 20A6-6-5 LOT 11
N/F BOWEN
PER INST. # 210002393
T.M. 20A6-6-5 LOT 10
N/F BOWEN
PER W.F. # 0300162
T.M. 20A6-6-5 LOT 9
N/F BOWEN
PER W.F. # 0300162
ZONED R-1

T.M. 20A6-6-5 LOT 5-8
N/F BOWEN
PER W.F. # 0300162
ZONED R-1

T.M. 20A6-6-5 LOT 3-4
N/F ICKES AND HENRY
PER INST. # 980008111
ZONED R-1

T.M. 20A6-6-5 LOT 2
N/F ICKES AND HENRY
PER INST. # 980008111
ZONED R-1

T.M. 20A6-6-5 LOT 1
N/F MARY BYRD HOFFMAN
WOOD REVOCABLE TRUST
PER INST. # 180005307
ZONED R-1

T.M. 20A6-6-4 LOT 21
N/F MARY BYRD HOFFMAN
WOOD REVOCABLE TRUST
PER INST. # 180005307
ZONED R-1

T.M. 20A6-6-4 LOT UNNUMBERED
N/F COGIL CORP.
PER D.B. 490/330
ZONED R-3

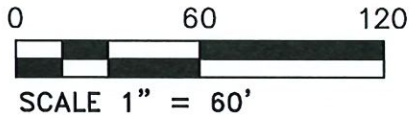
T.M. 20A6-35-4 LOT 40A
N/F SCHNEIDER
PER INST. # 050008471
ZONED R-3

BOUNDARY LINE ADJUSTMENT BETWEEN
T.M. 20A6-5 PARCEL 8, A PORTION OF
VARIABLE WIDTH ALLEY AND UNIMPROVED
PORTION OF NORTH ST. PER PLAT OF
HOFFMAN HEIGHTS SUBDIVISION
RECORDED IN D.B. 22 PAGE 228

FORK MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

SHEET TWO OF TWO

AREA TABULATION	
ORIG. AREA PARCEL 8	64,699 SQ. FT.
PORTIONS OF ALLEY AND STREET	13,001 SQ. FT.
AREA NEW PARCEL 8	77,700 SQ. FT.



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MARCH 13, 2023



T.M. 20A6-7-16 LOT 52
N/F SHAFFER
PER INST. # 170004465
ZONED R-2

T.M. 20A6-5 LOT 8
N/F MCCARTY
PER INST. # 080002602
ZONED R-2

T.M. 20A6-6-6 LOT 1-8
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ZONED R-3

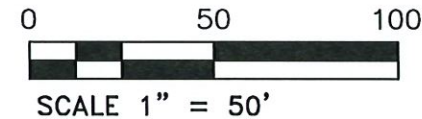
LINE	BEARING	DISTANCE
L1	S 54°32'00" E	40.15'
L2	N 54°30'00" W	41.05'
L3	N 35°30'00" E	33.51'
L4	N 37°01'55" E	13.70'

NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

PLAT REF: D.B. 22 PAGE 228.

SURVEY OF A PORTION OF VARIABLE WIDTH ALLEY AND
UNIMPROVED PORTION OF NORTH ST. PER PLAT OF
HOFFMAN HEIGHTS SUBDIVISION RECORDED IN D.B. 22 PAGE 228

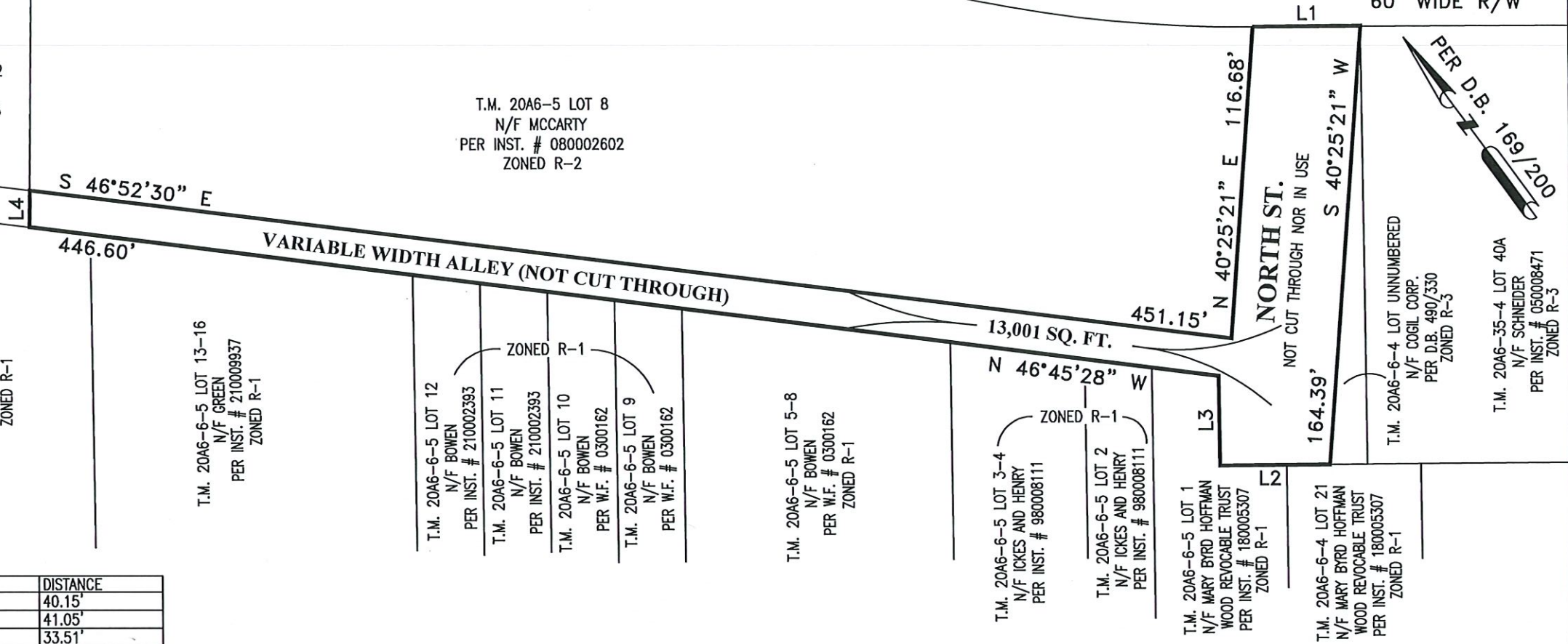
FORK MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.



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MARCH 13, 2023



ORCHARD ST.
60' WIDE R/W



PUBLIC WORKS COMMENTS FROM ROBBIE BOYER:

Notes  				
	Date	Entered By	Note	
	04/26/2023	Boyer, Robert B.	Public Works has reviewed the vacation request, there's no utilities located in either of these areas. Both areas are grown up with trees and brush, we don't have any issues with this request at this time.	

ENERGY SERVICE COMMENTS FROM MARY LYNN.

CAREY SAFFELLE HAD NO COMMENT.

Notes  				
	Date	Entered By	Note	
	04/28/2023	Lynn, Mary	There are no concerns from the Department of Energy Services.	

2300198 - DONALD MC CARTY - ALLEY VACATION





Regular Council Meeting Agenda Statement

Item # 12

Meeting Date: August 28, 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, the Clerk of Council; and,
- 2) pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, more specifically, Town of Front Royal v. Front Royal Warren County EDA, et al., Front Royal Warren County EDA v. Town of Front Royal, First Bank and Trust Company and Town of Front Royal v. Front Royal Limited Partnership; and,
- 3) pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically, portions of North Street and adjacent unimproved alleyway.

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.