



PICTURES SCHEDULED AT 5:30PM/GROUP PICTURE AT 6:30PM

TOWN COUNCIL REGULAR MEETING

Monday, January 22, 2024 @ 7:00pm

Warren County Government Center

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 December 11, 2023 and Work Session Minutes of January 2 & January 8, 2024, as presented.*
5. ADDITION/DELETION OF ITEMS FROM THE AGENDA OR REVISION TO ORDER OF BUSINESS
[Unanimous vote is required to add/delete Items. Added will be placed as the last item under Business Items.]
6. RECOGNITIONS/AWARDS/REPORTS/PRESENTATIONS
 - A. Recognition of Retirement for Major Jason A. Ryman
 - B. Recognition of Promotions within the Police Department – Chief Magalis
7. PUBLIC HEARINGS
 - A. Ordinance Text Amendment Request by Magdalen Capital, LLLP to Amend Zoning Ordinance Pertaining to Minimum Acreage Requirement for Planned Neighborhood Development District (PND)
 - B. Special Use Permit Request from the Warren Coalition for a Lodging House at 501 S. Royal Avenue
 - C. Rezoning Request from Skyline Realty Investments LLC to Rezone 29 W. Duck Street from C-1 to R-3
 - D. Rezoning Request from Cook Realty to Rezone 1121, 1125, 1135 John Marshall Hwy. from R-1 to C-1
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. Order of Business for 2024 Regular Meeting Agendas
 - B. Council Appointments to Audit/Finance Committee and Town Scholarship Committee
 - C. FY24 Budget Amendment to Receive Funds from Northern Virginia/District of Columbia Internet Crimes Against Children (NOVA/DC ICAC) Task Force
 - D. Purchase and Replacement of Vehicles for the Police Department
 - E. Task Order for Contract Administration and Resident Representation Services Pertaining to the Sanitary Sewer Project Awarded to Snyder Environmental Services
11. Business Items
 - A. Resolution of Financial Support for *Reaching Out Now, Inc.* (“Resolution”) for the Operation of the Santmyers Student Union and Leadership Center, a Revitalization of the Former Raymond E. Santmyers Youth Center, Located at 200 E. 8th Street.
12. CLOSED MEETING
13. Adjourn



Roll Call by Clerk of Council

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

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

FY25 Budgetary Items for Review and Budget Calendar – Finance Director BJ Wilson presented Council with a proposed list of FY25 budgetary items noting the list was very preliminary. He advised that the highlighted items on the list will be deferred to future years. He continued by giving an overview of a few items including: actual medical insurance increase slated for late February; review of various special events; ACES initiatives; last year of funding for the body camera replacements; IT virtual machine services and firewall upgrade; replacement of ATAD pump 2 due to reaching end of life; replacing various vehicles; and waterline upgrades in various parts of Town. Mr. Wilson clarified that the following items were to potentially seek financing: Clearwell 1 & 2 repairs; vacuum truck; 4-H station pump upgrades; Jamestown pump station upgrades; new 825,000-gallon Clearwell at the Water Plant; and Riverton pump station rehabilitation/upgrade. The list of debt service (capital projects), he noted, was already committed and placed on the list for reference.

Mr. Wilson asked Council for an update to the Budget Calendar that would push the deadline of the proposed budget from February 1st to March 1st because of the unknowns of the Solid Waste Study and Health Insurance costs. Council agreed to the revision.

Mayor Cockrell clarified with staff that the special events listed did not include the cost of staff's time and preparation for the events. Councilman Rappaport stated that special events were good for the community. Councilwoman DeDomenico-Payne suggested adding a footnote *"this does not include staff time."*

Consent Agenda Items for January 22nd

A. Purchase and Replacement of Vehicles in the Police Department – This item was discussed briefly during the proposed budget overview. It was noted that the goal was to replace vehicles at 100,000 miles but vehicles were not purchased during COVID. It was hoped that going forward the purchases would be staggered. Council agreed to add to the Consent Agenda on January 22nd.

B. FY24 Budget Amendment for Internet Crimes Against Children Funds – Finance Director BJ Wilson advised that \$3,000 was received from the Northern Virginia/District Columbia Internet Crimes Against Children Task Force and would be used to reimburse for the purchases needed at the police department. Council agreed to add to the Consent Agenda on January 22nd.



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.

C. Set Regular Meeting Agenda's Order of Business for 2024 – Mayor Cockrell introduced this item and gave a brief history of why this item needed action every year. There was consensus on the Order of Business for 2024 to leave as is and Council agreed to add to the Consent Agenda on January 22nd.

Councilwoman Morris voiced concern that there used to be two readings for public hearings and asked that Council revisit having two readings reinstated. Mayor Cockrell gave a brief history of how and why the second reading was rescinded. Town Attorney George Sonnett reminded Council that second readings in the past were made only for Town Code amendments. Ms. Morris noted that if she was not comfortable, she would suggest delaying a public hearing moving forward. Mayor Cockrell suggested discussing reinstating second readings for public hearings in a future work session.

Mayor Cockrell passed out a proposed Code of Conduct for Council and asked that it be placed on the next work session for discussion.

D. Appointments to the Audit/Finance Committee and Scholarship Committee – Mayor Cockrell gave an overview of the committees and their duties, and asked Council who would like to serve. The following was agreed by Council and will be added to the Consent Agenda of January 22nd.

Audit/Finance Committee – Councilwoman DeDomenico-Payne and Councilman Ingram
Scholarship Committee – Councilwoman Morris and Councilman Wood.

Councilman Wood asked Council how they would feel about beginning a Water Committee as allowed in the Town Code (4-2) B. A Water Committee with which the Town Manager may consult on all matters with regard to water. He voiced his concerns regarding last year's drought and the need to review a secondary source of water.

Mayor Cockrell gave a brief history of water and transportation issues discussed at the Liaison Committee Meetings recently. Town Manager Joe Waltz advised that water should be discussed with the Northern Shenandoah Valley Regional Commission (NSVRC) and handled across the valley, noting that localities are mandated to regionally plan. Mayor Cockrell suggested finding out what steps NSVRC had taken, noting that Vice Mayor Sealock and Director of Planning Lauren Kopishke were already NSVRC representatives for the Town. Mr. Waltz advised that McKay Springs and a Water Capacity Study would be coming before Council in mid-February. It was noted that Brandon Davis, Executive Director of NSVRC used to report to Council and asked if that could be arranged again.

E. Liaison Committee Meeting Items for January 18th Meeting – Mayor Cockrell advised that items were being suggested for the next Liaison Committee Meeting. Councilwoman De-Domenico-Payne advised that she would accompany the Mayor to the meeting. The following items were suggested to be added to the Meeting Agenda:

- * Transportation (Ingram)
- * Work Force Housing (Rappaport)
- * Taxes Delay (Mayor confirmed with Finance Director)
- * What do we want to achieve together – goal setting (De-Domenico-Payne) – Council agreed that this may not be ready since Council would be goal setting at their retreat on January 29th and 30th.
- * Avtex Conservancy Update (Morris)
- * McKay Spring Update (Morris) – County already placed



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* Property Maintenance/Blighted Structures with County – Mr. Waltz advised that this item could not be accomplished without assistance from the County, explaining that the Town could implement Town Code, but the County's Building Code Officials was needed to complete and finalize. It was determined that the topic could be introduced on the 18th advising the committee that more information would be forthcoming at the April Liaison Committee Meeting.

* Briefing on the speed cameras (Rappaport)

Mayor Cockrell asked that this item be added to the January 8th work session for further discussion.

Public Hearings for January 22nd

A. Special Use Permit for Lodging House at 501 S. Royal Avenue – Warren Coalition – Director of Planning Lauren Kopishke advised that the Planning Commission recommended approval with conditions. She explained that there would be no more than eight (8) rooms utilized and ten (10) parking spaces provided before commencement of use. Councilman Rappaport questioned the schematic of the parking and was advised that a revised parking lot had been received and it appeared to work. He questioned how many people would be at this address. Ms. Kopishke advised fifteen (15) utilizing eight (8) rooms. Mayor Cockrell advised that the idea was that those residents at The Landing on N. Royal Avenue would move to this address and The Landing would be used for females.

Ms. Kopishke explained that the parking requirement for the lodging house was one (1) per bedroom and two (2) employees. Councilwoman Morris expressed her frustration with the parking requirements as they related to short-term rentals, long-term rentals, etc. Ms. Kopishke advised that parking depends on the use and every use must have parking requirements.

Councilwoman DeDomenico-Payne voiced concern about the hotel down the street and whether it would be a bad influence on the residents. She also questioned the crime rate in the vicinity and whether the residents were going to be tested every day. Police Chief Magalis advised that he could get the information on the crime rate in the area to Council. Mayor Cockrell advised that The Landing has had very few issues. Ms. Morris advised that the Warren Coalition performs all the testing. While it was noted that the applicant was in attendance to answer questions, Town Attorney George Sonnet voiced his concerns about Council hearing from the applicant at a work session but noted that him being present to listen was fine.

Councilman Rappaport confirmed that the application was for the main house not the two-story garage (accessory structure) and that by law it would have to be ADA accessible.

Council agreed to advertise for a public hearing to be heard on January 22nd.

B. Rezoning Application for 29 W. Duck Street – Skyline Realty Investments - Director of Planning Lauren Kopishke advised that this item was a rezoning request from C-1 to R-3 and that the Planning Commission recommended approval. Mayor Cockrell voiced concern about Duck Street not being wide enough for cars parked on both sides of the street. Ms. Kopishke confirmed that they would have to have two (2) off-street parking per unit. Council agreed to advertise for a public hearing to be heard on January 22nd.

C. Rezoning Application for 1121, 1125, 1135 John Marshall Highway – Cook Realty – Director of Planning Lauren Kopishke advised that this was a rezoning for three (3) parcels: main house and three (3) accessory structures aka as The Trellis. She advised that the Comprehensive Plan called for this area of John Marshall



Highway to be zoned mixed use, noting that the intent was for a mixture of commercial and residential uses. She advised that this request was in line with the Comprehensive Plan.

Councilman Rappaport advised Council of a phone call he received in October 2023 regarding loud music from the site and questioned how this could be addressed in the future. There was much discussion regarding the Town's Noise Ordinance and the violations and expectations that come along with the ordinance. Mr. Rappaport also questioned the conditions that were placed when the short-term rental was approved by Council in 2023 and how events could be held without compliance. Town Attorney George Sonnett stated that the rezoning application before Council was not an examination of current use and if approved the applicant would establish a use under C-1. Ms. Kopishke advised that staff was going out tomorrow regarding compliance of the roof and the parking plan had been submitted. Continued discussion ensued regarding commercial mixed used.

Council agreed to advertise for a public hearing to be heard on January 22nd.

New Business

A. Out of Town Utility Connection Application from the Catholic Diocese of Arlington and Warren County Board of Supervisors – Town Manager Joe Waltz read the summary: The Town received a request for water and sewer connection from Warren County and Catholic Diocese of Arlington for 0 Criser Road which is located outside the corporate limits. The Town Code addresses extension of water and sewer service to Warren County in Chapter 134-1 C EXTENSION POLICY BEYOND TOWN LIMITS and Chapter 134-1 D. EXTENSION MORATORIUM AREAS which is included in the packet. In Chapter 134-1C states that The Town Council will decide on a case-by-case basis whether to provide water and sewer to the proposed property(ies) as well as whether a boundary adjustment is appropriate. In Chapter 134-1D states a moratorium of utility connections and extensions in Warren County to all undeveloped properties or lots not served by Town utilities as of the date of adoption of this Code Section is established that shall require sufficient studies and modeling prior to the Town's consideration of additional connections or extensions with the exception of: 1)Route 522 Corridor; 2) Blue Ridge Shadows; 3) McKay Properties; 4) Henselstone Subdivision; 5) Guard Hill Rd parcels located within 100' of existing water main; and 6)Harmony Hollow Road parcels located within 100' of the existing water main. He advised that Council was to consider whether they wanted a boundary line adjustment.

Councilwoman DeDomenico-Payne questioned how the water usage was measured and will infrastructure support it. Director of Public Works Robbie Boyer advised that 4,000 gallons a day was what the engineer used, noting that it was not a bad draw. It was confirmed that churches receive the first 3,000 gallons free of charge and there was no tax benefit if boundary line adjusted into the Town; however, if there was no boundary line adjustment, they would pay twice the rate over 3,000 gallons.

Councilman Wood suggested negotiating sidewalks for building in Town limits if it was approved as a boundary line adjustment. It was confirmed that the other commercial businesses in the immediate area were paying out of town rates.

Mr. Waltz reiterated whether Council wanted a boundary line adjustment. Mr. Sonnett reminded Council that any decision was unilateral with the County.



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.

Council agreed to bring back to the January 8th work session for further discussion.

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 Town Attorney, Assistant Town Attorney and Board of Zoning Appeals (BZA); and,
- 2) pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically, obligations of the Front-Royal Warren County EDA.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Adjourned approximately 9:50 pm

Approved by Town Council

Date: -----



Roll Call by Clerk of Council

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

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

Solid Waste Cost of Service Study from MSW Consultants – Finance Director BJ Wilson introduced the Town's Supervisor of Solid Waste Eric Jorgenson, and Principal of Mid-Atlantic Solid Waste (MSW) Consultants John Culbertson. Mr. Culbertson gave a presentation named Solid Waste Utility Cost of Service Rate Study. He began with a quick history of the company and the tasks their company had completed to date specifically noting that the rates had not been adjusted since 2016. Mr. Culbertson reminded Council of the services the Town currently has including residential collection, large item collection, commercial collection, recycling collection, yard waste disposal, and recycling ramp for white goods.

He continued by showing the test year revenue sufficiency which was a deficit of 27% or \$375,000 and recommended residential rate path options: 1) one year rate increase including the entry onto private property collection, or 2) three-year rate increase phase-in 2024-2026. He made it clear that entry onto private property was recommended as a one-year rate increase and not included in the three-year rate increase phase-in. Mr. Culbertson recommended the commercial rate path to full cost in one increase, noting that the disposal cost was incorporated in the rate.

Part of the focus of the study, he stated, was Main Street and the way solid waste was being collected in that area. He reviewed the current Main Street rate structure with Council focusing on the low cost of residential and commercial accounts and those who were not being charged at all, noting the current revenue was \$15,884 and the full cost of service was \$86,502.

Mr. Culbertson guided Council by asking the following questions: Was it equitable to charge some and not others? Was it equitable to charge residential and commercial accounts equally? Was it equitable to charge all commercial accounts the same rate when waste generation varied greatly?

In conclusion to the presentation, Mr. Culbertson gave Council ideas for Main Street 1) a survey of Main Street businesses and/or residents, 2) an audit of materials generated by various users to establish simple Main Street customer classes and rates, 3) a Town Hall meeting to gain stakeholder thoughts and 4) Town Code revisions to define non-residential waste generators and tie to utility billing requirements as solid waste is a utility.



There was much discussion about the rate structure for Main Street and a basic tier rate structure was recommended differentiating rates by size of business and amount of waste, noting that downtowns are unique, and most localities have issues on how to charge. Mr. Wilson advised that there are some commercial businesses that use private haulers.

Mayor Cockrell voiced concern over the 27% deficit and how she didn't want other customers to be making up for someone who was not being charged on Main Street. There was much discussion on how to get a grasp on the 68 accounts on Main Street that were not being charged. Mr. Wilson explained that there was no standardization on Main Street and that was what was needed.

Councilman Wood clarified that the single stream recycling collection was built into the rates. Mr. Culbertson gave a brief history on how the recycling industry had changed since 2017.

Town Manager Joe Waltz advised that staff was looking for guidance on whether Council wanted the one-year rate increase or the three-year rate increase phase-in, noting that the increase would begin July 1, 2024. He suggested that staff come back to Council with options for the Main Street issue. Mr. Culbertson advised that the phase-in option should be no longer than three years and that the study was completed with current overhead and trucks. He stressed that the Town was within reasonable rates for operation. Councilman Ingram suggested the three-year phase-in first and then review the Main Street issue; however, Mr. Wilson recommended doing both at the same time. Mr. Waltz reiterated that the last increase was in 2016 and recommended the three-year phase-in. Council's consensus was the three-year phase-in option and make Main Street fair and equitable. It was confirmed that there was no way to measure Main Street dumpsters. Mr. Culbertson reiterated that the commercial increase was a one year increase as well as the entry onto private property.

Mr. Waltz advised that he had everything he needed and would bring back to Council.

Consent Agenda Items for January 22nd

A. Sanitary Sewer Project – Contract Administration & Resident Project Representation – Finance Director BJ Wilson reminded Council they recently approved a \$2.7 million sanitary sewer project to Snyder Environmental Services and before them tonight was a task order for CHA Consulting related to contract administration and resident representation services that allowed them to be onsite reviewing work.

Council agreed to place on the consent agenda for January 22nd.

Old Business

A. Liaison Committee Meeting Items Review – Councilwoman DeDomenico-Payne questioned the intent of the Work Force Housing item. Councilman Rappaport advised that his thought was incentivizing. Councilman Wood suggested a subcommittee with the County. Councilwoman Morris opined that it was a FREDA initiative. Mr. Rappaport mentioned grant funding initiated by the governor and thought that FREDA would be able to tap into the funds due to their independent status. Mr. Waltz agreed that FREDA could explore and provide incentives for developers. Mayor Cockrell suggested Council focus on themselves first before discussing with the County. Mr. Rappaport agreed to put something together on what he had researched and send it to Council and FREDA. It was agreed to keep the items listed with the removal of Work Force Housing.



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B. Out of Town Utility Connection Application from the Catholic Diocese of Arlington and Warren County Board of Supervisors Continued Discussion – Marissa Whitacre with Greenway Engineering was in attendance and available to answer any questions. Mayor Cockrell gave an overview from last week's work session. Town Manager Joe Waltz reminded Council that the applicant was asking for out-of-town water and disclosed that there was a moratorium on certain areas listed in the Town Code.

Ms. Whitacre was introduced at this time and explained that the 4,000 gallons of water usage a day was based off the seating capacity of churches recommended by state code. She advised that the construction was in two phases. The first phase was the construction of a gymnasium for overflow of church services and phase two was the sanctuary, stressing that the church downtown was not going to be closed. In the future the hopes were to purchase the adjacent parcel for field activities advising that there was no intention of opening a school on the site. She stated that the church was aware that the fees would be double if not boundary line adjusted into the Town limits, noting that there were utility lines already on the property. She stated that the entire build out would be a little over 20,000 square feet when completed.

Town Attorney George Sonnett reminded Council that there was a moratorium in Town Code for extensions of water and sewer and if Council were to extend water and sewer to the site, the Town Code would have to be amended to include this area.

Councilman Wood stressed the importance of sidewalks for children and approving a boundary line adjustment could assist with that construction. Discussion ensued as to whether sidewalks were required during the site plan process.

Mr. Waltz reiterated that Council first consider whether to approve a boundary line adjustment if not then Council would decide whether to provide water out of town. Mr. Sonnett reiterated that if Council were to provide out of town water without a boundary line adjustment, then a Town Code amendment was required. Ms. Whitaker confirmed that the applicant wanted either a boundary line adjustment or out of town water.

Mayor Cockrell summarized the three options: 1) boundary line adjustment, 2) provide out of town water or 3) provide nothing. Councilman Ingram asked that the applicant request in writing what they wanted. Mr. Sonnet stated that a boundary line adjustment could be triggered by a Resolution and then provided to the County. If there was an agreement to provide out of town water the Town Code would be amended to revise Section 134.D. Council discussed the advantages and disadvantages of each option with the consensus to give the applicant out of town water. Mr. Waltz suggested bringing this item back to the work session on February 5th with a draft Town Code amendment. Ms. Whitacker advised that the County had asked them to place a sidewalk along Criser Road.

New Business

A. Code of Conduct Review – Mayor Cockrell passed out a revised Code of Conduct and went over the revisions with Council. Councilwoman Morris voiced concern that it was going to be used as a tool against Council and therefore would not be participating in its review. Mrs. Cockrell stated that the purpose was civility towards each other and the public, not to get any council member unseated. She continued the discussion with Council reviewing each line and making suggestions along the way. Mayor Cockrell would decide later whether to add to the January 22nd meeting for formal approval.



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.

CLOSED MEETING

Councilwoman Morris moved seconded by Vice Mayor Sealock 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 Section 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,
- 2) pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for 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, First Bank and Trust; 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, a) property located at 200 E. 8th Street formerly owned by the Town, and b) the obligations of the Front Royal-Warren County EDA.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilwoman Morris left the meeting at 10:50pm due to family matter.

Councilwoman DeDomenico-Payne 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 Sealock, Ingram, Rappaport, DeDomenico-Payne, Wood

No – N/A

Absent – Councilwoman Morris

Abstain – N/A

ROLL CALL

Adjourned approximately 11:15 pm

Approved by Town Council

Date: -----



REGULAR COUNCIL MEETING AGENDA STATEMENT

Meeting Date: January 22, 2024

Item#07A

Agenda Item: PUBLIC HEARING - Ordinance Text Amendment Request by Magdalen Capital, LLLP to Amend Zoning Ordinance Pertaining to Minimum Acreage Requirement for Planned Neighborhood Development District (PND)

Summary: Council has received an ordinance text amendment request from Magdalen Capital, LLLP to amend the Town's current zoning ordinance specifically sections 175-37.3.C, 175-37.4.A and 175-37.17.A pertaining to the minimum acreage requirement for the Planned Neighborhood Development District (PND), from the existing 20 and 50-acre minimum lot requirements to a 2-acre minimum lot requirement.

The Planning Commission recommended a 5-acre minimum to allow sufficient space for development. Staff spoke with the consultant who is currently revising the Town's Zoning Ordinance. The consultant agrees that reducing the acreage requirement would permit flexibility and allow additional parcels within Town limits to apply for rezoning to PND Districts. The PND District can support a wider variation of housing and potentially promote affordable housing projects. This is consistent with the goals and intent of the Comprehensive Plan, especially the creation of new and more attainable housing options. There are approximately 72 parcels in Town which are undeveloped and larger than 5 acres, of those 37 acres are zoned residential.

The proposed amended ordinance is attached.

Budget/Funding: N/A

Meetings: Work Session held December 4, 2023

Proposed Motions:

- 1) In furtherance of the purposes and objectives contained in Town Code §175-1 (B), I move that Council approve an amendment to the Town's Zoning Ordinance Sections 175-37.3.C., 175-37.4.A. and 175-37.17.A pertaining to Planned Neighborhood Development District (PND) minimum acreage requirement from the existing 20 and 50-acre minimum lot requirement to a 5-acre minimum lot requirement, as presented.
- 2) In furtherance of the purposes and objectives contained in Town Code §175-1 (B), I move that Council deny an amendment to the Town's Zoning Ordinance Sections 175-37.3.C., 175-37.4.A. and 175-37.17.A pertaining to Planned Neighborhood Development District (PND) minimum acreage requirement.
- 3) DO NOT CLOSE PUBLIC HEARING - I move that Council continue the public hearing to (insert date).

Moved _____ Seconded _____

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

Town of Front Royal, Virginia

Planning Commission Regular Meeting Agenda

☐ Consent Action ☐ Administrative Action ☒ Public Hearing ☐ Discussion

Agenda Item: 2300609 – Ordinance Amendment

MEETING DATE: November 15, 2023

SUMMARY: 2300609 – An Ordinance text amendment request submitted by Magdalen Capital, LLLP to amend the current Zoning Ordinance sections 175-37.3.C, 175-37.4.A & 175-37.17.A regarding the minimum acreage requirement for the Planned Neighborhood Development District (PND) from the existing 20 and 50-acre minimum lot requirements to a 2-acre minimum lot requirement.

STAFF RECOMMENDATION: Town Staff recommends the minimum acreage be 5 acres to allow sufficient space for development.

Town staff has no objections to the request and spoke with the Consultant who is currently revising the Zoning ordinance. The Consultant agrees that reducing the acreage requirements would permit flexibility and allow additional parcels within Town limits to apply for rezoning to PND districts. The PND district can support a wider variation of housing and potentially promote affordable housing projects. This is consistent with the goals and intent of the comp plan, especially the creation of new and more attainable housing options.

DRAFT MOTION: “I move that the Planning Commission forward a recommendation of approval to the Front Royal Town Council to amend the current Zoning Ordinance sections 175-37.3.C, 175-37.4.A & 175-37.17.A regarding the minimum acreage requirement for the Planned Neighborhood Development District (PND) from the existing 20 and 50-acre minimum lot requirements to a 5-acre minimum lot requirement.”

NOTE: This is only a draft motion. Alternative motions are also welcome.

PLANNING COMMISSION ACTION:

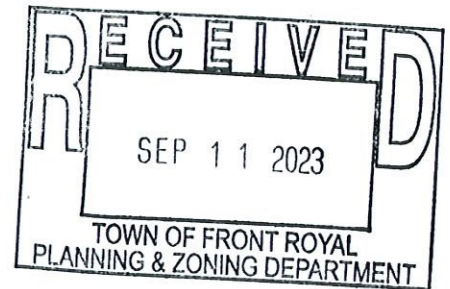
Moved _____ Seconded _____

Wells _____ Matthiae _____ Wood _____ Marshner _____ Williams _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied ☐ Other



20 E. 8th Street, Suite 3
Front Royal, VA 22630
alex@magdalencapital.com



Sept 11, 2023

Ms. Lauren Kopishke
Director, Department of Planning and Zoning
Town of Front Royal
102 East Main Street
Front Royal, VA 22630

RE: Zoning text amendment

Dear Lauren,

I am writing to you on behalf of Magdalen Capital, LLLP to request a text amendment to current zoning ordinances regarding the minimum acreage requirement for Planned Development (PND) projects within the Town of Front Royal. The objective of this request is to propose a reduction in the existing 20 & 50 -acre minimum requirements noted to a more suitable 2-acre minimum requirement for PNDs.

In light of changing development trends and to align with modern urban planning principles, I propose this modification. A similar change has been successfully implemented in nearby towns in Virginia. This change opens the door and encourages innovation and fosters vibrant, community-oriented projects. Currently there is not many if any suitable lot of purchase in town large enough to meet this requirement of 20 & 50 acre bench marks.

The rationale for this proposed modification in the Town of Front Royal is as follows:

Diverse Development Opportunities: A lowered minimum acreage requirement would attract both small and large-scale projects, promoting a mix of development types that cater to the town's evolving needs. Especially using traditional Neighborhood approach.

Efficient Land Use: By allowing for smaller-scale developments, we can make efficient use of available land and create walkable neighborhoods that align with comprehensive plans.

Innovative Design: Smaller developments often encourage innovative and unique architectural designs, contributing positively to the town's character.

Economic Growth: A flexible requirement can stimulate economic growth, attracting diverse developers, potentially increasing tax revenues, job opportunities, and local economic resilience.

Responsive to Community Needs: Adapting the minimum acreage requirement acknowledges the changing population and housing market, enabling the town to meet evolving community needs more effectively.

To proceed, please see attached text amendment requests noted and highlighted.

Thank you for your time and consideration. With your support, we can create a zoning framework that promotes innovation, enhances community appeal, and aligns with the dynamic nature of the Town of Front Royal.

Thank you for your time and consideration. We look forward to working with you.

Sincerely,

Alex Stieb
Partner
Magdalen Capital, LLLP

**AN ORDINANCE TO AMEND SECTIONS 175-37.3.C, 175-37.4.A AND 175-37.17.A.
PERTAINING TO MINIMUM ACREAGE REQUIREMENT FOR PLANNED
NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)**

175-37.3 PERMITTED USES (PND)

A. All planned neighborhood developments shall permit the following residential and accessory uses:

1. Detached single-family dwellings;
2. Two-family dwellings;
3. Multi-family dwellings;
4. Townhouses with a maximum of eight units per structure;
5. Accessory buildings or uses as defined in Town Code Section 175-3;
6. Recreation or park facilities;
7. Retirement living facilities (handicapped accessible)
8. Municipal buildings or uses;
9. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems. Such utilities shall be buried or otherwise screened in accordance with design standards of the development;
10. Home Occupations as set forth in Section 175-108;
11. Public libraries;
12. Schools; and
13. Churches.
14. Special childcare services.
15. Open space and conservation areas.
16. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

B. Planned neighborhood developments shall permit the following community and institutional uses under the terms set forth in Section 175-37.9, Density Bonus:

1. Day care centers; and
2. Community Halls

C. Planned neighborhood developments comprising ~~50-acres~~ **two (2)** or more may contain the uses permitted in subsections A and B as well as the following commercial uses:

1. Neighborhood-oriented commercial businesses;
2. Personal services;
3. Business or professional offices; and
4. Neighborhood restaurants; and
5. Banks, branch banks and financial institutions.

D. Planned neighborhood developments may include the following uses provided such uses are either specifically approved as part of the original development plan or approved by special use permit in accordance with Section 175-136 if proposed subsequent to approval of the Master Land Use Plan.

1. Bed and Breakfast home
2. Assisted Living Facility or other nursing home as permitted in the R-3 District.
3. Automotive fuel facilities in conjunction with neighborhood retail stores, provided adequate demonstration is made that the facility can be supported by the neighborhood in which it is located without attracting additional traffic into the neighborhood. Such facilities shall not include the storage or sale of automobiles, automotive mechanical or body repair work, painting, welding or other activities not normally associated with the dispensing of gasoline.
4. Art galleries and museums.

E. Except as otherwise specified for PND's, proposed uses within a PND shall be subject to the provisions set forth for such use in the Zoning Ordinance (Chapter 175 of the Town Code).

F. Prohibited Uses

Junkyards, off-site signage, used automobiles and truck/trailer sales, manufactured and mobile homes, outdoor storage yards, and industrial uses are prohibited in a Planned Neighborhood Development.

175-37.4 STANDARDS (PND)

A. Planned neighborhood developments shall contain not less than ~~20~~ **two (2)** contiguous acres.

B. The project area must be held in single ownership or all property owners within the proposed district must participate in the application.

C. Planned neighborhood developments shall be served by municipal water and sewer service and municipal electric service if located within the Town's electric service area.

D. Allowable base residential density. Overall residential density shall not exceed the overall allowable residential density of the parcel or parcels involved prior to the re-zoning, dedicated to uses other than the commercial uses set forth in Sections 175-37.3 B and C. This base residential density may be increased at the Town Council's discretion up to a maximum of 6.0 dwelling units per acre.

E. Conservation lands. Lands with the following characteristics shall not be developed and shall not be platted as part of a residential, community, institutional or commercial lot within a planned neighborhood development: land within the 100-year flood plain; land with a natural slope in excess of 40 percent, and as determined by standard slope computation methods. These lands shall be designated on the plat for conservation purposes. Conservation lands may be used in computing

the allowable base residential density. Nontidal wetlands may be platted, but shall be protected by preservation easements.

F. Management and ownership of common open space and facilities. All common spaces, properties, and facilities not deeded to the Town or other public entity shall be preserved for their intended purpose as specified on the approved plan. The developer shall provide for the establishment of a property owner's association conforming to the Virginia Property Owners' Association Act, Code of Virginia (1950) as amended, to ensure the maintenance of all common areas.

175-37.17 COMMERCIAL USES DEVELOPMENT STANDARDS (PND)

A. The total acreage of commercial users in Planned Neighborhood Development Districts shall comply with the following requirements.

Acreage of PND	Total Acreage of Commercial Uses
20 2 Acres – 50 Acres	No Minimum 5% Maximum
51 Acres – 100 Acres	5% Minimum 10% Maximum
101 Acres – Plus	5% Minimum 15% Maximum

The developer/owner shall provide specific justification of commercial areas proposed in excess of 5% of the total acreage, identifying specific impacts of the commercial development and demonstrating adequate mitigation of such impacts.

B. Commercial uses shall be designed with the intention of serving the immediate needs and convenience of residents within and immediately surrounding the Planned Neighborhood Development.

C. Commercial uses shall not receive a certificate of occupancy until building permits have been issued for fifty percent of the residential units within the Planned Neighborhood Development.

D. Commercial structures shall comply with the height requirements in Code Section 175-50.

E. Commercial uses shall comply with the Performance Standards stated in Code Sect. 175-52.

F. Parking for commercial uses shall be in accordance with Town Code Section 175-104.

This ordinance shall become effective upon passage.

APPROVED:

Lori A. Cockrell, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Ordinance was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2024 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

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____.

Approved as to Form and Legality:

George M. Sonnett, Jr., Town Attorney

Dated: _____

DRAFT



REGULAR COUNCIL MEETING AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 07B

Agenda Item: PUBLIC HEARING - Special Use Permit Request from the Warren Coalition for a Lodging House at 501 S. Royal Avenue

Summary: Council has received a Special Use Permit request from The Warren Coalition for a lodging house at 501 S. Royal Avenue (tax map# 20A7-8-1). The property is zoned C-1, Community Business District and located in the Entrance Corridor. The Planning Commission recommended approval with the following conditions:

- 1) The total number of lodging rooms or units shall not exceed eight (8).
- 2) Applicant to provide parking to accommodate ten (10) spaces prior to the commencement of the use.

The accessory structure behind the house does have an apartment and is part of the application. The parking for this structure has been included in the above calculation for #2 condition above.

Budget/Funding: N/A

Meetings: Work Session held January 2, 2024

Proposed Motions:

- 1) In furtherance of the purposes and objectives contained in Town Code §175-1 (B), I move that Council approve a Special Use Permit to The Warren Coalition for a lodging house/apartment at 501 S. Royal Avenue (tax map# 20A7-8-1), contingent upon the following conditions: 1) The total number of lodging rooms or units shall not exceed eight (8) and, 2) Applicant to provide parking to accommodate ten (10) spaces prior to the commencement of the use.
- 2) In furtherance of the purposes and objectives contained in Town Code §175-1 (B), I move that Council deny a Special Use Permit to The Warren Coalition for a lodging house/apartment at 501 S. Royal Avenue (tax map# 20A7-8-1).
- 3) DO NOT CLOSE PUBLIC HEARING - I move that Council continue the public hearing (insert date).

Moved _____ Seconded _____

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

Town of Front Royal, Virginia

Planning Commission Monthly Meeting Agenda

☐ Consent Action

☐ Administrative Action

☒ Public Hearing

☐ Discussion

Agenda Item: Special Use Permit – 2300695

MEETING DATE: December 20, 2023

SUMMARY: Warren Coalition – A request for a Special Use Permit for a lodging house located at 501 S. Royal Avenue, identified by Tax Map 20A7-8-1. The property is zoned C-1, Community Business District and is located in the Entrance Corridor.

STAFF RECOMMENDATION:

DRAFT MOTION: “I move that the Planning Commission forward a recommendation of approval with the following conditions:

1. The total number of lodging rooms or units shall not exceed eight (8).
2. Applicant to provide parking to accommodate ten (10) spaces.

NOTE: This is only a draft motion. Alternative motions are also welcome.

PLANNING COMMISSION ACTION:

Moved _____ Seconded _____

Wells _____ Matthiae _____ Marshner _____ Wood _____ Williams _____

☐ Approved

☐ Approved w/ Conditions

☐ Denied

☐ Other



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

Planning Commission Regular Meeting December 20, 2023

APPLICATION #:

2300695

APPLICANT:

Warren Coalition

APPLICATION SUMMARY:

A Special Use Permit application has been submitted for a lodging house located at 501 S. Royal Avenue.

GENERAL INFORMATION:

Site Addresses	501 S. Royal Avenue
Property Owner(s)	William T. Vaught, Jr.
Existing Zoning	C-1, Community Business District (Entrance Corridor)
Historic District	No
Proposed Use	Lodging House
Tax Identification	20A7-8-1
Location	The property is located in the SW corner of the intersection of S. Royal Avenue and South Street.

Vicinity Map (Warren County GIS)



Town Zoning Map (Warren County GIS)



Aerial (Warren County GIS)



INFORMATION ON THE APPLICATION:

Town Code

175-3, LODGING HOUSE - A residential building, other than a hotel, motel, or bed-and-breakfast home, where lodging is provided for compensation on a regular basis, pursuant to previous arrangements, but which is not open to the public or transient guests. Meals may be provided to the residents in a central location; however, no provisions shall be made for cooking in individual rooms or units. The maximum number of rooms or units shall be controlled by the area requirements of the district in which the use is located, but in no case shall the total number of lodging rooms or units exceed ten (10). A "Lodging House" shall also be known as a "Rooming House" or a "Boarding House."

175-39.B, USES PERMITTED BY SPECIAL PERMIT (C-1)

B. The following uses are permitted within the C-1 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-1 District:

RESIDENTIAL:

Apartments or dwelling units, with four (4) or more units or where located on the ground floor, subject to the provisions of Section 175-113.

COMMERCIAL:

Automobile garages, excluding where repairs work is only an accessory use, subject to the requirements of Section 175-110.3 where motor vehicle painting or body work services are provided.

Automobile Parking Lots, commercial.

Bed & Breakfasts, as set forth in Section 107.3.

Day Care Facilities and schools, subject to the provisions of Section 175 -107.1F, and any necessary improvements or changes to address the considerations of that section.

Farmers' markets, and flea markets, in accordance with 175-44.F.

Kennels

Shopping centers as set forth in Section 175-111.

INDUSTRIAL:

Distribution facilities, subject to the standards and criteria for industrial uses provided in Section 175-70.

Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in Section 175-70.

ORGANIZATIONAL:

Schools

MISCELLANEOUS:

Any use permitted under Section 175-39, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-41, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Conservation areas.

Communication towers, in accordance with Section 175-110.4

Conversion of a structure originally designed and intended for occupancy as a single-family dwelling into a structure with more than one (1) dwelling.

Boarding Houses, Clubs & Lodging Houses

Mini-warehouses, subject to the standards of Section 107-44.G.

Nursing homes, as set forth in Section 175-107.

Parking Structures.

Structures with a height between 45 feet and 70 feet, and any residential structure not in conformance with the height limitation of Section 175-41.

Structures with a gross floor area of 50,000 square feet or more.

Townhouse-style commercial development, where the intent is to divide the property into individual lots.

One (1) parking space per room and an additional two (2) parking spaces for employees.

Project Summary

A Special Use Permit (SUP) Application has been submitted by the Warren Coalition for a lodging house located at 501 S. Royal Avenue. The property is zoned C-1, Community Business District. Lodging house use is required by Special Use permit per 175-39.

The applicant will be utilizing eight (8) bedrooms for the use and therefore is required to provide 10 (ten) parking spaces. Staff conducted a site visit and determined the property does not currently have adequate parking. The parking plan submitted shows the potential for 12 parking spaces. Staff would ask that the parking lot be completed per the submitted plan prior to issuance of the Special Use permit.

Staff Recommendation

Staff recommends approval with the following conditions:

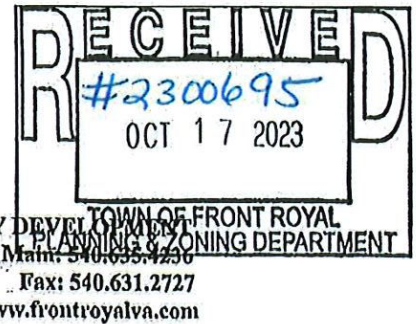
1. The total number of lodging rooms or units shall not exceed eight (8).
2. Applicant to provide parking to accommodate 10 (ten) spaces.

ATTACHMENTS: 1) Application and associated documents from the applicant.
2) Site visit photos by staff.



TOWN OF FRONT ROYAL

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



SPECIAL USE PERMIT REQUEST

FRSPU _____

APPLICANT:

NAME Warren Coalition PHONE 540-328-9036

ADDRESS 538 Villa Ave. Front Royal, VA 22630

E-MAIL Christa.Currancoalition.org

PROPERTY OWNER: William T. Vaught, Jr.

NAME W. Vaught Real Estate PHONE 540-671-0460

ADDRESS PO Box 309 Front Royal, VA 22630 1042 Harmony Hollow Rd

E-MAIL philipvaught@gmail.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 501 S. Royal Ave. Front Royal, VA 22630

TAX MAP 20A7 SECTION 8 BLOCK _____ LOT 6

SUBDIVISION NAME _____ ACREAGE _____

REQUEST

ZONING DISTRICT C1

PROPOSED USE OF PROPERTY Lodging House

SPECIFIC SPECIAL USE PERMIT REQUEST A permit is requested for a 15 bed lodging house for males. (It will repurpose the landing for females. (8 BED ROOMS))

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. To be brought by Philip Vaught.
2. Site Plan Application
3. Application Fee of \$400.00 Receipt # 950 Date Paid 10/12/23 paid/CC by phone w/Carol
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 10/10/2023

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.

Revised 4-21-2021

Property Owner Signature

William T. Vaught, Jr.

501 S ROYAL AVE



Owner: VAUGHT WILLIAM T JR

Tax Map #: 20A7 8 1

Account #: 11998

Total Value: \$380,200

Land Value: \$117,000

Improvement Value: \$263,200

Zoning: C-1

Acres: .224

Property Details

Current Owner

Name: VAUGHT WILLIAM T JR

Mailing Address: 1042 HARMONY HOLLOW RD N/A
FRONT ROYAL, VA 22630

Physical Address: 501 S ROYAL AVE
FRONT ROYAL, VA 22630

Legal Repository

Legal Description: L1 & L3 BEATY SUB

Legal Description 2: N/A

Legal Description 3: N/A

Legal Description 4: N/A

Valuation & Sales

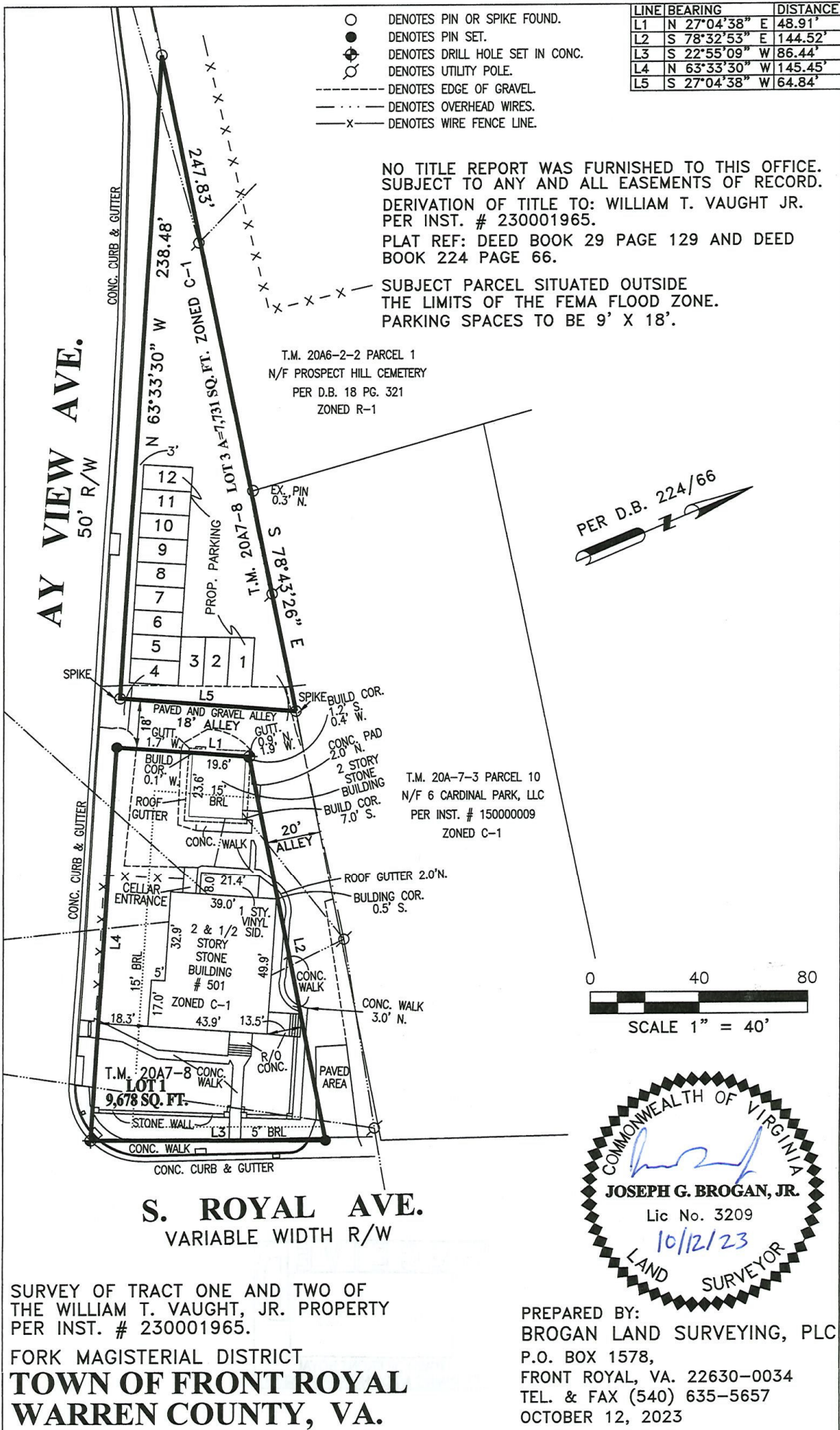
Land

\$117,000

Grantor

HAYNES BRADLEY K

Number of Parcels Involved in Sale





















REGULAR COUNCIL MEETING AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 07C

Agenda Item: PUBLIC HEARING - Rezoning Request from Skyline Realty Investments LLC to Rezone 29 W. Duck Street from C-1 to R-3

Summary: Council has received a rezoning request from Skyline Realty Investments, LLC to rezone 29 W. Duck Street, (tax map# 20A12-3-25 & 28) from C-1, Community Business District to R-3, Residential District. Planning Commission has recommended approval of the rezoning. Staff notes that the lot size is unable to accommodate commercial development.

Budget/Funding: N/A

Meetings: Work Session held January 2, 2024

Proposed Motions:

- 1) In furtherance of the purposes and objectives contained in Town Code §175-1 (B), I move that Council approve the rezoning request from Skyline Realty Investments, LLC to rezone 29 W. Duck Street, (tax map# 20A12-3-25 & 28) from C-1, Community Business District to R-3, Residential District.
- 2) In furtherance of the purposes and objectives contained in Town Code §175-1 (B), I move that Council deny the rezoning request from Skyline Realty Investments, LLC to rezone 29 W. Duck Street, (tax map# 20A12-3-25 & 28) from C-1, Community Business District to R-3, Residential District.
- 3) DO NOT CLOSE PUBLIC HEARING - I move that Council continue the public hearing (insert date).

Moved _____ Seconded _____

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

Town of Front Royal, Virginia

Planning Commission Regular Meeting Agenda

☐ Consent Action ☐ Administrative Action ☒ Public Hearing ☐ Discussion

Agenda Item: Rezoning Application # 2300700

MEETING DATE: December 20, 2023

SUMMARY: The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify 29 W. Duck Street, identified by tax map 20A12-3-25 and the adjoining property identified by tax map 20A12-3-28, from C-1, Community Business District to R-3, Residential District.

STAFF RECOMMENDATION: Staff recommends approval of the Rezoning Application.

DRAFT MOTION: "I move that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Rezoning Application # 2300700 to amend the Zoning Map of the Town of Front Royal to reclassify 29 W. Duck Street, identified by tax map 20A12-3-25 and the adjoining property identified by tax map 20A12-3-28, from C-1, Community Business District to R-3, Residential District.

NOTE: This is only a draft motion. Alternative motions are also welcome.

PLANNING COMMISSION ACTION:

Moved _____ Seconded _____

Wood _____ Williams _____ Wells _____ Marshner _____ Matthiae _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied ☐ Other



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

STAFF REPORT - REZONING APPLICATION #2300700
PLANNING COMMISSION- December 20, 2023

APPLICATION #:

Rezoning Application #2300700

APPLICANT:

Skyline Realty Investments, LLC

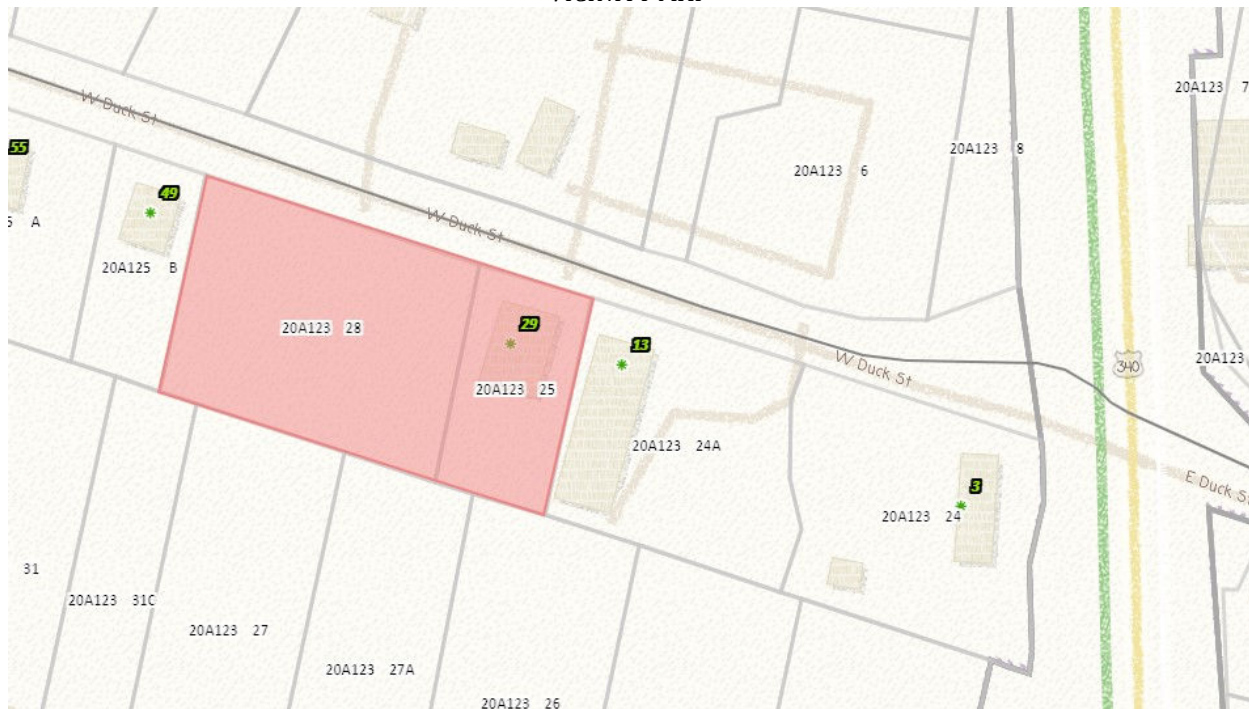
SUMMARY OF REQUEST:

The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify 29 W. Duck Street, identified by tax map 20A12-3-25 and the adjoining property identified by tax map 20A12-3-28, from C-1, Community Business District to R-3, Residential District. The stated purpose of the rezoning request is to allow the current residential use to continue and to construct eight (8) townhomes.

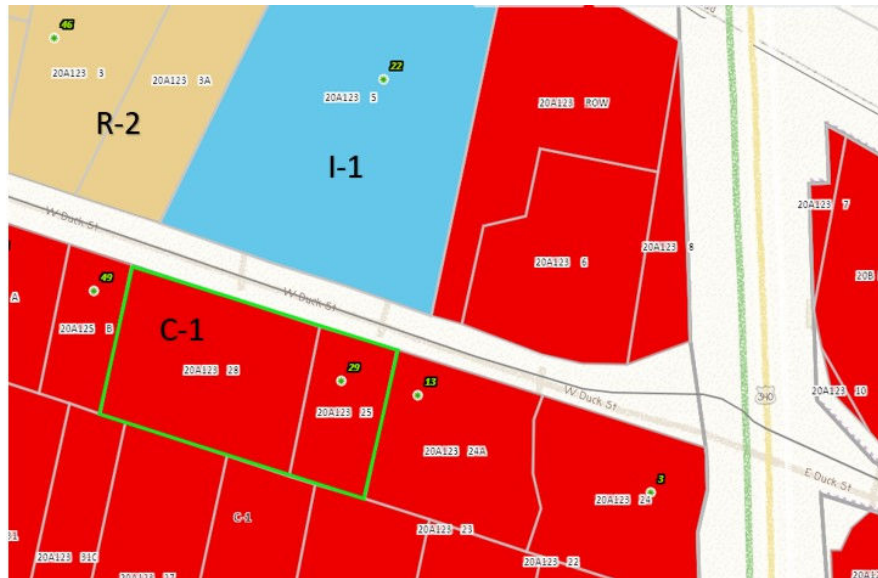
GENERAL INFORMATION:

<i>Site Addresses</i>	29 W. Duck Street
<i>Property Owner(s)</i>	Skyline Realty Investments, LLC
<i>Existing Zoning</i>	C-1 Community Business District
<i>Proposed Zoning</i>	R-3, Residential District
<i>Tax Identification</i>	20A12-3-25 & 28
<i>Location</i>	West of the intersection of Duck St with 340

VICINITY MAP



AERIAL MAP – ZONING DISTRICTS



INFORMATION ON THE APPLICATION:

Application Documents

ATTACHMENT A: APPLICATION

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

ATTACHMENT B: PLAT

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

ATTACHMENT C: LETTER OF STATEMENT OF JUSTIFICATION

"Property is currently zoned C-1 but used as residential. There is not sufficient depth for C-1. Would like to continue as residential and rezone to R-3.."

Zoning Ordinance

The statements of intent of the two (2) identified zoning districts as set forth in the Front Royal Zoning Ordinance are as follows:

C-1 District, Zoning Ordinance Sec. 175-38

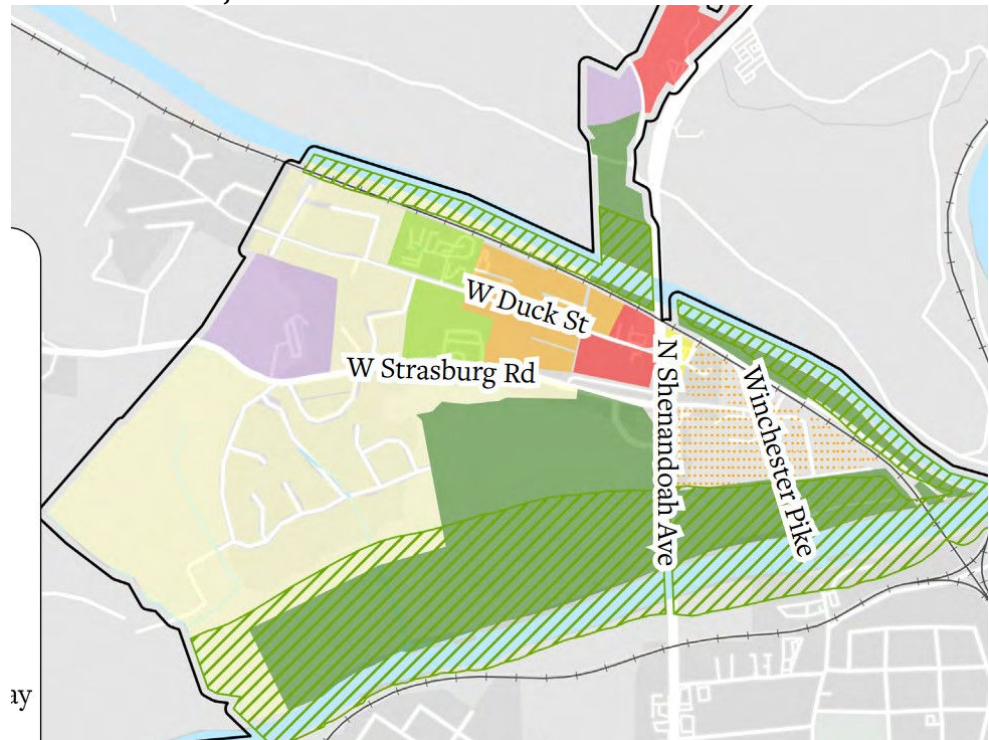
The Community Business C-I District is intended to accommodate general business areas, highway-oriented commercial uses, and selected retailing operations. The Community Business C- I District recognizes the demand for a variety of land uses near or adjacent to the major traffic arteries in Town.

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

The R-3 Residential District is composed of medium-to-high density concentrations of residential uses. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for families desiring the amenities of apartment living and the convenience of being closest to shopping, employment centers and other community facilities. Development is, therefore, limited to medium- to high-density concentration, and permitted uses are limited to single-family, two-family and multifamily dwellings, plus selected additional uses, such as schools, parks, churches and certain public facilities. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.

The main difference in these districts is the distinction between commercial and residential uses. The area is currently used as residential.

The comprehensive plan calls for this area to be commercial. With mixed use in adjacent areas.



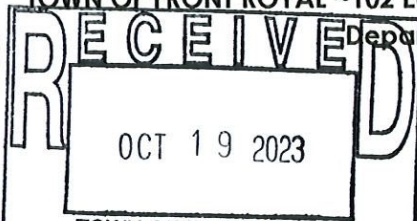
Findings and Analysis & Staff Recommendation

Staff recommends approval, despite the Comprehensive Plan calling for this area to be utilized in a commercial fashion, the lots are simply too small for any commercial use to conform to the standards for commercial development. A developer would need to acquire several adjoining parcels in order to build a commercial development. In the future the Comprehensive Plan should be amended to at least a mixed use to allow both commercial and residential development to continue.

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



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



Department of Planning & Zoning

~~FRREZON~~ 2300700

TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

REZONING APPLICATION

APPLICANT

Name Skyline Realty Investments, LLC Phone 540-771-7653
540-664-6439
Address 8043 Main Street, Middletown, Va. 22645
E-mail Info@SkylineRealtyInvestments.com

PROPERTY OWNER OF RECORD

Name Same Phone _____
Address _____

PROPERTY DESCRIPTION

(w) Location/Street Address Duck Street 29 W. Duck St

Number of lots: 2 Total Acreage 30,031 sq' 0.6894169

Tax Map Identification for each parcel (Map, Section, Block, & Lot):

20A12-3 20A12-3-25
20A12-3-28

Subdivision Name (if applicable) _____

REQUEST

Existing Zoning C-1 Proposed Zoning R-3

Existing Use Residential Proposed Use Townhomes

ATTACHMENTS

The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

1. Application Fee (Checks should be made out to the Town of Front Royal. Fees are as follows: 1 acre or less = \$500, over 1 acre = \$500 + \$100 per acre after 1st acre, Downzoning = \$400)
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries (8 copies and a digital copy).
3. Environmental Site Assessment Phase I and Phase II (unless waived by Director). *waived JK*
4. Traffic Impact Analysis (if required) *Not required - CK*
5. Written proffers. Proffers are voluntary but should be submitted in a written format approved by the Director.
6. Statement of Justification. As a separate document, provide a statement or statements that explain why you believe the property should be rezoned.

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.



Chris W. Holloway
Signature of Property Owner

Signature of Applicant (if different)

City/County of WARREN, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 19 day of October, 2023 by
Chris W. Holloway
(Name of person seeking acknowledgement)

Notary Public
Notary registration number: 7076929 My commission expires: 08/31/2027

NOTICES

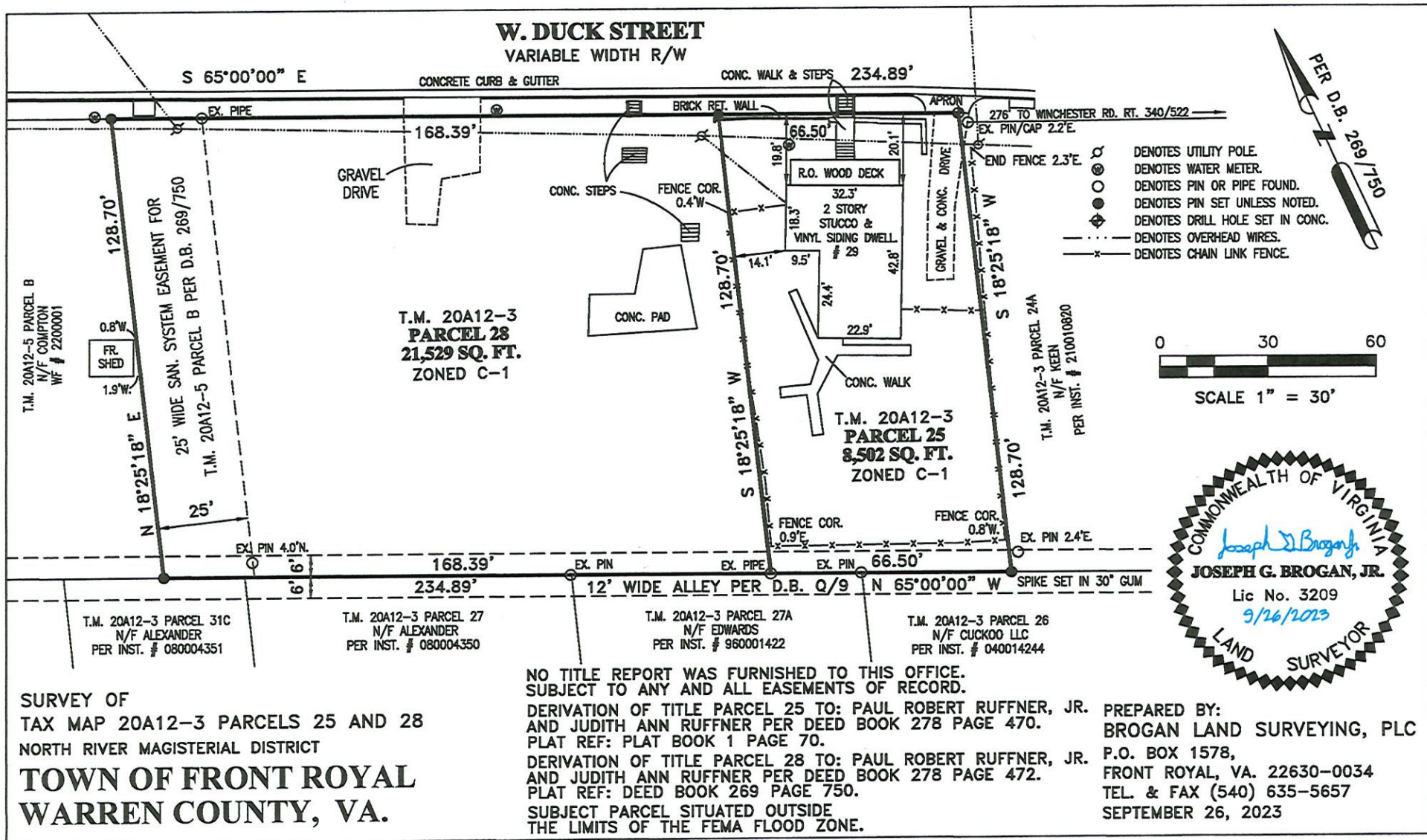
- Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
- Town Staff will place an advertisement in the local newspaper as required under Virginia Code § 15.2-2204.
- Town Staff will place a public hearing sign(s) at the location of the proposed rezoning.
- Submission of this application does not establish a vested right as outlined under Virginia Code § 15.2-2307.
- By submitting this application, the applicant grants permission to the 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.
- When the applicant is different than the fee simple property owner, the signature by the fee simple property owner on this application shall be considered as authorization for the applicant to act as an agent for matters concerning this application.

OFFICE USE ONLY

Receipt # 817144/954 Date Paid 10/19/2023 pd. \$400.00 Check # 4978
Planning Commission Hearing Date: _____ Recommendation: _____
Town Council Hearing Date: _____ Date Sent to Clerk: _____

Tax Map 20A12-3 Two Parcels

Property is currently zoned C-1, but used as residential. There is not sufficient depth for C-1. Would like to continue as Residential and Rezone to R-3.





REGULAR COUNCIL MEETING AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 07D

Agenda Item: PUBLIC HEARING - Rezoning Request from Cook Realty to Rezone 1121, 1125, 1135 John Marshall HIGHWAY from R-1 to C-1

Summary: Council has received a rezoning request from Cook Realty, LLC to rezone 1121, 1125 and 1135 John Marshall Highway (tax map# 20A10-3-8, 20A10-3-8A and 20A10-3-9A) from R-1, Residential District to C-1, Community Business District. The Planning Commission recommended approval.

The Comprehensive Plan calls for this area of John Marshall Highway to be zoned mixed use. The intent is for a mixture of commercial and residential uses. This request is in line with the Comprehensive Plan and provides an opportunity to bring this property into compliance with the zoning ordinance.

Budget/Funding: N/A

Meetings: Work Session held January 2, 2024

Proposed Motion:

- 1) In furtherance of the purposes and objectives contained in Town Code §175-1 (B), I move that Council approve the rezoning request from Cook Realty, LLC to rezone 1121, 1125 and 1135 John Marshall Highway (tax map# 20A10-3-8, 20A10-3-8A and 20A10-3-9A) from R-1, Residential District to C-1, Community Business District.
- 2) In furtherance of the purposes and objectives contained in Town Code §175-1 (B), I move that Council deny the rezoning request from Cook Realty, LLC to rezone 1121, 1125 and 1135 John Marshall Highway (tax map# 20A10-3-8, 20A10-3-8A and 20A10-3-9A) from R-1, Residential District to C-1, Community Business District.
- 3) DO NOT CLOSE PUBLIC HEARING - I move that Council continue the public hearing (insert date).

Moved _____ Seconded _____

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

Town of Front Royal, Virginia

Planning Commission Regular Meeting Agenda

☐ Consent Action

☐ Administrative Action

☒ Public Hearing

☐ Discussion

Agenda Item: Rezoning Application # 2300736

MEETING DATE: December 20, 2023

SUMMARY: The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify 1121, 1125 and 1135 John Marshall Highway, identified by tax map 20A10-3-8, 8A and 9A from R-1, Residential District to C-1, Community Business District.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning application. The Comprehensive plan calls for this area to be zoned medium density mixed use. A key component of that zone is the commercial element.

DRAFT MOTION: "I move that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Rezoning Application # 2300736 to amend the Zoning Map of the Town of Front Royal to reclassify 1121, 1125 and 1135 John Marshall Highway, identified by tax map 20A10-3-8, 8A and 9A from R-1, Residential District to C-1, Community Business District."

NOTE: This is only a draft motion. Alternative motions are also welcome.

PLANNING COMMISSION ACTION:

Moved _____ Seconded _____

Wood _____ Williams _____ Wells _____ Marshner _____ Matthiae _____

☐ Approved

☐ Approved w/ Conditions

☐ Denied

☐ Other



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

STAFF REPORT - REZONING APPLICATION #2300537
PLANNING COMMISSION- December 20, 2023

APPLICATION #:

Rezoning Application #2300736

APPLICANT:

Cook Realty, LLC

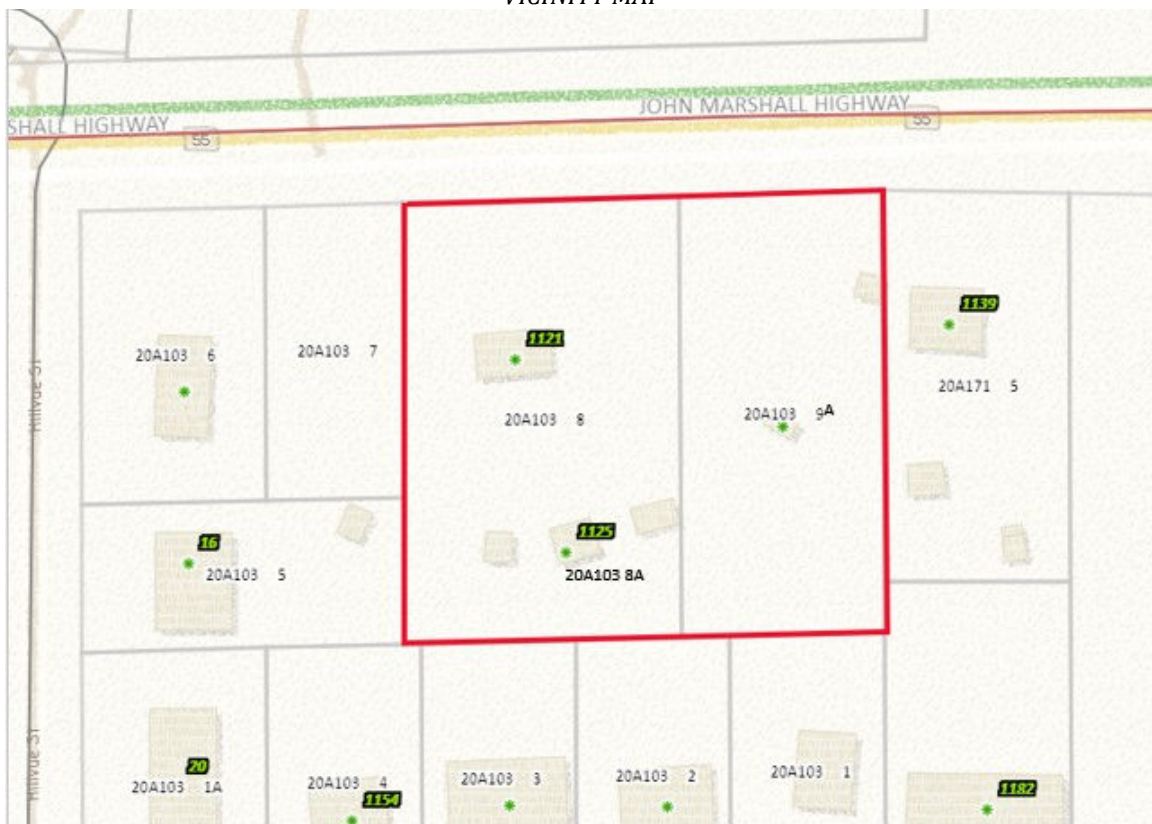
SUMMARY OF REQUEST:

The application for review is requesting an amendment of the Zoning Map of the Town of Front Royal to reclassify 1121, 1125 and 1135 John Marshall Highway, identified by tax map 20A10-3-8, 8A and 9A from R-1, Residential District to C-1, Community Business District. The proposed use is for an event center. The property was previously approved for a Special Use Permit for an Airbnb.

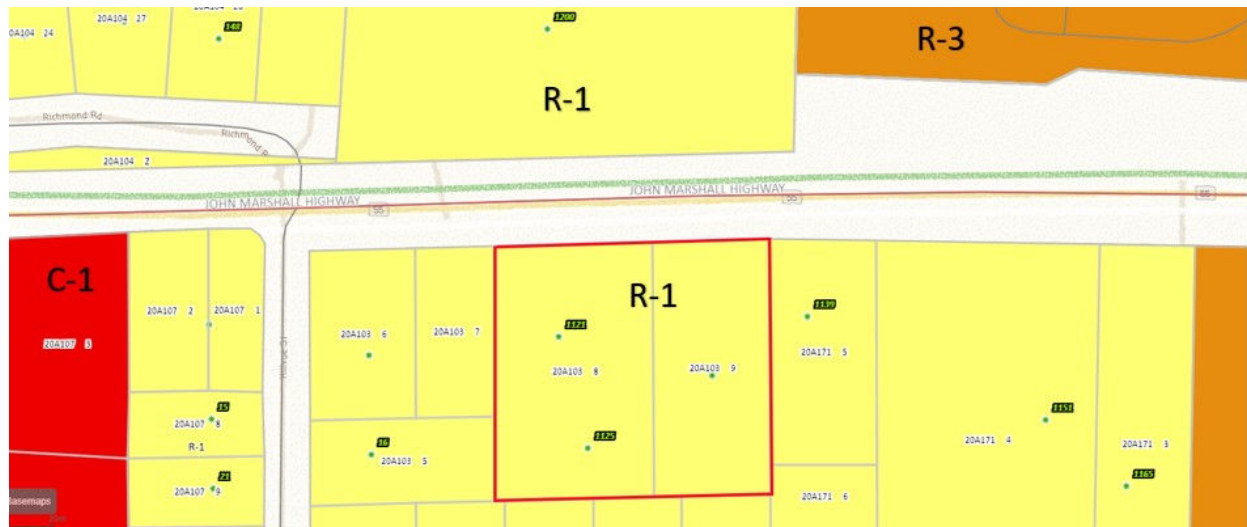
GENERAL INFORMATION:

<i>Site Addresses</i>	1121, 1125 and 1135 John Marshall
<i>Property Owner(s)</i>	Cook Realty, LLC
<i>Existing Zoning</i>	R-1, Residential District
<i>Proposed Zoning</i>	C-1, Community Business District
<i>Tax Identification</i>	20A10-3-8, 8A and 9A
<i>Location</i>	The subject property is located east of the intersection of Hillview Street with John Marshall Highway.

VICINITY MAP



AERIAL MAP – ZONING DISTRICTS



INFORMATION ON THE APPLICATION:

Application Documents

ATTACHMENT A: APPLICATION

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

ATTACHMENT B: PLAT

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

ATTACHMENT C: LETTER OF STATEMENT OF JUSTIFICATION

To Whom It may Concern

I am requesting the rezoning of the Property I own at the above addresses also known as The Trellis. is property was built in the 1950's as a "Motor Court" Motel and over the last three years I took on renovating this property that had become blighted and run down to enhance our entrance corridor and hopefully encourage tourism in our town and down town areas.

In light of the recent changes to the Comp Plan for this area to commercial zoning , it is my opinion that this is more suitable for the use of the property as it was originally purposed as well as it is purposed today. In rezoning this property it will make it more compliant with the current comp plan and more in line with the current use.

It was also requested when I started this property by the Planning Commission that the property needed to be rezoned to commercial, so in such I am making application to comply with the request and ask for your approval to rezone the property to commercial

Thank you

Shelly Cook

The statements of intent of the two (2) identified zoning districts as set forth in the Front Royal Zoning Ordinance are as follows:

R-1 District, Zoning Ordinance Sec. 175-11

The R-1 District is composed of quiet, low-density residential areas, plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, to provide areas for suitable expansion of the Town as facilities are provided and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.

C-1 District, Zoning Ordinance Sec. 175-38

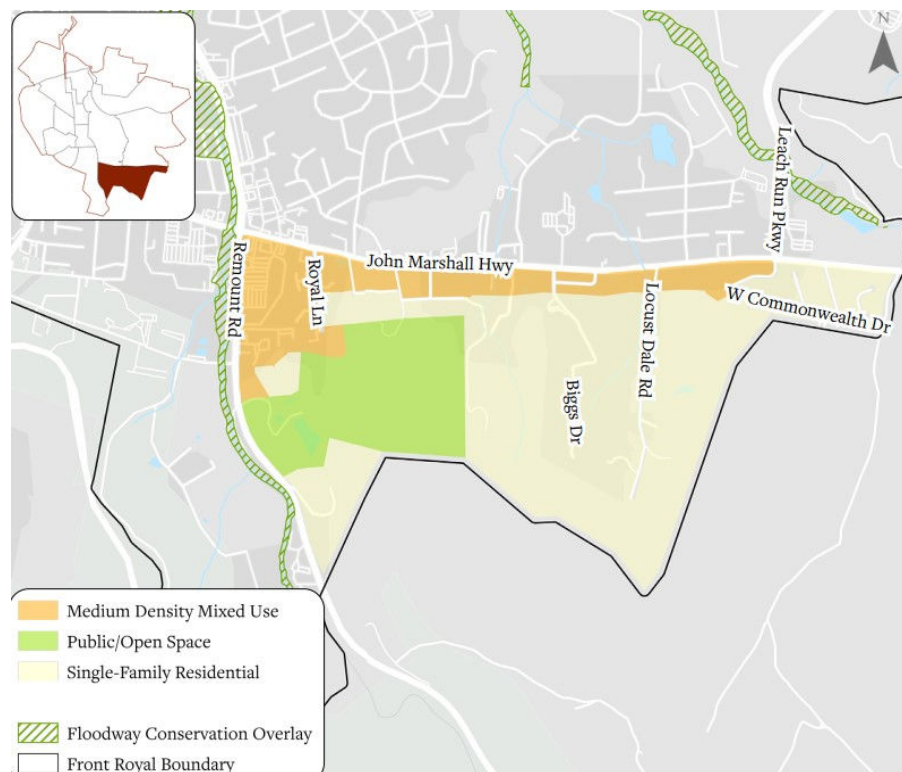
The Community Business C-I District is intended to accommodate general business areas, highway-oriented commercial uses, and selected retailing operations. The Community Business C- I District recognizes the demand for a variety of land uses near or adjacent to the major traffic arteries in Town.

Differences between R-1 and C-1 Zoning Districts

The main difference between the R-1 to C-1 use is the change from the residential nature of the district to a commercial use district. The original use of the property was a drive-in motel. The use was discontinued for more than two (2) years and therefore is no longer legally nonconforming.

The Comprehensive Plan shows this area along John Marshall Highway to be zoned Medium Density Mixed Use. The current commercial zoning district is in conformance with the Comprehensive Plan. The primary uses of this district are intended to be commercial and residential in nature.

Uses	Primary	Office, commercial, residential, hotels
	Secondary	
Character	Design Principles	Buildings up to four stories, parking in rear of building, screened services and parking, buildings built to ROW, wide sidewalks
Other	Facilities & Utilities	Street lighting, public water and sewer, shared parking, bicycle parking
	Special Considerations	



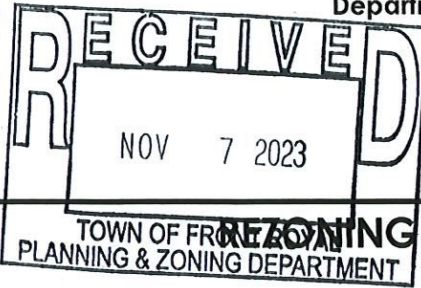
Findings and Analysis & Staff Recommendation

Staff recommend approval of the rezoning application. Only the rezoning is up for consideration. The use of the property is not currently permitted. The applicant will need to work with staff if this rezoning is approved to bring the use into compliance with the Town Code.

Attachments: A. Application
 B. Plat
 C. Letter of Statement of Justification
 D. Police Reports, E-mail Complaint, Support Letter



TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ 540-635-4236
Department of Planning & Zoning



FRREZON #2300736

REZONING APPLICATION
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

APPLICANT

Name Cook Realty, LLC Phone 540-550-0334
Address 65 Lee Burke, Front Royal, Va. 22630
E-mail shellycook103@gmail.com

PROPERTY OWNER OF RECORD

Name Cook Realty, LLC Phone 540-550-0334
Address 65 Lee Burke, Front Royal, Va. 22630

PROPERTY DESCRIPTION

Location/Street Address 1121, 1125, and 1135 John Marshall Hwy.
Number of lots: 3 Total Acreage 62,386 Sq. Ft.
Tax Map Identification for each parcel (Map, Section, Block, & Lot):
TM: 20A10-3 Lots 8, 8A, and 9A

Subdivision Name (if applicable) Subdivision of Hall Property

REQUEST

Existing Zoning R-1 Proposed Zoning C-1
Existing Use Airbnb and event center Proposed Use Airbnb and event center

RECEIVED
NOV 7 2023
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

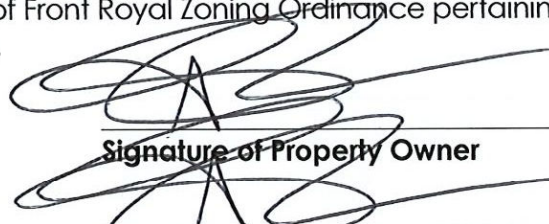
ATTACHMENTS

The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

1. Application Fee (Checks should be made out to the Town of Front Royal. Fees are as follows:
1 acre or less = \$500, over 1 acre = \$500 + \$100 per acre after 1st acre, Downzoning = \$400)
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries (8 copies and a digital copy).
3. Environmental Site Assessment Phase I and Phase II (unless waived by Director).
4. Traffic Impact Analysis (if required)
5. Written proffers. Proffers are voluntary but should be submitted in a written format approved by the Director.
6. Statement of Justification. As a separate document, provide a statement or statements that explain why you believe the property should be rezoned.

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.



Signature of Property Owner


Signature of Applicant (if different)

City/County of Warren, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 7th day of November, 2023 by
Brandy Lynn Knighting
(Name of person seeking acknowledgement)
Bryant Kreg
Notary Public
Notary registration number: 7704421 My commission expires: March 31, 2025

BRANDY LYNN KNIGHTING
NOTARY PUBLIC
REG. #7704421
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MARCH 31, 2025

NOTICES

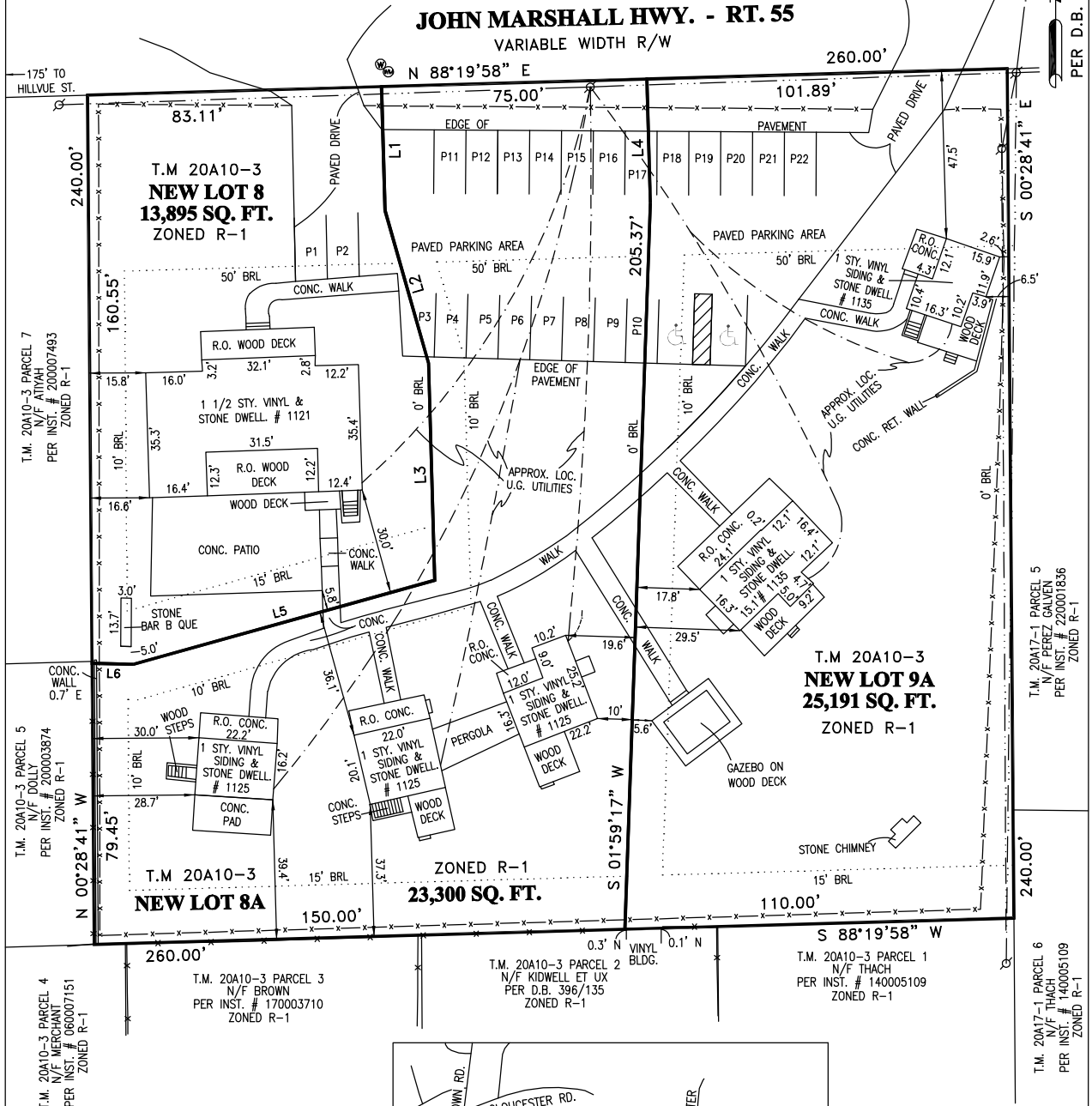
- Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
- Town Staff will place an advertisement in the local newspaper as required under Virginia Code §15.2-2204.
- Town Staff will place a public hearing sign(s) at the location of the proposed rezoning.
- Submission of this application does not establish a vested right as outlined under Virginia Code §15.2-2307.
- By submitting this application, the applicant grants permission to the 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.
- When the applicant is different than the fee simple property owner, the signature by the fee simple property owner on this application shall be considered as authorization for the applicant to act as an agent for matters concerning this application.

OFFICE USE ONLY

Receipt # 01001957432 Date Paid 11-7-23 Pd \$543.20 by card
Planning Commission Hearing Date: _____ Recommendation: _____
Town Council Hearing Date: _____ Date Sent to Clerk: _____

LINE	BEARING	DISTANCE
L1	S 01°40'02" E	35.00'
L2	S 15°53'34" E	44.87'
L3	S 01°40'02" E	61.35'
L4	S 01°40'02" E	35.00'
L5	S 74°24'34" W	88.40'
L6	N 88°43'19" W	11.68'

- DENOTES UTILITY POLE.
- DENOTES OVERHEAD WIRES.
- ⊙ DENOTES WATER METER.
- ⊕ DENOTES WATER VALVE.
- ✕ DENOTES WOOD FENCE.
- P1 DENOTES PARKING SPACE.

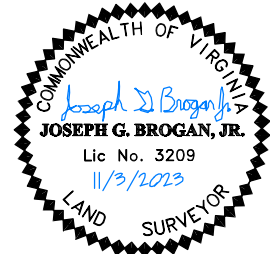
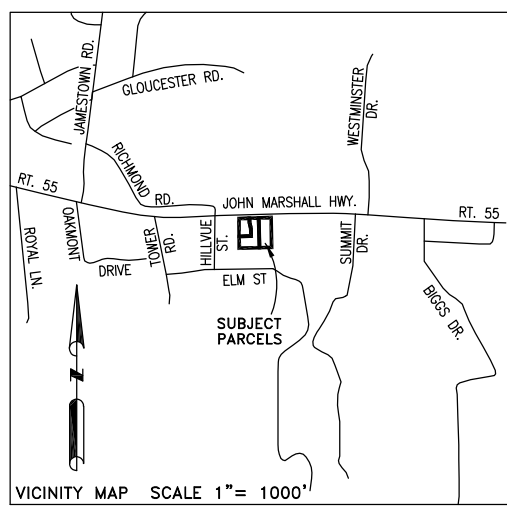


CURRENT ZONING: R-1.
PROPOSED ZONING C-1.

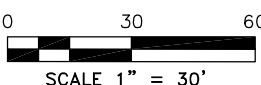
NO TITLE REPORT WAS FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: COOK REALTY, LLC.
PER INSTRUMENT # 23.

PLAT REF: INST. # 230000504 AND D.B. 235/160.
PROPERTY SITUATED OUTSIDE THE LIMITS
OF THE FEMA FLOOD ZONE.

PLAT OF PROPOSED REZONING OF
LOTS 8, 8A AND 9 PER PLAT OF
SUBDIVISION OF THE HALL PROPERTY
SOUTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.



PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
NOVEMBER 3, 2023



Statement Of Justification

Shelly Cook
1121 John Marshall Highway
1125 John Marshall Highway
1135 John Marshall Highway

Front Royal , Virginia 22630

To Whom It may Concern

I am requesting the rezoning of the Property I own at the above addresses also known as The Trellis. is property was built in the 1950's as a "Motor Court" Motel and over the last three years I took on renovating this property that had become blighted and run down to enhance our entrance corridor and hopefully encourage tourism in our town and down town areas.

In light of the recent changes to the Comp Plan for this area to commercial zoning , it is my opinion that this is more suitable for the use of the property as it was originally purposed as well as it is purposed today. In rezoning this property it will make it more compliant with the current comp plan and more in line with the current use.

It was also requested when I started this property by the Planning Commission that the property needed to be rezoned to commercial, so in such I am making application to comply with the request and ask for your approval to rezone the property to commercial

Thank you

Shelly Cook

12/15/23
09:55

FRONT ROYAL POLICE DEPARTMENT
CAD Master Call Table:

382
Page: 1

Call

Long-Term Call ID 23C012167

Active Call	Nature	Traffic Stop	Type 1	Priority 4
Address	JOHN MARSHALL; THE TRELLIS			City
Calls	Dupl	Names	w/Alrts	Wants
				Prem
				Adr
Zones	+	+	+	Determinant
Directions				Alarm

Complainant								
Number								
Last				Fst			Mid	
Address							DOB	
City		ST	ZIP				SSN	
Phone		Race	Sex		Prev Calls		Wants	Adr
Alert								

Contact								
Contact	Suess E				Telephone			
Address								

Information
Info (See below)

License Plate	4EE0295	State	MD	Color	Make	Model
How Received	O Officer Report			Occurred between	16:54:21	08/27/23
Received By	Dever J			and	16:54:21	08/27/23
Hold Until	: :	/ /		When Reported	16:54:21	08/27/23

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INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
LW	23081448	08/27/23	Traffic Stop	*Initiating Call
TS	55129	08/27/23	Traffic Stop	Traffic Stop

Call Taker Comments:

16:58:44 08/27/2023 - Dever J _____
URGENT Address change from JOHN MARSHALL to JOHN MARSHALL; THE TRELLIS17:04:45
08/27/2023 - Suess E
fail to obey highway sign



FRONT ROYAL POLICE DEPARTMENT

Officer Report for Incident 23081448

Nature: Traffic Stop
Location: SOUTH

Address: JOHN MARSHALL; THE TRELLIS
FRONT ROYAL VA 22630

Offense Codes:

Received By: Dever J	How Received: O	Agency: FRPD
Responding Officers: Suess E		
Responsible Officer: Suess E	Disposition: INA 08/27/23	
When Reported: 16:54:21 08/27/23	Occurred Between: 16:54:21 08/27/23 and 16:54:21 08/27/23	

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
Due Date: **/**/**

Complainant:

Last:	First:	Mid:
DOB: **/**/**	Dr Lic:	Address:
Race:	Sex:	Phone:
		City: ,

Offense Codes

Reported: **Observed:**

Circumstances

Responding Officers: Suess E
Unit : 200

Responsible Officer: Suess E	Agency: FRPD
Received By: Dever J	Last Radio Log: 17:04:45 08/27/23 CLR
How Received: O Officer Report	Clearance: UTS UNIFORM TRAFFIC SUMMONS
When Reported: 16:54:21 08/27/23	Disposition: INA Date: 08/27/23
Judicial Status:	Occurred between: 16:54:21 08/27/23
Misc Entry:	and: 16:54:21 08/27/23

Modus Operandi:	Description :	Method :
------------------------	----------------------	-----------------

Involvements

Date	Type	Description	
08/27/23	Name	BALAMJAV, BADAMGARAV	Offender

08/31/23	Citation	Moving Violation	Citation
08/27/23	Vehicle	BLU 2003 TOYT CAMRY MD	Vehicle
08/27/23	Cad Call	16:54:21 08/27/23 Traffic Stop	Initiating Call

Responsible LEO:

Approved by:

Date

Vehicles

Vehicle Number:**32324****License Plate:** 4EE0295**State:** MD**Vehicle Year:** 2003**Make:** TOYT Toyota**Color:** BLU /**Vehicle Type:** PCAR Passenger Car**License Type:** PC Regular Passenger Automobile**Expires:** 05/31/24**VIN:** 4T1BE32K13U720443**Model:** CAMRY**Doors:** 4**Value:** \$0.00**Owner:****Last:** BALAMJAV**DOB:** [REDACTED]**Race:** U**Sex:** F**First:** BADAMGARAV**Dr Lic:** [REDACTED]**Phone:** () -**Mid:****Address:** 2502 MOORE AVE**City:** PARKSVILLE, MD 21234**Agency:****Officer:****UCR Status:****Local Status:****Status Date:** **/**/****Comments:****Date Recov/Rcvd:** **/**/****Area:****Wrecker Service:****Storage Location:****Release Date:** **/**/**

Name Involvements:

Offender : 51621

Last: BALAMJAV

First: BADAMGARAV

Mid:

DOB: [REDACTED]

Dr Lic: [REDACTED]

Address: 2502 MOORE AVE

Race: U

Sex: F

Phone: () -

City: PARKSVILLE, MD 21234

12/15/23
10:00

FRONT ROYAL POLICE DEPARTMENT
CAD Master Call Table:

382
Page: 1

Call

Long-Term Call ID 23C015834

Active Call	Nature	NOISE	Type	1	Priority	7
Address	HILLVUE ST		City	FRO FRONT ROYAL		
Calls	Dupl	Names	w/Alrts	Wants	Prem	Adr
Zones	+	+	+	Determinant	Alarm	
Directions						

Complainant

Number	C13846					
Last	HENRY	Fst	EDWIN	Mid	JOHNS JR	
Address	✓ 12 HILLVUE ST			DOB		
City	FRONT ROYAL	ST	VA	ZIP	22630	
Phone	(540)683-1096	Race	W	Sex	M	Prev Calls 1
Alert						Wants 0 Adr 0

Contact
Contact
Address

Telephone

Information
Info (See below)

License Plate	State	Color	Make	Model
How Received	T Telephone	Occurred between	20:52:08	10/28/23
Received By	COURTNEY C	and	20:53:46	10/28/23
Hold Until	: : / /	When Reported	20:53:43	10/28/23

= = = = =

INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
LW	23101627	10/28/23	Noise	*Initiating Call
NM	C13846	10/28/23	HENRY, EDWIN JOHNSON JR	*Complainant

Call Taker Comments:

20:53:22 10/28/2023 - Courtney C
EDITED ACROSS FROM SHENANDOAH COMMONS THEY HAVE THE WEDDINGS NOW IN THE REMODELED BUILDINGS THERE IS EXTEMEY LOUD MUSIC.
20:57:24 10/28/2023 - Courtney C
I COULD HEAR THE MUSIC IN THE BACKGROUND WHEN SPEAKING TO THE CALLER
21:06:11 10/28/2023 - Courtney C - From: Burner C
SPOKE TO THE GROOM AND ASKED HIM TO TURN IT DOWN. THEY SHOULD BE DONE AROUND 10. CLEAR, HANDLED BY
21:38:44 10/28/2023 - Conley H
THE OWNER OF THE WEDDING VENUE SAID THE BRIDE IS NOW CRYING BECAUSE HER WEDDING HAS BEEN INTERRUPTED SINCE THEY WERE TOLD THE TOWN ORIDANCE IS 10PM. IT IS IN THEIR CONTRACT TO HAVE THE MUSIC OFF BY 10PM SINCE THAT IS THE TOWN LIMIT. SHELLY COOK IS THE POINT OF CONTACT FOR THIS VENUE 540-550-0334



FRONT ROYAL POLICE DEPARTMENT

Officer Report for Incident 23101627

Nature: Noise
Location:

Address: HILLVUE ST
FRONT ROYAL VA 22630

Offense Codes:

Received By: COURTNEY C **How Received:** T **Agency:** FRPD
Responding Officers: Burner C, Clingerman A
Responsible Officer: Burner C **Disposition:** INA 10/28/23
When Reported: 20:53:43 10/28/23 **Occurred Between:** 20:52:08 10/28/23 and 20:53:46 10/28/23

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
Due Date: **/**/**

Complainant: C13846

Last: HENRY

DOB: [REDACTED]

Race: W **Sex:** M

First: EDWIN

Dr Lic: [REDACTED]

Phone: (540)683-1096

Mid: JOHNSON

Address: 12 HILLVUE ST

City: FRONT ROYAL, VA 22630

Offense Codes

Reported:

Observed:

Circumstances

Responding Officers:

Burner C

Clingerman A

Unit :

406

400

Responsible Officer: Burner C

Received By: COURTNEY C

How Received: T Telephone

When Reported: 20:53:43 10/28/23

Judicial Status:

Misc Entry:

Agency: FRPD

Last Radio Log: 21:06:33 10/28/23 CLR

Clearance: HBO HANDLED BY OFFICER

Disposition: INA **Date:** 10/28/23

Occurred between: 20:52:08 10/28/23

and: 20:53:46 10/28/23

Modus Operandi:

Description :

Method :

Involvements

Date

10/28/23

Type

Name

Description

HENRY, EDWIN JOHNSON JR

Complainant

10/28/23

Cad Call

20:53:43 10/28/23 NOISE

Initiating Call

Responsible LEO:

Approved by:

Date

Name Involvements:

Complainant : C13846

Last: HENRY

DOB: [REDACTED]

Race: W

Sex: M

First: EDWIN

Dr Lic: [REDACTED]

Phone: (540)683-1096

Mid: JOHNSON

Address: 12 HILLVUE ST

City: FRONT ROYAL, VA 22630

12/15/23
09:57

FRONT ROYAL POLICE DEPARTMENT
CAD Master Call Table:

382
Page: 1

Call

Long-Term Call ID 23C017291

Active Call Nature TRAFFIC CONTROL Type 1 Priority 9
Address ✓ 1121 JOHN MARSHALL HWY City FR Front Royal
Calls 25+ Dupl 0 Names 1 w/Alrts 0 Wants 0 Prem 0 Adr 0
RICHMOND RD & SUMMIT DR
Zones + + + Determinant Alarm
Directions

Complainant
Number
Last Fst Mid
Address DOB
City ST ZIP SSN
Phone Race Sex Prev Calls Wants Adr
Alert

Contact
Contact Telephone
Address

Information
Info (See below)

License Plate	State	Color	Make	Model
How Received	O Officer Report	Occurred between	14:02:36	11/25/23
Received By	DODSON RM	and	14:03:30	11/25/23
Hold Until	: : / /	When Reported	14:02:47	11/25/23

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INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
LW	23111249	11/25/23	Traffic Control	*Initiating Call

Call Taker Comments:

14:03:25 11/25/2023 - Dodson RM
I SET OUT FLARES FOR THE EVENT. I WAS APPROACHED BY SOME PEOPLE WHO LIVE ON
HILLVUE THAT WERE UPSET ABOUT THE EVENT. THEY WERE TOLD TO SPEAK TO TOWN COUNSEL
14:06:17 11/25/2023 - Dodson RM - From: Fogle D
IM CLEAR. ILL CONTINUE TO MONITOR IT



FRONT ROYAL POLICE DEPARTMENT

Officer Report for Incident 23111249

Nature: Traffic Control
Location: SOUTH

Address: 1121 JOHN MARSHALL HWY
Front Royal VA 22630

Offense Codes:

Received By: DODSON RM **How Received:** O **Agency:** FRPD
Responding Officers: Fogle D
Responsible Officer: Fogle D **Disposition:** INA 11/25/23
When Reported: 14:02:47 11/25/23 **Occurred Between:** 14:02:36 11/25/23 and 14:03:30 11/25/23

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
Due Date: **/**/**

Complainant:

Last: **First:** **Mid:**
DOB: **/**/** **Dr Lic:** **Address:**
Race: **Sex:** **Phone:** **City:** ,

Offense Codes

Reported: **Observed:**

Circumstances

Responding Officers: **Unit :**
Fogle D 300

Responsible Officer: Fogle D **Agency:** FRPD
Received By: DODSON RM **Last Radio Log:** 14:06:26 11/25/23 CLR
How Received: O Officer Report **Clearance:** HBO HANDLED BY OFFICER
When Reported: 14:02:47 11/25/23 **Disposition:** INA **Date:** 11/25/23
Judicial Status: **Occurred between:** 14:02:36 11/25/23
Misc Entry: **and:** 14:03:30 11/25/23

Modus Operandi: **Description :** **Method :**

Involvements

Date	Type	Description	
11/25/23	Cad Call	14:02:47 11/25/23 TRAFFIC CONTROL	Initiating Call

Responsible LEO:

Approved by:

Date



REGULAR COUNCIL MEETING CONSENT AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 10A

Agenda Item: Order of Business for 2024 Regular Meeting Agendas

Summary: Pursuant to Town Code Chapter 4-19, Council is requested to approve the Order of Business for regular council meeting agendas for the calendar year 2024, as presented, representing no change from 2023.

Budget/Funding: N/A

Meetings: Work Session held January 2, 2024

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 Order of Business for 2024 Regular Meeting Agendas, as presented, representing no change from 2023 agendas.

Moved _____ Seconded _____

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



TOWN COUNCIL REGULAR MEETING

January 22, 2024 @ 7:00pm

Warren County Government Center

View LIVE Online or 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
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
7. PUBLIC HEARINGS
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
11. BUSINESS ITEMS
12. CLOSED MEETING
13. ADJOURN



REGULAR COUNCIL MEETING CONSENT AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 10B

Agenda Item: Council Appointments to Audit/Finance Committee and Town Scholarship Committee

Summary: Council is requested to appoint members of Council to the following boards and committees, said terms ending December 31, 2024.

- 2024 Audit and Finance Committee – Councilmembers DeDomenico-Payne and Ingram
- 2024 Town Scholarship Committee – Councilmembers Morris and Wood

Budget/Funding: N/A

Meetings: Work Session held January 2, 2024

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 Councilmembers De-Domenico-Payne and Ingram to the 2024 Audit/Finance Committee and Councilmembers Morris and Wood to the 2024 Town Scholarship Committee, said terms ending December 31, 2024.

Moved _____ Seconded _____

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



REGULAR COUNCIL MEETING CONSENT AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 10C

Agenda Item: FY24 Budget Amendment to Receive Funds from Northern Virginia/District of Columbia Internet Crimes Against Children (NOVA/DC ICAC) Task Force

Summary: Council is requested to approve a FY24 Budget Amendment in the amount of \$3,000 to increase FY23 budgeted revenues to receive funds from the Northern Virginia/District of Columbia Internet Crimes Against Children (NOVA/DC ICAC) Task Force and allocate \$3,000 to reimburse for the purchase of two screens, four I-pads, and four Apple pencils.

Budget/Funding: 1000-3410209	General Fund Reimbursement	\$3,000.00
3107-47001	Police Task Force - Equipment	\$3,000.00

Meetings: Work Session held January 2, 2024

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 FY24 Budget Amendment in the amount of \$3,000 to increase FY23 budgeted revenues to receive funds from the Northern Virginia/District of Columbia Internet Crimes Against Children (NOVA/DC ICAC) Task Force and allocate \$3,000 to reimburse for the purchase of two screens, four I-pads, and four Apple pencils.

Moved _____ Seconded _____

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



COMMONWEALTH OF VIRGINIA

Colonel Gary T. Settle
Superintendent

(804) 674-2000

Lt. Colonel Kirk S. Marlowe
Deputy Superintendent

DEPARTMENT OF STATE POLICE

P.O. Box 27472 Richmond, VA 23261

(804) 674-2000

August 25, 2023

Town of Front Royal Police Department
900 Monroe Avenue
Front Royal, VA 22630

Dear Chief Kahle L. Magalis,

We sincerely appreciate your continued partnership as an affiliate of the Northern Virginia/District of Columbia Internet Crimes Against Children (NOVA/DC ICAC) Task Force. Fortunately, we have received Fiscal Year 2024 funding from the Virginia Department of Criminal Justice Services (DCJS) that enables us to further allocate monies to our task force affiliates who are in good standing. As stated in our Inter-Agency Agreement dated July 1, 2014:

Should additional funds become available during the agreed upon period, this agreement may be amended by written correspondence from the NOVA/DC ICAC Commander to permit the Town of Front Royal Police Department to expend the additional funds in accordance with this established IA.

As such, we are able to allocate additional funds to your agency in the amount of **\$3,000.00**. It should be noted that this funding is NOT grant-related. These are NOVA/DC ICAC funds that have been identified to support your ICAC work. Your allocation may be used towards expenses that include salary, overtime, equipment, software, and for training that is specifically and exclusively related to the NOVA/DC ICAC Task Force's overall mission of combating Internet crimes against children. Please see the attachment to this letter for examples of in-scope and out of scope expenses. *All expenditures, except payroll expenses, require prior approval via email to SSA Michael J. Brown (michael.brown@vsp.virginia.gov) or First Sergeant Robert Brown (rob.brown@vsp.virginia.gov) and must be made in accordance with your agency's financial procedures and regulations. Reimbursement requests may also include ICAC expenses made between July 1, 2023, and the date of this letter.*

In order for reimbursement to be made to your locality, your staff will be asked to complete a reimbursement invoice, to provide proof of payment for the expense, and include the email granting approval of the expense. Proof of payment may be copies of checks, credit card receipts or statements, or accounting ledger reports showing the obligation of funds. Proof of payment is also copies of payroll records and timesheets if the reimbursement request is for salary or overtime. Please send your reimbursement requests via email with scanned attachments to Crystal Hopson (crystal.hopson@vsp.virginia.gov).

To allow for more accurate fund management and sufficient time for processing, reimbursement requests should be made quarterly or semi-annually. We ask that all final reimbursement requests, be received in our office by **May 1, 2024**, unless the request involves payroll reimbursement.

Payroll reimbursement requests should be submitted no later than June 10, 2023.

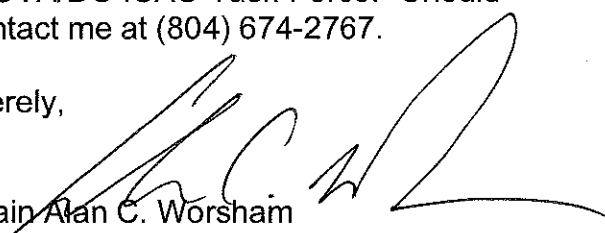
Unless prior written notice is received by **Crystal Hopson** (crystal.hopson@vsp.virginia.gov) unexpected funds from your allocation may be redistributed for other purposes after May 1, 2024.

Your continued partnership with the NOVA/DC ICAC Task Force is vital to the task force's overall success and we hope you find this additional funding beneficial to your efforts to combat child sexual predators and child pornography.

Note: Please respond to us no later than November 1, 2023, via *postal or electronic mail* to verify that you will take receipt of the funds. Should we not receive verification, the respective funds must be reallocated to another affiliate to permit timely expenditures.

Again, I thank you for all you do in support of the NOVA/DC ICAC Task Force. Should you have any questions please do not hesitate to contact me at (804) 674-2767.

Sincerely,



Captain Alan C. Worsham
Division Commander
Bureau of Criminal Investigation
High Tech Crimes Division

ACW/clh

Attachment



REGULAR COUNCIL MEETING CONSENT AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 10D

Agenda Item: Purchase and Replacement of Vehicles for Police Department

Summary: Council is requested to approve the purchase and replacement of three (3) vehicles to be used within the Patrol Division of the Police Department. The purchase includes three (3) Ford Interceptor utility vehicles replacing two (2) 2017 utility units and one (1) 2018 utility unit at a cost of \$149,085.63.

Budget/Funding: 3102-47005 Police Patrol \$149,085.63

The department has \$159,000.00 in its current operational budget for the replacement of three (3) patrol vehicles. The remaining \$9,914.37 would be utilized to outfit and complete the vehicles for patrol duty and has been included in the FY2024 budget.

Meetings: Work Session held January 2, 2024

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 replacement of three (3) vehicles to be used within the Patrol Division of the Police Department. The purchase includes three (3) Ford Interceptor utility vehicles replacing two (2) 2017 utility units and one (1) 2018 utility unit at a cost of \$149,085.63.

Moved _____ Seconded _____

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

MEMORANDUM

TO: Michelle Campbell Purchasing Manager

FROM: Donald B McPaters, Director of Fleet Maintenance *DBM*

SUBJECT: Purchase of three new Ford Utility Police vehicles.

DATE: December 6, 2023

The Police Department has three vehicles to be replaced this 2024 budget year. We just got the contract information from Hall Automotive out of Virginia Beach Virginia with a contract number and price. The contract is through the Virginia Sheriff's Association # 22-05-0917RR. These are Ford Police Utility just like the one we purchased before.

Hall Automotive - Fleet Team

More Cars. Great People.

(a MileOne company)

3148 Virginia Beach Blvd

Virginia Beach, VA 23452

Phone 757.498.2303 Fax 757.498.2310

Proposal

DATE:

12/6/2023

SALESPERSON	CONTACT	CUSTOMER	SHIPPED VIA	F.O.B. POINT	TERMS
Jake Clarke		Town of Front Royal	Hall Automotive	Front Royal	Net 30
DESCRIPTION			QUANTITY	UNIT PRICE	AMOUNT
<u>Virginia Sheriff's Association 22-05-0917RR</u>					
Spec #139 - 2023 Ford Police Interceptor Utility w/ V6			3	\$ 45,197.31	\$ 135,591.93
Options to Include:					
> YZ - Oxford White Exterior			3	Incl	Incl
> 96 - Ebony Cloth Front Buckets w/ Vinyl Rear			3	Incl	Incl
> 99B - 3.3L V6 Gasoline Engine			3	Incl	Incl
> 44U - 10-Speed Automatic Transmission			3	Incl	Incl
> 17T - Cargo Area Dome Lamp			3	\$ 47.00	\$ 141.00
> 67H - Ready for the Road Package			3	\$ 3,379.30	\$ 10,137.90
> 55F - Keyless Entry w/ 4			3	\$	\$ 958.80

FOBs		319.60		
> 61B - OBD-II Connection	3	\$ 51.70	\$	155.10
> 76R - Reverse Sensing System	3	\$ 258.50	\$	775.50
> 59G - Keyed Alike 0151X	3	\$ 47.00	\$	141.00
> 51R - Driver's LED Spotlamp	3	\$ 371.30	\$	1,113.90
> 43D - Courtesy Lights Disabled	3	\$ 23.50	\$	70.50
> Rear Camera Displayed in Rearview Mirror	3	Incl		Incl
> Delivery	3	Incl		Incl
Proposal Accepted by:				
Printed name:		TOTAL	\$	149,085.63
Date :				

Make all POs to HALL AUTOMOTIVE

If you have any questions, contact Jake Clarke, Fleet & Commercial Dir, 757.498.2303,
jake.clarke@hallauto.com

THANK YOU FOR YOUR BUSINESS!

Hall Automotive - Fleet Team

Proposal

More Cars. Great People.

(a MileOne company)

3148 Virginia Beach Blvd

Virginia Beach, VA 23452

Phone 757.498.2303 Fax 757.498.2310

DATE:

12/14/2023

SALESPERSON	CONTACT	CUSTOMER	SHIPPED VIA	F.O.B. POINT	TERMS
Jake Clarke		Town of Front Royal	Hall Automotive	Front Royal	Net 30
DESCRIPTION			QUANTITY	UNIT PRICE	AMOUNT
<u>Virginia Sheriff's Association 22-05-0917RR</u>					
Spec #139 - 2023 Ford Police Interceptor Utility w/ V6			3	\$ 45,197.31	\$ 135,591.93
Options to Include:					
> YZ - Oxford White Exterior			3	Incl	Incl
> 96 - Ebony Cloth Front Buckets w/ Vinyl Rear			3	Incl	Incl
> 99B - 3.3L V6 Gasoline Engine			3	Incl	Incl
> 44U - 10-Speed Automatic Transmission			3	Incl	Incl
> 17T - Cargo Area Dome Lamp			3	\$ 47.00	\$ 141.00
> 67H - Ready for the Road Package			3	\$ 3,379.30	\$ 10,137.90
> 55F - Keyless Entry w/ 4 FOBs			3	\$ 319.60	\$ 958.80
> 61B - OBD-II Connection			3	\$ 51.70	\$ 155.10
> 76R - Reverse Sensing System			3	\$ 258.50	\$ 775.50
> 59G - Keyed Alike 0151X			3	\$ 47.00	\$ 141.00
> 51R - Driver's LED Spotlamp			3	\$ 371.30	\$ 1,113.90
> 43D - Courtesy Lights Disabled			3	\$ 23.50	\$ 70.50
> Rear Camera Displayed in Rearview Mirror			3	Incl	Incl
> Delivery			3	Incl	Incl
Proposal Accepted by:					
Printed name:				TOTAL	\$ 149,085.63
Date :					

Make all POs to HALL AUTOMOTIVE

If you have any questions, contact Jake Clarke, Fleet & Commercial Dir, 757.498.2303, jake.clarke@hallauto.com

THANK YOU FOR YOUR BUSINESS!



REGULAR COUNCIL MEETING CONSENT AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 10E

Agenda Item: Task Order for Contract Administration and Resident Representation Services Pertaining to the Sanitary Sewer Project Awarded to Snyder Environmental Services.

Summary: Council is requested to approve a task order to CHA Consulting Inc for contract administration service in the amount of \$50,000 and resident representation services up to \$195,000 for the recently awarded \$2.7 million sanitary sewer project awarded to Snyder Environmental Services.

Budget/Funding: Funds were previously budgeted for I&I Abatement projects and were set aside on Town purchase order number 30801 under the following line item:

9802-R47998 Sewer Line Maintenance – I & I Abatement \$245,000

Meetings: Work Session held January 8, 2024

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 task order to CHA Consulting Inc for contract administration service in the amount of \$50,000 and resident representation services up to \$195,000 for the recently awarded \$2.7 million sanitary sewer project awarded to Snyder Environmental Services.

Moved _____ Seconded _____

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

**ATTACHMENT F – 2023/2024
PROFESSIONAL ENGINEERING SERVICES
BETWEEN
OWNER AND ENGINEER
FOR SERVICES RELATED TO
2024 SANITARY SEWER REHABILITATION
CCA AND RPR SERVICES**

This Attachment F – 2023/2024 is made part of the Contract between the Town of Front Royal (Town), and CHA CONSULTING, INC. (CHA), dated March 20, 2020, (“the Agreement”). CHA shall perform services on the project described below as provided herein and in the Contract.

PART 1.0 – PROJECT DESCRIPTION

The Town of Front Royal signed an updated Special Order by Consent (SOC) with the Virginia Department of Environmental Quality (VDEQ) in June 2020 to reduce the frequency of bypasses and sanitary sewer overflows in its sanitary sewer collection system and wastewater treatment plant. The SOC outlines several rehabilitation studies, designs, and construction projects with completion dates in Appendix A, Schedule of Compliance that must be completed to partially satisfy the requirements of the SOC. The Town has decided to aggressively rehabilitate its system and has budgeted approximately \$10 million for the project. CHA recently designed the 2022 Sanitary Sewer Rehabilitation Project with the scope of services generally outlined in Attachment B – 2021/2022. The first contract (sanitary sewer lining) and second contract (manhole rehabilitation) are currently under construction and the third contract (sanitary sewer replacement) will begin in January 2024. CHA is providing construction contract administration (CCA) and resident project representation (RPR) services for the first two contracts under Attachment E. This Attachment F is for CCA and RPR services for the third contract (2023 Sanitary Sewer Replacements) that has a construction value in excess of \$2.7 million and a contract time of 240 days for substantial completion and 30 additional days for final payment.

PART 2.0 – SCOPE OF SERVICES TO BE PERFORMED BY CHA ON THE PROJECT

CHA shall furnish all labor, materials, and resources necessary to serve as the Engineer as defined herein in assisting the Town of Front Royal (Town) with the administration of the 2023 Sanitary Sewer Replacements. Our services are proposed for the contract times which total 270 calendar days with an anticipated Notice to Proceed for the General Contractor of mid-January 2024.

CHA shall consult with the Town and act as the Town’s representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of Engineer shall be as assigned in EJCDC® C-700, Standard General Conditions of the Construction Contract (2013 Edition), prepared by the Engineers Joint Contract Documents Committee, or other construction general conditions specified in this Agreement. If the Town, or the Town and the Contractor, modify the duties, responsibilities, and authority of CHA in the Construction Contract, or modify other terms of the Construction Contract having a direct bearing on CHA, then the Town shall compensate CHA for any related increases in the cost to provide Construction Phase services. CHA shall not be required to furnish or perform services contrary to CHA’s responsibilities as a licensed professional. All of the Town’s instructions to the Contractor will be issued through CHA, which shall have authority to act on behalf of the Town in dealings with the Contractor to the extent provided in this Agreement and the Construction Contract except as otherwise provided in writing.

CHA shall furnish the services of a Resident Project Representative at the Site to assist the Town and CHA in providing observation of the Contractor's work. Duties, responsibilities, and authority of the Resident Project Representative are as set forth herein. The furnishing of such RPR's services will not limit, extend, or modify CHA's responsibilities or authority except as expressly set forth in herein.

Task 1: Construction Contract Administration

Upon written authorization from the Town, CHA shall:

- *Pre-Construction Conference:* Participate in a pre-construction conference prior to commencement of Work at the Site.
- *Electronic Transmittal Protocols:* If the Construction Contract Documents do not specify protocols for the transmittal of Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, then together with the Town and the Contractor jointly develop such protocols for transmittals between and among the Town, the Contractor, and CHA during the Construction Phase.
- *Schedules:* Receive, review, and determine the acceptability of any and all schedules that the Contractor is required to submit to CHA, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
- *Baselines and Benchmarks:* As appropriate, establish baselines and benchmarks for locating the Work which in CHA's judgment are necessary to enable the Contractor to proceed. The Town shall compensate CHA for any costs associated with establishing or re-establishing benchmarks or baselines that require the services of a licensed surveyor.
- *Visits to Site and Observation of Construction:* In connection with observations of the Contractor's Work while it is in progress:
 - Make visits to the Site at intervals appropriate to the various stages of construction, as CHA deems necessary, to observe as an experienced and qualified design professional the progress of the Contractor's executed Work. Such visits and observations by CHA, and the Resident Project Representative, if any, are not intended to be exhaustive or to extend to every aspect of the Work or to involve detailed inspections of the Work beyond the responsibilities specifically assigned to CHA in this Agreement and the Construction Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on CHA's exercise of professional judgment, as assisted by the Resident Project Representative, if any. Based on information obtained during such visits and observations, CHA will determine in general if the Work is proceeding in accordance with the Construction Contract Documents, and CHA shall keep the Town informed of the progress of the Work.
 - The purpose of CHA's visits to the Site, and representation by the Resident Project Representative, if any, at the Site, will be to enable CHA to better carry out the duties and responsibilities assigned to and undertaken by CHA during the Construction Phase, and, in addition, by the exercise of CHA's efforts as an experienced and qualified design professional, to provide for the Town a greater degree of confidence that the completed Work will conform in general to the Construction Contract Documents and that the Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Construction Contract Documents. CHA shall not, during such visits or as a result of such observations of the Work, supervise, direct, or have control over the Work, nor shall CHA have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for security or safety at the Site, for safety precautions and programs incident to any Constructor's work in progress, for the coordination of the Constructors' work or schedules, nor for any failure of any Constructor to comply with Laws and Regulations applicable to furnishing and performing of

- its work. Accordingly, CHA neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish or perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.
- *Defective Work:* Reject Work if, on the basis of CHA's observations, CHA believes that such Work is defective under the terms and standards set forth in the Construction Contract Documents. Provide recommendations to the Town regarding whether the Contractor should correct such Work or remove and replace such Work, or whether the Town should consider accepting such Work as provided in the Construction Contract Documents.
 - *Compatibility with Design Concept:* If CHA has express knowledge that a specific part of the Work that is not defective under the terms and standards set forth in the Construction Contract Documents is nonetheless not compatible with the design concept of the completed Project as a functioning whole, then inform the Town of such incompatibility, and provide recommendations for addressing such Work.
 - *Clarifications and Interpretations:* Accept from the Contractor and the Town submittal of all matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation—RFIs) or relating to the acceptability of the Work under the Construction Contract Documents. With reasonable promptness, render a written clarification, interpretation, or decision on the issue submitted, or initiate an amendment or supplement to the Construction Contract Documents.
 - *Non-reviewable Matters:* If a submitted matter in question concerns, CHA's performance of its duties and obligations, or terms and conditions of the Construction Contract Documents that do not involve (1) the performance or acceptability of the Work under the Construction Contract Documents, (2) the design (as set forth in the Drawings, Specifications, or otherwise), or (3) other engineering or technical matters, then CHA will promptly give written notice to the Town and the Contractor that CHA will not provide a decision or interpretation.
 - *Field Orders:* Subject to any limitations in the Construction Contract Documents, CHA may prepare and issue Field Orders requiring minor changes in the Work.
 - *Change Orders and Work Change Directives:* Recommend Change Orders and Work Change Directives to the Town, as appropriate, and prepare Change Orders and Work Change Directives as required.
 - *Differing Site Conditions:* Respond to any notice from the Contractor of differing site conditions, including conditions relating to underground facilities such as utilities, and hazardous environmental conditions. Promptly conduct reviews and prepare findings, conclusions, and recommendations for the Town's use.
 - *Shop Drawings, Samples, and Other Submittals:* Review and approve or take other appropriate action with respect to Shop Drawings, Samples and other required the Contractor submittals, but only for conformance with the information given in the Construction Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Construction Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. CHA shall meet any the Contractor's submittal schedule that CHA has accepted.
 - *Substitutes and "Or-equal":* Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by the Contractor.
 - *Inspections and Tests:*
 - Receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Construction Contract Documents. CHA's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Construction Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of

- the Construction Contract Documents. CHA shall be entitled to rely on the results of such inspections and tests.
- As deemed reasonably necessary, request that the Contractor uncover Work that is to be inspected, tested, or approved.
 - Pursuant to the terms of the Construction Contract, require special inspections or testing of the Work, whether or not the Work is fabricated, installed, or completed.
- *Change Proposals and Claims:* (a) Review and respond to Change Proposals. Review each duly submitted Change Proposal from the Contractor and, within 30 days after receipt of the Contractor's supporting data, either deny the Change Proposal in whole, approve it in whole, or deny it in part and approve it in part. Such actions shall be in writing, with a copy provided to the Town and the Contractor. If the Change Proposal does not involve the design (as set forth in the Drawings, Specifications, or otherwise), the acceptability of the Work, or other engineering or technical matters, then CHA will notify the parties that CHA will not resolve the Change Proposal. (b) Provide information or data to the Town regarding engineering or technical matters pertaining to Claims.
 - *Applications for Payment:* Based on CHA's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:
 - Determine the amounts that CHA recommends the Contractor be paid. Recommend reductions in payment (set-offs) based on the provisions for set-offs stated in the Construction Contract. Such recommendations of payment will be in writing and will constitute CHA's representation to the Town, based on such observations and review, that, to the best of CHA's knowledge, information and belief, the Contractor's Work has progressed to the point indicated, the Work is generally in accordance with the Construction Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Construction Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to the Contractor's being entitled to such payment appear to have been fulfilled in so far as it is CHA's responsibility to observe the Work. In the case of unit price Work, CHA's recommendations of payment will include final determinations of quantities and classifications of the Work (subject to any subsequent adjustments allowed by the Construction Contract Documents).
 - By recommending payment, CHA shall not thereby be deemed to have represented that observations made by CHA to check the quality or quantity of the Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of the Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to CHA in this Agreement. Neither CHA's review of the Contractor's Work for the purposes of recommending payments nor CHA's recommendation of any payment including final payment will impose on CHA responsibility to supervise, direct, or control the Work, or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or the Contractor's compliance with Laws and Regulations applicable to the Contractor's furnishing and performing the Work. It will also not impose responsibility on CHA to make any examination to ascertain how or for what purposes the Contractor has used the money paid to the Contractor by the Town; to determine that title to any portion of the Work, including materials or equipment, has passed to the Town free and clear of any liens, claims, security interests, or encumbrances; or that there may not be other matters at issue between the Town and the Contractor that might affect the amount that should be paid.
 - *Contractor's Completion Documents:* Receive from the Contractor, review, and transmit to the Town maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Construction Contract Documents, certificates of inspection, tests and approvals, and Shop Drawings, Samples, and other data approved. Receive from the

Contractor, review, and transmit to the Town the annotated record documents which are to be assembled by the Contractor in accordance with the Construction Contract Documents to obtain final payment. The extent of CHA's review of record documents shall be to check that the Contractor has submitted all pages.

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

Task 2: Resident Project Representation

CHA shall furnish a Resident Project Representative (RPR) to assist CHA in observing progress and quality of the Work. The RPR may provide full time representation or may provide representation to a lesser degree, as directed by the Town. RPR is CHA's representative at the Site, will act as directed by and under the supervision of CHA, and will confer with CHA regarding RPR's actions.

Through RPR's observations of the Work, including field checks of materials and installed equipment, CHA shall endeavor to provide further protection for the Town against defects and deficiencies in the Work. However, CHA shall not, as a result of such RPR observations of the Work, supervise, direct, or have control over the Work, nor shall CHA (including the RPR) have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for security or safety at the Site, for safety precautions and programs incident to the Work or any Constructor's work in progress, for the coordination of the Constructors' work or schedules, or for any failure of any Constructor to comply with Laws and Regulations applicable to the performing and furnishing of its work. The CHA (including RPR) neither guarantees the performances of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.

The duties and responsibilities of the RPR are as follows:

- *General:* RPR's dealings in matters pertaining to the Work in general shall be with CHA and the Contractor. RPR's dealings with Subcontractors shall only be through or with the full knowledge and approval of the Contractor. RPR shall generally communicate with the Town only with the knowledge of and under the direction of CHA.
- *Schedules:* Review the progress schedule, schedule of Shop Drawing and Sample submittals, schedule of values, and other schedules prepared by the Contractor and consult with CHA concerning acceptability of such schedules.
- *Conferences and Meetings:* Attend meetings with the Contractor, such as preconstruction conferences, progress meetings, job conferences, and other Project-related meetings (but not including the Contractor's safety meetings).
- *Safety Compliance:* Comply with Site safety programs, as they apply to RPR, and if required to do so by such safety programs, receive safety training specifically related to RPR's own personal safety while at the Site.
- *Liaison:*
 - Serve as CHA's liaison with the Contractor. Working principally through the Contractor's authorized representative or designee, assist in providing information regarding the provisions and intent of the Construction Contract Documents.
 - Assist CHA in serving as the Town's liaison with the Contractor when the Contractor's operations affect the Town's on-Site operations.
 - Assist in obtaining from the Town additional details or information, when required for proper execution of the Work.
- *Clarifications and Interpretations:* Receive from the Contractor submittal of any matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation - RFIs) or relating to the acceptability of the Work under the Construction Contract Documents. Report to CHA regarding such RFIs. Report to CHA when clarifications and interpretations of the Construction Contract Documents are needed, whether as the result of a Contractor RFI or otherwise. Transmit CHA's clarifications, interpretations, and decisions to the Contractor.
- *Shop Drawings and Samples:*
 - Receive Samples that are furnished at the Site by the Contractor and notify CHA of availability of Samples for examination.
 - Advise CHA and the Contractor of the commencement of any portion of the Work requiring a Shop Drawing or Sample submittal, if RPR believes that the submittal has not been received from the Contractor or has not been approved by the Contractor or CHA.
- *Proposed Modifications:* Consider and evaluate the Contractor's suggestions for modifications to the Drawings or Specifications, and report such suggestions, together with RPR's recommendations, if any, to CHA. Transmit CHA's response (if any) to such suggestions to the Contractor.
- *Review of Work; Defective Work:*
 - Report to CHA whenever RPR believes that any part of the Work is defective under the terms and standards set forth in the Construction Contract Documents and provide recommendations as to whether such Work should be corrected, removed and replaced, or accepted as provided in the Construction Contract Documents.
 - Inform CHA of any Work that RPR believes is not defective under the terms and standards set forth in the Construction Contract Documents but is nonetheless not compatible with the design concept of the completed Project as a functioning whole and provide recommendations to CHA for addressing such Work.
 - Advise CHA of that part of the Work that RPR believes should be uncovered for observation, or requires special testing, inspection, or approval.
- *Records:*

- Maintain at the Site orderly files for correspondence, reports of job conferences, copies of Construction Contract Documents including all Change Orders, Field Orders, Work Change Directives, Addenda, additional Drawings issued subsequent to the execution of the Construction Contract, RFIs, CHA's clarifications and interpretations of the Construction Contract Documents, progress reports, approved Shop Drawing and Sample submittals, and other Project-related documents.
- Prepare a daily report or keep a diary or log book, recording the Contractor's hours on the Site, Subcontractors present at the Site, weather conditions, data relative to questions of Change Orders, Field Orders, Work Change Directives, or changed conditions, Site visitors, deliveries of equipment or materials, daily activities, decisions, observations in general, and specific observations in more detail as in the case of observing test procedures; and send copies to CHA.
- Upon request from the Town to CHA, photograph or video Work in progress or Site conditions.
- Record and maintain accurate, up-to-date lists of the names, addresses, fax numbers, e-mail addresses, websites, and telephone numbers (including mobile numbers) of all the Contractors, Subcontractors, and major Suppliers of materials and equipment.
- Maintain records for use in preparing Project documentation.
- Upon completion of the Work, furnish original set of all RPR Project documentation to CHA.
- *Reports:*
 - Draft and recommend to CHA proposed Change Orders, Work Change Directives, and Field Orders. Obtain backup material from the Contractor.
 - Furnish to CHA and the Town copies of all inspection, test, and system start-up reports.
 - Immediately inform CHA of the occurrence of any Site accidents, emergencies, acts of God endangering the Work, possible force majeure or delay events, damage to property by fire or other causes, or the discovery of any potential differing site condition or Constituent of Concern.
- *Payment Requests:* Review applications for payment with the Contractor for compliance with the established procedure for their submission and forward with recommendations to CHA, noting particularly the relationship of the payment requested to the schedule of values, Work completed, and materials and equipment delivered at the Site but not incorporated in the Work.
- *Completion:*
 - Participate in CHA's visits to the Site regarding Substantial Completion, assist in the determination of Substantial Completion, and prior to the issuance of a Certificate of Substantial Completion submit a punch list of observed items requiring completion or correction.
 - Participate in CHA's visit to the Site in the company of the Town and the Contractor, to determine completion of the Work, and prepare a final punch list of items to be completed or corrected by the Contractor.
 - Observe whether all items on the final punch list have been completed or corrected and make recommendations to CHA concerning acceptance and issuance of the Notice of Acceptability of the Work.
- *Resident Project Representative shall not:*
 - Authorize any deviation from the Construction Contract Documents or substitution of materials or equipment (including "or-equal" items).
 - Exceed limitations of CHA's authority as set forth in this Agreement.
 - Undertake any of the responsibilities of the Contractor, Subcontractors, or Suppliers, or any Constructor.

- Advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of the Work, by the Contractor or any other Constructor.
- Advise on, issue directions regarding, or assume control over security or safety practices, precautions, and programs in connection with the activities or operations of the Town or the Contractor.
- Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by CHA.
- Accept Shop Drawing or Sample submittals from anyone other than the Contractor.
- Authorize the Town to occupy the Project in whole or in part.

PART 3.0 – PERIODS OF SERVICE

CHA will provide these services in accordance with Construction Contract between the General Contractor for the 2023 Sanitary Sewer Replacements and the Town. CHA will provide these services for 9 months from the construction contract Notice to Proceed. If the construction contractor(s) fail to meet these dates for project completion, CHA may request additional compensation.

PART 4.0 – PAYMENTS TO CHA

For Task 1, CHA shall be paid \$50,000 on a lump sum basis.

For Task 2, CHA shall be paid on a time and materials basis up to \$195,000. We have budgeted for 9 months of RPR for this project.

PART 5.0 – OTHER

This Attachment F – 2023/2024 is executed this _____ day of _____, 2023.

TOWN OF FRONT ROYAL, VIRGINIA

CHA CONSULTING, INC.

By:

By:

Name: _____

Name: Douglas B. Hudgins, PE

Title: _____

Title: Vice President

Address: 102 East Main Street
Front Royal, VA 22630

Address: 1341 Research Center Drive
Suite 2100
Blacksburg, VA 24060



REGULAR COUNCIL MEETING AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 11

Action Agenda Item: Approve a Resolution of Financial Support for *Reaching Out Now, Inc.* (“Resolution”) for the Operation of the Santmyers Student Union and Leadership Center, a Revitalization the Former Raymond E. Santmyers Youth Center, Located at 200 E. 8th Street.

Summary: Council is requested to approve a Resolution of Financial Support for *Reaching Out Now, Inc.*, a §501(c)(3) tax-exempt non-profit, for the purpose of providing funding to *Reaching Out Now, Inc.* to appropriate and donate funding to *Reaching Out Now, Inc.* exclusively in support of *Reaching Out Now, Inc.*’s unique relationship with the County which both advances *Reaching Out Now, Inc.*’s mission and achieves the stated purpose entering into a lease agreement with the County for the purpose of resuming operations of a recreational youth center at the County-owned building located at 200 E. 8th Street, and for the County’s recommitment to operate a recreational facility at the property. Council received input from the public during a Public Hearing on August 28, 2023, regarding the request for funding from *Reaching Out Now, Inc.*

Budget/Funding: \$25,000 upon passage of the Resolution.

Meetings: Work Sessions held June 12 and July 10, 2023, Liaison Committee Meeting held July 20, 2023, Public Hearing held August 28, 2023, Closed Sessions held October 2, 2023, November 6, 2023 and January 8, 2024.

Proposed Motion: I move that Council approve the Resolution of Financial Support for *Reaching Out Now, Inc.*, as presented, with the Mayor to execute the Resolution on behalf of the Town.

Moved _____ Seconded _____

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

**RESOLUTION OF FINANCIAL SUPPORT
REACHING OUT NOW, INC.
AND
THE SANTMYERS STUDENT UNION AND LEADERSHIP CENTER
(FORMERLY THE RAYMOND E. SANTMYERS YOUTH CENTER)**

WHEREAS, the Town is a political subdivision of the Commonwealth of Virginia, and the Town Council is the governing body of the Town; and,

WHEREAS, Reaching Out Now, Inc is a Maryland non-stock corporation and IRS §501(c)(3) tax exempt non-profit authorized to do business in Virginia; and,

WHEREAS, on February 11, 2019, the Virginia State Corporation Commission granted to Reaching Out Now, Inc. a Certificate of Authority to Transact Business in Virginia which was organized and incorporated by its incorporators as a nonprofit nonstock corporation exclusively for charitable purposes on March 10, 2008 in the State of Maryland; and,

WHEREAS, Reaching Out Now, Inc., as expressed through its mission statement, encourages under-resourced youth to be the best version of themselves with preparedness to face the world with hope, purpose and optimism, serving students and their families needing support in the school system through engaged community partners and a volunteer network, with programs providing opportunities and new experiences for all involved to reach their full potential, and serving by implementing monitoring and community support programs promoting leadership growth, challenging students and families we serve to rise above life's experiences to become their best selves and provide unique opportunities for all volunteers to give back ("Mission"); and,

WHEREAS, Article IV, Section 16 of the Constitution of Virginia, Virginia Code §§15.2-950, and 15.2-953 (A), (B) and (F), as further supported by opinion of the Attorney General (2012 Va. AG 57 (12-041), authorize the Town Council to appropriate and donate funds to nonprofit, nonsectarian charitable organizations for the public purpose of providing recreational services to residents of the locality, and the accomplishment of all other lawful purposes and objectives; and

WHEREAS, prior to 2001, the Town owned and operated the building ("Building") and property then known as the "Raymond E. Santmyers Youth Center" and the "Saul Seide Botanical Garden", located at 8th Street and Commerce Avenue, Tax Map 20A4-1-3A, containing approximately 2.33 acres ("Property") as a youth recreational center and public park; and,

WHEREAS, by deed dated January 24, 2001, the Town conveyed the Property to the County of Warren ("County") with the express condition that the Property "shall be used as a public park or for public recreation purposes and that if this condition is violated said property shall revert to the Town of Front Royal"("Deed Restrictions"), with resolutions of the Town and

County attached thereto and made part thereof, with each resolution referencing provisions of the *Agreement between the County of Warren and the Town of Front Royal regarding the provision of water and sewer service by the Town in the State Route 522/340 North Corridor and the assumption of full-service funding and responsibility by the County of Fire/Rescue, Parks/Recreation operations, and Animal Control Services*, as amended (“Corridor Agreement”); and,

WHEREAS, the Corridor Agreement required the County to “assume full funding and operational responsibility for a County-wide Parks and Recreation Program”, and,

WHEREAS, the Town desires that the County continue to use the Building for the purpose of providing youth recreational services in compliance with the Corridor Agreement and the Deed Restrictions such that the title to the Property remains with the County and does not revert to the Town, and,

WHEREAS, the County has entered into a charitable lease agreement (“Lease”) with Reaching Out Now, Inc. for the non-exclusive use of the Building in support of the therein stated purpose of providing “leadership, empowerment, and service programs constituting public recreation activities for youth” (“Purpose”), and,

WHEREAS, the Town is satisfied that the Lease contains adequate provisions acknowledging and ensuring that the County’s obligations and commitments to the Town, imposed by Corridor Agreement and the Deed Restrictions, will be met and honored, and,

WHEREAS, the Town wishes to appropriate and donate funding to Reaching Out Now, Inc. exclusively in support of Reaching Out Now, Inc.’s unique relationship with the County in both advancing their Mission and in achieving the stated Purpose of resuming operations of a recreational youth center at the Building.

NOW, THEREFORE, BE IT RESOLVED that the Town of Front Royal does hereby appropriate and donate Twenty-Five Thousand Dollars (\$25,000) to Reaching Out Now, Inc. exclusively in support of Reaching Out Now, Inc.’s unique relationship with the County in both advancing their Mission and in achieving the stated Purpose of resuming operations of a recreational youth center at the Building. While it is the Town’s intention to consider additional appropriations and donations during this and future fiscal years, this donation shall not be construed to obligate the Town to appropriate funds to Reaching Out Now, Inc. in the future. Any such appropriation shall be voluntary. This Resolution is effective upon passage.

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 _____, 2024 upon the following recorded vote:

Melissa DeDomenico-Payne	☐ Yes ☐ No	H. Bruce Rappaport	☐ Yes ☐ No
Joshua L. Ingram	☐ Yes ☐ No	Glenn Wood	☐ 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



CLOSED MEETING AGENDA STATEMENT

Meeting Date: January 22, 2024

Item# 12

MOTION TO GO INTO CLOSED MEETING

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 purposes:

- 1) pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for 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, First Bank and Trust; and, Town of Front Royal v. Front Royal Limited Partnership

Motion to Certify Closed Meeting at its Conclusion

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

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

Moved _____ Seconded _____

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