



TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING
TUESDAY, May 26, 2015 @ 7:00pm in the Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of May 11, 2015
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 [1] Report from EDA Executive Director Jennifer McDonald
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** -- **(ROLL CALL VOTE REQUIRED)**
 - A. COUNCIL APPROVAL – Employee Handbook Revisions
 - B. COUNCIL APPROVAL – Request for Reimbursement for Removal of Trees on E Main St
 - C. COUNCIL APPROVAL – Reclassification of Part-Time Code Enforcement Officer to Full-Time Deputy Zoning Administrator Position
 - D. COUNCIL REFER TO PLANNING COMMISSION – Chapter 66 “Dogs and Other Animals”
8. **PUBLIC HEARING** – An Ordinance to Amend Town Code Sections 134-22.1 and 134-22.4 to Decrease Rates for Sanitary Sewer Service *(1st Reading)*
9. **PUBLIC HEARING** – Ordinance to Amend Town Code Chapter 12 - FEES *(1st Reading)*
10. **PUBLIC HEARING** – Ordinance to Amend Town Code 75-44 (C) Pertaining to Machinery and Tools Tax and Mobile Home Tax *(1st Reading)*
11. **PUBLIC HEARING** – Ordinance to Amend Town Code 75-52 Pertaining to Front Royal Enterprise Zone *(1st Reading)*
12. **PUBLIC HEARING** – Annual Appropriation Ordinance for FY- 2015-2016 Proposed Budget. *(1st Reading)*
13. **COUNCIL APPROVAL** – Continued Discussion to Establish a Building Inspection Program
14. **COUNCIL APPROVAL** – First Reading of An Ordinance Amendment to Chapter 148
15. **CLOSED MEETING** – 1) Investment of Public Funds; Consultation with Legal Counsel; Award of a Public Contract

7A

**COUNCIL APPROVAL – Employee
Handbook Revisions**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(A)

Meeting Date: May 26, 2015

Agenda Item: COUNCIL APPROVAL – Employee Handbook Revisions

Summary: Council is requested to consider approval of two amendments to the Town's Employee Handbook as presented. The first amendment pertains to Health and Dental Coverage during Retirement and was recommended by the Town's Auditor in their most recent presentation to the Finance Committee to reduce future fiscal encumbrances of the Town. The second amendment pertains to Paid Time Off and Other Absences, specifically Annual Leave Accrual by providing a credit to service for those working part-time with the Town or working full-time in the Armed Services. The second amendment also defines the benefit that current employees receive since it had only been identified in the Budget. The amendments will become effective July 1, 2015, contingent upon the final approval of the FY2015-2016 Budget.

Budget/Funding: None

Attachments: Amendments as Proposed for Employee Handbook

Meetings: Work Session held May 11, 2015

Staff Recommendation: Approval ☒ Denial ☐

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 two amendments to the Town's Employee Handbook effective July 1, 2015, as presented and contingent upon the final adoption of the FY2015-2016 Budget.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

5 Paid Time Off and Other Absences

I. General Information

A. Regular attendance at work is a critical component of meeting the service delivery, productivity and efficiency goals of the Town. Employees are expected to maintain regular, predictable attendance and to report to work on time except for time off approved under the following provisions.

B. Paid time off is an employee benefit that is an important part of the Town's total compensation package that provides time away from work for rest, relaxation and personal purposes and provides a mechanism for partial pay protection during times of illness or incapacity. Employees assigned to full-time positions earn an array of paid time off based on the purpose of the absence. Employees assigned to part-time positions earn generic leave as described in Section V below.

C. Paid time off may be used in 1/2 hour increments. Accrued paid time off is a personal benefit to an individual employee and shall not be loaned, or sold to another employee, except through participation in the Leave Donation Program. Employees shall be granted authorized leave only for its intended purpose.

II. Full-Time Paid Time Off Benefits

A. Annual Leave:

Annual leave is paid time off from work for vacation, recreation or other personal purposes.

1. Leave Accrual:

Eligible employees accrue annual leave each pay period when they are employed and in a paid status. **Employees shall be credited one (1) year for every four years (4) employed with the Town in a part-time position and/or years served in the U.S. Military on active duty.** Full-time employees accrue annual leave at the following rates:

- a. 0-3 years – Three (3.0) hours per pay period
- b. 4-10 years – Four (4.0) hours per pay period
- c. 11-19 years – Five (5.0) hours per pay period
- d. 20 years and above – Six (6.0) hours per pay period

2. Maximum Accrual:

Total creditable service for full-time annual leave accrual purposes shall be computed from the date of appointment or conversion to a full-time position.

- a. Annual leave may accumulate throughout the year but the amount that may be carried forward from one calendar year into another calendar year is limited to 160 hours.

3. Effect of Reassignment:

Promotion, demotion, transfers or reassignment does not affect the amount of accumulated annual leave.

4. Separation:

Upon separation from employment, a full-time employee (or the employee's estate in case of the employee's death) will receive payment for a maximum of 160 hours of accumulated, but unused annual leave.

IV. Optional Group Life Insurance

- A. All full-time employees are eligible to purchase optional group term life insurance for themselves, their spouse and their children.
- B. The employee is responsible for 100% of the cost of the optional life insurance.
- C. Employees may purchase coverage in amounts of 1, 2, 3, or 4 times their annual salary. The amount of coverage available to spouses and children depends on the amount of coverage selected by the employee.

V. Retirement

- A. All full-time Town employees are enrolled in the Virginia Retirement System (VRS) based on the date of hire. If hired on the first day of the month, coverage begins that month. If hired after the first day of the month, coverage begins the following month.
- B. The Town and employee are currently to share contributions for participation in VRS.
- C. VRS is a State retirement system and all rules and regulations regarding contributions and retirement benefits are made by the State legislature. The Town, as a member employer, must comply with all regulations as set forth by the legislature.
- D. An employee may request a refund from VRS of a portion of retirement contributions upon termination from employment in accordance with VRS regulations.
- E. Effective July 1, 1999, the Town adopted full retirement benefits at age 50 with 30 year's service. Uniformed public safety employees (police) are eligible to retire with full benefits at age 50 with a minimum of 25 years of service. Employees hired after July 1, 2010 will be following the VRS "90" rule, "Plan 2". Details are available through Human Resources.
- F. Retirement benefits are based on three factors: years of service, the average of the highest consecutive 36 months of compensation if hired before July 1, 2010 or 60 months for "Plan 2" employees hired after July 1, 2010, and age at the time of retirement. Details concerning the Virginia Retirement System are covered in the Handbook for VRS Members, available in the Human Resources Department.
- G. The Town reserves the right to participate in another retirement system should it deem appropriate. H. Health and Dental Coverage During Retirement:
 - 1. **Employees hired before July 1, 2015** ~~The Town currently allows retirees, who retire directly from the Town (i.e., leave service and immediately begin to receive a retirement benefit from VRS) to continue to participate in the group health and dental plans as dictated below in Section 3.~~ **The Town shall contribute one (1%) percent for each year of employment with the Town up to a maximum of twenty-five (25%) percent of the monthly premium for each year or portion of a year.**
 - 2. Employees who terminate from Town service and defer retirement are not eligible to continue to participate in the Town's group health plan. Deferred retirement occurs when the employee who terminates service does not elect or is ineligible for an immediate retirement benefit from VRS.
- a. Retirees, their spouses, and dependent children, who retired on or prior to June 30, 1989, are

7B

**COUNCIL APPROVAL – Request for
Reimbursement for Removal of Trees on E
Main Street**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(B)

Meeting Date: May 26, 2015

Agenda Item: COUNCIL APPROVAL – Request for Reimbursement for Removal of Trees on E Main Street

Summary: Council is requested to consider a request from Michael Silek for reimbursement in the amount of \$900.00 for expenses he incurred to remove the trees located in front of his property at 311 and 317 E Main Street. These trees were scheduled to be removed by the Town in the fall of 2015 as the final phase of the Main Street Tree Replacement Program.

Budget/Funding: Horticulture and Tree Replacement - 4305-47031

Attachments: Invoice from Smitty's Tree

Meetings: Work Session held May 18, 2015

Staff Recommendation: Approval ✓ Denial

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 reimbursement in the amount of \$900.00 to Michael Silek, for the removal of trees located in front of his property at 311 and 317 E Main Street.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

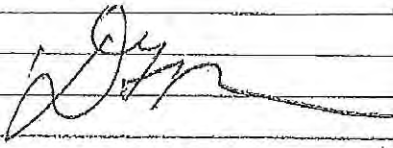
*To be clear and concise, motions should be made in the positive

Approved By: JB

2nd

Smitty's Tree
686-3536

084454

NAME Franks L.L.C.		SHIP TO				
ADDRESS 317 E. Main St		ADDRESS				
CITY, STATE, ZIP		CITY, STATE, ZIP				
ORDER NUMBER	DEPARTMENT	SALESPERSON	WHEN SHIP	TERMS	HOW SHIP	DATE 4/23/15
QUANTITY	DESCRIPTION				PRICE	AMOUNT
	Remove 4 Bradford Pear Trees.					900.00
make check payable to:						
mark Smith						
Paid in full						
ch# 1107						
						
BUYER:						

7C

**COUNCIL APPROVAL – Reclassification of
Part-time Code Enforcement Officer to Full-
time Deputy Zoning Administrator Position**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(C)

Meeting Date: May 26, 2015

Agenda Item: COUNCIL APPROVAL – Reclassification of Part-Time Code Enforcement Officer to Full-Time Deputy Zoning Administrator Position

Summary: Council is requested to consider approval of the reclassification of the Part-Time Code Enforcement Officer to Full-Time Deputy Zoning Administrator to better meet the needs of the Town and to be more consistent with similar positions in the region. This approval is contingent upon final adoption of the FY2015-2016 Budget.

Budget/Funding: No additional funds needed to accommodate the request. An interdepartmental budget transfer would accommodate the change.

Attachments: Proposed job description

Meetings: Work Session held May 18, 2015

Staff Recommendation: Approval ✓ Denial

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 reclassification of the Part-Time Code Enforcement Officer to Full-Time Deputy Zoning Administrator, contingent upon the final adoption of the FY2015-2016 Budget.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JSB

Job Title: **Deputy Zoning Administrator**

Position Type: **Full-time**

Salary: **GS-20 \$39,603 - \$63315 DOQ/DOE**

Job Category: **Exempt**

Job Purpose:

The Deputy Zoning Administrator assists the Planning and Zoning Director with the management of all aspects of zoning, including permitting, inspections and zoning administration.

Duties:

- The primary job duties of the position include the following:
- To oversee daily zoning enforcement activities;
- To oversee daily zoning inspections;
- To provide customer service, including, but not limited to, interaction with walk-in customers, as well as answering calls and email inquiries;
- To assist with the enforcement of other chapters of the Town Code, such as, but not limited to, Chapters 170, 148, 135, 145, and 107; and
- To coordinate code enforcement activities with the Police Department, Town Attorney, and other Town Departments, under the general supervision of the Director of Planning & Zoning/Zoning Administrator.
- To work on other activities, projects or assignments as require by the Director, including ordinance amendments, staffing of local boards or commissions, such as, but not limited to, the Board of Zoning Appeals, preparing tracking reports, preparing Staff reports and memos to the Director, or other related activities necessary for the operation of the Department of Planning & Zoning.

To perform the primary duties of the position, the following activities are necessary:

- To maintain records and files, reviews permit applications, researches records, and writes letters and reports.
- To assist with the coordination of community awareness and public education campaigns to increase citizen participation and compliance with Town ordinances.
- To conduct inspections to ascertain code violations of Chapter 175, and other chapters, of the Town Code.
- To conduct follow-up inspections and investigative work to ensure compliance with the Town Code.
- Prepares letters and notices for mailing, and/or serves notices of violation to property owners and/or tenants.
- Prepares data for court and testifies on ordinance and code violations.
- Performs routine patrols to encourage pro-active enforcement of zoning violations.
- To attend occasional evening meetings, as needed.

Qualifications:

- Minimum job qualifications include:
- Knowledge of local government, including familiarity with the Town Code and Virginia Code.
- Knowledge of zoning enforcement methods, practices and procedures.
- Knowledge of the Town.
- Ability to carry out oral and written instructions and to prepare clear comprehensive reports.
- Ability to deal courteously, firmly and tactfully with the public.
- Good judgement making and time management skills, with the ability to learn quickly.
- Physical ability and endurance to inspect properties of all conditions.
- Ability to operate a motor vehicle.
- Ability to establish and maintain effective working relations with general public to enforce ordinances with firmness, tact and impartiality.

Special Requirements:

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Must meet and maintain all department and State training and education requirements for the position. CZA/CZO certification is required at the time of hire, or within a specific amount of time after being hired. Other certifications may be required in the future as determined by the Director.

Work Conditions:

This is medium work requiring the exertion of up to 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects vocal communication is required for expressing or exchanging ideas by means of the spoken word, and conveying detailed or important instructions to others accurately, loudly, and/or promptly; hearing is required to perceive information at normal spoken word levels, and receive detailed information through oral communications and/or to make fine distinctions in sound; visual acuity is required for depth perception, color perception, night vision, peripheral vision, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker may be exposed to blood borne pathogens and may be required to wear specialized personal protective equipment.

7D

**COUNCIL REFER TO PLANNING
COMMISSION – Chapter 66 “Dogs and
Other Animals”**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(D)

Meeting Date: May 26, 2015

Agenda Item: COUNCIL REFER TO PLANNING COMMISSION – Chapter 66 “Dogs and Other Animals”

Summary: Council is requested to consider a referral to the Planning Commission to review the current prohibition of livestock and other animals in Town Code Chapter 66 “Dogs and Other Animals” to consider allowing urban livestock in limited numbers provided that appropriate enclosure, exercise space, and sanitation are provided for humane and safe keeping of said urban livestock. In addition, evaluation of potential impact to the surrounding neighborhood should also be considered.

Budget/Funding: None

Attachments: Town Code Chapter 66 “Dogs and Other Animals”

Meetings: Work Session held May 18, 2015

Staff Recommendation: Approval ✓ Denial

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 refer to the Planning Commission the review and evaluation of Chapter 66 “Dogs and Other Animals” to consider allowing urban livestock in limited numbers provided that appropriate enclosure, exercise space and sanitation are provided.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JTB

Chapter 66DOGS AND OTHER ANIMALS

Sections:

ANIMALS GENERALLY

- 66-1 LIVESTOCK RUNNING AT LARGE
- 66-2 IMPOUNDMENT; REDEMPTION; SALE
- 66-3 MAINTENANCE OF PENS AND KENNELS
- 66-4 CRUELTY TO ANIMALS
- 66-5 SLAUGHTERING OF STOCK

DOGS

- 66-6 DOGS RUNNING AT LARGE
- 66-7 NOISY DOGS
- 66-8 DANGEROUS DOGS AND VICIOUS DOGS
- 66-9 PROUD FEMALE DOGS
- 66-10 DISPOSITION OF UNTAGGED DOGS
- 66-11 RABIES

KEEPING OF CERTAIN ANIMALS

- 66-12 DEFINITIONS
- 66-13 PROHIBITION
- 66-14 EXEMPTIONS

ASSAULT AND INTIMIDATION WITH ANIMALS

- 66-15 FINDINGS AND POLICY OF ARTICLE IV
- 66-16 DEFINITIONS
- 66-17 ANIMALS USED TO INTIMIDATE
- 66-18 CONTAINMENT OR MUZZLING OF CERTAIN ANIMALS HAVING AN
INTIMIDATING OR FRIGHTENING APPEARANCE; REQUIREMENT
ANIMAL BE CONFINED OR PENNED
- 66-19 UNEXPECTED EXPOSURE TO FRIGHTENING DISPLAY
- 66-20 PROCEDURE TO DECLARE AN ANIMAL INTIMIDATING
- 66-21 DUTY OF OWNER OR CUSTODIAN TO NOTIFY AUTHORITIES
- 66-22 EXCEPTIONS
- 66-23 PENALTY
- 66-24 SEVERABILITY

Adopted by the Town Council of the Town of Front Royal 3-11-85. (Chapter 4 of the 1965 Code including following amendments: Amended 11-13-72 "Noisy Dogs"; Amended 12-11-72 "Vicious or Destructive Dogs"; Amended 5-1-75 "Dogs Running at Large"; Ord. No. 6-84 Amended 6-11-84 "Dogs Running at Large"; Ord. No. 11-84 Added 9-24-84 "Keeping of Certain Animals within the Limits of the Town of Front Royal"; Ord. No. 12-84 Amended on 9-24-84 "Livestock Running at Large", "Maintenance of Pens and Kennels, and "Slaughtering Prohibited"; Sections 66-8 and 66-9 amended at time of adoption of Code). Other amendments noted where applicable.

ANIMALS GENERALLY

66-1 LIVESTOCK RUNNING AT LARGE

It shall be unlawful for an owner or custodian to permit cows, horses or other livestock to run at large within the Town.

66-2 IMPOUNDMENT; REDEMPTION; SALE

It shall be the duty of the Town Police, upon finding an animal running at large in violation of Section 66-1, immediately to stable or pen such animal and forthwith to post at the courthouse in the Town, notice of having taken possession of such animal, with a reasonable description of the same. It shall furthermore be the duty of the police, in the event that no pound or pen is provided by the Town, to arrange with a private person for the care, keep and protection of such animal so taken up and report his action to the Town Manager or, in his absence, to the Mayor, who will forthwith notify the owner of such animal, if known, and issue a summons to be served upon him thereby bringing the case before the County Court for trial. If the owner of such animal is unknown, the Town Manager shall, after ten (10) days' notice given by written notices posted in the courthouse and post office in the Town, offer such animal for sale, at public auction, to the highest bidder before the courthouse door, and out of the proceeds coming into his hands, he shall first pay the cost of keep of such animal from time it has been taken up until the day of sale, all court costs and fees, cost of sale and such fine as shall have been imposed. Any balance remaining in his hands shall be deposited in the treasury, and if the person properly entitled to the same upon a hearing before the County Court establishes his ownership of such animal, then the remainder of the proceeds of such sale shall be paid over to him.

66-3 MAINTENANCE OF PENS AND KENNELS

Pens, stables, coops, kennels and yards for any animals or fowl located in the Town shall be kept in a sanitary condition at all times by the owner or person in charge thereof and shall be subject to inspection by the Health Officer, who shall be authorized to go upon the property in question to inspect facilities in plain view.

66-4 CRUELTY TO ANIMALS

A. Any person who overrides, overdrives, overloads, tortures, ill-treats or cruelly or unnecessarily beats, maims, mutilates or kills any animal, whether belonging to himself or

another, or deprives any animal of necessary sustenance, food or drink or causes any of the above things or, being the owner of such animal, permits such acts to be done by another or willfully sets on foot, instigates, engages in, or in any way furthers an act of cruelty to any animal or shall carry or cause to be carried in or upon any vehicle or vessel or otherwise any animal in cruel, brutal or inhuman manner so as to produce torture or unnecessary suffering shall be guilty of a misdemeanor, but nothing in this section shall be construed to prohibit the dehorning of cattle.

B. The word "animal" as used in this section, shall be construed to include birds and fowls.

66-5 SLAUGHTERING PROHIBITED

It shall be unlawful for any butcher or vendor of meats or any other person to slaughter animals or fowl within the Town limits.

DOGS

66-6 DOGS RUNNING AT LARGE

It shall be unlawful for any person to permit his dog to run at large as hereinafter defined. For the purpose of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits said dog to run at large shall be fined not more than two hundred dollars (\$200.). Any dog found running at large may be subject to seizure and impoundment by the Dog Warden.

(Ord. No. 3-92 Amended Fine 3-23-92-Effective Upon Passage)

(Ord. No. 2-97 Amended 9-22-97-Effective 6-1-98)

66-7 NOISY DOGS

A. It shall be unlawful and a nuisance for any person to keep, harbor or confine within the town any dog which shall habitually, continuously or intermittently make or emit sounds or noises of such volume and nature as to interfere unreasonably with or disturb the peace, quiet, comfort or repose of persons of ordinary sensibilities within the neighborhood in the reasonable use and enjoyment of their property.

B. Upon complaint being made to any police officer that the provisions of this section are being violated, the police officer shall give notice to such owner of such complaint and shall further order the discontinuance of the disturbance. It shall be unlawful for the owner of such dog to fail, after the expiration of twenty-four (24) hours from the receipt of such notice, to cause the discontinuance of the disturbance.

66-8 VICIOUS OR DESTRUCTIVE DOGS**A. Definitions:**

1. A "dangerous dog" means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.

2. A "vicious dog" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that is a dangerous dog, provided that its owner has been given notice of that finding.

3. Notwithstanding the definitions above, no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog.

B. Procedures for Determining a Dog to be Dangerous or Vicious

1. Any Animal Control Officer who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a General District Court at a specified time. The summons shall advise the owner of the nature of the proceedings and the matters at issue. The Animal Control Officer or owner shall securely confine the animal in a humane manner until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal.

2. In addition to Paragraph 1, Subsection B of this Section 66-8, an Animal Control Officer may determine, after investigation, whether a dog is a dangerous dog. If the Animal Control Officer determines that a dog is a dangerous dog, he may order the animal's owner to comply with the provisions of the ordinance. If the animal's owner disagrees with the Animal Control

Officer's determination, he may appeal the determination to the General District Court for a trial on the merits.

C. Disposition of Dangerous or Vicious Dogs

1. Vicious Dog – If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1-796.119

2. Dangerous Dog –

a. If, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance.

b. The owner of any animal found to be a dangerous dog shall, within ten days of such finding, obtain a dangerous dog registration certificate from the local Animal Control Officer for a fee of fifty dollars in addition to other fees that may be authorized by law. (i) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence that the animal has been neutered or spayed. (ii) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons who present satisfactory evidence that the owner has liability insurance coverage, to the value of a least \$50,000.00 that covers animal bites. The insurance policy shall contain a provision requiring that the Town be named as an additional insured party and that the Town shall be notified by the insurance company of any cancellation, termination, or expiration of the policy. The local Animal Control Officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this paragraph shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

c. All certificates or renewals thereof required to be obtained under this section shall only be issued to person eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure or is and will be confined inside the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that (i) their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently indentified by means of a tattoo on the inside thigh or by electronic implantation.

d. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.

e. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

f. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local Animal Control Authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address. If the dangerous dog is sold, given away, or has been moved to a different address, the previous owner will provide local Animal Control Authorities with the name, address, and telephone number of the new owner, who must also comply with the requirements of this ordinance.

g. The owner of any animal which has been found to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class I misdemeanor.

D. Fees; Training

All fees collected pursuant to the ordinance, less the costs incurred by the Animal Control Authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of the locality for the purpose of paying the expense of any training course required under Section 3.1-796.105.

(Ord. No. 15-99 Amended Entire Section 8-23-99-Effective Upon Passage)

66-9 PROUD FEMALE DOGS

It shall be unlawful for any person who shall own or have in his possession any proud female dog to suffer the same to run at large during such a period to allow such dog to remain on his premises to the annoyance of others after notice by the officers of the Town.

66-10 DISPOSITION OF UNTAGGED DOGS

Dogs without tags will be turned over to the Dog Warden.

66-11 RABIES

Any dog which is known to be suffering from rabies, or which is suspected of suffering from such disease, shall be at once confined by the owner until it is definitely known whether the animal is so infected. If it is found to have such disease, the owner shall at once cause such animal to be killed and the body to be burned or buried. In the event of the failure of the owner to obey the terms of this section, the police may cause such animal to be killed or confined under order of the Chief of Police.

KEEPING CERTAIN ANIMALS PROHIBITED WITHIN TOWN LIMITS**66-12 DEFINITIONS**

As used in this Article, the following terms shall have the meaning indicated:

DOMESTICATED HOUSEHOLD PETS - Animals kept for companionship, rather than as consumable commodity or producer thereof, which are tame, non-venomous or non-predatory, and shall include but not be limited to dogs, house cats, caged birds, rabbits, hamsters and gerbils.

EXOTIC ANIMALS - Those animals, other than dogs, house cats, caged birds and other domesticated household pets, which because of a predatory nature, venomous bite or sting, size or disposition present a potential danger to town residents, including but not limited to lions and tigers, mountain lions and other large cats, bears, poisonous snakes and lizards, elephants, monkeys and apes, foxes, wolves, coyotes, alligators and crocodiles.

FOWL - Those birds raised for the purpose of meat, egg or feather production, and shall include but not be limited to, chickens, ducks, geese, turkeys, peacocks, guinea hens and pigeons, including homing pigeons.

LIVESTOCK - Those animals raised for the purpose of meat and dairy production, hide or fur production or as draft animals, and shall include but not be limited to cows, horses, donkeys, mules, pigs, sheep, buffalo, deer and antelope, rabbits (if raised for meat or hides), minks or chinchillas.

66-13 PROHIBITION

Except for duly authorized parades, processions, zoos, circuses, rides, fairs and exhibitions, licensed pet shops, animal shelters and veterinary offices and hospitals, it shall be unlawful to raise, house, or otherwise keep livestock, fowl or exotic animals within the limits of the Town of Front Royal.

66-14 EXEMPTIONS

- A. This Article shall not apply to domesticated household pets, as defined herein, nor to livestock, fowl and exotic animals in transit through the Town of Front Royal by a carrier.
- B. This Article shall not apply to livestock or fowl on any operating farm of one (1) acre in size or more located within the town limits.

ASSAULT AND INTIMIDATION WITH ANIMALS

(Added 5-13-96 by Ord. 5-96)

66-15 FINDINGS AND POLICY OF ARTICLE IV

The Town Council finds that the Town's citizens have been subject to fear, intimidation and apprehension of physical harm by the appearance and handling of certain animals. That this fear is reasonable and has had the effect of restricting the citizens use and enjoyment of public properties, places and ways. At times, certain animals are being used to threaten and intimidate the Town's citizens much as persons may be threatened or intimidated with a pointed or brandished firearm or other weapon. The average citizen not having specific knowledge about particular animals, the fear, intimidation and apprehension caused by these animals is reasonable as perceived even where the animal may pose no actual danger and may in fact be docile; much as a pointed but unloaded firearm will cause fear, intimidation and apprehension.

The Council finds that fear, intimidation and apprehension can be as debilitating and harmful to the Town's citizens as actual danger. The Council, finding it necessary to the health, welfare and peace of mind of its citizens, enacts this Article, pursuant to the Town of Front Royal Charter Section 18 (12),(13) and (25), to prevent and control the intimidation of the Town's citizens by certain animals which are intimidating in their appearance or in the manner in which they are handled.

66-16 DEFINITIONS

For purposes of this Article "intimidating animal" includes and means the following:

1. Any snake.
2. Any dangerous or vicious dog as defined in this Chapter.
3. Any animal that attacks, charges or approaches or attempts to attack, charge or approach a person or animal while barking, growling, with raised hackles, or in any other threatening manner and under circumstances that would cause a reasonable person to be startled, afraid or in fear of harm. This shall not include such behavior if displayed under circumstances in which the

owner or custodian could lawfully use force to defend person or property or where the animal is injured.

4. Any animal that has previously been used to assault, intimidate or frighten any person.
5. Any snake or canine owned or in the custody of any person previously convicted of allowing, permitting or encouraging an animal to attack, assault, intimidate, or frighten any person or animal if such canine is of a size or appearance as to be reasonably perceived capable of causing harm to any person or companion animal if provoked.
6. Any animal that pursuant to the procedure set forth in Section 66-20 below has been declared an intimidating animal.

66-17 ANIMALS USED TO INTIMIDATE

It shall be unlawful for the owner or custodian of any animal:

1. To allow, permit, urge, or encourage such animal to attack, charge or approach any person or animal while growling, barking, with raised hackles or in any other threatening manner, or;
2. To allow, permit, urge, or encourage such animal to attempt to attack, attempt to approach, any person or animal while such animal is growling, barking, with raised hackles or in any other threatening manner, any person, or;
3. To threaten to sic, urge or command any animal to attack or charge any person or animal; or threaten to cause such animal to approach any person or animal while such animal is growling, barking, with raised hackles or in any other threatening manner, any person or animal.

However, this section shall not apply to any person engaged in excusable or justifiable self-defense.

66-18 CONTAINMENT OR MUZZLING OF CERTAIN ANIMALS HAVING AN INTIMIDATING OR FRIGHTENING APPEARANCE; REQUIREMENT ANIMAL BE CONFINED OR PENNED

An intimidating animal as described in Section 66-16 must be locked inside a secure container or enclosure, or in the case of a dog or other canine securely muzzled, at any time such animal is in a public place or a private place open to the public. A secure container or enclosure is one from which the animal cannot escape. A secure muzzle is one which prevents the animal from biting a person or other animal and one which the animal cannot remove. No owner or custodian shall permit an intimidating animal to be brought into a public place or other place open to the public unless he has determined with certainty that the intimidating animal cannot escape containment or is muzzled with a muzzle that prevents the canine from biting and which the canine cannot remove.

Any person who permits an intimidating animal to run at large, or remain unconfined, unrestricted or not penned up shall be deemed to have violated the provisions of this Article. Any intimidating animal found running at large shall be subject to seizure and impoundment by an animal warden or any other law enforcement officer.

66-19 UNEXPECTED EXPOSURE TO FRIGHTENING DISPLAY

No owner or custodian of an intimidating animal, whether or not such animal is contained or muzzled, shall leave such animal in, on or along a public place or way or place open to the public, when not under its owner's or custodian's immediate control, where it may attack, charge or approach or attempt to attack, charge or approach a person or animal while barking, growling, with raised hackles, or in any other threatening manner and under circumstances that would cause a reasonable person to be startled, afraid or in fear of harm.

66-20 PROCEDURE TO DECLARE AN ANIMAL INTIMIDATING

In addition to the animals described in Section 66-16, any specific animal may be declared an intimidating animal for purposed of this Article upon notice and hearing.

Any animal warden or any other law enforcement officer who has reason to believe that an animal within his jurisdiction is an intimidating animal shall apply to a magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The court, though its contempt powers, may compel the owner or custodian of the animal to produce the animal. If, after hearing the evidence, the court finds that the animal has been engaged in the behavior described in Section 66-17, the court shall declare the animal an intimidating animal for purposed of this Article and order the animal's owner to comply with the provisions of Sections 66-18, 19 & 21 of this Article.

66-21 DUTY OF OWNER OR CUSTODIAN TO NOTIFY AUTHORITIES

The owner or custodian of any intimidating animal, vicious or dangerous dog must immediately notify the Front Royal Police Department in the event such animal escapes from confinement or the control of the owner or custodian. Further, the failure of the owner or custodian to immediately make such notification may be used to show the willfulness in allowing such animal to run at large. Such immediate notification by an owner or custodian charged with such offense may be introduced in defense to show lack of willfulness if the person can specify the manner of notification, the identity of the police official notified and the time of notification. Such notification or failure to notify shall not be dispositive of willfulness and may be rebutted by other competent evidence.

66-22 EXCEPTIONS

This Article shall not apply to a dog owned or in the service of any government law enforcement agency. Nor shall it apply to any snake being displayed as part of an educational event when the event has been previously planned and scheduled with the permission of the person or authority having ownership or control of the location where the event will be held and persons present are given notice of the nature of the educational event.

66-23 PENALTY

Any violation of this Article or commission of an act declared unlawful by this Article shall be punished as a misdemeanor pursuant to Town of Front Royal Code Section 1-15.

It shall not be a defense to a charge placed under this Article that any animal is in fact not dangerous or is in fact docile. However, this Article is not intended to apply to an animal that is of such a size or appearance that reasonable persons would not be startled, afraid or placed in fear of harm to themselves, another person or a companion animal under the circumstances present at the time of any offense charged.

66-24 SEVERABILITY

It is hereby declared to be the intention of the Council that the sections, paragraphs, sentences, and words of the Chapter are severable, and if any word, sentence, paragraph or section of this Chapter shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, sentences, paragraphs and sections of this Chapter, because the same would have been enacted by the Council without the incorporation in this Chapter of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

8

**PUBLIC HEARING – An Ordinance to
Amend Town Code Sections 134-22.1 and 134-
22.4 to Decrease Rates for Sanitary Sewer
Services (1st Reading)**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 8

Meeting Date: May 26, 2015

Agenda Item: PUBLIC HEARING – An Ordinance to Amend Town Code Sections 134-22.1 and 134-22.4 to Decrease Rates for Sanitary Sewer Service *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend Town Code Sections 134-22.1(A) "Sanitary Sewer Service Rates and 134-22.4 (A) "Sewer Service Rates – Commercial and Industrial Laundries" to decrease rates for sewer service 6.5%, contingent upon approval of the FY2015-2016 Budget. Rates would be incorporated on bills after July 1, 2015.

Budget/Funding: None

Attachments: Proposed Ordinance Amendment

Meetings: Work Session held April 27, 2015

Staff

Recommendation: Approval ✓ Denial

Proposed Motion(s): MOTION 1 (to decrease rates)

I move that Council affirm on its first reading an Ordinance to amend Town Code Sections 134-22.1(A) "Sanitary Sewer Service Rates and 134-22.4 (A) "Sewer Service Rates – Commercial and Industrial Laundries" to decrease rates for sewer service 6.5% effective July 1, 2015 and contingent upon approval of the FY2015-2016 Budget.

MOTION 2 (to keep current rates)

I move that Council keep the current rates as listed in Town Code Sections 134-22.1(A) "Sanitary Sewer Service Rates and 134-22.4 (A) "Sewer Service Rates – Commercial and Industrial Laundries" for sewer service.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE
SECTIONS 134-22.1 (A) (B), 134-22.4(A), TO REDUCE SANITARY SEWER RATES**

WHEREAS, the Town of Front Royal is reducing sanitary sewer rates and laundry sanitary sewer rates by 6.5%; and,

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Sections 134-22.1 (A) (B) and 134-22.4 (A), of the Front Royal Town Code is hereby amended and re-enacted as follows:

134-22.1 SANITARY SEWER SERVICE RATES

The monthly base rates for sanitary sewer service usage shall be as follows:

A. Base rate, up to three thousand (3,000) gallons per month: ~~seventeen dollars and thirty cents (\$17.30)~~ **sixteen dollars and seventeen cents (\$16.17)**.

B. All sanitary sewer service usage exceeding three thousand (3,000) gallons per month: ~~fourteen dollars and eighty-eight cents (\$14.88)~~ **thirteen dollars and ninety-one cents (\$13.91)** per month, for each one thousand (1,000) gallons thereafter.

134-22.4 SEWER SERVICE RATES-COMMERCIAL AND INDUSTRIAL LAUNDRIES

A. In-Town Laundries: The monthly rates for sewer service usage by licensed commercial or industrial laundries located within the corporate limits of the Town of Front Royal shall be as follows:

1. All sanitary sewer service usage for the first one hundred thousand (100,000) gallons: ~~fifteen dollars and ninety-six cents (\$15.96)~~ **fourteen dollars and ninety-two cents (\$14.92)** per one thousand (1,000) gallons.

2. All sanitary sewer usage from one hundred thousand one (100,001) gallons to five hundred thousand (500,000) gallons: ~~fourteen dollars and fifty-one cents (\$14.51)~~ **thirteen dollars and fifty-six cents (\$13.56)** per one thousand (1,000) gallons.

3. All sanitary sewer service usage above five hundred thousand (500,000) gallons: ~~thirteen dollars and seventy-eight cents (\$13.78)~~ **twelve dollars and eighty-eight cents (\$12.88)** per thousand (1,000) gallons.

This ordinance shall become effective July 1, 2015.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____, 2015, upon the following recorded vote:

John P. Connolly Yes/No

Bret W. Hrbek Yes/No

Hollis L. Tharpe Yes/No

Eugene R. Tewalt Yes/No

Bébhinn C. Egger Yes/No

Daryl L. Funk Yes/No

A public hearing on the above was held on _____, 2015 having been advertised in the Northern Virginia Daily on _____, 2015 and _____, 2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

9

**PUBLIC HEARING – An Ordinance to
Amend Town Code Chapter 12 – Fees (1st
Reading)**



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 9

Meeting Date: May 26, 2015

Agenda Item: PUBLIC HEARING – Ordinance to Amend Town Code Chapter 12 “Fees” (1st Reading)

Summary: Council is requested to affirm on its first reading an Ordinance to amend Town Code Chapter 12 “Fees” as follows:

12-2 “Environmental Service Fees” to modify the fee for Excavation for Sewer Clean Out Installation from \$350 per installation to \$150 per hour and to modify the deposit fee for Temporary Hydrant Meter Deposit for meters greater than 5/8” in size from \$1,500 to \$2,350, effective July 1, 2015.

12-4 “Planning and Zoning Fees” to modify the location for Planning Fees from Section 148-58 to 148-1100, effective upon final adoption of Chapter 148.

12-5 “Police Department Fees” to remove the fee for Accident Reports and identify the Section as “RESERVED” effective July 1, 2015.

Budget/Funding: None

Attachments: Proposed Amendments to Ordinance and Resolution for Accident Reports

Meetings: Work Session held April 27, 2015

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council affirm on its first reading an Ordinance to amend Town Code Sections 12-2 “Environmental Service Fees” by increasing the fee for Excavation for Sewer Clean Out Installation from \$350 per installation to \$150 per hour and to increase the deposit fee for Temporary Hydrant Meter Deposit for meters greater than 5/8” in size from \$1,500 to \$2,350; 12-4 “Planning and Zoning Fees” by modifying the location for Planning Fees from Section 148-58 to 148-1100; and 12-5 “Police Department Fees” by removing the fee for Accident Reports and identifying the Section as “RESERVED”. I further move that Council affirm that Town Code Sections 12-2 and 12-5 be effective July 1, 2015 and Town Code Section 12-4 be effective upon final adoption of Chapter 148.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

**AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL TOWN CODE
CHAPTER 12-2; 12-4; and 12-5 PERTAINING TO FEES**

WHEREAS, after Town Staff reviewed various fees in the Town Code, they presented their revision to Town Council during a Work Session held April 27, 2015; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 12 of the Front Royal Town Code is hereby amended and re-enacted as follows:

12-2 ENVIRONMENTAL SERVICES FEES

After hours shut-off calls (water)	\$25.00
Construction Specifications	\$15.00
Excavation for Sewer Clean Out Installation	\$350.00 \$150.00 per hour
Freon Removal (white goods commercial or residential)	\$15.00
Grease Trap Inspection (3 rd and all subsequent)	\$50.00 per inspection
On-Call Refuse Collection	Can be found in §85-3(E) of the Town Code
Recreational Vehicle Septic Tank Dump	\$17.50 each
Right-of-Way Utilization Fee	\$25.00 plus bond and insurance
Septic Tank Waste	\$50.00 per 1,000 gallons
Temporary Hydrant Meter Deposit (agreement for reading of water must be signed)	\$400.00 5/8" and smaller \$1,500 \$2,350 greater than 5/8"
Tires without Rim, not to exceed 16.5 inches	\$1.50 per tire
Tires on Rim, not to exceed 16.5 inches	\$2.50 per tire
Tires over 16.5 inches with or without Rim	\$3.00 per tire
Water Meter Test (2 nd or subsequent test)	\$25.00 each
White Goods Disposal, Commercial	\$15.00 per item plus \$15.00 per Freon item
White Goods Disposal, Residential	No Charge plus \$15.00 per Freon item
Yard Waste Disposal, Commercial, Lg. Truck	\$50.00
Yard Waste Disposal, Commercial, Pickup Tk	\$25.00
Yard Waste Disposal, Residential (Town Decal)	No Charge

12-4 PLANNING AND ZONING FEES

Can be found in §148-58 **1100** and §175-137 of the Front Royal Town Code.

12-5 POLICE DEPARTMENT FEES

Accident Report RESERVED	\$5.00
---------------------------------	--------

12-2 and 12-5 shall become effective July 1, 2015.

12-4 shall become effective upon final adoption of Chapter 148.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____, 2015, upon the following recorded vote:

John P. Connolly Yes/No

Bret W. Hrbek Yes/No

Hollis L. Tharpe Yes/No

Eugene R. Tewalt Yes/No

Bébhinn C. Egger Yes/No

Daryl L. Funk Yes/No

A public hearing on the above was held on _____, 2015 having been advertised in the Northern Virginia Daily on _____, 2015 and _____, 2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Town of Front Royal, Virginia



**RESOLUTION
ACCIDENT REPORT REQUESTS
REFERRED TO DEPT OF MOTOR VEHICLES**

WHEREAS, the Commonwealth of Virginia General Assembly has established regulations in §46.2-380 that specifies that the Department of Motor Vehicles provide copies of FR300P Accident Reports to those seeking copies; and,

WHEREAS, the Town has confirmed that the Virginia State Police do not furnish accident reports, but refer requests to the Department of Motor Vehicles; and,

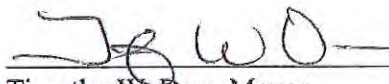
WHEREAS, the Town historically has responded to an average of 300 requests per year; and,

WHEREAS, the referral of requests for accident reports will improve the efficiency of our Police Department.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia that the Town's Police Department shall refer requests for FR300P Accident Reports to the Department of Motor Vehicles and shall remove reference to the fee for accident report provision from the FY2015-2016 and all future Budgets.

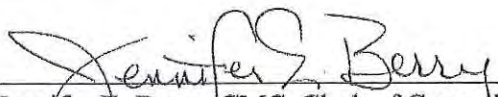
Adopted this 23rd day of February, 2015

APPROVED:



Timothy W. Darr, Mayor

Attest:



Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia
Town Council on 2-23- 2015, upon the following recorded vote:

Bébhinn C. Egger

Yes/No

Bret W. Hrbek

Yes/No

Hollis L. Tharpe

Yes/No

Eugene R. Tewalt

Yes/No

John P. Connolly

Yes/No

Daryl L. Funk

Yes/No

Approved as to Form and Legality:



Douglas W. Napier, Esq., Town Attorney
Date: 2-23-15

10

**PUBLIC HEARING – An Ordinance to
Amend Town Code 75-44 (C) Pertaining to
Machinery and Tools Tax and Mobile Home
Tax (1st Reading)**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 10

Meeting Date: May 26, 2015

Agenda Item: PUBLIC HEARING – Ordinance to Amend Town Code 75-44 (C) Pertaining to Machinery and Tools Tax and Mobile Home Tax (*1st Reading*)

Summary: Council is requested to affirm on its first reading and Ordinance to Amend Town Code Section 75-44(C) to identify the rate for Machinery and Tools Tax and for tax on Mobile Homes, effective upon passage. The Town Code currently does not identify these taxes specifically.

Budget/Funding: None

Attachments: Proposed Amendment to Ordinance

Meetings: Work Session held April 27, 2015

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council to affirm on its first reading and Ordinance to Amend Town Code Section 75-44(C) to identify the rate for Machinery and Tools Tax and for tax on Mobile Homes, effective upon passage.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

**ORDINANCE TO AMEND SECTION 75-44 (C) OF THE FRONT ROYAL TOWN
CODE PERTAINING TO MAILING OF DELINQUENT REAL ESTATE AND
PERSONAL PROPERTY TAXES BY INCLUDING MACHINERY, TOOLS AND
MOBILE HOMES TAX RATE**

WHEREAS, Section 75-44 (C) imposes upon all real property within the limits of the Town of Front Royal, Virginia, a tax; and,

WHEREAS, the Town Code does not specify the tax rates for Machinery and Tools and for Mobile Homes; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Section 75-44 (C) of the Front Royal Town Code is hereby amended as follows:

**75-44 DELINQUENT TAX LISTS - MAILING OF BILLS; DUE DATES, PENALTY
AND INTEREST; IMPOSITION OF THE TAXES AND RATES**

C. There is hereby imposed upon all real property within the limits of the Town of Front Royal, Virginia, a tax in the amount of thirteen cents (\$0.13) per one hundred dollars (\$100.00) of assessed valuation, and a tax upon all tangible personal property located within the limits of the Town of Front Royal, Virginia, in the amount of sixty cents (\$0.64) per one hundred dollars (\$100.00) of assessed valuation. **The tax on all personal property shall include all Machinery and Tools. The tax on all real property shall include all mobile homes.** The tax imposed upon real property within the limits of the Town of Front Royal, Virginia, shall be decreased by \$0.02 to \$0.11 per \$100 assessed value, which is reinstatement of the previous Real Estate Tax Rate for Fiscal Year 2013-2014, upon completion of payment of debt service of the new Police Department Headquarters and construction of Leach Run Parkway; and Town Code Section 75-44.C, shall thereupon be amended accordingly to reflect said decrease and reinstatement of such previous reduced Real Estate Tax Rate.

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____, 2015, upon the following recorded vote:

John P. Connolly Yes/No

Bret W. Hrbek Yes/No

Hollis L. Tharpe Yes/No

Eugene R. Tewalt Yes/No

Bébhinn C. Egger Yes/No

Daryl L. Funk Yes/No

A public hearing on the above was held on _____, 2015 having been advertised in the Northern Virginia Daily on _____, 2015 and _____, 2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

11

**PUBLIC HEARING – An Ordinance to
Amend Town Code 75-52 Pertaining to Front
Royal Enterprise Zone (1st Reading)**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: May 26, 2015

Agenda Item: PUBLIC HEARING – Ordinance to Amend Town Code 75-52 Pertaining to Front Royal Enterprise Zone (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to Amend Town Code Section 75-44(C) to remove the reference to the Front Royal Enterprise Zone that was deactivated in 2002 by the Commonwealth of Virginia, effective upon passage.

Budget/Funding: None

Attachments: Proposed Ordinance Amendment and Letter from Department of Housing and Community Development

Meetings: Work Session held April 27, 2015

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an Ordinance to Amend Town Code Section 75-44(C) to remove the reference to the Front Royal Enterprise Zone that was deactivated in 2002 by the Commonwealth of Virginia, effective upon passage.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JSB

**AN ORDINANCE TO AMEND SECTION 75-52 OF THE FRONT ROYAL TOWN
CODE PERTAINING TO ENTERPRISE ZONE BOUNDARIES**

WHEREAS, the reference to the "Front Royal Enterprise Zone" has been deactivated by the Commonwealth of Virginia; and,

WHEREAS, the Economic Development Authority has requested to maintain the language in the Town Code to pursue a new Zone for the Avtex Site; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 75 of the Front Royal Town Code is hereby amended and re-enacted as follows:

75-52 ENTERPRISE ZONE - BOUNDARIES

~~The boundaries of the Front Royal Enterprise Zone are as set forth on the map entitled "Map of the Front Royal Enterprise Zone", which is on file in the office of the Town Manager of the Town of Front Royal, Virginia, the area of which has been declared an enterprise zone by the Governor of the Commonwealth of Virginia for a period of twenty (20) years in accordance with the Virginia Enterprise Zone Act.~~ **The Front Royal Enterprise Zone has been deactivated by the Commonwealth of Virginia.**

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2015, upon the following recorded vote:

John P. Connolly Yes/No

Bret W. Hrbek Yes/No

Hollis L. Tharpe Yes/No

Eugene R. Tewalt Yes/No

Bébhinn C. Egger Yes/No

Daryl L. Funk Yes/No

A public hearing on the above was held on _____, 2015 having been advertised in the Northern Virginia Daily on _____, 2015 and _____, 2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



MANAGERS REPORT - Council
19 Oct 01
Atty
Staff

COMMONWEALTH of VIRGINIA
DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT
Division of Community Development

James S. Gilmore, III
Governor

Barry E. DuVal
Secretary of
Commerce and Trade

William C. Shelton
Director

October 16, 2001

Mr. Richard Anzolut
Town Manager
Town of Front Royal
Post Office Box 1560
Front Royal, Virginia 22630

Dear Mr. Anzolut:

In the 1995 General Assembly session a number of significant program changes were made to the Enterprise Zone Program. As a part of these changes the following language was included in the Enterprise Zone Act, "...if no business firms in an enterprise zone have qualified for benefits provided pursuant to this chapter with a five-year period, the Department shall terminate that enterprise zone designation." In order to provide the maximum flexibility in allowing businesses time to qualify, the Department has taken the stance that businesses would have five tax years in which to qualify in order to prevent termination of a zone. The deadline for submitting applications for enterprise zone benefits for the fifth tax year after the 1995 provision went into effect was May 1, 2001.

On April 3, 2001 I wrote to let you know that if no businesses qualified for enterprise zone incentives from the Front Royal zone in the 2001 application cycle the Department would have to terminate the zone designation. Unfortunately, we received no applications from any businesses within the Front Royal Zone.

I am hereby notifying the Town of Front Royal that its enterprise zone designation is terminated immediately in accordance with the *Code of Virginia*, Section 59.1-284, B. The Town may apply for enterprise zone designation in future application rounds.

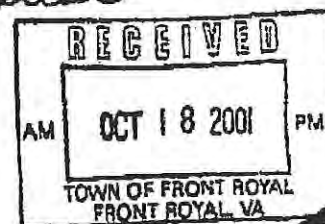
If you have questions or would like to discuss the zone termination, please contact me at 804-371-7030.

Sincerely,

M. Shea Hollifield

M. Shea Hollifield
Deputy Director

cc: George Banks, Mayor, Town of Front Royal
Stephen Heavener



12

**PUBLIC HEARING – Annual Appropriation
Ordinance for FY2015-2016 Proposed Budget
(1st Reading)**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 12

Meeting Date: May 26, 2015

Agenda Item: PUBLIC HEARING – Annual Appropriation Ordinance for FY2015-2016 Proposed Budget (*1st Reading*)

Summary: Council is requested to affirm on its first reading the Annual Appropriation Ordinance for FY2015-2016 Proposed Budget effective July 1, 2015 – June 30, 2016, as presented.

Budget/Funding: None

Attachments: Proposed Ordinance and Summary of the Proposed Budget

Meetings: Work Sessions held March 30, April 6, April 20, April 27, May 18, 2015

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading the Annual Appropriation Ordinance for FY2015-2016 Proposed Budget effective July 1, 2015 – June 30, 2016, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

APPROPRIATION ORDINANCE
ANNUAL APPROPRIATION ORDINANCE
OF THE
TOWN OF FRONT ROYAL, VIRGINIA

FOR THE FISCAL YEAR ENDING JUNE 30, 2016
AN ORDINANCE MAKING APPROPRIATIONS OF SUMS OF MONEY FOR ALL
NECESSARY EXPENDITURES OF THE TOWN OF FRONT ROYAL, VIRGINIA FOR THE
FISCAL YEAR ENDING JUNE 30, 2016 TO PRESCRIBE THE PROVISOS, TERMS,
CONDITIONS, AND PROVISIONS WITH RESPECT TO THE TERMS
APPROPRIATION AND THEIR PAYMENT, AND TO REPEAL ALL ORDINANCES
WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ALL
ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH
INCONSISTENCY.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA:

SECTION I

That the following sums of money are hereby appropriated for the general governmental purposes herein specified for the fiscal year ending June 30, 2016.

GENERAL FUND EXPENDITURES

General Government	\$1,196,305
Financial Administration	\$881,410
Legal	\$408,335
Law Enforcement Services	\$4,371,325
General Property Maintenance	\$1,088,630
Planning and Zoning Administration - Including Boards and Commissions	\$452,685
Risk Management and Insurances	\$611,200
Economic Development	\$8,600
Information Technology	\$716,045
Transfers and or Contingency Reserves	\$503,440
TOTAL GENERAL FUND EXPENDITURES	\$10,237,975

STREET FUND EXPENDITURES

Public Works and Inspections	\$358,530
State Highway Maintenance System	\$2,177,690
TOTAL STREET FUND EXPENDITURES	\$2,536,220

ECONOMIC DEVELOPMENT AND SPECIAL REVENUE FUNDS

Debt obligation - Economic Development	\$193,740
Community Development Projects	\$375,000
Asset Forfeitures - Public Safety	\$12,000
TOTAL ECONOMIC AND SPECIAL REVENUE FUNDS	\$580,740

and the following sums of money are hereby appropriated for the enterprise operations specified for the year ending June 30, 2016

ELECTRIC FUND EXPENDITURES

Operations	\$2,685,850
Purchase of Electricity	\$13,460,000
Transfer to General Fund and or Contingency Fund	\$1,470,000
TOTAL ELECTRIC FUND EXPENDITURES	\$17,615,850

WATER FUND EXPENDITURES

Administrative Office	\$127,125
Water Plant Operations	\$1,723,290
Line Maintenance Division	\$1,066,475
Meter Reading	\$102,430
Debt Service	\$970,000
Transfer to General Fund and or Contingency Fund	\$1,800,180
TOTAL WATER FUND EXPENDITURES	\$5,789,500

SEWER FUND EXPENDITURES

Administrative Office	\$122,000
Sewer Plant Operations	\$2,319,425
Line Maintenance Division	\$960,170
Debt Service	\$257,185
Transfer to General Fund and or Contingency Fund	\$2,806,220
TOTAL SEWER FUND EXPENDITURES	\$6,465,000

SOLID WASTE FUND EXPENDITURES

Operations	\$982,100
Transfer to General Fund and or Contingency Fund	\$33,400
TOTAL SOLID WASTE FUND EXPENDITURES	\$1,015,500

TOTAL ALL FUNDS EXPENDITURES	\$44,240,785
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REVENUES
TO BE PROVIDED AS FOLLOWS

GENERAL FUND

Real Estate Property Tax [\$.0725 per \$100. assessed valuation]	\$970,000
Public Service Property Tax & Tax Penalties	\$42,230
Personal Property Tax [\$.64 per \$100. assessed valuation]	\$587,000
Other Local Taxes	\$4,519,000
Permits and Fees	\$28,000
Fines and Forfeitures	\$150,000
Use of Money and Property	\$65,250
Public Rights-of-Way Use Fees	\$5,000
Intergovernmental	\$615,350
Interfund Transfers:	
Electric Fund	\$1,470,000
Water Fund	\$840,000
Sewer Fund	\$850,000
Solid Waste Fund	\$33,645
Miscellaneous Receipts	\$62,500
<u>TOTAL GENERAL FUND REVENUE</u>	<u>\$10,237,975</u>

STREET FUND

State Highway Maintenance Funds	\$2,160,000
Use of Money and Property	\$20,780
Street, Curb & Gutter Assessments	\$2,000
Transfer from General Fund	\$353,440
<u>TOTAL STREET FUND REVENUE</u>	<u>\$2,536,220</u>

ECONOMIC DEVELOPMENT AND SPECIAL REVENUE FUND

Real Estate Property Tax [\$.0175 per \$100 assessed valuation]	
- Economic Development	\$193,740
Asset Forfeiture - Grant Funding	\$12,000
Real Estate Property Tax [\$.04 per \$100 assessed valuation]	
- Community Development	\$375,000
<u>TOTAL ECONOMIC DEVELOPMENT AND SPECIAL REVENUE FUND</u>	<u>\$580,740</u>

ELECTRIC FUND

Use of Money and Property	\$47,500
Connection Fees	\$100,000
Internal Loan	\$150,000
Sale of Services	\$17,293,850
Miscellaneous Receipts	\$24,500
<u>TOTAL ELECTRIC FUND REVENUE</u>	<u>\$17,615,850</u>

WATER FUND

Use of Money and Property	\$44,000
Antenna Rentals	\$70,000
Sale of Services	\$5,600,000
Connection Fees	\$75,000
Miscellaneous Receipts	\$500
<u>TOTAL WATER FUND REVENUE</u>	<u>\$5,789,500</u>

SEWER FUND

Use of Money and Property	\$44,000
Sale of Services	\$6,320,000
Connection Fees	\$100,000
Miscellaneous Receipts	\$1,000
<u>TOTAL SEWER FUND REVENUE</u>	<u>\$6,465,000</u>

SOLID WASTE FUND

Use of Money and Property	\$22,000
Sale of Services	\$ 993,500
Miscellaneous Receipts	
<u>TOTAL SOLID WASTE FUND REVENUE</u>	<u>\$1,015,500</u>

<u>TOTAL ALL FUNDS REVENUES</u>	<u>\$44,240,785</u>
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SECTION II

All monies appropriated as shown by the items contained in Section I are appropriated upon the provisos, terms, conditions and provisions hereinafter set forth in connection with said items and those set forth in this section.

Paragraph One

I. To provide for the current and other expenditures of the Town of Front Royal, Virginia; for the fiscal year beginning July 1, 2015 and ending June 30, 2016 the tax rates have been set at:

A. Upon all real estate the rate shall be set at \$0.13 per \$100. assessed valuation.

B. Upon all personal property and machinery and tools the rate shall remain set at \$0.64 per \$100. of assessed valuation. Except, that personal property described in Town of Front Royal Code 75-40(B), that has been specifically accepted for special classification by the designated official shall remain at \$0.32 per \$100. of assessed valuation for such volunteer fire or rescue members' single vehicle used to respond to calls or perform other official duties.

II. Assessed valuation of property shall be determined and certified to the Town of Front Royal by the Commissioner of the Revenue of Warren County, and the State Corporation Commission on Public Service Corporation Property. All taxes 1st installment shall be due payable on or before

June 5, 2015 and second installment due on or before December 5, 2015. For taxes not paid on or before due date for each installment a penalty of ten percent of the tax due will be added to the tax due. Interest at the annual rate of ten percent of the tax due will be added after December 31, 2015 on all unpaid taxes.

III. Proration of Personal Property Tax

A. Tax levied and prorated on monthly basis. Tangible personal property tax shall be levied and collected on motor vehicles, trailers and boats which have acquired a situs within the Town after January 1 of any tax year for the remaining portion of the tax year. When any person acquires a motor vehicle, trailer or boat with situs in the Town after January 1 and situs remains in the Town after such acquisition, the tax shall be assessed against the new owner for the remainder of the tax year. Such tax shall be prorated on a monthly basis. For purposes of proration, a period of more than one-half of a month shall be counted as a full month and period of less than one-half of a month shall not be counted.

B. Relief or refund. When any motor vehicle, trailer or boat loses its situs within the Town after January 1 or after the day on which it acquires a situs within the Town (hereafter "situs day"), the tax shall be relieved, prorated on a month basis, and the appropriate amount of tax refunded if such tax has already been paid, upon application by the owner to the Commissioner of the Revenue and notice to the Commonwealth of Virginia Department of Motor Vehicles (if applicable); provided however that no refund shall be made if the motor vehicle, trailer or boat acquires a situs within the Commonwealth in a non-prorating locality.

C. Relief, refund or credit on sale. When any person sells or otherwise transfers title to a motor vehicle, trailer or boat with a situs in the Town after January 1 or situs day, the tax shall be relieved, prorated on a monthly basis, upon application by the owner to the Commissioner of the Revenue and notice to the Commonwealth of Virginia Department of Motor Vehicles (if applicable), and the appropriated amount of tax already paid refunded or credited by the Treasurer, at the option of the taxpayer, against the tax due on any motor vehicle, trailer or boat owned by the taxpayer during the same tax year.

D. Time Limitation for refund; minimum refund. Any refund required shall be made within thirty (30) days of the date such tax is relieved. No refund of less than five dollars (\$5.00) shall be issued to a taxpayer, unless specifically requested by the taxpayer.

E. Conditions for certain tax credits. Any person who moves from a non-prorating locality to the Town in a single tax year shall be entitled to a property tax credit in the Town if (i) the person was liable for personal property taxes on a motor vehicle, trailer or boat and has paid those taxes to a non-prorating locality; and (ii) the owner replaces for any reason the original vehicle, trailer or boat upon which taxes are due to the non-prorating locality for the same tax year. The Town shall provide a credit against the total tax due on the replacement vehicle, trailer or boat in an amount equal to the tax paid to the non-prorating locality for the period of time commencing with the disposition of the original vehicle, trailer or boat and continuing through the close of the tax year in which the owner incurred tax liability to the non-prorating locality for the original vehicle, trailer or boat.

F. Exemptions of property for which tax has been paid to another jurisdiction. Tangible personal property which was legally assessed by another jurisdiction in the Commonwealth and on which the tax has been paid is exempt from taxation under this section for the tax year or portion thereof during which such property was legally assessed by other jurisdiction and taxes were paid to that jurisdiction and not refunded in whole or in part.

G. Filing of returns. Filing procedures shall be in compliance with the Warren County Code.

H. Billing for less than full year. Notwithstanding any other date for billings and payment of personal property taxes, the Town may bill all personal property taxes assessed for a portion of the tax year on or after December 15 of each year.

I. Due date of taxes. The taxes shall be due not less than thirty (30) days after the tax bill or due date on the tax bill, whichever is later.

J. Time limit for applications. Any taxpayer entitled to a refund or credit must make application therefore to the Director of Finance no later than three (3) years from the last day of the tax year during which the motor vehicle, trailer or boat lost situs, was sold or had its title transferred.

Paragraph Two

Subject to the qualifications contained in this ordinance all appropriations made out of the General Fund, Street Fund, Economic Development and Special Projects Funds, Special Revenue Fund, Electric Fund, Water and Sewer Funds, and Solid Waste Fund are declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amount named, if necessary, and then only in the event the aggregate revenues collected and available during the fiscal year for which the appropriations are made are sufficient to pay all the appropriations in full. Otherwise the said appropriations shall be deemed to be payable in such proportions as the total sum of all realized revenue of the General Fund, Street Fund, Economic Development and Special Projects fund, Special Revenue Fund, Electric Fund, Water and Sewer Funds, and Solid Waste Fund is to the total amount of revenues estimated to be available in the said fiscal year by the Town Council.

Paragraph Three

All balances of the appropriations payable out of the General Fund, Street Fund, Economic Development and Special Projects Funds, Special Revenue Funds, Electric Fund, Water and Sewer Funds, and Solid Waste Fund of the Town Treasury unencumbered at the close of business on the thirtieth day of June 2015, except as otherwise provided for, are hereby declared to be lapsed into the Town Treasury. Such unencumbered balances shall be used for the payment of the appropriations that may be made in the appropriation ordinance for the fiscal year beginning July 1, 2015. However, nothing in this paragraph shall be construed to be applicable to unencumbered balances remaining to the credit of any Sinking Fund, or any funds created by the setting up of special revenues, but such balances shall be used in the financing the proposed expenditures of these funds for the fiscal year beginning July 1, 2015.

Paragraph Four

The Director or Administrative Officer in charge of a department shall have the authority to transfer monies between line items and categories within the budgeted appropriations of such department. No department receiving appropriations under the provisions of this ordinance shall exceed the total amount of its appropriation except with the prior consent and approval of the Town Council or the Town Manager. Where the Town Manager is the administrative officer in charge of a department, no prior consent or approval shall be required for such department to exceed its appropriation. The Town manager may transfer monies within any Fund to provide for such expenditure in excess of a department's budgeted appropriation. No Fund receiving appropriations under the provisions of this ordinance shall exceed the total amount of its appropriation except with the prior consent and approval of the Town Council who may then authorize by resolution the transfer of monies between the Funds. If any such department or fund shall exceed the amount of its appropriation without such consent and approval, the Director or Administrative Officer, in the discretion of the Town Council, may be deemed guilty of neglect of official duty and may be subject to removal therefore.

Paragraph Five

Nothing in this section shall be construed as authorizing any reduction to be made in the amounts appropriated in this ordinance for the payment of interest, bonds, or contributions to any Sinking Fund on the bonded debt of the Town Government.

Paragraph Six

None of the monies mentioned in this ordinance in connection with the General Fund, Street Fund, Economic Development and Special Project Funds, Special Revenue Fund, Electric Fund, Water and Sewer Funds, and Solid Waste Fund shall be expended for any purpose other than those for which they are appropriated except as provided in Paragraph Four. It shall be the duty of the Director of Finance to see that this provision is strictly observed and to report to the Town Manager any irregularities.

Paragraph Seven

Allowances out of any of the appropriations made in this ordinance by any or all of the Town departments, bureaus, or agencies to any of their officers and employees for expenses on account of the use of such officers and employees of their personal automobiles in the discharge of their official duties shall not exceed the standard mileage rate as determined by the IRS (56 cents per mile as of January 1, 2014).

Paragraph Eight

All traveling expense accounts shall be submitted on forms and according to regulations prescribed or approved by the Town Manager.

Paragraph Nine

All monies from the sale of general government real estate or other property shall be set aside in a separate account of the General Fund and subject to expenditure only through appropriate action of the Council. Except, where the Council shall have specified that the monies from the sale of an item or a class of property shall be paid into a specified account of a Town department.

Paragraph Ten

All monies collected by any department, bureau, agency or individual of the Town Government shall be paid into the Town Treasury not later than the day immediately following the day of collections.

Paragraph Eleven

The Fund budgets in Section I as included in the general budget are hereby adopted and made the official budget document of the Town of Front Royal. It is expressly provided that the restrictions with respect to the expenditure of the monies appropriated shall apply only to the lump sum amounts for the classes of expenditures, of Funds, which have been included in this ordinance.

Paragraph Twelve

All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

THIS ORDINANCE SHALL BECOME EFFECTIVE JULY 1, 2015.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2015, upon the following recorded vote:

John P. Connolly	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
Bébhinn C. Egger	Yes/No	Daryl L. Funk	Yes/No

A public hearing on the above was held on _____, 2015 having been advertised in the Northern Virginia Daily on _____, 2015 and _____, 2015.

Approved as to form and legality: _____

Douglas W. Napier, Town Attorney

Date: ____/____/____

PROPOSED FY 2015-2016 ANNUAL APPROPRIATIONS

EXPENDITURES	FY 15-16	FY 14-15	DIFFERENCE
GENERAL FUND	\$13,354,935	\$12,385,950	\$968,985
ELECTRIC FUND	\$17,615,850	\$16,645,780	\$970,070
WATER FUND	\$5,789,500	\$4,758,385	\$1,031,115
SEWER FUND	\$6,465,000	\$4,683,205	\$1,781,795
SOLID WASTE FUND	<u>\$1,015,500</u>	<u>\$996,800</u>	<u>\$18,700</u>
TOTAL EXPENDITURES	\$44,240,785	\$39,470,120	\$4,770,665

REVENUES	FY 15-16	FY 14-15	DIFFERENCE
REAL ESTATE PROPERTY TAX	\$1,579,740	\$1,492,090	\$87,650
PERSONAL PROPERTY TAX	\$588,230	\$567,500	\$20,730
OTHER LOCAL TAXES	\$4,249,000	\$4,055,500	\$193,500
FINES & FORFEITURES	\$147,000	\$192,000	-\$45,000
STATE FUNDING	\$2,498,350	\$2,038,350	\$460,000
INTERFUND TRANSFERS	\$3,547,085	\$3,260,760	\$286,325
SALES OF SERVICE	\$30,610,850	\$26,784,170	\$3,826,680
CONNECTION FEES	\$275,000	\$300,000	-\$25,000
MISCELLANEOUS	\$745,530	\$779,750	-\$34,220
TOTAL REVENUES	\$44,240,785	\$39,470,120	\$4,770,665

RATES & FEES IN SUPPORT OF THE FY 15-16 BUDGET

	FY 15-16	FY 14-15	DIFFERENCE
REAL ESTATE PROPERTY TAX	\$0.13 per \$100	\$0.13 per \$100	\$0.00 per \$100
PERSONAL PROPERTY TAX	\$0.64 per \$100	\$0.64 per \$100	\$0.00 per \$100
MEALS TAX	4%	4%	0
LODGING TAX	6%	6%	0
AUTOMOBILE LICENSE FEE	\$25.00	\$25.00	\$0.00
RES ELEC FACILITY CHARGE	\$6.24	\$6.24	\$0.00
RES ELEC USAGE RATE	\$0.8490 per kWh	\$0.8490 per kWh	\$0.00 per kWh
WATER BASE RATE (3,000 GAL)	\$9.92	\$9.92	\$0.00
WATER ADDL 1,000 GAL RATE	\$8.51	\$8.51	\$0.00
SEWER BASE RATE (3,000 GAL)	\$16.17	\$17.30	6.5% DEC
SEWER ADDL 1,000 GAL RATE	\$13.91	\$14.88	6.5% DEC
RES SOLID WASTE 96 GAL RATE	\$13.75	\$13.75	\$0.00
ADDL ELEC METER INSPECTION	\$40.00	\$25.00	\$15.00
TEMP ELEC SERVICE (<100 AMP)	\$65.00	\$65.00	\$0.00
TEMP ELEC SERVICE (>100 AMP)	Incurred Cost	Incurred Cost	\$0.00

**SEWER RATES -
6.5% DECREASE**

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COUNCIL APPROVAL – Continued
Discussion to Establish a Building Inspection
Program



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 13

Meeting Date: May 26, 2015

Agenda Item: COUNCIL APPROVAL – Continued Discussion to Establish a Building Inspection Program

Summary: On February 9, 2015 Council moved to postpone a Resolution to Establish a Building Inspections Program for the Town of Front Royal until their March 23, 2015 Council Meeting. On February 23, 2015 Council approved a Resolution to extend the date to reconvene discussion of a Town Building Inspection Program from March 23, 2015 to April 13, 2015. On March 30, 2015, Council approved the extension of the date to reconvene discussion of a Town Building Inspection Program from April 13, 2015 to May 26, 2015.

Budget/Funding: None

Attachments: Resolution approved on February 23, 2015; Resolution of Support from Planning Commission; Minutes of December 8, 2014, February 9, February 23 and March 30, 2015; Overview of Building Inspections Program; Table Comparison of Other Building Inspection Programs

Meetings: Public Hearing for Public Input was held on December 8, 2014. Work Sessions held February 2 and May 18, 2015. Regular Meetings held February 9, February 23 and March 30.

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve the Establishment of a Building Inspection Program in the Town of Front Royal.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

From: Jeremy Camp <jcamp@frontroyalva.com>

Date: Tuesday, May 19, 2015 at 2:15 PM

To: Steve Burke <sburke@frontroyalva.com>

Subject: Comparison of Building Inspections Programs - Updated Table A

Steve,

Below is an updated Table A that includes the Towns of Vienna, Abingdon and Farmville. Culpeper was already on the list, but does not have its own inspections department. Like Vienna and Leesburg, Culpeper uses their County for inspections. The Towns of Abingdon and Farmville both have their own building inspections department, as do the other Town's listed as previously shown.

Table A(2): COMPARISON OF BUILDING INSPECTION PROGRAMS

LOCALITY	POP.	BUDGET	STAFF	PLAN REVIEW	INSPECTIONS	PER CAPITA
City of Winchester	26,203	\$489,700	6.5	YES	YES	\$18.69
Town of Warrenton	9,611	\$255,380	3.5*	YES	YES	\$26.57
Warren County	37,575	\$443,191	5	YES	YES	\$11.80
Town of Blacksburg	42,620	\$390,000	6	YES	YES	\$9.15
Town of Wytheville	8,211	\$76,000	1	NO	YES	\$9.26
Town of Herndon	23,292	\$516,560	5.5	YES	YES	\$22.18
Town of West Point	3,306	\$82,000	3	YES	YES	\$24.80
Town of Leesburg	42,616	n/a	n/a	n/a	n/a	n/a
Town of Culpeper	16,379	n/a	n/a	n/a	n/a	n/a
Town of Vienna	15,687	n/a	n/a	n/a	n/a	n/a
Town of Abingdon	8,191	\$151,601	3	YES	YES (E&S by Public Works)	\$18.51
Town of Farmville	8,216	\$149,467	2*	YES	YES	\$18.19

* - some positions shared with Planning & Zoning Department

n/a - building inspections covered by County gov'ts

Version 2: Updated 5/19/15 to include Vienna, Abingdon and Farmville. Culpeper already included.

--Jeremy

Services

A Town building inspections program would ensure compliance with Federal, state and local ordinances related to erosion and sediment control and the building construction. Stormwater permitting would be handled by the State, although there would need to be general oversight of the state permitting process as it relates to compliance with local codes and permitting. Other duties would include elevator inspections and working with local emergency services to ensure fire code compliance.

Estimated Expenditures

Below is an updated estimate for establishing a start-up building inspections program that would allow for most services to be provided in-house. It includes funding for two (2) full-time positions and one (1) part-time position. Initial costs include adoption of the prerequisite ordinances; purchase of an inspection vehicle; reconfiguration for EnerGov software, and purchase of code books and equipment. This estimate is higher than the original estimate, because the guidelines provided for the original estimate was to prepare the most minimal budget possible. That included outsourcing plan review and commercial inspections. The following estimate would establish a more effective & efficient program from the customer's perspective.

INITIAL EXPENSES:

Code Amendments for Building Inspections Program	600
Vehicle	20,000
EnerGov Reconfiguration	15,000
Equipment	2,000
Code Books	1,400
	39,000

ESTIMATED ON-GOING BUDGET:

Salaries – Regular (1) Building Official/Inspector	57,632
Salaries – Regular (1) Building Inspector/Technician	35,000
Salaries – Part time Administration (1 @32 hrs)	20,000
Fica (7.65%)	8,617
VRS/Life Insurance (20.29%)	19,000
Medical Insurance	2,500
Advertising	200
Board of Building Appeals	1,000
Professional Services	5,000
Postal Services	200
Telecommunications	750
Office Supplies	700
Auto Maintenance - Fuel	1,200
Uniforms & Wearing Apparel	250
Books & Subscriptions	250
Travel & Education	700
Dues & Memberships	400
	\$153,399

Estimated Revenue

Over the past four years, Warren County Building Inspections has recovered 42% of expenditures from permitting fees. The highest year being 2013, with a revenue recovery rate of 50%. This level of revenue recover is comparable to many similar jurisdictions in the region. In general, localities without new commercial growth areas have fared worse on average. A few areas like Stafford County have fared better than average due to a stronger housing market. Chart A, shown below, illustrates the trend in new dwelling permits. The same general trend is consistent with Zoning Permits issued in the Town of Front Royal during the same period of time (Chart B).

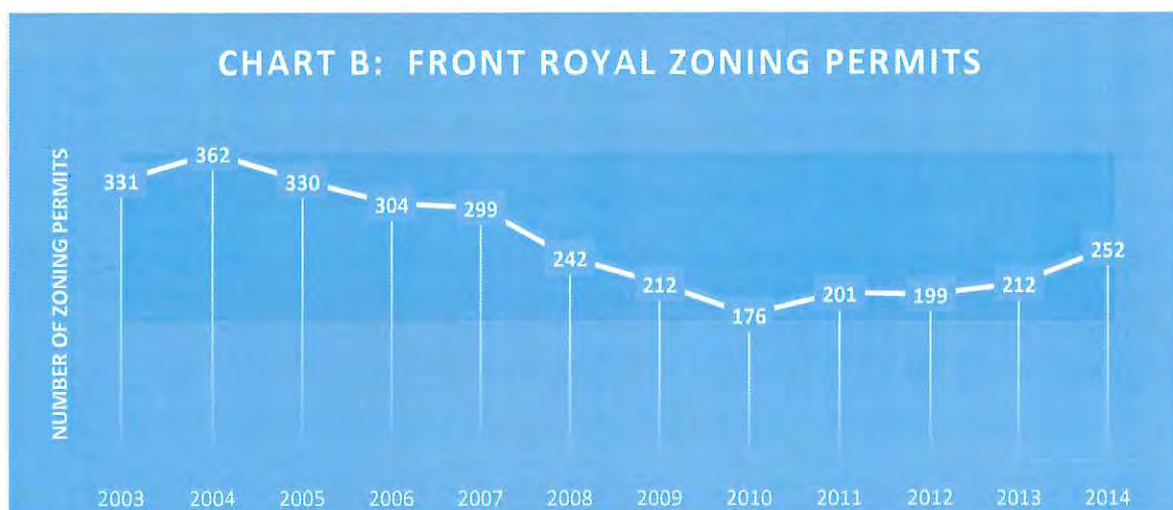
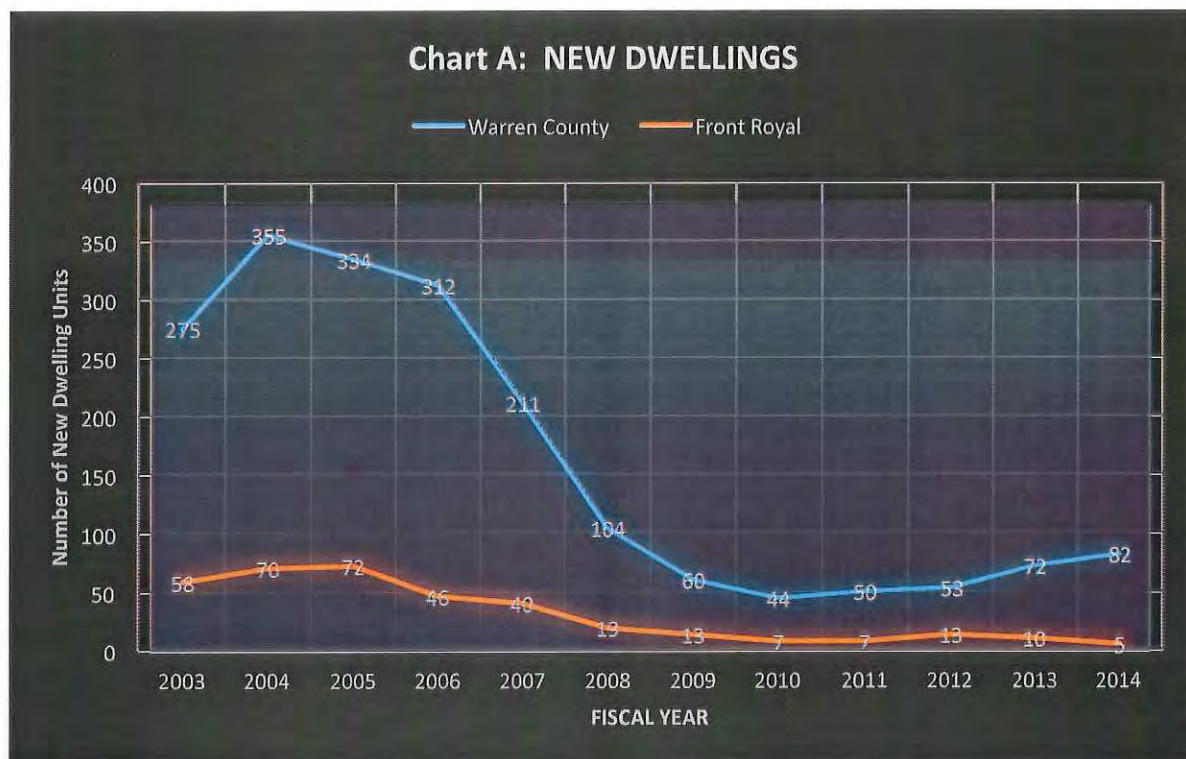


Chart C, shown below, illustrates how overall permits have fared since 2005. The highlighted areas of the chart are estimates for the next several years until 2020.

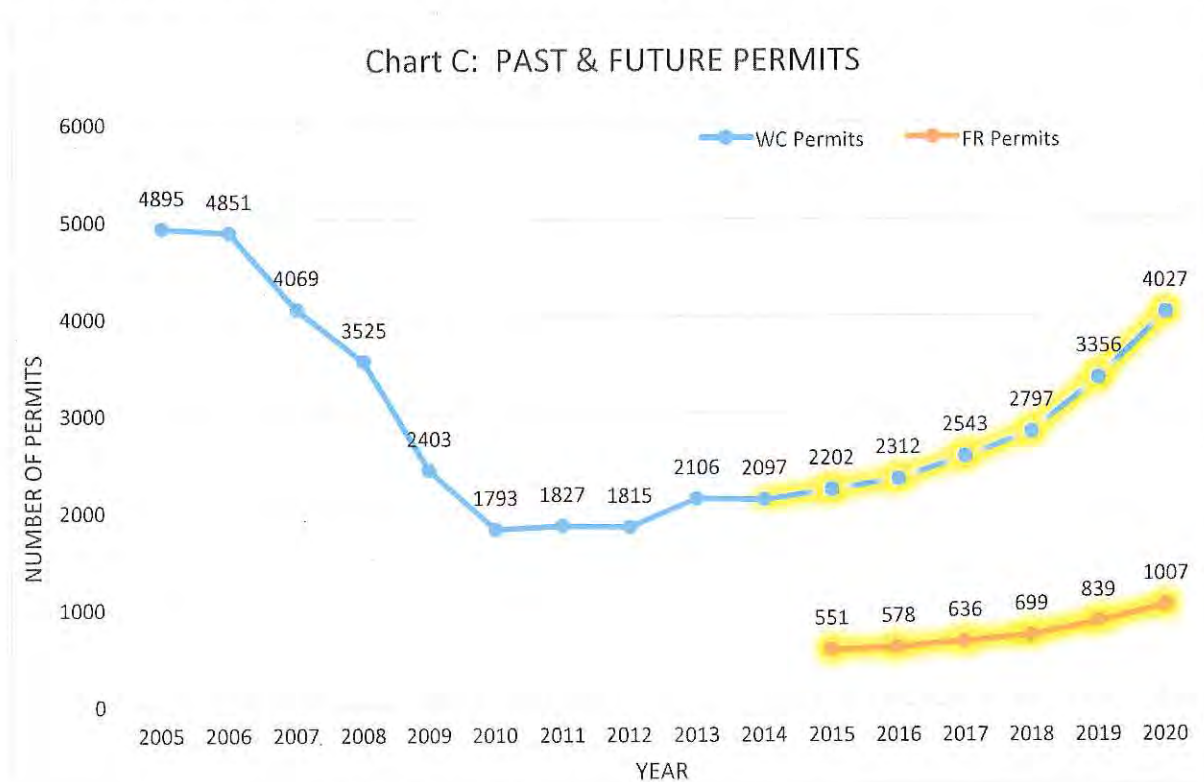


Chart D, shown below, illustrates the estimated number of inspections that would be associated with the estimated number of permits.



EXCERPT FROM MARCH 30, 2015 SPECIAL COUNCIL MEETING MINUTES

COUNCIL APPROVAL – Extend Date in Resolution to Reconvene Discussion of a Town Building Inspection Program

Summary: On February 9, 2015 Council moved to postpone a Resolution to Establish a Building Inspections Program for the Town of Front Royal until their March 23, 2015 Council Meeting. On February 23, 2015 Council approved a Resolution to extend the date to reconvene discussion of a Town Building Inspection Program from March 23, 2015 to April 13, 2015. Council is requested to extend the date to reconvene discussion of a Town Building Inspection Program from April 13, 2015 to May 26, 2015.

Councilman Hrbek moved, seconded by Councilman Egger that Council approve the extension of the date to reconvene discussion of a Town Building Inspection Program from April 13, 2015 to May 26, 2015.

Councilman Tewalt asked if the postponement was with regard to not having the proper information; Councilman Hrbek noted that was correct. Mr. Burke noted that the Staff and Council would be working on the budget during April, and could further review this matter at a later time.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

EXCERPT FROM FEBRUARY 23, 2015 REGULAR COUNCIL MEETING MINUTES

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – “Second Amendment to Tower Site Lease Agreement” for T-Mobile on Fairground Road Water Tank
- B. COUNCIL APPROVAL – Resolution for Public Safety Telecommunications Week
- C. COUNCIL APPROVAL – Resolution for One Time Exception to Appraisal Policy
- D. COUNCIL APPROVAL -Resolution to Continue Discussion of Building Inspection Program**

Councilman Tewalt moved, seconded by Councilman Funk that Council approve the Consent Agenda as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)



Town of Front Royal, Virginia



**RESOLUTION
TO CONTINUE DISCUSSION
ON BUILDING INSPECTION PROGRAM**

WHEREAS, the Town Council voted to postpone discussion to implement a Town Building Inspection Program from their February 9th meeting until their March 23rd meeting; and,

WHEREAS, the Town Council has requested additional information from staff to more fully discuss the implementation of a Town Building Inspection Program; and,

WHEREAS, at their February 17th Work Session, the Town Council discussed extending the date to reconvene discussion of implementation of the Program until their April 13th meeting.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby agree to postpone discussion regarding the implementation of a Town Building Inspection Program until their April 13, 2015 regular meeting.

Adopted this 23rd day of February, 2015

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council on 2-23- 2015, upon the following recorded vote:

Bébhinn C. Egger

☒ Yes ☐ No

Bret W. Hrbek

☒ Yes ☐ No

Hollis L. Tharpe

☒ Yes ☐ No

Eugene R. Tewalt

☒ Yes ☐ No

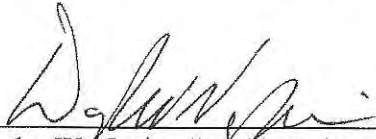
John P. Connolly

☒ Yes ☐ No

Daryl L. Funk

☒ Yes ☐ No

Approved as to Form and Legality:

A handwritten signature in dark ink, appearing to read 'Douglas W. Napier', written over a horizontal line.

Douglas W. Napier, Esq., Town Attorney

Date: 2-23-15

EXCERPT FROM FEBRUARY 9, 2015 REGULAR COUNCIL MEETING MINUTES

COUNCIL APPROVAL – Resolution to Establish a Building Inspections Program

Summary: Council is requested to consider the approval of a Resolution to Establish a Building Inspections Program for the Town of Front Royal.

Councilman Hrbek moved, seconded by Councilman Tewalt, that Council postpone the Building Inspections Program discussion until the meeting of March 23rd.

Councilman Hrbek stated that the Council needed proposed budget and expense details in order to give the matter their full consideration. He asked for Council support in postponing the matter. Councilman Funk stated that he wished such discussion had taken place at the worksession, as members of the public had come to hear the matter finalized.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

TOWN OF FRONT ROYAL PLANNING COMMISSION
Resolution of Support for Town Building Inspections

WHEREAS, all localities within the Commonwealth of Virginia are required to adopt and promulgate the Virginia Uniform Statewide Building Code, as specified under Title 36 of the Virginia Code; and

WHEREAS, the Town of Front Royal currently elects for the Warren County Department of Building Inspections, including the Warren County Building Official, to administer the Virginia Uniform Statewide Building Code; and

WHEREAS, building code enforcement impacts all citizens of the Town and the Town's future economic development in the Town; and

WHEREAS, if the Town of Front Royal adopts its own building inspections program the Town will be able to establish more customer friendly procedures and policies within the Town, including the consolidation of the zoning and building permit procedures, and advocating with the applicant during the building permit process; and

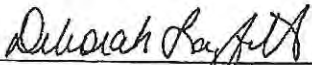
WHEREAS, the Town of Front Royal Economic Committee included a recommendation to start a Town building inspections program as one of their three top priority recommendations to Town Council; and

WHEREAS, Town Council has recently held a public hearing where several citizens and groups spoke in favor of the concept of establishing a Town of Front Royal Building Inspections Program; and

NOW THEREFORE, BE IT RESOLVED, that the Town of Front Royal Planning Commission supports Town Council if they choose to establish a building inspections program that is administered by the Town of Front Royal; and

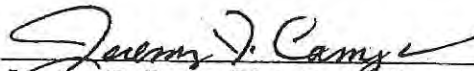
BE IT FURTHER RESOLVED, that the Planning Commission also generally recommends that such building inspection services, if established in the future, be integrated within the Town of Front Royal Planning & Zoning Department.

APPROVED:



Deborah Langfitt, Planning Commission Chair

ATTEST:



Jeremy F. Camp, Director of Planning & Zoning

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Planning Commission conducted on January 21, 2015, upon the following recorded vote:

Robert Ballentine Yes/No - absent
Christopher Morrison Yes/No
William Kline Yes/No

Arnold M. Williams, Jr.
Douglas Jones
Deborah Langfitt

Yes/No
Yes/No - absent
Yes/No

EXCERPT FROM DECEMBER 8, 2014 REGULAR COUNCIL MEETING MINUTES

PUBLIC HEARING FOR PUBLIC INPUT – Town Building Official Position

Summary: Council is requested to receive public input on whether the Town of Front Royal should adopt all or any part of the Virginia Uniform Statewide Building Code (“USBC”), including the documents incorporated by reference therein (DIBR 13 VAC5-63), and appoint a building official or other designated authority charged with the administration and enforcement of the USBC.

Alford Carter, area resident, noted that he was in favor of the position and they needed a vision. He stated that all implements needed to move towards the future should be used. He stated that the Council should have the ability to address blight immediately and it should not be handed to a third party. Mr. Carter stated that they supervise the Town and having an advocate, such as a building official, is not a duplicate of County efforts. He added that it was under the control of the Town Council and that would benefit the Town citizenry.

Tom Conkey, of 1401 N. Royal Avenue, stated that he fully echoes Mr. Carter’s comments because they are stated so eloquently. He added that the Town has the ability to have an official that would work with the businesses and the citizens, someone that would work proactively. Mr. Conkey stated that by having an inspector that reported to Council, the Town could help encourage new businesses coming into the Town. He noted that he was passionately in favor of the bringing in this inspector and he hoped the Council would support the position.

George McIntyre, of 457 Milldale Road, stated that he spoke on behalf of many groups, one of which was the Mayor’s Economic Committee. He noted that everyone knows the game that is played in this community of playing games between the Town and the County and they are attempting to get away from that game. He stated that the Council had worked hard for the community and the building official would be one way that would help the business community that would make things change for the better. Mr. McIntyre noted that with each delay it was a monetary delay that affected their bottom line. He commented that the SBDC were working on implementing items in Front Royal and things were changing; the building official would be another one of those Town changes. Mr. McIntyre stated that there were many things downtown that made it beautiful and that image was what was important and made the Town competitive.

Linda Allen, 416 Salem Avenue, noted that she recalls the complaints about the building inspector with the County. She stated that the Town has contributing issues and there are landlord issues as well. She noted that public safety and health matters at stake and she advocated the building code adoption. Ms. Allen stated that there were other landlords that took their properties seriously and some that live in bad places lack the education to seek assistance. She stated that they may not have the knowledge or the confidence to come and speak to Council about the living conditions in which they reside.

Craig Laird, of 203 E. Main Street, stated that he believed that the Council had done a lot to implement the Mayor’s Economic Committee and having a building official is something that would move the community forward. He noted that bringing the Avtex property online would be a substantial parcel

of land that must be rezoned and it was the right time. Mr. Laird noted that the Town needs this position.

George Cline, of the Warren County Builder's Association, noted that they were not for or against the position. He stated that they have many questions about the proposal. He stated that there were more than just inspections. He noted that the \$130,000 amount was a little low perhaps, in their opinion. Mr. Cline stated that they were paying for a building official currently and he understood that perhaps commercial plan review may have to be farmed out, and they questioned that portion. Mr. Cline stated that he would like to offer their questions to the Town, or perhaps sit down with the Town in order to have their questions answered.

Stanley Brooks, Jr., of 541 S. Royal Avenue, noted that time was money. He stated that to go back and forth between the Town and County was a tough road. He noted that many businesses have given up and the Council had heard some of these stories. Mr. Stanley stated that many years ago he was against a building official, and now he realizes that he did not know the way that the Town loses control of their own fate when they do not have their own building official. He noted that Front Royal was losing the competition of economic development, and they would continue to lose without their own building inspector, and they needed a level playing field. Mr. Stanley stated that they needed to make the process easy for the business community. He urged Front Royal to compete with other localities, as well as Warren County, as Front Royal should be a small business mecca. He stated that taxes would raise on residential if they did not build their commercial base.

Councilman Hrbek read the following into the record from Cory Michael, 77 Bowling View Road:

I support the Town's efforts in hiring a building inspector. I believe this can bring a more streamlined approach for businesses and citizens alike. The system currently is not very friendly to business when they attempt rezoning, build outs, or new construction. Our community has a terrible reputation for giving business' the strong arm and not making it as easy as possible to operate quickly and efficiently. I am personally tired of having to defend our community all the time for the reputations our government (Town and County) have allowed to exist. Those reputations keep good businesses and citizens from wanting to establish or relocate to our community. I encourage our citizens to speak with your local businesses and ask them to give examples of the struggles we always encounter. I support any efforts to make our Town more attractable to new and relocating businesses and citizens. I believe the Town of Front Royal hiring its own building inspector is a step forward in accomplishing that.

Mayor Darr closed the public hearing.

Vice Mayor Parker moved, seconded by Councilman Hrbek, to suspend the rules for discussion on the issue by members of Council.

Vote: Yes – Funk, Hrbek, Parker, Tewalt, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

(By Roll Call)

Vice Mayor Parker noted that numbers were put together from Staff and the Builders Association would like to give input, and he was in favor of those measures. He added that it would take some time for work to be done to put matters in place, though it could be placed in the budget and it would also take some time to actually hire an individual. Mr. Parker noted that for two and a half years the Town has been indecisive as to whether to hire an Economic Development person, and he asked why those funds could not be used to offset some of the funds to move forward for this process.

Councilman Tewalt stated that in the 1970's they had a building official and it was a detriment to the Town and perhaps the cost may be more than the \$130,000, as it would require an office worker, and a part-time employee as well. He noted that it needed to be looked at from all angles. Mr. Tewalt stated that maybe the dilapidated building issue would move forward. He noted that currently he would not be in favor of the position at this time, though all possibilities could be looked at in the coming year. He added that the Town had a property maintenance code at one time, though the Council made so many concessions that it became unenforceable and very political. Mr. Tewalt noted that he would not be in favor without it being favorable to everyone.

Councilman Hrbek thanked everyone for coming to speak. He noted that the process was to bring the forward the items from the Committee, then perhaps meet with the Builder's Association, as Council would not know the answer to many of the questions. He added that the Town should do their due diligence to assemble the data in order to make decisions for the current population and the future growth of this community.

Councilman Sayre stated that many had spoken with him regarding the need to change the dilapidated buildings in the community in the Town, including his own wife. He noted that Mr. Napier has developed a proposed ordinance to send to the General Assembly and he thanked him for his work.

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**COUNCIL APPROVAL – First Reading of
An Ordinance Amendment to Chapter 148**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 14

Meeting Date: May 26, 2015

Agenda Item: COUNCIL APPROVAL – First Reading of An Ordinance Amendment to Chapter 148

Summary: Council held a Public Hearing on an Ordinance Amendment to Chapter 148 on February 23, 2015. Council voted to postpone discussion until the regular meeting of Council on April 13, 2015. On April 13, 2015 Council voted to postpone taking action on the first reading from April 13, 2015 to May 26, 2015. Therefore Council is requested to affirm on its first reading an Ordinance to amend and completely update Chapter 148 of the Town Code, "Subdivision and Land Development" Ordinance, which governs the development of land and subdivision of land in the Town of Front Royal, as mandated by the Commonwealth of Virginia under Virginia Code §15.2-2240, and as recommended by the Town of Front Royal Planning Commission. Council is requested to continue the affirmation of the first reading of Ordinance Amendments to Chapter 148 as presented.

Complete Ordinance Amendments to Chapter 148 may be found by contacting the Clerk of Council at (540)635-8007 or 102 E. Main Street.

Budget/Funding: None

Attachments: Proposed Ordinance Amendments and Minutes of February 23, 2015 Public Hearing.

Meetings: Work Sessions held May 15, June 2, June 30, September 15, October 14 and December 1, 2014, as well as March 16, April 13, and May 18, 2015. Public Hearing held February 23, 2015. Regular Meeting held April 13, 2015.

Staff Recommendation: Approval ☒ Denial ☐

SEE OPTIONAL MOTIONS ON ATTACHMENT

Proposed Motion(s): I move that Council affirm on its first reading an ordinance to amend Chapter 148 of the Front Royal Town Code, including Option _____ in regards to Section 148-820.D.6. "Street Widths", and Option _____ in regards to Section 148-820.O. "House Elevation Above Street Grade", as presented. I further move that this motion includes the inclusion of the option for narrower 32' wide streets for low traffic local streets, as originally recommended by the Planning Commission; a referral to the Planning Commission to develop recommendations for "by-right" street width reduction options when street parking can be reduced or eliminated; and also the removal of the requirement to elevate houses above the street centerline.

STREET WIDTHS - Section 148-820.D.6.

- **OPTION 1: NO CHANGE.** MODIFY TABLE 148-820.D.6. SO MINIMUM LOCAL STREET WIDTHS ARE THE SAME AS THE CURRENT SUBDIVISION & LAND DEVELOPMENT ORDINANCE.

	Pavement Width (SM-9.5A)	Base Course Width (BM 25.0)	Sub Base Width (21-B)
Local Streets:			
Up to 500 ADT	32'	32'	35'
501 to 3,000 ADT	40'	40'	43'

- **OPTION 2: PLANNING COMMISSION RECOMMENDED STANDARDS.** MODIFY TABLE 148-820.D.6. BACK TO THE LOCAL STREET WIDTHS RECOMMENDED BY THE PLANNING COMMISSION.

	Pavement Width (SM-9.5A)	Base Course Width (BM 25.0)	Sub Base Width (21-B)
Local Streets:			
Up to 1,000 ADT	32'	32'	35'
1001 to 2,000 ADT	36'	36'	39'

- **OPTION 3: TOWN COUNCIL WORK SESSION DRAFT.** KEEP THE TABLE AS RECOMMENDED BY THE PLANNING COMMISSION, WITH THE EXCEPTION THAT THE OPTION FOR 32' WIDE STREETS IS ELIMINATED, AS DISCUSSED IN WORK SESSION ORIGINALLY BY TOWN COUNCIL.

	Pavement Width (SM-9.5A)	Base Course Width (BM 25.0)	Sub Base Width (21-B)
Local Streets:			
Up to 2,000 ADT	36'	36'	39'

FOR ALL OPTIONS ABOVE, INCLUDE A REFERRAL TO THE PLANNING COMMISSION TO CREATE RECOMMENDED STANDARDS TO ALLOW "BY-RIGHT" STREET WIDTH REDUCTION OPTIONS WHEN STREET PARKING CAN BE REDUCED OR ELIMINATED.

HOUSE ELEVATION ABOVE STREET GRADE - Section 148-820.O.

- OPTION 1: TOWN COUNCIL WORK SESSION DRAFT. KEEP THE SECTION REQUIREMENT IN PLACE AS DEVELOPED IN THE TOWN COUNCIL WORK SESSION DISCUSSIONS, INCLUDING THE CHANGE THAT APPLIES THE REQUIREMENT ONLY TO THE FRONT YARD STREET.

148-820.O. Elevation of new structures above street centerline grade.

1. New structures with a front setback of less than 50 feet shall be constructed at least two (2) feet above the centerline grade of the street that adjoins the front yard, as measured from the front ground floor elevation.
2. Subsection 148-820.O.1. may be waived by the Administrator when all of the following are provided by the applicant:
 - a. Submission of an Overlot Grading plan for the individual parcel where the structure is proposed, submitted in accordance with the standard details of Section 148-1030, also including certification from a qualified professional, licensed in the Commonwealth of Virginia, of the appropriateness of the drainage.
 - b. Approval of the Overlot Grading Plan by the Department of Environmental Services.
 - c. Approval from the Planning Commission when the front ground floor elevation is at an elevation below the street centerline. In such circumstances, the Planning Commission may require conditions of approval, including site improvements or other modifications.

- OPTION 2: MODIFY TO ASSIGN WAIVER AUTHORITY TO TOWN COUNCIL. SAME AS OPTION 1, BUT MODIFIED TO INCLUDE TOWN COUNCIL AS THE APPROVAL AUTHORITY FOR WAIVERS.

148-820.O. Elevation of new structures above street centerline grade.

1. New structures with a front setback of less than 50 feet shall be constructed at least two (2) feet above the centerline grade of the street that adjoins the front yard, as measured from the front ground floor elevation.
2. Subsection 148-820.O.1. may be waived by the Administrator when all of the following are provided by the applicant:
 - a. Submission of an Overlot Grading plan for the individual parcel where the structure is proposed, submitted in accordance with the standard details of Section 148-1030, also including certification from a qualified professional, licensed in the Commonwealth of Virginia, of the appropriateness of the drainage.
 - b. Approval of the Overlot Grading Plan by the Department of Environmental Services.
 - c. Approval from Town Council when the front ground floor elevation is at an elevation below the street centerline. In such circumstances, Town Council may require conditions of approval, including site improvements or other modifications.

- OPTION 3: REMOVE SECTION ENTIRELY. REMOVE SECTION AS COMMENTED ON BY THE EDA AND SOME LOCAL DEVELOPERS.

~~148-820.O. Elevation of new structures above street centerline grade.~~

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

EXCERPT FROM FEBRUARY 23, 2015 COUNCIL REGULAR MEETING MINUTES

PUBLIC HEARING – Ordinance Amendment to Chapter 148 of the Town Code *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend and completely update Chapter 148 of the Town Code, the Subdivision and Land Development Ordinance, which governs the development of land and subdivision of land in the Town of Front Royal, as mandated by the Commonwealth of Virginia under Virginia Code §15.2-2240, and as recommended by the Town of Front Royal Planning Commission. The proposed code amendment is a comprehensive revision of the entire chapter, and is organized into eleven (11) articles, including the following: 1) Title, Purpose and Applicability; 2) Administration and General Regulations; 3) Major Subdivisions; 4) Minor Subdivisions; 5) Major Site Plans; 6) Minor Site Plans; 7) Boundary Line Adjustments and Lot Consolidations; 8) Design Standards; 9) Definitions; 10) Plan and Plat Detail Requirements; and 11) Schedule of Fees. Some of the most significant changes include the following: a) modifications of the street width requirements; b) the addition of a special exception process; c) increased width of public sidewalks to 5 feet; d) adjustments in the development surety (bonding) requirements; e) new as-built plan requirements; and f) modified definitions of minor and major subdivisions. Some of the other changes include updates to meet current Virginia Code requirements; elimination of conflicts and duplication of standards found under Chapters 175 and 156; language and formatting changes to make requirements and procedures easier to understand; and the removal of requirements that are either vague or subjective. The Planning Commission recommended adoption of all three chapters (148, 175 and 156) in March of 2014. During review by Town Council during work sessions, Section 148-820.O. was proposed, which includes a requirement for houses to be elevated 2 feet above the centerline grade of adjoining streets. In addition, modifications to Section 148-820.D.6. (Table) were proposed that increase the surface course pavement depth to 1 ½" and eliminates the option for 32' wide local streets when the average daily trips per day is 1,000 vehicles or less.

Mayor Darr opened the public hearing.

Chris Ramsey, area developer, stated that Code Section 148-820, regarding elevation of new structures was his concern. He noted that the Town's proposed amendments actually gets into the construction business. He expressed concern that the changes to the proposed section places undue hardship on the builders of the community and places prohibitive costs. Mr. Ramsey stated that there are exemptions and waivers of course, though going through such a process, with the many disagreements, and at times, court costs, can be excessive. He presented pictures of a home that typifies two of his issues, 1138 Ewell Street. Mr. Ramsey stated that looking at the front view of the home, with the house sitting on a corner lot, the driveway has a two foot grade from street to the grade from Ewell Street, though from Oden Street it is seven feet. He explained to Council that under the new code the adjustment would have to be raised over five feet.

Bill Barnett, a consultant with Front Royal Limited Partnership, noted that the ordinance seems to be largely a subdivision ordinance cleanup matter, and it was well written mostly, though there are aspects with major issues. He noted that there are very strict water abatement standards related to reduce effluents and the trend in towns and cities is for less impervious surfaces, and more towards streets that meet the needs and parking requirements. Mr. Barnett expressed concern with the proposed wider streets and sidewalks as presented in the document. He noted that in five miles of subdivision space, they would have an additional 3.6 acres of impervious space. He encouraged Council to control the impervious spaces created throughout the Town of Front Royal.

Dave Vazzanna, of Front Royal Limited Partnership, stated that in 2007 they requested changes for the comprehensive plan amendment and the Town's Vision Statement and they must implement the plans and vision, not just state them. He noted that they needed more environmentally friendly techniques, rather than move towards wider streets, with no flexibility or design creativity allotted to developers. Mr. Vazzanna stated that as an olive branch the Planning Commission allowed property owners to apply for variances for most of the items in the various ordinances. He stressed that 36' foot streets are the most dangerous streets there are in neighborhoods and it is unsafe.. He added that many of the regulations are too broad and vague. Mr. Vazzana noted that while it has been fantastic to work through the changes with the Planning Commission, it has also been difficult.

Joe Duggan, of 102 W. 1st Street, stated that he had great concerns about the environmental issues with the subdivision ordinance as presented. He stated that wider streets and sidewalks would create a larger mess in the long run. He noted that the new standards as presented by the Town would prevent other developers from coming to this locality. Mr. Duggan stated that the watershed community created a scoring system that rated municipalities for their environmental impacts, and he explained the various scores of Front Royal. Mr. Duggan stated that currently throughout the Town we have 29-30 & 31' feet streets, and now the suggested change was to go up to 36' feet street according to the proposed ordinances. He expressed concern with the large change.

Eva Challis, of 646 Harris Drive, stated that today she was on a street with cars parked on both sides of the street and it was tight quarters, and would be worse with a school bus going by, or a fire truck. Ms. Challis stated that she was concerned with narrow streets providing appropriate access for emergency equipment, adding that she would like to allow safety access for the entire community.

As no one else came forward to speak, Mayor Darr closed the public hearing.

Councilman Tewalt moved, seconded by Councilman Hrbek, moved that Council affirm on its first reading an Ordinance to amend and completely update Chapter 148 of the Town Code, the Subdivision and Land Development Ordinance, as presented.

Councilman Tewalt noted that he voiced support of two feet above the street grade adjustment as described. He stated that the wording needs to be amended as Mr. Ramsey suggested regarding the front of the house.

Mr. Tewalt stated that he agrees with Ms. Challis regarding the street width. He explained that in the newer subdivision near Lake Frederick the streets are so narrow and there is parking on both sides of the street, and it is quite difficult to move through the community. Councilman Tewalt explained that with parking on both sides and a school bus coming, and then a car coming – then either the bus or the car must stop and wait their turn.

Councilman Tewalt noted that with curb and guttering as required in a new subdivision, with parking on both sides of the street, it only leaves about 20' for two cars to pass. He stated that further down the road there may be issues with the Chesapeake Bay Act, though he was looking out for the property owners, not the developers.

Councilman Egger thanked the Planning Commission and Staff for their efforts for this ordinance. She stated that the street width was a concern and wider streets had the effect of creating more of a space for traffic -- instead of people. She added that while the Chesapeake Bay Act is something to consider, the fact remains that narrow streets are safer streets for children and pedestrians, while wider streets create more sprawl and has an automobile centric effect.

Councilman Hrbek noted that there seemed to be lack of developer creativity options. He asked about the PND Council previously worked on. Mr. Burke noted that the Planned Neighborhood Development has been adopted and the change to the subdivision ordinance would allow variance options that Council could consider.

Councilman Hrbek suggested that the speakers submit matters in writing to the Town so Town Staff and Council may review their ideas in full to further review the matter. Councilman Hrbek noted that perhaps it could be postponed in order to review their concerns in detail.

Councilman Funk asked about scheduling a worksession on the matter. Mr. Burke noted that the development community and Staff would need at least a month to review submitted comments, respond and discuss.

Councilman Funk moved, seconded by Councilman Hrbek that Council postpone discussion on this matter until the regular meeting of Council on April 13th.

Councilman Tewalt noted that he was working for the citizens not the developers, though he would support the month postponement.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

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CLOSED MEETING



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 15

Meeting Date: May 26, 2015

Agenda Item: CLOSED MEETING – Investment of Public Funds; Consultation with Legal Counsel; Award of Public Contract

Summary: Council is requested to go into Closed Meeting pursuant to Virginia Code Sections 2.2-3711.A. 6., 7., and 29., for the following purposes in connection with a potential proposed voluntary economic growth-sharing agreement or agreement(s) with the Board of Supervisors of Warren County to consider the following: Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, **AND**, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, **AND**, Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Budget/Funding: None

Attachments: None

Meetings: None

Staff Recommendation: Approval _____ Denial _____

Proposed Motion:

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting pursuant to Virginia Code Sections 2.2-3711.A. 6., 7., and 29., for the following purposes in connection with a potential proposed voluntary economic growth-sharing agreement or agreement(s) with the Board of Supervisors of Warren County to consider the following: Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, **AND**, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, **AND**, Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately reconvene 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 Action 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.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: _____