



REGULAR TOWN COUNCIL MEETING

June 25, 2018 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of June 11, 2018
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager
 - * **Report from Director of Community Development/Tourism Felicia Hart**
 - * **Report from Executive Director of NSVRC Brandon Davis**
 - 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 – Liaison Committee Meeting Items
 - B. COUNCIL APPROVAL – Bid – Mowing Services for Leach Run Parkway
 - C. COUNCIL APPROVAL – Bid – Leak Detection Survey
 - D. COUNCIL APPROVAL – Bid – Various Grades of Stone
 - E. COUNCIL APPROVAL – Bid – Various Grades of Asphalt
 - F. COUNCIL APPROVAL – Bid – Gate Valves
 - G. COUNCIL APPROVAL – Resolution that Approves Governing Documents and Authorizes the Execution of Documents for the Front Royal Downtown Revitalization Project - CDBG
8. **COUNCIL APPROVAL** – Resolution of Support for Submission of an Application for the Virginia SMART SCALE Program to Facilitate Funding for the Happy Creek Road Phase II Project

7A



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

Page 1
Item No. 7(A)

Meeting Date: June 25, 2018

Agenda Item: COUNCIL APPROVAL – Liaison Committee Meeting Items

Summary: Council is requested to approve the deletion of items #5 (Update on Wastewater Treatment Plant) and #7 (Relocation of VA Inspection Sticker/Motor Vehicle Decals) from the Liaison Committee Meeting Agenda scheduled for July 19, 2018.

Budget/Funding: None

Attachments: Liaison Committee Meeting Agenda from March 15, 2018

Meetings: Work Session held June 18, 2018

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 deletion of items #5 (Update on Wastewater Treatment Plant) and #7 (Relocation of VA Inspection Sticker/Motor Vehicle Decals) from the Liaison Committee Meeting Agenda scheduled for July 19, 2018.

*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: JW



TOWN/COUNTY LIAISON COMMITTEE MEETING AGENDA

Town Hall Conference Room, 102 E. Main Street
March 15, 2018
5:30 p.m.



Call to Order – Hollis L. Tharpe, Mayor, Front Royal Town Council

- 1) IT Federal Main Street Project – Joe Waltz
- 2) Route 522 Corridor Water Upgrade Project – Joe Waltz
- 3) Phase II Happy Creek Road Project Update – Joe Waltz
- 4) Town Building Maintenance Code Enforcement Update – Joe Waltz
- 5) Update on Wastewater Treatment Plant – Joe Waltz
- 6) Development Review Committee – Doug Stanley
- 7) Relocation of VA Inspection Sticker/Motor Vehicle Decals – Joe Waltz
- 8) Building Inspections Software – Doug Stanley
- 9) Warren County's In-Town Projects – Doug Stanley
- 10) Joint Towing Board – Joe Waltz / Doug Stanley

Adjournment

7B



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

Page 1
Item No. 7(B)

Meeting Date: June 25, 2018

Agenda Item: COUNCIL APPROVAL – Bid for Mowing Services for Leach Run Parkway

Summary: Council is requested to approve the bid from Madagan's Premier Lawns in the amount of \$1,460.00 per mowing for a total cost of \$11,680.00 for mowing services for Leach Run Parkway

Budget/Funding: Funding for this purchase is available in the Horticulture FY19 budget line item 4305-43002 "Professional Services" in the amount of \$11,680.00.

Attachments: Memorandums from the Directors of Finance & Public Works, and Quotation Tabulation

Meetings: None

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 bid from Madagan's Premier Lawns in the amount of \$1,460.00 per mowing for a total cost of \$11,680.00 for mowing services for Leach Run Parkway.

*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: JW



MEMORANDUM

Date: June 7, 2018
To: Tina Presley, Administrative Assistant
Jennifer Berry, Clerk of Council
From: B. J. Wilson; Director of Finance
RE: Agenda Item

On Wednesday, May 23, 2018, Alisa Scott held a bid opening for Mowing Services for Leach Run Parkway for the Horticulture Department. Alisa Scott received one (1) response to this bid (see attached tabulation sheet). Due to the dollar amount, I will need Town Council approval to place this order. Please add this item to a future Council agenda for their action.

Staff recommends the award for the Mowing Services for Leach Run Parkway be made to Madagan's Premier Lawns for \$1,460.00 per mowing for a total purchase cost of \$11,680.00.

Funding for this purchase is available in the Horticulture FY19 budget line item 4305-43002 "Professional Services" in the amount of \$11,680.00.



TOWN OF FRONT ROYAL

Public Works
800 Crosby Rd.
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560

Robert B. Boyer
Public Works Director
(540) 635-7819
(540) 635-8973(Fax)
rboyer@frontroyalva.com

MEMORANDUM

To: B.J. Wilson, Finance Director

From: Robert B. Boyer, Public Works Director

Date: June 7, 2018

Subject: Recommendation of Award for Mowing Services for LRP

B.J.,

We have reviewed the bid documents submitted for this bid from the bidder to make sure it meets all bid specs as well as all town standards. I would like to recommend that we move forward with the low bidder which is Madagan's Premier Lawns at the cost of \$1,460.00 per mowing which should be about \$11,680.00 per mowing season since they met the everything required at this time. The department has the funding to cover this cost in the current budget, so funding isn't an issue.

If you have any questions or need any further information, please contact me at my office at 540-635-7819.

Thanks,

Robert B. Boyer
Town of Front Royal
Public Works Director

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item Mowing Services for Leach Run Parkway

Quotation #16

Date 5/23/2018
2:00 PM

Mailed 5

Replied 1

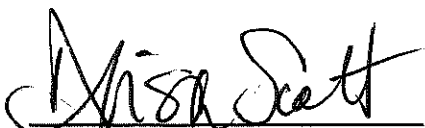
Vendor Quotation

	Madagan's Premier Lawns Landscaping & Property Management			
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
234,112 Sq/Ft Per mowing service July 1, 2018 - October 31, 2018	\$1,460.00 \$11,680.00			
Discount				
Net Quotation	\$11,680.00			
Terms				

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness



Manager of Purchasing

7C



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

Page 1
Item No. 7(C)

Meeting Date: June 25, 2018

Agenda Item: COUNCIL APPROVAL – Bid for Leak Detection Survey

Summary: Council is requested to approve the bid from Utility Service Associates in the amount of \$15,456.82 for Leak Detection Survey for the Water Line Maintenance Department.

Budget/Funding: Funding available in the Water Line Maintenance FY18 Budget line item 9602-43002 "Professional Services" in the amount of \$15,456.82.

Attachments: Memorandums from the Directors of Finance & Public Works and Quotation Tabulation

Meetings: None

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 bid from Utility Service Associates in the amount of \$15,456.82 for Leak Detection Survey for the Water Line Maintenance Department.

*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: 



MEMORANDUM

Date: June 7, 2018
To: Tina Presley, Administrative Assistant
Jennifer Berry, Clerk of Council
From: B. J. Wilson; Director of Finance
RE: Agenda Item

On Tuesday, May 29, 2018, I held a bid opening for Leak Detection Survey for the Water Line Maintenance Dept. I received five (5) responses to this bid (see attached tabulation sheet). Due to the dollar amount, I will need Town Council approval to place this order. Please add this item to a future Council agenda for their action.

Staff recommends the award for the Leak Detection Survey to be made to Utility Service Associates for a total cost of \$15,456.82.

Funding for this purchase is available in the Water Line Maintenance FY18 budget line item 9602-43002 "Professional Services" in the amount of \$15,456.82.



TOWN OF FRONT ROYAL

Public Works
800 Crosby Rd.
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560

Robert B. Boyer
Public Works Director
(540) 635-7819
(540) 635-8973(Fax)
rboyer@frontroyalva.com

MEMORANDUM

To: B.J. Wilson, Finance Director

From: Robert B. Boyer, Interim Public Works Director

Date: June 7, 2018

Subject: Recommendation of Award for Leak Detection Survey

B.J.,

We have reviewed the bid documents submitted for this bid from each bidder to make sure it meets all bid specs as well as all town standards. I would like to recommend that we move forward with the low bidder which is Utility Services Associates at the cost of 15,456.82 for 118 Miles of Leak Detection Survey, since they met the everything required at this time. The department has the funding to cover this cost in the current budget, so funding isn't an issue.

If you have any questions or need any further information, please contact me at my office at 540-635-7819.

Thanks,

Robert B. Boyer
Town of Front Royal
Public Works Director

TOWN OF FRONT ROYAL, VIRGINIA

Quotation TabulationItem: LEAK DETECTIONQuotation #11Date: MAY 29, 2018Mailed 7Replied 5

Vendor Quotation

	Utility Service Associates	Water Loss Systems Inc	New York Leak Detection Inc	M. E. System Co. Inc.	Fluid Pinpointing Services
	Seattle, WA	Clarksburg, MD	Jamesville, NY	Valparaiso, IN	Palmyra, PA
SERVICES FOR SYSTEM WIDE LEAK DETECTION SURVEY OF ENTIRE WATER DISTRIBUTION SYSTEM OF THE TOWN OF FRONT ROYAL, TO INCLUDE WATER MAINS, VALVES, HYDRANTS, ETC, PER ALL TERMS AND CONDITIONS OF SCOPE LISTED IN BID DOCUMENTS					
PER MILE OF SURVEY	\$130.99	\$190.00	\$271.50	\$303.00	Non-Responsive
ESTIMATED 118 MILES	\$ 15,456.82	\$ 22,420.00	\$ 32,037.00	\$ 35,754.00	Non-Responsive
Discount					
Net Quotation	\$15,456.82	\$22,420.00	\$32,037.00	\$35,754.00	Non-Responsive
Terms					

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness



Purchasing Agent

7D



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

Page 1
Item No. 7(D)

Meeting Date: June 25, 2018

Agenda Item: COUNCIL APPROVAL – Bid for Various Grades of Stone

Summary: Council is requested to approve the bid from Lehigh Hanson ECC for various grades of stone for use during FY19, as listed on the attached stone tabulation quotation.

Budget/Funding: FY19 Public Works Highway Maintenance budget line item 4500-45407, and Water and Sewer Maintenance budget line items 9602-45407 and 9802-45407.

Attachments: Memorandum from the Manager of Purchasing and Stone Tabulation Quotation #17

Meetings: None

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 bid from Lehigh Hanson ECC for various grades of stone for use during FY19, as listed on the attached stone tabulation.

*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: JW



MEMORANDUM

Date: June 14, 2018
To: Tina Presley, Administrative Assistant, Jennifer Berry, Clerk of Council
From: Alisa Scott, Manager of Purchasing
RE: Item for the June 25, 2018 agenda

Please add the following to the June 25, 2018 agenda addendum: On Wednesday, June 13, 2018, I held a bid opening to set firm pricing on various grades of asphalt for use during FY19. I received one (1) response per the attached tabulation sheet.

The request for quotations (RFQ) is for estimated tonnage as demand varies throughout the fiscal year. This is not a paving contract, it is for asphalt material only that will be picked up by Town trucks and hauled to the job site.

Due to the historical demand and spending on various grades of asphalt, Town Council approval is required. Staff recommends the award for firm pricing on various grades of asphalt during FY19 be made to Stuart M. Perry Inc., at cost of \$65.00 per ton for base asphalt, \$65.00 per ton for intermediate asphalt, and \$69.00 per ton for finish asphalt.

Funding for the asphalt will be available in the FY19 Public Works Highway Maintenance budget line item 4500-45407.



ASPHALT TABULATION Quotation #18

Quotation #18

Date: JUNE 13, 2018

Mailed: 9

Replied 1

NO RESPONSE FROM:
SUPERIOR PAVING
W-L CONSTRUCTION
FINLEY ASPHALT
BRANSCOME PAVING
CARROLL CONSTRUCTION
KICKIN ASPHALT
RACEY PAVING
APAC

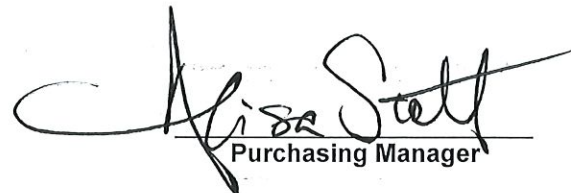
Vendor Quotation

	STUART M. PERRY			
	Front Royal QUOTATION			
QUANTITY				
FIRM ASPHALT PRICES FOR FY19 - HAULED BY TOWN TRUCKS OR CONTRACTED TO HAUL				
STANDARD "PATCH" MATERIAL FOR USE ON SECONDARY STREETS AND COLLECTOR/LOCAL STREETS NOT REQUIRING VDOT GRADE MATERIAL				
(OVERHEAD CHARGE OF \$37.78/HOUR ADDED TO BASE COST FOR QUOTES RECEIVED FROM VENDORS BEYOND TOWN LIMITS)				
BASE PRICE PER TON:				
BASE ASPHALT, TYPE BM-25.0	\$65.00			
INTERMEDIATE ASPHALT, TYPE IM-19.0A	\$65.00			
FINISH ASPHALT, TYPE SM-9.5A	\$69.00			
Total				
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance
with terms and conditions.

Witness

Witness


Purchasing Manager

7E



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

Page 1
Item No. 7(E)

Meeting Date: June 25, 2018

Agenda Item: COUNCIL APPROVAL – Bid for Various Grades of Asphalt

Summary: Council is requested to approve the bid from Stuart M. Perry Inc for various grades of asphalt for FY19 as stated in attached Asphalt tabulation quotation.

Budget/Funding: Funding available in the FY19 Public Works Highway Maintenance budget line item 4500-45407.

Attachments: Memorandum from the Manger of Purchasing and Asphalt Tabulation Quotation #18

Meetings: None

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 bid from Stuart M. Perry Inc for various grades of asphalt for FY19 as stated in attached asphalt tabulation quotation.

*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: JW



MEMORANDUM

Date: June 14, 2018
To: Tina Presley, Administrative Assistant, Jennifer Berry, Clerk of Council
From: Alisa Scott, Manager of Purchasing
RE: Item for the June 25, 2018 agenda

Please add the following to the June 25, 2018 agenda addendum: On Wednesday, June 13, 2018, I held a bid opening to set firm pricing on various grades of stone for use during FY19. I received two (2) responses per the attached tabulation sheet.

The request for quotations (RFQ) is for estimated tonnage as demand varies throughout the fiscal year. The request includes a notification that an overhead charge of \$5.50 per ton haul rate is added to the base price when the distance from the vendor's quarry is greater than three (3) miles from Town limits. The vendor's base price as well as the haul rate (if applicable) are provided on the tabulation sheet.

Due to the historical demand and spending on various grades of stone, Town Council approval is required. Staff recommends the award for firm pricing on various grades of stone during FY19 be made to Lehigh Hanson ECC, located in Riverton (Front Royal), VA.

#26 CRUSHER RUN @ \$10.58/TN

#21B STONE @ \$10.97/TN

#57 STONE @ \$11.55/TN

CBR-30 STONE @ \$11.40/TN

#21A STONE (Pugged) @ \$11.10/TN

Funding for the stone will be available in the FY19 Public Works Highway Maintenance budget line item 4500-45407, and the Water and Sewer Maintenance budget line items 9602-45407 and 9802-45407.

STONE TABULATION Quotation #17



Town of Front Royal, VA

Date: June 13th, 2018

Mailed: 3

Replied: 2

Vendor Quotation Tabulation

			Hanson Aggregates VA Front Royal, VA	Carmeuse Strasburg, VA
QUANTITY			QUOTATION	QUOTATION
FIRM PER TON PRICES: JULY 1, 2018 - JUNE 30, 2019				
ALL STONE MUST BE STATE APPROVED. ESTIMATED TONNAGE:				
OVERHEAD CHARGE OF \$5.50 PER TON HAUL RATE FOR RESPONSES WITH A DISTANCE GREATER THAN 3 MILES FROM TOWN LIMITS.			Withink 3 miles of limits	About 13 miles beyond limits
10000	TONS	#26 CRUSHER RUN & \$5.50 PER TON HAUL RATE	\$10.58	\$10.70
		(per ton with overhead)	\$10.58	\$16.20
5000	TONS	#21B & \$5.50 PER TON HAUL RATE	\$10.97	\$10.70
		(per ton with overhead)	\$10.97	\$16.20
600	TONS	#57 STONE & \$5.50 PER TON HAUL RATE	\$11.55	\$11.40
		(per ton with overhead)	\$11.55	\$16.90
NO EST.	TONS	CBR-30 STONE & \$5.50 PER TON HAUL RATE	\$11.40	\$13.35
		(per ton with overhead)	\$11.40	\$18.85
NO EST.	TONS	#21A STONE (PUGGED) & \$5.50 PER TON HAUL RATE	\$11.10	\$10.70
		(per ton with overhead)	\$11.10	\$16.20

The above proposals verified to specifications and compliance
with terms and conditions.

Witness

Witness

PURCHASING MANAGER

7F



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

Page 1
Item No. 7(E)

Meeting Date: June 25, 2018

Agenda Item: COUNCIL APPROVAL – Bid for Gate Valves

Summary: Council is requested to approve the bid from Core & Marine at a cost of \$23,248.00 for the purchases of gate valves for use during FY19.

Budget/Funding: Funding available in the FY19 Public Works budget line item 9602-47530

Attachments: Memorandum from the Manger of Purchasing and Gate Valves Tabulation Quotation #20

Meetings: None

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 bid from Core & Marine at a cost of \$23,248.00 for the purchases of gate valves for use during FY19.

*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: JW



MEMORANDUM

Date: June 18, 2018
To: Tina Presley, Administrative Assistant, Jennifer Berry, Clerk of Council
From: Alisa Scott, Manager of Purchasing
RE: Item for the June 25, 2018 agenda

Please add the following to the June 25, 2018 agenda addendum: On Thursday, June 14, 2018, I held a bid opening for gate valves for use during FY19. I received three (3) responses per the attached tabulation sheet.

Due to the amount of the purchase, Town Council approval is required. Staff recommends the award for gate valves during FY19 be made to Core & Maine at cost of \$23,248.00.

Funding for the gate valves will be available in the FY19 Public Works budget line item 9602-47530.



GATE VALVES TABULATION Quotation #20

Date: JUNE 14, 2018

Mailed: 7

Quotation #20

Replied 3

Vendor Quotation

CORE & MAIN	FORTILINE	FERGUSON
St. Louis, MO	Haymarket, VA	Winchester, VA

JULY 1, 2018 THROUGH JUNE 30, 2019

ALL QUOTATIONS TO INCLUDE ANY ASSOCIATED DELIVERY COSTS TO:

800 CROSBY RD.
FRONT ROYAL, VA 22630

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Alice Selt
Purchasing Manager

7G



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

Page 1
Item No. 7(G)

Meeting Date: June 25, 2018

Agenda Item: COUNCIL APPROVAL – Resolution that Approves Governing Documents and Authorizes the Execution of Documents for the Front Royal Downtown Revitalization Project - CDBG

Summary: Council is requested to approve a Resolution that approves the following documents to govern the Front Royal Downtown Revitalization Project: a) Members and By-Laws of the Façade Advisory Board; b) Façade Improvement Program Design; and c) Program Income Plan, as well as authorizing the Town Manager to execute all contracts and other documents necessary for the implementation of the Front Royal Downtown Revitalization Project. The resolution also states the appropriation of \$700,000 to the Town by the Virginia Department of Housing and Community Development (VDHCD) for the Front royal Downtown Revitalization Project to the FY2019 General Fund Budget, as presented.

Budget/Funding: None

Attachments: Resolution

Meetings: Work Session held June 18, 2018

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 a Resolution approving the governing documents and authorizing the execution of all necessary contract documents for the Front Royal Downtown Revitalization Project, as presented.

*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: JW

TOWN OF FRONT ROYAL

Resolution from the Town of Front Royal

Approving the Governing Documents and Authorizing the Execution of All Necessary Contract Documents for the Front Royal Downtown Revitalization Project

WHEREAS, the Town applied for and has been awarded a FY 2017 Community Development Block Grant-funded Community Improvement Grant in the amount of \$700,000 from the Virginia Department of Housing and Community Development (VDHCD) to undertake a Downtown Revitalization Project as defined by the grant application; and

WHEREAS, VDHCD has entered into negotiations with the Town of Front Royal regarding a contract for a Downtown Revitalization Project grant award of \$700,000 as CIG Project #17-23;

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

1. The Town of Front Royal hereby approves the following documents that will govern the Front Royal Downtown Revitalization Project:
 - a. Members and Bylaws of the Façade Advisory Board, Front Royal Downtown Revitalization Project, including the appointment of the members indicated therein.
 - b. Façade Improvement Program Design, Front Royal Downtown Revitalization Project.
 - c. Program Income Plan, Front Royal Downtown Revitalization Project.
2. The Town hereby authorizes the Town Manager, the Town's chief administrative official, to execute all contracts and other documents necessary for the implementation of the Front Royal Downtown Revitalization Project.
3. The Town hereby appropriates \$700,000 in funding awarded to the Town of Front Royal by the VDHCD for the Front Royal Downtown Revitalization Project to the FY2019 General Fund Budget.

APPROVED:

Hollis L. Tharpe, 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 conducted on _____, 2018 upon the following recorded vote:

William A. Sealock	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Eugene R. Tewalt	<u>Yes/No</u>	Jacob L. Meza	<u>Yes/No</u>
John P. Connolly	<u>Yes/No</u>	Christopher S. Morrison	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

**FRONT ROYAL DOWNTOWN
REVITALIZATION PROJECT
CIG #17-23**

BYLAWS AND MEMBERS OF THE
FAÇADE ADVISORY BOARD
TOWN OF FRONT ROYAL, VIRGINIA

ADOPTED BY TOWN COUNCIL
ON _____, 2018

ASSISTANCE PROVIDED BY:
SUMMIT DESIGN AND ENGINEERING SERVICES

**BYLAWS OF THE FAÇADE ADVISORY BOARD
FRONT ROYAL DOWNTOWN REVITALIZATION PROJECT**

ARTICLE I – THE BOARD

SECTION 1. Name of the Board. The full name of the Board shall be the “Front Royal Downtown Revitalization Project Façade Advisory Board (FAB).

SECTION 2. Purpose of the Board.

1. The Board shall recommend policies and procedures that govern all improvements implemented under the Front Royal Downtown Revitalization Project’s Façade Improvement Program.
2. The Board shall monitor staff, consultant, and contractor work progress in accordance with the Façade Improvement Program Design.
3. The Board shall have the authority to approve pre-qualified contractors to perform work related to the project for all contracts.
4. The Board shall approve applicants seeking program assistance.
5. The Board shall review bids and make contract awards for all Façade Improvement Program activities in consultation with Town staff, the Project Management Team, the Management Consultant, and the Consulting Architect.
6. The Board shall address and take action on written complaints or disputes that may arise in the course of the grant implementation. The Board shall respond in writing to all written appeals within 30 days of receipt and shall act to resolve the appeal within the subsequent 30 days.
7. The Board shall take other action, as permitted by the Town Council of Front Royal, Virginia, and as necessary to the Façade Improvement Program of the Front Royal Downtown Revitalization Project.

SECTION 3. Office of the Board. The office of the Façade Advisory Board shall be in the Town of Front Royal, Commonwealth of Virginia. The Board will hold its meetings in the Front Royal Town Office or at such place and time as it may designate.

SECTION 4. Board Members. The Façade Advisory Board shall consist of a minimum of seven (7) voting members, and shall be designated by the Grant Administrator, including:

- The Town Manager serving as Grant Administrator
- The Director of Planning & Zoning serving as Project Manager
- The Director of Tourism & Community Development serving as Assistant Project Manager
- A Town Council Liaison
- A Board of Architectural Review Liaison
- Two (2) Non-Benefiting Downtown Business Representative

Non-Voting Consulting Members. The Board may allow non-voting members to serve in an advisory capacity as deemed necessary. At a minimum these shall include the Management Consultant.

ARTICLE II – OFFICERS

- SECTION 1. Officers.** The officers of the Façade Advisory Board shall be a Chairperson, Vice-Chairperson, and Secretary.
- SECTION 2. Chairperson.** The Chairperson shall preside at all meetings of the Façade Advisory Board.
- SECTION 3. Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Façade Advisory Board shall select a new Chairperson.
- SECTION 4. Secretary.** The Secretary shall have the responsibility for keeping the minutes of the meetings, recording all votes of the Board, and keeping a record of the correspondence and proceedings of the Board. The records and minutes of the Board will be available for public review in the offices of the Town Manager or his/her designee.
- SECTION 5. Election or Appointment.** The Chairperson, Vice-Chairperson, and Secretary shall be elected by the members of the Façade Advisory Board with a simple majority and shall hold office for the term of the project, or until their successors are elected and qualified.
- SECTION 6. Vacancies.** Should any of the offices become vacant, the Façade Advisory Board shall elect a successor from its membership at the next regular meeting.

ARTICLE III – MEETINGS

- SECTION 1. Regular Meetings.** Regular meetings of the Façade Advisory Board shall be held as necessary to progress project Downtown; but will meet at least once per year. The Chairperson of the FAB will call the meetings. All meetings will take place at the Front Royal Town Office or at such place and time as it may designate by the Project Manager.
- SECTION 2. Special Meetings.** The Chairperson of the Façade Advisory Board may, when deemed expedient, call a special meeting of the Board.
- SECTION 3. Interim Applicant Approvals/Denials & Contract Awards.** The Chairperson of the Advisory Board may, when deemed expedient, conduct a poll of the members regarding specific applicant approvals/denials and Façade Improvement contract awards by e-mail or telephone, as long as the appropriate data and information have been made available to the members in a timely manner. A record of such interim decisions should be maintained in the Board's records and affirmed upon the first subsequent regular or special meeting of the Board.

SECTION 3. Quorum. The powers of the Façade Advisory Board shall be vested in the members. Four (4) voting members shall constitute a quorum of the Board for the purpose of conducting and exercising its powers and for all other purposes, but a smaller number may adjourn until a quorum is obtained. When a quorum is in attendance, action may be taken by the FAB upon a vote of a simple majority. Each member, including the Chairperson, shall have one vote.

SECTION 4. Attendance. Members are expected to attend all meetings and should notify the Secretary of any absence in advance.

ARTICLE IV – AMENDMENTS TO THE BYLAWS.

The Bylaws of the Façade Advisory Board shall be amended only with the approval of at least four (4) of the voting members of the Board at a regular or a special meeting, but no such amendment shall be adopted unless at least five (5) days written notice thereof has been previously given to all of the members of the FAB.

ARTICLE V – PARLIAMENTARY PROCEDURE

Robert’s Rules of Order Newly Revised, 11th Edition shall govern the conduct and procedures at all meetings of the Façade Advisory Board.

INITIAL MEMBERS DESIGNATED BY THE GRANT ADMINISTRATOR:

1. Mr. Joe Waltz, Town Manager serving as Grant Administrator
2. Jeremy Camp, Director of Planning & Zoning serving as Project Manager
3. Felicia Hart, Director of Tourism & Community Development serving as Assistant Project Manager
4. Bill Sealock, Town Council Liaison
5. Angela Toler, Board of Architectural Review Liaison
6. Ed Daley, A Non-Benefiting Downtown Business Representative
7. Herb Melrath, A Non-Benefiting Downtown Business Representative

Approval

Reviewed and adopted by the Front Royal Town Council in session on _____, 2018

Joe Waltz, Town Manager & Certifying Officer
Town of Front Royal

Date

**FRONT ROYAL DOWNTOWN
REVITALIZATION PROJECT
CIG #17-23**

FAÇADE IMPROVEMENT
PROGRAM DESIGN
TOWN OF FRONT ROYAL, VIRGINIA

ADOPTED BY TOWN COUNCIL
ON _____, 2018

ASSISTANCE PROVIDED BY:
SUMMIT DESIGN AND ENGINEERING SERVICES

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SECTION 1: PROGRAM ADMINISTRATION

PROGRAM OBJECTIVES

The Town of Front Royal is committed to providing financial incentives to private property owners for the rehabilitation of exteriors of the commercial structures within the project boundaries of the Front Royal Downtown Revitalization Project Area identified for funding through the Virginia Community Development Block Grant (CDBG) Program. The designated project area is shown on the map attached to this program design. The Town is prepared to offer both financial assistance and technical design assistance to property owners in order to improve the appearance and economic viability of the businesses and to eliminate blight and blighting influences in the identified project area. Front Royal has established the Front Royal Downtown Facade Improvement Program to:

1. Promote a diverse and economically viable downtown business district;
2. Contribute to eliminating blight, blighting influences, and other visual clutter detrimental to a downtown business district;
3. Promote economic development by providing an incentive for property owners to renovate their buildings for the expansion of the current use, for accommodation of a higher use, and to increase the occupancy level of vacant or underutilized buildings.

PROGRAM DESCRIPTION

The Town of Front Royal has budgeted \$350,000 in CDBG funds provided by the Virginia Department of Housing and Community Development (DHCD) to provide matching deferred loans to property owners within the Front Royal Downtown Revitalization Project Area for commercial property facade improvements. The matching deferred loan must be applied to physical construction. The Town has also budgeted \$35,000 in CDBG funds for architectural design assistance for the businesses.

The CDBG matching deferred loan is strictly for improvements to the exteriors of buildings visible from a public right-of-way. This generally excludes repairs to a building's roof, unless such improvements clearly contribute to enhancing the visual environment. The matching deferred loan may be applied to the primary façade, the exposed side(s) of a building, and the rear of a building (under certain circumstances). Exceptions to this guideline may be granted by the Front Royal Downtown Revitalization Facade Advisory Board based on the level of improvements needed on each face of the building.

A property owner must match the deferred loan amount with other exterior or interior improvements to the building. The matching deferred loan program will be administered by the Town of Front Royal Director of Planning and Zoning serving as Project Manager or his designated representative and will be available from June 2018 until funds are exhausted or close-out of the Front Royal Downtown Revitalization Project, whichever comes first. The program may be extended if new sources of funds become available to the Town of Front Royal. Recipients of matching deferred loans will be required to execute a legally binding agreement with the Town.

IMPROVEMENT STANDARDS

The Town will establish a Front Royal Downtown Revitalization Project Management Team of local citizens and public officials to provide overall coordination of the Front Royal Downtown Revitalization Project. A Front Royal Downtown Revitalization Facade Advisory Board will be appointed by Town Council to review and approve all commercial improvements proposed for funding under this program. The Advisory Board will work closely with each applicant and any consulting parties to devise appropriate designs/work write-ups and implement repairs and improvements that are in compliance with this Program Design. All exposed facades of existing buildings should present a finished appearance in character comparable to the remainder of the building. Economy of maintenance is important as well as producing a harmonious relationship with neighboring buildings and therefore exterior finishes should be of reasonably permanent and durable materials.

Because the Front Royal Downtown Revitalization Project Area is within the state and federally recognized Front Royal Historic District, façade improvement designs and exterior finishes are subject to review and approval by the Board of Architectural Review (BAR) and where necessary, the Planning Commission of the Town of Front Royal according to the Front Royal Historic Overlay District Guidelines and the Town of Front Royal Municipal Code (including Chapter 175 – Zoning) and subject to review and approval by the Virginia Department of Historic Resources (DHR) regarding their appropriateness for the building and location within the Historic District and the period of construction. Additionally, Preservation Virginia has requested to be a consulting party on all project reviews provided to the BAR and DHR.

SECTION 2: ELIGIBILITY CRITERIA

ELIGIBILITY REQUIREMENTS

All non-government-owned commercial buildings (income producing) within the project area are eligible for assistance through this program. However, buildings identified as deteriorating or are dilapidated in the Town's CDBG application area are targeted for funding.* Early in the program, the Façade Advisory Board and the Town will contact the owners of these buildings individually to urge them to participate. At its discretion, the Board may reduce CDBG funding levels for lower-priority buildings in order to conserve adequate funding to address the targeted buildings. In this event, the Board will use a point system to rank each facade improvement project pending approval. The project receiving the most cumulative points will be funded first, and so on until funds are exhausted. The points assigned will be as follows:

<u>Building Condition Rating: *</u>	<u>Points</u>	<u>Weight</u>
Sound	1	3
Deteriorating	2	
Dilapidated	3	

<u>Cash Contribution to Work:</u>	<u>Points</u>	<u>Weight</u>
100% match	1	2
101-150% match	2	
151-200% match	3	
201%+ match	4	
<u>Leveraged Match/Investment:</u>	<u>Points</u>	<u>Weight</u>
100% match	1	1
101-200% match	2	
201-300% match	3	
301%+ match	4	

* See Front Royal Building Conditions Map in the CIG application.

The total point score for each proposed project will be calculated by multiplying the point total for each criterion by the weight assigned to that criterion, and then adding the three (3) products.

APPLICATION PROCESS / TECHNICAL ASSISTANCE

The Town of Front Royal will accept applications from identified commercial property owners in a sequence that takes into account the extent of need, proximity of location, and similarity of work so as to benefit from any economies of scale that might be realized through the contracting process and the points awarded per above as necessary. As a first step, the owner should fill out an application for assistance. The application should identify the building and its owner, provide a preliminary overview of the work to be performed, and include a brief summary of the proposed matching investment. Such application may be made on a form provided by the Town, and must be signed by all owners.

After receiving the application, the Project Manager/Assistant Project Manager will review the application, meet with the applicant, and do a preliminary site inspection in order to confirm eligibility for the Facade Improvement Program; to clarify and provide additional detail as needed to the owner's preliminary overview of the work to be performed; and to review the intended work for compliance with the property maintenance code, zoning ordinance, Historic Preservation regulations, and this Program Design. The Project Manager/Assistant Project Manager will forward the application and all additional details developed in these initial conversations to the Consulting Architect contracted to provide architectural design assistance.

The Consulting Architect will subsequently conduct a inspection of the subject building's exterior and consult with the owner in preparing improvement design sketches (by means of elevations, photographs with call-outs, or renderings indicating particular design elements and treatments) with a more detailed work write-up and preliminary cost estimate so as to assist contractors in preparing accurate bids and performing the required work. The Town, utilizing CDBG funds, will cover the cost of designs and work write-up ups, up to an amount equal to 10% of the CDBG funds invested in each Façade Improvement project (this percentage formula having been set by the Virginia Department of Housing and Community Development and agreed to by contract with the Consulting Architect). Any additional design assistance provided at the owner's request beyond

that associated with the agreed upon Façade Improvement will be at the owner's expense per a separate agreement with the Consulting Architect or any other architect chosen by the owner.

The Town will refer each application, design sketches, work write-up, and cost estimate for approval to the Advisory Board. The Advisory Board is responsible for approving the work to be done as defined by design sketches and work write-ups, the intended matching investment amount, and readiness for bid. After Approval by the Advisory Board, the design sketches and work write-up for each project will be forwarded to the Town of Front Royal Board of Architectural Review for approval or advice and to Preservation Virginia for consultation. Once BAR approval and Preservation Virginia input are received and addressed appropriately, the Project Management Consultant will prepare for each Façade Improvement project a "Work Write-Up and Standards Check List" form provided by the Virginia Department of Historic Resources. This DHR form along with the design sketches and work write-up will be forwarded to DHR for its review and approval. The final work write-up, after any required adjustments or edits, will serve as the agreed upon scope of work for obtaining quotes or competitive sealed bids from contractors (see bidding procedure described below).

The Town will compile a list of pre-qualified licensed contractors to notify regarding bidding opportunities and will submit the list to the Advisory Board for its approval at the beginning of the program. The Town will place each approved job out for bid upon approval of the application by the Advisory Board, in accordance with the *Virginia Public Procurement Act* and Federal Labor Standards. Once received, the Board will also review all bids and approve all contract awards in consultation with Project Manager/Assistant Project Manager.

Once a project is ready to get underway, the Town will set up a contract/loan closing with the property owner and contractor to answer any final questions, discuss logistics and timing of construction activities, and sign the construction contract and deed of trust/deed of trust note associated with the deferred loan (explained more fully below). If the cost of the planned and agreed upon improvements exceed the maximum eligible amount available through the Façade Improvement Program, the property owner is expected to pay the additional costs at closing.

SECTION 3: MATCH REQUIREMENTS

PRIVATE INVESTMENT MATCH REQUIREMENTS

Building owners must pay all costs above \$20,000 and match the CDBG funds committed to the Façade Improvement projects dollar for dollar. An owner can meet the match requirement in three ways:

1. The basis for the match can be qualifying improvements to the building the owner has completed or will have completed at the time of the contracted Façade Improvement work. Matching qualifying improvements include any permanent improvements, interior or exterior, made to the building such as improvements to the plumbing, electrical, or mechanical systems of the structure, a new roof, new doors or windows, etc. Furnishings, shelving, appliances, moveable kitchen equipment, and other unattached improvements are not considered qualifying improvements. The cost of the previous or concurrent improvements must equal dollar for dollar the CDBG funds committed to the project.

Example: With \$20,000 in improvements funded by \$20,000 in CDBG funds, the property owner would need \$20,000 in previous or concurrent improvements as a matching investment.

2. If the property owner does not have any qualifying matching investment, the owner can opt to finance 50 percent of the total dollar value of the improvements through an actual cash contribution or a loan from a lending institution. Example: With \$20,000 in façade improvements shared equally by the property owner and the Façade Improvement Program, each would make a \$10,000 payment.
3. If the owner wishes to invest via both of the above because of a limited amount of previous or concurrent qualifying improvements, the total amount invested must still equal the CDBG investment. Example: With \$20,000 in improvements and only \$10,000 in previous or concurrent improvements as a matching investment, the CDBG funds committed to the project could only be \$15,000. The property owner's dollar for dollar match would equal the \$10,000 in previous or concurrent improvements plus an additional \$5,000 in cash toward the cost of façade improvements under this program for a total of \$15,000.

All match amounts will be based on the final contractor quote or bid price accepted by the owner, Advisory Board, and Town. Private investment that has been made since September 1, 2015 may be counted toward the required match. The owner must present invoices or other appropriate information to document the matching investment.

For building owners who opt to use their own time and labor as match, standard wage rates by job types and building owner skills will be utilized to calculate the match. DHCD will provide wage information based on federal wage rates for various job types.

Prior to approving an application for assistance, the Advisory Board must have adequate assurance that the owner has clear title to the property, that the property is properly insured, and that the property owner has provided verification of his/her financial match or has on hand the financial resources needed to meet the approved match amount. If the approved matching amount includes a cash contribution toward the cost of the contracted façade improvements, the owner must agree to pay the matching funds to the Town at contract signing/loan closing so that the Town can pay contractor invoices in a timely fashion.

CONDITIONS OF THE MATCHING DEFERRED LOAN

The Town of Front Royal will make matching deferred loans to qualified applicants for the repair and improvement of the primary façade and exposed side(s) of the building, if visible from a public right-of-way including all vertical surfaces, gutters, downspouts, doors, windows, attached signs, exterior lighting, canopies, awnings, masonry cleaning & repair, and painting. Ineligible work includes any repairs/improvements to the interior, electrical, plumbing & mechanical systems, roofs, structural elements, non-permanent fixtures, and new construction.

Loan amounts available are:

1. Up to \$15,000 for the cost of improvements to a primary building façade;
2. Up to an additional \$2,500 per bay on a primary façade with multiple businesses (maximum of two additional bays);
3. Up to \$5,000 for non-primary facades as long as the primary façade meets program standards or is also being improved under the Façade Improvement Program;
4. No more than \$20,000 provided per separately parceled commercial property, regardless the number of facades or bays.

Owners will be expected to also cover all costs over the maximum eligible amount calculated for their buildings. Costs above the CDBG funds to be invested into each project must be paid at contract signing/deferred loan closing.

The matching deferred loan will be made for a five (5)-year term at zero percent (0%) interest. The deferred loan will be entirely forgiven at the end of the five-year period and the property lien removed if the applicant has met the following conditions:

1. The property owner has completed the facade improvements in accordance with the CDBG program guidelines and has done so within six (6) months of bid acceptance, unless the Advisory Board grants a request for extension of time. All buildings receiving CDBG funds must be free of exterior blight once the construction is complete.
2. The property owner has continued to maintain the improvements in a satisfactory condition.
3. The building to be improved must have a current tenant operating a business or must be occupied by a tenant operating a business within one year after the improvements are completed, unless the Advisory Board grants a request for extension of time. Rental apartments are considered a business, as long as the apartments meet all applicable property maintenance code and zoning ordinance requirements. If the owner is unsuccessful in securing a tenant within this timeframe, only 10% of the deferred loan will be forgiven during the first year and no amount of the deferred loan will be forgiven in subsequent years of vacancy.
4. Once rented, short vacancies of four (4) months or less will not be added to the term of the deferred loan. Longer term vacancies of five (5) months or more and frequent and repeated vacancies of any duration will be added onto the term of the deferred loan. Exceptions to this provision are at the discretion of the Advisory Board or any successor organization created by the Town of Front Royal to oversee the Façade Improvement Program.
5. The owner of the building at the time of the loan approval has retained ownership of the improved property during the five-year period. If the owner sells the property within the

five-year term, or otherwise voluntarily transfers ownership, the balance on the loan note will become due and payable on a prorated basis (20% of deferred loan forgiven per year).

In addition, property owners will be expected to continue maintaining the improvements beyond the term of the deferred loan. This expectation will be enforced by the Town through its property maintenance ordinance.

CDBG funds returned to the Town through enforcement of these conditions shall be considered Program Income. The Town will use any such Program Income to make additional deferred loans in accordance with this Program Design and the Program Income Plan approved by DHCD and implemented as a part of the Front Royal Downtown Revitalization Project.

SECTION 4: BIDDING, CONTRACTING, INSURANCE, & PAYMENTS

The goal of these procedures is to minimize the time and complexity of applying for assistance, while meeting U. S. Department of Housing and Urban Development (HUD) and DHCD requirements for use of CDBG funds. In this manner, it is the Town's hope to maximize participation by eligible Downtown Front Royal property owners.

All jobs involving CDBG funds must be bid by the Town, which shall select the winning bidder with the assistance of the Advisory Board and in accordance with the *Virginia Public Procurement Act*. The winning bidder must also be acceptable to the owner.

As a policy exception due to extraordinary circumstances, building owners who are also licensed and insured contractors may choose to have their personal company do the construction work with the prior approval of the Advisory Board, including approval of the design sketches and work write-up. In such circumstances, CDBG funds can only be used for the documented cost of materials secured from the supplier providing the lowest price quote, with a minimum of three (3) quotes provided. It should be noted that under this circumstance, a building owner may not be eligible for the full matching deferred loan because the cost of materials may be significantly less than the \$20,000 deferred loan available per commercial building. A two-party contract between the Town and the owner for the cost of materials would be executed in such circumstances.

As a policy exception due to extraordinary circumstances, a building owner may negotiate independently with a licensed and insured contractor with the prior approval of the Advisory Board, including approval of the design sketches and work write-up. In such a circumstance, CDBG funds can only be used for the documented cost of materials secured from the supplier providing the lowest price quote, with a minimum of three (3) quotes provided. It should be noted that under this circumstance, a building owner may not be eligible for the full matching deferred loan because the cost of materials may be significantly less than the \$20,000 deferred loan available per commercial building. A two-party contract between the Town and the owner for the cost of materials would be executed in such circumstances.

A formal contract and lien must secure each job involving CDBG assistance. The Town will prepare these documents for execution by the owner. The two-party or three-party contract (as appropriate) will outline each party's responsibilities and the work description. In addition to the contract, a deed of trust and deed of trust note will be executed by the owner and the Town and

subsequently recorded in order to secure the loan. Property owners will need to be prepared to pay any cash match that is required and any costs over the maximum eligible amount calculated for the building at closing.

Prior to execution of the contract and loan documents, the owner of the building to be improved must provide evidence of ownership such as a deed or tax receipt. The Town will have performed a Title Search prior to contract execution where any question of ownership or clear title arises. The Town will require written documentation from the owner that the structure is covered by all-hazard insurance in a sufficient amount to protect the Town's investment in the improvements prior to contract execution. For any commercial building in a 100-year flood plain, insurance coverage must include flood insurance provided through the National Flood Insurance Program.

To be eligible for the Façade Improvement Program, a property owner and any and all tenants occupying the building must not owe past due taxes of any type levied and collected by the Town of Front Royal or County of Warren unless an official arrangement has been made for payment of back taxes between the property owner and the Town of Front Royal and County of Warren.

All construction is subject to the Virginia Uniform Statewide Building Code as adopted by reference in the Warren County Code of Ordinances and to regular inspection and approval by the Warren County Building Official and/or Building Inspectors.

If requested, materials deposits and progress payments can be released to the contractor based on a valid receipt for materials purchased and securely stored and/or a satisfactory interim inspection. Otherwise, the total loan amount will be released in one (1) 100% payment after the construction work is determined to be substantially complete by the Project Manager/Assistant Project Manager, Building Official/Building Inspector, and property owner as documented by an executed Statement of Final Completion/ Acceptance.

Section 5: Program Time Frame

Matching deferred loans will be available to qualified applicants from June 1, 2018 until final close-out of the Front Royal Downtown Revitalization Project or until funds are exhausted, whichever comes first. However, at the Town's discretion, submission of applications for assistance may be limited to certain windows of time (rounds of funding).

Section 6: Program Income

Any CDBG funds recaptured during implementation of the Front Royal Façade Improvement Program will be used to recapitalize and extend the Façade Improvement Program. Recaptured funds, if any, are expected to come only from prorated repayment of deferred loans due to non-compliance with terms. Recaptured CDBG funds will thus be used to further eliminate blight and blighting influence in Downtown Front Royal, removing obstacles to economic development. The Town may elect to expend recaptured funds outside the current project area for this purpose according to the Program Income Plan approved by DHCD and implemented as a part of the Front Royal Downtown Revitalization Project.

Section 7: Complaints and Appeals Procedure

Oral complaints of any nature and by any party shall be documented and resolved by the Façade Improvement Program Project Manager as informally and quickly as possible. If the complainant requires assistance in putting his or her complaint or appeal in writing, staff will make such assistance available. Written complaints received by the Project Manager or the Town of Front Royal will be resolved and documented in consultation with the Advisory Board. The person making the complaint will be notified in writing of the decision. All written complaints will be addressed within thirty (30) days of receipt and resolved within the subsequent thirty (30) day time period and documentation retained for review. Barring a resolution of the complaint by the Advisory Board, the complaint may be taken to the Front Royal Downtown Revitalization Project Management Team with the same requirements as above. Barring a resolution of the complaint by the Management Team, the complaint may be taken to the Town Council where a non-legal resolution is final. Any final appeal will be addressed in writing to DHCD where a non-legal resolution is final. Appeals to DHCD should include a copy of all correspondence that has taken place to date. The appeal should identify the problem and the desired solution. DHCD will investigate the complaint and respond in writing in a timely manner. All involved parties will be copied. Beyond this step, the complainant may seek a legal remedy in the local court of jurisdiction at complainant's own cost. Once a job is Inspectorly closed out and the one-year warranty period is in effect, the property owner should address complaints, in writing, directly to the contractor involved in the rehabilitation.

Section 8: Recordkeeping

The Advisory Board Secretary will be responsible for keeping the minutes of its meetings. The Board will also be responsible for tracking the number of businesses assisted by and participating in the Façade Improvement Program. Documentation of private investments made by property owners within the project area either through source documentation (such as invoices, construction contracts, etc.) or through affidavit as submitted to the Project Manager are subject to validation by the Advisory Board.

Section 9: Program Design Amendments

During implementation of the Front Royal Downtown Façade Improvement Program, the Town may find it necessary to make minor changes and refinements as the program proceeds. If a minor alteration to this design is deemed necessary to better achieve the intent of the program, the Advisory Board will adopt the changes upon approval of the proposed change by DHCD. If a major alteration to this design is deemed necessary, the Advisory Board will adopt the changes and forward them for approval by the Front Royal Town Council and by DHCD. The Façade Improvement Program will be implemented to assure consistent and equitable assistance to all program participants.

Section 10: Approval

Reviewed and adopted by the Front Royal Town Council in session on _____.

Joe Waltz, Town Manager & Certifying Officer
Town of Front Royal

Date

**VIRGINIA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM INCOME PLAN**

**Front Royal Downtown Revitalization Project (CIG #17-23)
Town of Front Royal, Virginia**

OBJECTIVE

The Town of Front Royal (Town) is committed to eliminating blight and blighting influences within its commercial and residential districts, addressing related community development needs in targeted areas, and supporting economic development to the benefit of its citizens, particularly those of low and moderate means. Front Royal is interested in implementing these activities through the use of current and future Community Development Block Grant (CDBG) projects. Doing so will involve recapturing Active Program Income, Inactive Program Income, and Miscellaneous Revenue from the Front Royal Downtown Revitalization Project to be used in support of these activities.

ACTIVITIES

Active Program Income, Inactive Program Income, and Miscellaneous Revenue realized from the Front Royal Downtown Revitalization Project, funded as a Community Improvement Grant (CIG) Downtown Revitalization Project through CDBG funds, will allow the Town to eliminate blight and blighting influences within its commercial and residential districts, address related community development needs, and support economic development to the benefit of its citizens, particularly those of low and moderate means, in designated areas throughout the Town according to the priorities and locations established under "PROJECT AREA." Assistance provided through the use of Active and Inactive Program Income will be provided under Virginia Department of Housing and Community Development (VDHCD) guidelines effective at the time of project implementation.

PROGRAM INCOME

Active Program Income: Active Program Income is income received as a result of program activities prior to administrative close-out of the CDBG Grant Agreement. Active Program Income shall be used for current eligible project expenses and/or to reduce drawdowns for eligible project expenses. Active Program Income on-hand at the end of the project will be used to reduce the final drawdown or returned to DHCD. Active Program Income will be used for the same CIG activities as approved in the CDBG Grant Agreement.

Inactive Program Income: Inactive Program Income is proceeds received in a 12 month period of \$35,000 or more as a result of CIG activities after administrative close-out of the Grant Agreement. Any lump sum receipt of Inactive Program Income of \$35,000 or more during a state fiscal year (July 1 through June 30) must be reported to DHCD at the time it is received and transmitted to DHCD within 60 days. During the first five years after administrative close-out of the Grant Agreement, any Inactive Program Income received and accumulated in smaller amounts, but totaling \$35,000 or more during a state fiscal year, including Inactive Program Income received from any other CDBG-funded project, can be expended only after: a) the income is reported to DHCD via an Annual Inactive Program Report; b) a work plan and budget is submitted to DHCD; and c) DHCD approves the expenditure of the funds. Inactive Program Income shall be used to continue the same eligible CIG activities as long as blight and blighting influences exist in the Front Royal Downtown Revitalization Project Area. After all needs are met in the Front Royal Downtown Revitalization Project Area, Inactive Program Income will be used for the following purposes:

1. Inactive Program Income may be used to eliminate blight and blighting influences within the Town's commercial and residential districts, address related community development needs, and support economic development to the benefit of its citizens, particularly those of low and moderate means according to the priorities and locations established under "PROJECT AREA."

2. Inactive Program Income may be also used for actual administrative costs. At the time the Program Income is expended, 10 percent of the expended Program Income may be allocated for administrative purposes.

MISCELLANEOUS REVENUE

Miscellaneous Revenue is proceeds received in a 12 month period of less than \$35,000 as a result of CIG activities after administrative close-out of the Grant Agreement, including income received from any other CDBG-funded project. Miscellaneous Revenue is expended at the discretion of the Town of Front Royal according to this Program Income Plan and is reportable via the Annual Inactive Program Report for the first five years after administrative close-out of the Grant Agreement. Miscellaneous Revenue shall be used to continue the same eligible CIG activities as long as blight and blighting influences exist in the Front Royal Downtown Revitalization Project Area. After all needs are met in the Front Royal Downtown Revitalization Project Area, Inactive Program Income will be used for the following purposes:

1. Miscellaneous Revenue may be used to eliminate blight and blighting influences within the Town's commercial and residential districts, address related community development needs, and support economic development to the benefit of its citizens, particularly those of low and moderate means according to the priorities and locations established under "PROJECT AREA."
2. Miscellaneous Revenue may be also used for actual administrative costs. At the time the Miscellaneous Revenue is expended, 10 percent of the expended Miscellaneous Revenue may be allocated for administrative purposes.

TIMEFRAME

The Town will make deferred loans to commercial property owners with 5-year terms, 0% interest, and no paybacks if the commercial property improved through a Façade Improvement Program deferred loan is regularly occupied/leased during the 5-year term. The Town could make deferred loans through June 2020 as a part of this Front Royal Downtown Revitalization Project Grant Agreement and could receive Inactive Program Income and Miscellaneous Revenue from loan payments through June 2025. Additional Inactive Program Income and Miscellaneous Revenue could be received upon property transfers.

PROJECT AREA

Activities will be carried out in the project area identified in the 2017 CIG application for the Front Royal Downtown Revitalization Project and subsequently affirmed by contract with VDHCD. All projects funded with Program Income generated from the Front Royal Downtown Revitalization Project will be located within the Front Royal Downtown Project Area until there is no more need. All Program Income realized (active and inactive) from the Front Royal Downtown Revitalization Project must be used according to the following priorities:

1. Within the Front Royal Downtown Revitalization Project Area and used to continue the activity from which it was derived until all identified needs have been met.
2. Within the Front Royal Downtown Revitalization Project Area and used on other eligible CDBG activities until all identified needs have been met.
3. Within the jurisdictional boundaries of the Town of Front Royal and used for eligible CDBG activities, as permitted under the Housing and Community Development Act of 1974, as amended, until all identified needs have been met.

FUNDS TO BE AVAILABLE

1. Total projected Active Program Income, Inactive Program Income, and Miscellaneous Revenue for Next 7 Years (2018 through 2025, inclusive): \$0
2. Term in Years for Each Deferred Loan: 5 years

3. Payback Schedule of Total Principle and Interest at 0.0%:

Year 1	\$0	Year 5	\$0
Year 2	\$0	Year 6	\$0
Year 3	\$0	Year 7	\$0
Year 4	\$0		

ADMINISTRATION

The Town Manager of Front Royal, as Grant Administrator and Certifying Officer, will be responsible for receiving any required deferred loan repayments. The funds will be deposited in an interest-bearing escrow account and identified as revenue or expenditure. Funds will be accounted for separately on the Town's balance sheet. Records will be kept on a fiscal year basis. Records will show the amounts received by property owner's name, separated as Active or Inactive Program Income and by contract and the income expended according to this Program Income Plan. Copies of documentation will be placed in the appropriate file for each Façade Improvement project undertaken as a part of the Front Royal Downtown Revitalization Project Grant Agreement.

The Town Manager will be responsible for filing an Annual Inactive Program Income Report with DHCD at the close of each Town/State fiscal year for a period of five years after administrative close-out of the Grant Agreement.

The Town Manager may administratively approve specific proposals for use of accumulated Inactive Program Income and Miscellaneous Revenue. Specific proposals for use of Inactive Program Income or Miscellaneous Revenue may originate from the Town Manager or any active management team or appointed oversight board assisting with the planning or implementation of a CDBG-funded project in accordance with an appropriate Project Management Plan and Program Design(s). The Town Manager is responsible for managing the expenditure of said funds in compliance with CDBG regulations.

CERTIFICATION

I certify that this is the plan of this locality for use of income derived from the Community Improvement Grant Program after the current contract expires. I further certify that the Town of Front Royal fully intends to carry out this plan, oversee its implementation, and assures that no other use of these funds will be allowed. I certify that this locality will budget Program Income funds in a separate, distinct account and will maintain records documenting the use of those under the *Home Investment Partnerships Act*, as amended and Title I of the *Housing and Community Development Act of 1974*, as amended. I understand that the Virginia Department of Housing and Community Development may review the receipt and expenditure of program income funds.

Joe Waltz Town Manager, Town of Front Royal
Certifying Officer for the Front Royal Downtown
Revitalization Project Community Improvement Grant

Date

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

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Item No. 8

Meeting Date: June 25, 2018

Agenda Item: COUNCIL APPROVAL – Resolution of Support for Submission of an Application for the Virginia SMART SCALE Program to Facilitate Funding for the Happy Creek Road Phase II Project

Summary: Council is requested to approve a Resolution of Support for the submission of an application for the Virginia SMART SCALE Program to facilitate funding for the Happy Creek Road Phase II Project., as presented.

Budget/Funding: None

Attachments: Resolution and Information pertaining to SMART SCALE

Meetings: None

**Staff
Recommendation:** Approval ✓ Denial

Proposed Motion: I move that Council approve a Resolution of Support for the submission of an application for the Virginia SMART SCALE Program to facilitate funding for the Happy Creek Road Phase II Project., as presented.

*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: 

RESOLUTION OF SUPPORT

**Submission of Virginia's SMART SCALE Application for the
Happy Creek Road Phase II Project**

WHEREAS, Virginia's SMART SCALE is choosing transportation projects for funding and ensuring the best use of limited tax dollars Projects could be approved up to 100%; and,

WHEREAS, the design of the project must comply with all Virginia Department of Transportation (VDOT) standards and all applications are required to have the governing body submit an approved resolution of support with the completed application; and,

WHEREAS, the Happy Creek Road Phase II Project has been estimated to cost approximately \$8,000,000 with an additional \$1,500,000 for rock blasting for a total amount of \$9,500,000; and,

NOW THEREFORE BE IT RESOVED, that the Front Royal Town Council approve the submission of an application for the Virginia SMART SCALE program to facilitate funding for the Happy Creek Road Phase II Project.

APPROVED:

Hollis L. Tharpe, 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 conducted on _____, 2018 upon the following recorded vote:

William A. Sealock	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Eugene R. Tewalt	<u>Yes/No</u>	Jacob L. Meza	<u>Yes/No</u>
John P. Connolly	<u>Yes/No</u>	Christopher S. Morrison	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

SMART SCALE About

Virginia's SMART SCALE (§33.2-214.1) is about picking the right transportation projects for funding and ensuring the best use of limited tax dollars. Transportation projects are scored based on an objective, outcome-based process that is transparent to the public and allows decision-makers to be held accountable to taxpayers. Once projects are scored and prioritized, the Commonwealth Transportation Board (CTB) has the best information possible to select the right projects for funding.

This site is where eligible entities manage and submit project applications for consideration for funding in the applicable fiscal year update of the Six-Year Improvement Program.

All submitted project applications will be subject to requirements of the Freedom of Information Act (FOIA).

If you need assistance with this application tool, or want to contact your local VDOT or DRPT representative, please contact the appropriate person noted below: If you need assistance with this site, send your requests to SmartPortal@CTB.Virginia.gov.

For Highway Projects, please contact the following Virginia Department of Transportation representatives:

District	Representative	Phone Number	Email Address
Bristol District	Donny Necessary	276-696-3282	Donald.Necessary@VDOT.Virginia.gov
Culpeper District	Chuck Proctor	540-829-7558	Charles.Proctor@VDOT.Virginia.gov
Fredericksburg District	Stephen Haynes	540-899-4709	Stephen.Haynes@VDOT.Virginia.gov
Hampton Roads District	Eric Stringfield	757-925-3669	Eric.Stringfield@VDOT.Virginia.gov
Lynchburg District	Rick Youngblood	434-856-8331	Rick.Youngblood@VDOT.Virginia.gov
Northern Virginia District	Rahul Trivedi	703-259-2308	Rahul.Trivedi@VDOT.Virginia.gov

District	Representative	Phone Number	Email Address
Richmond District	Ron Svejkovsky	804-524- 6215	Ronald.Svejkovsky@VDOT.Virginia.gov
Salem District	Michael Gray	540-797- 2162	Michael.Gray@VDOT.Virginia.gov
Staunton District	Terry Short	540-332- 9057	Terry.ShortJR@VDOT.Virginia.gov

For Transit or Rail Projects, please contact the following Virginia Department of Rail and Public Transportation representatives:

Project Type - Region	Representative	Phone Number	Email Address
Rail – Statewide	Jeremy Latimer	804-225- 4016	Jeremy.Latimer@DRPT.Virginia.gov
Transit – All areas except Northern VA	Neil Sherman	804-786- 1154	Neil.Sherman@DRPT.Virginia.gov
Transit – Northern VA	Todd Horsley	703-259- 2117	Todd.Horsley@DRPT.Virginia.gov

About

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SMART SCALE is about investing limited tax dollars in the right projects that meet the most critical transportation needs in Virginia.

WHAT'S NEW



Fiscal Year 2018 SMART SCALE Projects - Update

The Commonwealth Transportation Board-approved SMART SCALE 2017 Technical Guide is available. Also available on the **Resources** page are a final SMART SCALE 2017 Policy Guide and application limits document.

The SMART SCALE team has provided **responses to comments** received through the public comment process. Responses to comments are also available on the Resources page.



Upcoming Events

- **May 30, 2018** – Full application refresher training, via Webex, 10 a.m. – Noon
- **June 1, 2018** – Pre-application submission deadline (5 p.m.)
- **Aug. 1, 2018** – Full application submission deadline (5 p.m.)



Quick Start Facts

[WHO IS ELIGIBLE »](#)[ELIGIBLE PROJECT TYPES »](#)[HOW TO APPLY »](#)