



REGULAR TOWN COUNCIL MEETING

Monday, January 14, 2019 @ 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 December 10, 2018
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
Recognition of Service for former Planning Commission Member Deborah Langfitt
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS – (ROLL CALL VOTE REQUIRED)**
 - A. COUNCIL APPROVAL – Bid for Westminster Sidewalk Construction
 - B. COUNCIL APPROVAL – Resolution of Support for Submission of VDOT State of Good Repair/Primary Extension Paving Program Application
 - C. COUNCIL APPROVAL – Budget Amendment to Accept Monies for Transformer Replacement
8. **PUBLIC HEARING** – Ordinance Amendment to Town Code Chapter 70 (Electricity) *(1st Reading)*
9. **PUBLIC HEARING** – Ordinance Amendment to Town Code Sections 156-3 Pertaining to the Composition, Appointment and Terms of Office for UFAC *(1st Reading)*
10. **PUBLIC HEARING** – An Amendment to the FY2019 Budget in the Amount of \$700,000 for the Community Development Block Grant (CDBG) *(1st Reading)*
11. **COUNCIL APPROVAL** – Ord. Amendment to Town Code Chapter 72 (Special Events) *(2nd R)*
12. **COUNCIL APPROVAL** – Ordinance Amendment to Town Code Sections 158-9 and 158-17 pertaining to the removal of the 1993 On-Street Parking Policy and Rescind 1993 Resolution Pertaining to the Same *(2nd Reading)*
13. **COUNCIL APPROVAL** – Ordinance Amendment to Town Code Sections 148-870.A.17 and 175-127 to Exempt Property from Off-Street Parking Requirements – David Downes – 14/16 Chester Street *(2nd Reading)*
14. **COUNCIL APPOINTMENT** – Planning Commission
15. **COUNCIL APPOINTMENT** – Audit and Finance Committee
16. **COUNCIL APPOINTMENT** – Vice Mayor

7A



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

Page 1
Item No. 7(A)

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Westminster Sidewalk Construction

Summary: On October 27, 2014 Council approved a Virginia Department of Transportation (VDOT) Transportation Alternatives Project Endorsement Resolution through the MAP-21 Transportation Alternatives Program (TAP) to establish a project for the improvement of a Westminster Drive Sidewalk with the Town agreeing to provide a minimum of 20% matching contribution. On September 14, 2015 Council approved a budget amendment and resolution granting authority to the Town Manager to enter into an agreement with VDOT for the project at an estimated cost of \$124,025.00 with \$83,025 to be reimbursed by VDOT's MAP-21 TAP after completion of the project. Tonight, Council is requested to approve a bid from M & F Concrete, Inc. of Manassas, Virginia in the amount of \$122,164.50 for construction of a sidewalk on Westminster Drive, with contingency items of \$400 per cubic yard for asphalt repairs and \$700 per cubic yard for rock removal with reimbursement of 80% from VDOT's MAP-21 Transportation Alternative Program.

Budget/Funding: Funding is from Public Works Streets Line Item 4500-R47909 with an 80% reimbursement by VDOT's MAP-21 Transportation Alternative Program upon completion of the project.

Attachments: Memo from Purchasing Agent with Quotation Tabulation; Letter from VDOT; minutes of September 14, 2015; Resolutions of October 27, 2014 and September 14, 2015.

Meetings: Regular meetings of October 27, 2014 and September 14, 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 a bid from M & F Concrete, Inc. of Manassas, Virginia in the amount of \$122,164.50 for construction of a sidewalk on Westminster Drive, with contingency items of \$400 per cubic yard for asphalt repairs and \$700 per cubic yard for rock removal with reimbursement of 80% from VDOT's MAP-21 Transportation Alternative Program.

*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: December 14, 2018
To: Tina Presley, Administrative Assistant
From: Alisa Scott, Manager of Purchasing
RE: Request to Add Agenda Item

On Tuesday, October 30th, 2018, I held a bid opening for the Westminster Sidewalk Trail Construction for the Public Works Streets Department. I received three (3) responses to this IFB and VDOT project (UPC 107657 EN15-112-105, C501 TAP-093-8 (039)). The Virginia Department of Transportation has reviewed and approved the tabulation showing M&F Concrete, Inc. of Manassas, Virginia as the low bidder.

Please add this action item to the January 14th, 2019 Town Council Agenda. Staff recommends awarding IFB #25 Westminster Sidewalk Trail Construction to M& F Concrete for \$122,164.50 with contingency items; \$400 per cubic yard for asphalt repairs and \$700 per cubic yard for rock removal. Attached is the bid tabulation and recommendation letter from VDOT to move forward to the construction phase.

VDOT has agreed to reimburse this project. Funding will come from Public Works Streets line item 4500-R47909.



TOWN OF FRONT ROYAL, VIRGINIA
Bid Tabulation

The below table is generated from the initial, raw information collected from Invitations for Bid. Vendor responsiveness has yet to be established and no award decision has been made.

Item: WESTMINSTER DRIVE - SIDEWALK TRAIL PROJECT #EN15-112-105 UPC 107657

Bid Date: October 30, 2018

			M&F CONCRETE, INC MANASSAS, INC.		ARTHUR CONSTRUCTION CO, INC. DULLES, VA		FINLEY ASPHALT & SEALING, INC. MANASSAS, VA		ENGINEER'S ESTIMATE		ENGINEER'S ESTIMATE (INCLUDING 5% CONTIGENCEY)	
BID ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
1. MOBILIZATION	1.00	LS	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00				
2. MAINTENANCE OF TRAFFIC	1.00	LS	\$500.00	\$500.00	\$7,500.00	\$7,500.00	\$11,250.00	\$11,250.00				
3. STORM WATER MANAGEMENT												
SILT FENCE	1.00	LS	\$600.00	\$600.00	\$1,500.00	\$1,500.00	\$3,600.00	\$3,600.00				
CURB INLET PROTECTIONS	12.00	EA	\$50.00	\$600.00	\$150.00	\$1,800.00	\$350.00	\$4,200.00				
4. EXCAVATION	1.00	LS	\$15,575.00	\$15,575.00	\$17,900.00	\$17,900.00	\$7,500.00	\$7,500.00				
5. INSTALLATION OF 5-FOOT HYDRAULIC CEMENT CONCRE SIDEWALK INCLUDING REINFORCEMENT	2,375.00	LF	\$31.50	\$74,812.50	\$27.50	\$65,312.50	\$42.67	\$101,351.07	\$97,881.25	\$97,881.25	\$4,894.06	\$102,775.31
6. CROSSWALKS	4.00	EA	\$1,575.00	\$6,300.00	\$2,000.00	\$8,000.00	\$350.00	\$1,400.00	\$1,000.00	\$4,000.00	\$200.00	\$4,200.00
7. HANDICAP RAMPS	10.00	EA	\$1,100.00	\$11,000.00	\$750.00	\$7,500.00	\$1,750.00	\$17,500.00	\$1,000.00	\$10,000.00	\$500.00	\$10,500.00
8. REMOVAL & INSTALLATION OF CG-12 DETECTABLE WARNING SURFACES	16.00	FT	\$60.00	\$960.00	\$600.00	\$9,600.00	\$45.00	\$720.00				
9. CURB & GUTTER REMOVAL & INSTALLATION TO ALIGN CONCRETE SIDEWALK INCLUDING REINFORCEMENT	208.00	FT	\$26.00	\$5,408.00	\$50.00	\$10,400.00	\$45.00	\$9,360.00				
10. 2" CLASS A TOPSOIL	0.22	AC	\$7,000.00	\$1,526.00	\$5,000.00	\$1,090.00	\$29,816.52	\$6,500.00				
11. REGULAR SEED	100.00	LB	\$5.00	\$500.00	\$15.00	\$1,500.00	\$10.00	\$1,000.00				
12. EC-2 PROTECTIVE COVERING	1,583.00	SY	\$1.00	\$1,583.00	\$2.20	\$3,482.60	\$3.00	\$4,749.00				
13. PRESSURE RELIEF VALVE	400.00	LF	\$0.75	\$300.00	\$1.00	\$400.00	\$5.00	\$2,000.00				
			\$122,164.50		\$138,985.10		\$176,130.07		\$111,881.25		\$117,475.31	



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

811 Commerce Road
Staunton, VA 24401-9029
www.VirginiaDOT.org

Stephen C. Brich, P.E.
Commissioner

December 14, 2018

Mr. Joe Waltz
City Manager
Town of Front Royal
102 E. Main St.
Front Royal, VA 22630

Subject: Westminster
Sidewalk Project
UPC 107657
EN15-112-105, C501
TAP-093-8(039)

Mr. Waltz,

Please proceed with the award of this project to M&F Concrete from Manassas, VA. Please schedule a Preconstruction Conference with the selected contractor and related VDOT personal. Please use the Local Assistance Projects LAP Manual to guide you in the administration of this contract, (Section 13), which starts on page 13-01 of LAP Manual.

We are looking forward to continuing to work with the Town of Front Royal on the completion of this project, which is now going to the construction phase. Remember as this project goes through the construction phase you will need to submit construction vouchers on at least a quarterly basis to ensure that reimbursements are processed correctly.

If you have any questions or would like any additional information please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Damron".

Steven K. Damron
Programming Specialist Senior
Staunton District PIMS

Cc.
Pam Liston
Donna Brown
Ed Carter
Terry Jackson

Excerpt from September 14, 2015 Council Meeting Minutes

COUNCIL APPROVAL – Budget Amendment for Westminster Drive Sidewalk and VDOT Project Administration Agreement/Resolution

Summary: Council is requested to approve a Budget Amendment in the amount of \$124,025 for Westminster Drive Sidewalk. Funding will be reimbursed through the MAP-21 Transportation Alternative Program Fund in the amount of \$83,024 and a local match of \$41,000. Council is also requested to approve the Virginia Department of Transportation (VDOT) Standard Project Administration Agreement and Resolution authorizing the Town Manager to enter into this agreement for this project.

Budget/Funding: \$124,025.00 4500-7909 [New sidewalk construction] expense
\$83,025 4500-3410206 [VDOT revenue sharing] revenue
\$41,000 4500-3510110 [Fund Balance – HWY] revenue

Councilman Egger moved, seconded by Councilman Tewalt, that Council approve a Budget Amendment in the amount of \$124,025 for Westminster Drive Sidewalk. Funding will be reimbursed through the MAP-21 Transportation Alternative Program Fund in the amount of \$83,024 and a local match of \$41,000. She further moved that Council approve the Virginia Department of Transportation (VDOT) Standard Project Administration Agreement and Resolution authorizing the Town Manager to enter into this agreement for this project.

Councilman Hrbek stated that he lived in the neighborhood, though not on Westminster Drive. He noted that he was very happy to see this project move forward as there were so many in the area walking to the high school and it is a large safety concern. He reiterated that he was very pleased.

Vote: Yes – Connolly, Egger, Funk, Hrbek, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – N/A



Resolution - Westminster

Transportation Alternatives Project Endorsement Resolution

Whereas, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation to establish a Transportation Alternatives project in the Town of Front Royal.

Now, Therefore, Be It Resolved, that the Town of Front Royal, requests the Commonwealth Transportation Board to establish a project for the improvement of Westminster Drive Sidewalk

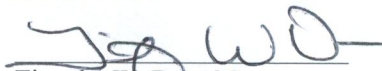
Be It Further Resolved, that the Town of Front Royal hereby agrees to provide a minimum 20 percent matching contribution for this project.

Be It Further Resolved, that Town of Front Royal hereby agrees to enter into a project administration agreement with the Virginia Department of Transportation and provide the necessary oversight to ensure the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project.

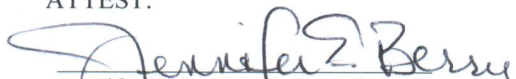
Be It Further Resolved, that the Town of Front Royal will be responsible for maintenance and operating costs of any facility constructed with Transportation Alternatives Program funds unless other arrangements have been made with the Department.

Be It Further Resolved, that if the Town of Front Royal subsequently elects to cancel this project the Town of Front Royal hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The Town of Front Royal also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

APPROVED:


Timothy W. Darr, Mayor

ATTEST:


Jennifer E. Berry, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, conducted 10-27, 2014, upon the following recorded vote:

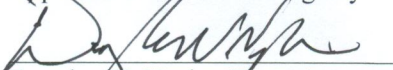
Thomas H. Sayre
Hollis L. Tharpe
N. Shae Parker

☒ Yes/No
☒ Yes/No
☒ Yes/No

Bret W. Hrbek
Eugene R. Tewalt
Daryl L. Funk

☒ Yes/No
☒ Yes/No
☒ Yes/No

Approved as to form and legality:


Douglas W. Napier, Town Attorney

Date: 10-27-14

RESOLUTION

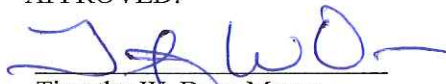
Granting Authority to Town Manager to Enter an Agreement with VDOT for MAP-21 Transportation Alternatives Project for Westminster Drive Sidewalk

WHEREAS, Town Council approved the Virginia Department of Transportation (VDOT) MAP-21 Transportation Alternatives Project that includes the Westminster Drive Sidewalk in the estimated amount of \$124,025.00 with \$83,025 to be reimbursed by VDOT after completion of the project; and,

WHEREAS, VDOT requests a Resolution by Town Council granting authority to the Town Manager to enter in the Standard Project Administration Agreement on the Town's behalf.; and,

NOW, THEREFORE, IT BE RESOLVED by the Town Council of the Town of Front Royal to grant authority to the Town Manager to enter into an agreement with the Virginia Department of Transportation MAP-21 Transportation Alternatives Project on the Westminster Drive Sidewalk on the Town's behalf.

APPROVED:


Timothy W. Darr, Mayor

ATTEST:


Jennifer E. Berry, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, conducted September 14, 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, Town Attorney
Date: 9/14/15

7B



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

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Item No. 7(B)

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPROVAL – Resolution of Support for Submission of VDOT
State of Good Repair/Primary Extension Paving Program Application

Summary: Council is requested to approve a Resolution of Support for submission of the Virginia Department of Transportation (VDOT) State of Good Repair and Primary Extension Paving Program application for the repaving of N. Shenandoah Avenue from W. 14th Street to W. 17th Street at a total project cost of \$121,000 and if accepted VDOT will reimburse the Town 100% of the costs, as presented.

Budget/Funding: None

Attachments: Resolution of Support and email from the Town's Infrastructure Manager

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 a Resolution of Support for submission of the Virginia Department of Transportation (VDOT) State of Good Repair and Primary Extension Paving Program application for the repaving of N. Shenandoah Avenue from W. 14th Street to W. 17th Street, 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

RESOLUTION OF SUPPORT

**Submission of
VDOT'S STATE OF GOOD REPAIR/PRIMARY EXTENSION PAVING PROGRAM
Application for the
Repaving of N. Shenandoah Avenue from W. 14th Street to W. 17th Street**

WHEREAS, based on a legislative change effective July 1, 2014, Section 33.2-358 provides that primary extensions maintained by municipalities can receive a portion of the reconstruction and paving allocations previously only distributed to interstate and primary roads with a combined condition index of less than 60 through the Virginia Department of Transportation (VDOT) State of Good Repair/Primary Extension Paving Program; and,

WHEREAS, Town Staff has applied for the FY2020 funding for the repaving of N. Shenandoah Avenue from W. 14th Street to W. 17th Street through VDOT's State of Good Repair/Primary Extension Paving Program at a total project cost of \$121,000 and if accepted VDOT will reimburse the Town 100% of the costs; and,

WHEREAS, as part of the application process VDOT has asked for a Resolution from Town Council to approve the submission; and,

NOW THEREFORE BE IT RESOVED, that the Front Royal Town Council approves the submission of an application for the VDOT'S STATE OF GOOD REPAIR/PRIMARY EXTENSION PAVING PROGRAM at 100% funding for the repaving of N. Shenandoah Avenue from W. 14th Street to W. 17th Street.

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 _____, 2019 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>
Chris W. Holloway	<u>Yes/No</u>	Letasha T. Thompson	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

From: Steve Scheulen <sscheulen@frontroyalva.com>
Sent: Monday, December 17, 2018 9:30 AM
To: Tina Presley <tpresley@frontroyalva.com>
Cc: Karen Williams <kwilliams@frontroyalva.com>; Robbie Boyer <rboyer@frontroyalva.com>
Subject: Resolution Letter

Tina,

We have applied for FY 2020 funding for the repaving of N. Shenandoah Ave from W. 17th St to W. 14th St through the Local State of Good Repair/Primary Extension Paving Program with Vdot. We are asking for \$121,000.00 total project cost and if accepted Vdot will reimburse 100%.

N. Shenandoah Ave is listed on our paving plan for FY 2020.

Please provide a resolution of support letter needed and place on counsel agenda.

Thank you,

Steve Scheulen

Infrastructure Manager

Town of Front Royal

800 Crosby Road

PO Box 1560

Front Royal, VA 22630

540-635-7819

sscheulen@frontroyalva.com

7C



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

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Item No. 7(C)

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPROVAL – Budget Amendment to Receive Funds for Transformer Replacement

Summary: Council is requested to approve a budget amendment for the Town's fiscal year 2018-2019 budget in the amount of \$130,461.99. The Town will receive \$130,461.99 from Virginia Municipal League (VML) Insurance Program to reimburse for repairs made to an electrical transformer that was covered under an insurance policy.

Budget/Funding:

9401-3410205	Dept of Energy Services – Insurance Recoveries	\$130,461.99
9401-47501	Dept of Energy Services – Line Extensions	\$130,461.99

Attachments: Sworn Statement in Proof of Loss

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 a budget amendment for the Town's fiscal year 2018-2019 budget in the amount of \$130,461.99 for repairs made to an electrical transformer that was covered under an insurance policy.

*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: 

SWORN STATEMENT IN PROOF OF LOSS

\$332,900,000
Amount of policy at time of loss
7/1/2018
Date Issued
7/1/2019
Date expires

723
Policy Number
N/A
Agent
N/A
Agency At

To the _____
of _____ VML Insurance Programs
_____ Richmond, VA
At the time of loss, by the above indicated policy number you insured _____ Town of Front Royal

against loss by _____ electrical arcing _____ to the property described under Schedule "A," according to the terms and conditions of the said policy and all forms, endorsements, transfers and assignments attached thereto.

1. Time and Origin: A _____ electrical arcing _____ loss occurred about the hour of _____ o'clock _____ M. on the _____ 6th day of _____ August 20 18 The cause and origin of said loss were _____ bushing failure in transformer caused electrical arcing

2. Occupancy: The building described, or containing the property described was occupied at the time of loss as follows, and for no other purpose whatever: _____ Municipal Power Distribution Station

3. Title and Interest: At the time of the loss the interest of your insured in the property described therein was _____ owner _____ No other person or persons had any interest therein or incumbrance thereon except:

4. Changes: Since the policy was issued there has been no assignment thereof, or change of interest, use, occupancy, possession, location, or exposure of the property described except: _____ none

5. Total Insurance: The total amount of insurance upon the property described by this policy was, at the time of the loss \$332,900,000 as more specifically specified in the apportionment attached under Schedule "C," besides which there was no policy or other contract of insurance, written or oral, valid or invalid.

6. Actual Cash Value of said property at the time of the loss was \$ _____

7. The Whole Loss and Damage was \$ 135,461.99

8. Less amount of Deductible \$ 5,000.00

9. The Amount Claimed under the above numbered policy is \$ 130,461.99

The said loss did not originate by any act, design or procurement on the part of your insured, or this affiant: nothing has been done by or with the privity or consent of your Insured or this affiant, to violate the conditions of the policy, or render it void; no articles are mentioned herein or in annexed schedules but such as were destroyed or damaged at the time of said loss; no property saved has in any manner been concealed, and no attempt to deceive the said company, as to the extent of said loss, has in any manner been made. Any other information that may be required will be furnished and considered a part of this proof.

The Insured hereby covenants that no release has been or will be given to or settlement or compromise made with any third party who may be liable in damages to the Insured in consideration of the payment made under this policy hereby subrogates the said Company to all rights and causes of action the said Insured has against any person, persons or corporations whomever for damage arising out of or incident to said loss or damage to said property and authorizes said Company to sue in the name of the Insured but at the cost of the Company any such third party, pledging full cooperation in such action.

The furnishing of this blank or the preparation of proofs by a representative of the above company is not a waive of any of its rights.

State of _____ Virginia

County of _____ Warren

Subscribed and sworn before me this 31 day of October 2018

Jan Walker
Town of Front Royal Insured
Tina L. Presley
Notary Public

"It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits."



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

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Item No. 8

Meeting Date: January 14, 2019

Agenda Item: PUBLIC HEARING – An Ordinance Amendment to Chapter 70
ELECTRICITY (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to amend Front Royal Municipal Town Code Chapter 70 pertaining to Electricity to bring it up-to-date and consistent with other areas of the Town Code, as presented.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: Work Session held December 3, 2018

**Staff
Recommendation:** Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an Ordinance to amend Front Royal Municipal Town Code Chapter 70 pertaining to Electricity to bring it up-to-date and consistent with other areas of the Town Code, 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

**AN ORDINANCE TO AMEND AND REENACT FRONT ROYAL TOWN CODE
CHAPTER 70 PERTAINING TO ELECTRICITY**

WHEREAS, the staff of the Energy Service Department has proposed amendments to Town Code Chapter 70 to bring it up-to-date and consistent with other areas of the Town Code; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 70 of the Front Royal Town Code is hereby amended as follows:

Chapter 70 ELECTRICITY

Sections:

CONTRACTORS; FEES; RESPONSIBILITIES; EXCEPTIONS

- 70-1 INSTALLATION OF WIRING TO BE BY ELECTRICAL CONTRACTOR OR OWNER**
- 70-2 BOND TO BE GIVEN BY ELECTRICAL CONTRACTOR**
- 70-3 CERTIFICATE OF LIABILITY INSURANCE**
- 70-4 TOWN MANAGER TO BE NAMED STATUTORY AGENT OF CONTRACTOR**
- 70-5 PAYMENT OF LICENSE TAX REQUIRED**
- 70-6 DISPOSITION OF EXAMINATION FEES AND FINES**
- 70-7 RESPONSIBILITY FOR DAMAGES**
- 70-8 EXCEPTIONS**
- 70-9 THROUGH 70-11 (RESERVED)**

ELECTRICAL INSPECTOR

- ~~70-9~~ APPOINTMENT; GENERAL DUTIES**
- ~~70-10~~ RESTRICTIONS ON OUTSIDE EMPLOYMENT**
- ~~70-11~~ RIGHT OF ENTRY**
- 70-12 CUTTING OFF ELECTRICITY IN EMERGENCY**
- ~~70-13~~ RECORDS (RESERVED)**

GENERAL PROCEDURES

- 70-14 NOTIFICATION AND PERMIT REQUIRED**
- 70-15 APPLICATION FOR AND ISSUANCE OF PERMIT**
- 70-16 DETAILED DRAWING REQUIRED FOR CERTAIN SERVICES**
- 70-17 INSPECTION OF WIRES PRIOR TO CONCEALMENT**
- 70-18 INSPECTION AFTER COMPLETION; CERTIFICATE OF INSPECTION**
- 70-19 FEES**
- ~~70-20~~ REVIEW OF CONDEMNATION OF ELECTRICAL INSTALLATIONS (RESERVED)**

TELEVISION AND RADIO

**70-21 PERMIT FOR INSTALLATION OF RECEIVING OR TRANSMITTING
ANTENNAS**

**70-22 INSPECTION OF WIRING EQUIPMENT OR APPARATUS CORRECTION OF
UNSAFE CONDITIONS**

ELECTRIC RATE CHARGES

70-23 ELECTRIC CHARGES

70-24 THROUGH 36 (RESERVED)

GENERAL PROVISIONS

70-37 COMPLIANCE WITH STANDARDS AND REGULATIONS REQUIRED

70-38 THROUGH 70-41 (RESERVED)

~~**70-38 ACCEPTABLE MATERIALS, FITTINGS AND DEVICES**~~

~~**70-39 FLEXIBLE CONDUIT**~~

~~**70-40 WATER HEATER INSTALLATION**~~

~~**70-41 FUSED SWITCH FOR TEMPORARY SERVICE**~~

70-42 MASTS, ANTENNAS AND TRANSMISSION LINES

70-43 RADIO AND TELEVISION MATERIALS, DEVICES OR APPARATUS

70-44 STANDARDS FOR MATERIALS, DEVICES OR APPARATUS

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CONTRACTORS; FEES; RESPONSIBILITIES; EXCEPTIONS

70-1 INSTALLATION OF WIRING TO BE BY ELECTRICAL CONTRACTOR OR OWNER

Any alterations or additions to be made in the existing wiring of any building or the wiring of any building or the wiring of any building for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of electrical current shall be done by an electrical contractor ~~qualified by the Town, in accordance with the provisions of this chapter, to do such work.~~ and inspected by an electrical inspector, hereinafter defined, (hereinafter, an "Electrical Inspector") being an individual meeting the following criteria according to the Code of Warren County, Virginia, Chapter 76, Building Construction, Electrical Inspections, as being certified by the Virginia Board of Housing, Office of Uniform Statewide Building Code, to perform electrical inspections of electrical conductors, wiring and equipment and to properly determine whether they conform to the requirements of the code; who has been designated by the Middle Department Inspection Agency, hereafter referred to as "MDIA," from among its personnel who are available to perform the duties of Electrical Inspector as provided in this the Warren County Code, in accordance with an agreement between Warren County and MDIA; and a person who bears the credentials designating them as an inspector for Warren County issued by the Warren County Building Official. There may be more than one Electrical Inspector and where the word "the" is used in the Warren County Code with reference to an Electrical Inspector, it shall refer to any Electrical Inspector as defined in the Warren County Code in accordance with the provisions of that Code to do such work. The owner of a building may do such wiring in his own building; provided however, that the wiring shall be inspected by the Electrical Inspector in accordance with the provisions of this chapter.

70-2 BOND TO BE GIVEN BY ELECTRICAL CONTRACTOR

A. Every electrical contractor holding a certificate of competence shall give a surety bond payable to the Town in the sum of one thousand dollars (\$1,000.00), with corporate surety approved by the Town Attorney and conditioned to indemnify and save harmless the Town, as well as any other person, from all expense and damage that may be caused by any negligent, defective or inadequate work done in the Town under any contract that such person may undertake and also

conditioned upon the faithful performance of, and compliance with, all of the provisions of this chapter.

B. Such electrical contractor shall not engage in or carry on his trade or occupation until such bond has been given, nor shall any license be issued to such electrical contractor under Chapter 98 of this Code until such bond has been given.

C. Such bond shall be for the license period and shall be renewed upon renewal of license.

D. The Electrical Inspector and Town Manager shall have authority to declare such bond forfeited. Upon declaration of forfeiture, the electrical contractor shall have the right of appeal within thirty (30) days to Town Council to determine whether such expense and damage was caused by any negligent, defective or inadequate work done in the Town under any contract with such electrical contractor and whether such electrical contractor complied with the faithful performance of, and compliance with, all of the provisions of this chapter. Town Council shall have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence. All evidence shall be presented in the presence of the Town Council and the parties, except by mutual consent of the parties. Documents, exhibits and lists of witnesses are to be exchanged between the parties at least three (3) days in advance of the appeals hearing. The appearance of witnesses before the Town Council at the appeals hearing is strictly voluntary. A majority decision of the Town Council acting within the scope of the appeals hearing is final and binding on the parties.

70-3 CERTIFICATE OF LIABILITY INSURANCE

An electrical contractor of whom a bond is required in Section 70-2 may give a certificate of liability insurance in lieu of such bond. Such certificate of liability insurance shall be subject to all the terms, conditions and requirements of Section 70-2.

70-4 TOWN MANAGER TO BE NAMED STATUTORY AGENT OF CONTRACTOR

A. It shall be provided in the surety bond, given as provided in Section 70-2, that the Town Manager shall be named as statutory agent of an electrical contractor holding a certificate of competence issued under this chapter, for all purposes under the provisions of this chapter.

B. It shall be unlawful for any such electrical contractor to fail, neglect or refuse to name the Town Manager as his statutory agent for all purposes under the provisions of this chapter.

70-5 PAYMENT OF LICENSE TAX REQUIRED

No person shall engage in or carry on the trade or occupation of an electrical contractor within the Town without having paid the requisite license tax under Chapter 98 of this Code.

70-6 DISPOSITION OF EXAMINATION FEES AND FINES

All examination fees and all fines paid or collected consequent upon violations of this Chapter shall be paid to the Town and credited to the general fund of the Town.

70-7 RESPONSIBILITY FOR DAMAGES

In no case will the ~~Electric Department~~ **Energy Services Department** be responsible for damage to walls or buildings where reasonable care has been exercised in making the service installations installed pursuant to Section 70-46.

70-8 EXCEPTIONS

The provisions of this chapter shall not apply to commercial broadcasting stations.

ELECTRICAL INSPECTOR

~~70-9 APPOINTMENT; GENERAL DUTIES~~

~~An Electrical Inspector may be appointed by the Town Manager, who shall then enforce this chapter in accordance with its provisions and perform such other duties as may be assigned. He shall be directly responsible to the Town Manager.~~

~~70-10 RESTRICTIONS ON OUTSIDE EMPLOYMENT~~

~~The Electrical Inspector shall not engage in the occupation of electrician or electrical contractor, directly or indirectly, during his term of appointment.~~

~~70-11 RIGHT OF ENTRY~~

~~The Electrical Inspector may, during reasonable hours, enter any building in the discharge of his official duties or for the purpose of making any inspection or list of the installation of electric wiring, electric devices and of electrical material therein.~~

70-9 THROUGH 70-11 (RESERVED)

70-12 CUTTING OFF ELECTRICITY IN EMERGENCY

The ~~Electrical Inspector~~ **Department of Energy Services** may cause the turning off of all electrical current and cut out or disconnect, in case of emergency, any wire where electrical current is dangerous to life or property or may interfere with the work of the Fire Department.

70-13 RECORDS (RESERVED)

~~The Electrical Inspector shall keep complete records of all permits issued and inspections made and other official work performed under the provisions of this chapter.~~

GENERAL PROCEDURES**70-14 NOTIFICATION AND PERMIT REQUIRED**

No alterations or additions shall be made in the existing wiring of any building, nor shall any building be wired for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of electrical currents, nor shall any alterations be made in wiring of any building after inspection, without first notifying the Electrical Inspector and securing a permit **from Warren County** therefor, except minor repair work, such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. This section shall not apply to the construction, maintenance or repair lines of public utility companies or other franchises of the Town.

70-15 APPLICATION FOR AND ISSUANCE OF PERMIT

Application for a permit, as required in Section 70-14, describing the electrical work, shall be made by the person installing such work, and the permit in question, when issued, shall be issued to such applicant.

70-16 DETAILED DRAWING REQUIRED FOR CERTAIN SERVICES

No permit, as required in Section 70-14, shall be issued for an electrical installation requiring a service entrance in excess of one hundred (100) amperes unless the person applying for such permit, as provided in Section 70-15, files a detailed drawing with the Electrical Inspector allowing a reasonable time for study before such work begins. Such drawing shall show the size and location of all mains, submains and branch feeders.

70-17 INSPECTION OF WIRES PRIOR TO CONCEALMENT

All wires which are to be hidden from view shall be inspected before concealment. Any person installing such wires shall notify the Electrical Inspector of such installation, giving him a reasonable time in which to make the required inspection before such wires are concealed.

70-18 INSPECTION AFTER COMPLETION; CERTIFICATE OF INSPECTION

Upon completion of work done pursuant to a permit as required in Section 70-14, it shall be the duty of the person making the installation in question to notify the Electrical Inspector, who shall inspect the installation within a reasonable time after such notice is given, and, if it is found to be fully in compliance with this chapter and does not constitute a hazard to life or property, he shall issue to such person, for delivery to the owner, a certificate of inspection authorizing connection to the electrical service and the turning on of the current.

70-19 FEES

All fees for electrical inspections by the Electrical Inspector shall be determined by ~~the Council~~ Warren County by general regulation.

70-20 REVIEW OF CONDEMNATION OF ELECTRICAL INSTALLATIONS (RESERVED)

~~When the Electrical Inspector condemns all or parts of any electrical installation, the owner may, within five (5) days after receiving written notice from the Electrical Inspector, file a petition in writing for the review of such action of the Electrical Inspector with the Town Manager, upon receipt of which the Town Manager shall proceed to determine whether such electrical installation complies with this chapter and shall make a decision in accordance with his findings.~~

TELEVISION AND RADIO

70-21 PERMIT FOR INSTALLATION OF RECEIVING OR TRANSMITTING ANTENNAS

Work shall not be commenced on the installation of television or radio receiving or transmitting antennas before a permit therefor is obtained from ~~the Electrical Inspector~~ Warren County. An inspection fee, the amount of which shall be determined by ~~the Council~~ Warren County, shall be paid for each permit.

70-22 INSPECTION OF WIRING, EQUIPMENT OR APPARATUS; CORRECTION OF UNSAFE CONDITIONS

The Electrical Inspector may inspect any wiring, equipment or apparatus conducting or using electric current for television, AM, FM, amateur, receiving and transmitting antennas in the Town, and, if conductors, equipment or apparatus are found to be unsafe to life or property, the Electrical Inspector shall notify the person owning or operating the hazardous wiring or equipment to correct the condition within the time specified by the Electrical Inspector. The Electrical Inspector may reinspect, without fee, existing television antennas erected too close to high-voltage electric lines so as to present a hazardous condition. Failure to correct violations in the specified time shall be unlawful.

ELECTRIC RATE CHARGES**70-23 ELECTRIC CHARGES**

A. The base rates for electric service for residential customers shall be as follows, effective for the electric meters read on or after July 1, 2007, and continuing as stated herein:

1. Effective from July 1, 2017, facilities charge per billing cycle, as established by the Town: seven dollars and zero cents (\$7.00).
2. Effective from July 1, 2007, charges for all kilowatt hours per billing cycle, as established by the Town: \$0.0849 per kilowatt hour.

B. The base rates for electric service for commercial customers shall be as follows, effective for the electric meters read on or after July 1, 2017, and continuing as stated herein:

1. Effective from July 1, 2017, facilities charge per billing cycle, as established by the Town: seven dollars and sixteen cents (\$7.16).
2. Effective from July 1, 2007, charges for the first 700 kilowatt hours per billing cycle, as established by the Town: \$0.1151 per kilowatt hour.
3. Effective from July 1, 2007, charges for all kilowatt hours over 700 per billing cycle, as established by the Town: \$0.0756 per kilowatt hour.

When a commercial customer requires capacity over 7.5 kilowatts, the first energy block shall be increased by 53 kilowatt hours for each 1/2 kilowatt required in excess of 7.5 kilowatts. The second energy block shall then include all kilowatt hours in excess of the first energy block as adjusted for such additional energy.

C. Effective July 1, 2017, all customers billed on the rates described in subsections A and B, above, shall, in addition to the rates therein described, be subject to a Power Cost Adjustment (PCA) charge. The maximum Power Cost Adjustment amount charged for each kilowatt hour of energy sold by the Town may be adjusted according to the following formula:

$$\text{Max (PCA)} = C - (B \times S)$$

C = The estimated cost of delivered purchased power in dollars by the Town for the twelvemonth period.

S = The estimated total kilowatt hours to be sold by the Town for the twelve-month period. B = The average cost of delivered purchased power per kilowatt hour purchased by the Town which is recovered in the Town's retail rate schedules.

The maximum Power Cost Adjustment (PCA) will be computed according to the above formula for a twelve-month period beginning July 1st of each year, but the Town may choose to charge less than the maximum PCA calculated by this formula. Should it appear at any time during the twelve-month period that continued use of the PCA then in effect for the remainder of the twelve-month period will result in a substantial under/over recovery of the delivered cost of power purchased by the Town, then the Town may modify the PCA (up or down), above, to recover the applicable power cost more accurately.

D. Charges for Installation of Dusk to Dawn Light Poles.

1. Effective from July 1, 2007 the monthly rate for dusk-to-dawn lights shall be eleven dollars and seventy-eight cents (\$11.78).
2. There shall be no installation charge for dusk-to- dawn lights in the event that a utility pole is located in the immediate vicinity to which the dusk-to-dawn light can be connected.
3. In the event that no utility pole is available in the immediate vicinity on which a dusk-to-dawn light can be installed, there shall be a charge, as established by resolution, for the installation of said pole.
4. The customer requesting the dusk-to-dawn light service must maintain the service for at least one full year or pay at least a total of twelve (12) installments of the rates as described above.

~~E. Charges for Electric Surge Protection Program.~~

- ~~1. The monthly charge for a single phase four jaw meter socket surge protector shall be five dollars (\$5.00).~~
- ~~2. The monthly charge for a single phase five jaw meter socket surge protector shall be five dollars and fifty five (\$5.55).~~
- ~~3. The monthly charge for a hardwired panel protector shall be five dollars and fifty five cents (\$5.55).~~
- ~~4. The first single outlet protection plug, which is used in conjunction with the above listed equipment, shall be free. The monthly charge for each additional single outlet protection plug shall be thirty cents (\$0.30).~~

~~5. The purchase price for an 8AC, 2 phone plug strip shall be fifty four dollars and seventy cents (\$54.70).~~

~~6. The purchase price for an 8AC, 2 coax plug strip shall be fifty dollars (\$50.00).~~

~~7. The purchase price for an 8AC, 2 phone, 4 coax plug strip shall be sixty four dollars (\$64.00).~~

~~8. The purchase price for an 2AC, 2 phone (wall) plug strip shall be thirty nine dollars (\$39.00).~~

~~9. The purchase price for an 2AC, 2 coax (wall) plug strip shall be forty two dollars (\$42.00).~~

F. E. 1. For residential temporary electrical service not to exceed 100 amperes in capacity and requiring one service drop existing distribution facilities will be charged a fee. (Chapter 12)

2. For larger residential and commercial temporary services, the charge will be at the customers' expense. The Town will perform the installation and bill the customer for the actual costs of such installation, including labor, vehicle usage and materials used, less the value of any salvageable materials recovered during the removal process of the temporary service.

70-24 THROUGH 36 (RESERVED)

GENERAL PROVISIONS

70-37 COMPLIANCE WITH STANDARDS AND REGULATIONS REQUIRED

Except as otherwise provided, all installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the state, with the National Electrical Code and any orders, rules and regulations issued by authority thereof and with approved electrical standards as prescribed by this chapter or by the statutes of the state or by any orders, rules or regulations set forth by authority thereof.

~~70-38 ACCEPTABLE MATERIALS, FITTINGS AND DEVICES~~

~~The materials, fittings and devices enumerated in the List of Inspected Electrical Appliances of Underwriters' Laboratories, Inc., as revised from time to time, shall be acceptable as suitable for use.~~

~~70-39 FLEXIBLE CONDUIT~~

~~Flexible conduit can be used only where a flexible connection is necessary, and in no case shall this flexible connection exceed six (6) feet in length. In all instances where flexible conduit is used, the flexible conduit cannot be used as mechanical ground, and a bonding connection shall be provided.~~

~~70-40 WATER HEATER INSTALLATIONS~~

~~Water heater installations shall be wired with the appropriate size wire to carry the load; provided, however, that in no case shall the conductor be of less carrying capacity than that of No. 10 copper wire.~~

~~70-41 FUSED SWITCH FOR TEMPORARY SERVICE~~

~~For all temporary services, the builder or contractor shall furnish and install a fused switch of sufficient capacity to carry the load and shall mount such fused switch on a structure or building of sufficient strength and height to carry the temporary service wires.~~

70-38 THROUGH 41 (RESERVED)

70-42 MASTS, ANTENNAS AND TRANSMISSION LINES

The provisions of this section shall apply to masts and antennas and to transmission lines, as follows:

A. Masts or antennas shall be of noncombustible and noncorrosive material, except that in the case of ground support, a wooden pole may be used when adequately treated with a wood preservative. When a mast or antenna is installed on a roof, it shall be mounted on its own platform and be securely anchored with guy wires.

B. Outdoor antennas shall be of an approved type and shall not exceed the maximum height of fifty (50) feet above a roof support or seventy (70) feet above ground support. In areas where reception may be affected by the obstruction of tall buildings, antennas in excess of the above specified height may be installed only when approved by the ~~Electrical Inspector~~ **Energy Services Department**. Every antenna shall be adequately grounded for protection against lightning. In no case shall an antenna be installed nearer to a street or sidewalk than the height of the antenna plus one (1) foot, unless approved by the ~~Electrical Inspector~~ **Energy Services Department**. Anchor points for antennas, masts and guy wires shall be anchor screws or lead expansion shields drilled into solid block, concrete or other noncombustible construction. No wires, cables or guys shall cross or extend over any part of a public street, way or sidewalk.

C. Transmission lines shall be kept at least twelve (12) inches from existing telephone or light wires. Rawl plugs are approved only for supporting transmission lines. Standoff support insulators must be used at least every ten (10) feet in running the transmission line down the building.

D. Lightning arrestors shall be approved by the Underwriters' Laboratories, Inc., and both sides of the line shall be adequately protected with proper arrestors or neon lamps to remove static charges accumulated on the line. When lead-in conductors of polyethylene ribbon type are used, lightning arrestors shall be installed in each conductor. If a coaxial cable is used for the lead-in, suitable protection may be provided without lightning arrestors by grounding the exterior metal sheath.

E. Antennas shall be designed and installed in such manner as to resist a wind pressure of twenty-five (25) pounds per square foot, and in no case shall guy wires be less than three-thirty-seconds-inch five-strand cable or equivalent, galvanized. Rawl plugs shall be used for guy wires or for mounting brackets.

F. Ground wires shall be of copper wire, not smaller than No. 10 for grounding masts and lightning arrestors, and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two (2) inches from the combustible material.

G. Ground straps for grounding masts and attaching arrestors to water pipe shall be approved ground fittings.

H. Miscellaneous hardware, such as brackets, turnbuckles, thimbles, clips, etc., shall be hotdipped galvanized or similarly treated for weather protection. The turnbuckles shall be protected against turning by threading the guy wires through the turnbuckles.

70-43 RADIO AND TELEVISION MATERIALS, DEVICES OR APPARATUS

No electrical materials, devices or apparatus designed for attachment to or installation on any electrical circuit or system for television, AM, FM, amateur and commercial receiving shall be installed, used, sold or offered for sale for use in the Town unless such electrical materials, devices or apparatus are in conformity with the approved methods of construction for safety to life and property.

70-44 STANDARDS FOR MATERIALS, DEVICES OR APPARATUS

Electrical materials, devices or apparatus shall conform with the standards of the Underwriters' Laboratories, Inc., and electrical materials, devices or apparatus so conforming are hereby approved for the use in the Town.

70-45 IDENTIFICATION OF MAKER ON CERTAIN DEVICES

The maker's name, trademark or other identification symbol shall be placed on all electrical devices sold or offered for sale for use or used in the Town requiring one hundred fifteen (115) volts or more.

70-46 ~~BOLTS, METER BASES AND RACKS~~ (RESERVED)

~~Upon the request of an electrical contractor or owner, bolts, meter bases and racks shall be supplied by the Town for installation under the direction and supervision of the Electrical Inspector during the erection of brick or masonry walls. Such bolts, meter bases and racks shall be installed in a location agreeable to the Electric Department.~~

ELECTRICAL CODE

70-47 ADOPTION OF STANDARDS

There is hereby adopted by reference, for the purpose of prescribing rules and regulations governing the installation and use of electrical construction and all material and appliances used in connection with electrical work and the operation of all electrical apparatus within the Town, that certain code known as the "National Electrical Code, 1975 **latest** Edition," being the standard of the National Board of Underwriters for electric wiring and apparatus, and such National Electrical Code, 1975 **latest** Edition, is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which the Code of the Town of Front Royal, Virginia, shall take effect, the provisions thereof shall be controlling within the corporate limits of the Town; provided, however, that in the event of conflict or inconsistency between the provisions of the National Electrical Code hereby adopted and the provisions of any other ordinance to the Town, the more stringent provisions shall be construed to prevail.

70-48 ~~AVAILABILITY OF COPIES OF STANDARDS~~ (RESERVED)

~~Copies of the National Electrical Code, 1975 Edition, adopted by reference in Section 70-47, may be obtained at the office of the Electrical Inspector in the Town during regular business hours.~~

70-49 VIOLATIONS AND PENALTIES

Any persons failing, neglecting or refusing to comply with the National Electrical Code, 1975 **latest** Edition, adopted by reference in Section 70-47, shall be punished as provided in Chapter 1, Article II, Penalties, of this Code.

GENERAL REQUIREMENTS

70-50 ELECTRICAL CONNECTION AND CHARGES

There shall be an electrical connection charge as provided below for connection with electrical lines or system.

1. In new major subdivisions of five lots or more, the developer, builder or customer shall provide excavation and installation with pull ropes of conduits for underground service. The developer, builder or customer shall provide the complete assembly of all street light poles. The connection charge for lots not exceeding one acre in size shall be two thousand five hundred dollars (\$2,500.00). The connection charge for lots of at least one acre but not exceeding two acres in size shall be five thousand dollars (\$5,000.00). The connection charge for lots of at least two but less than three acres in size shall be seven thousand five hundred dollars (\$7,500.00).

2. For the development of underground service to a single lot, to lots within a minor subdivision, or to a small, single-phase commercial user, the developer, builder or customer shall provide and set the meter base, and shall provide excavation and installation of conduits with pull ropes for underground service from the meter base to the pole. After the building receives a satisfactory certification of the electrical inspection, the Town shall provide and install all other components of the service connection. The connection charge for such service shall be one thousand one hundred dollars (\$1,100.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work.

3. For the development on overhead service to a single lot, to lots within a minor subdivision, or to a small, single-phase commercial user, the developer, builder or customer shall provide and set the meter base, service mast, weather head and the wire from the meter base to the weather head, mast bracket, including an additional thirty-six inches (36") for the entrance service. After the building receives a satisfactory certification of the electrical inspection, the Town shall provide and install the service drop and shall attach the drop to the entrance service. The connection charge for such service shall be one thousand one hundred dollars (\$1,100.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work. The Town shall provide one (1) pole at no additional cost. For each additional pole required, the developer, builder or customer shall be ~~charged three hundred seventy five dollars (\$375.00).~~ billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work

4. For the development of large commercial and industrial users on three-phase service, the developer, builder or customer shall be responsible for pouring the transformer pad and installing the conduit with pull rope from the pole to the pad. The developer, builder or customer shall pay for the transformer and shall install the service entrance (conduit and conductor) from the building

to the transformer pad. The Town will set the transformer and complete the connection at the pole and at both sides of the transformer. ~~The customer shall pay for and provide a back-up transformer up to a rating of 500 KVA. If a larger transformer is necessary, the developer, builder or customer shall provide the back-up transformer to the Town who shall maintain storage within its inventory.~~ The developer, builder, or customer shall pay for and provide a serviceable and appropriate transformer suitable for customer's needs at the developer's, builder's or customer's expense.

5. The connection charge for such service shall be three thousand five hundred dollars (\$3,500.00) provided the service line does not exceed one hundred twenty-five feet (125') in length. For any service line exceeding one hundred twenty-five feet (125') in length, ~~there shall be an additional charge of one dollar and fifty cents (\$1.50) per foot for each foot of such excess.~~ the developer, builder or customer shall be billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work. The Town Shall provide one (1) pole at no additional cost. For each additional pole required, the developer, builder or customer shall be ~~charged three hundred seventy five dollars (\$375.00)~~ billed and shall pay to the Town on a times and materials basis for the actual time and materials expended by the Energy Services Department or its agents in performing the work.

70-51 RATES FOR ELECTRICITY SUPPLIED BY THE TOWN

Rates charged, as of the effective date of this chapter, by the Town, for electricity supplied by the Town shall continue in effect until changed by the Council.

70-52 PAYMENT OF ELECTRIC BILLS

Electric bills shall be paid and processed in accordance with the provisions contained in Section 134-71 of this Code.

70-53 EXTENSION OF LINES TO PROPERTY

All applicants for extensions of electric lines to property not served by such electric lines as of October 1, 2006 shall furnish the necessary right-of-way for the building of the line from the connection with the present high-voltage system to the end of the new line. The Town will build the line at the customer's expense in accordance with Section 70-50 of the Town Code, and in accordance with its plans and specifications for the building of electric lines. All pole line hardware and other equipment shall be in accordance with standard practices of the Town.

70-54 ATTACHING SIGNS OR OTHER MATERIALS TO POLES OR SUPPORTS PROHIBITED

It shall be unlawful for any person to attach any material, signs or other devices to the poles or supports used by the Town in connection with the Town electrical system.

70-55 REFUSAL OF SERVICE

The ~~Town Manager~~ **Department of Energy Services** may refuse electrical service when notified by the Electrical Inspector that such work is being installed not in conformity with the National Electrical Code.

70-56 TYPE AND SIZE OF METER

The type and size of electrical meters to be furnished by the Town, when the Town furnishes electric service, shall be determined by the ~~Superintendent of the Electric Department of the Town~~ **Town's Director of Energy Services**.

70-57 LOCATION AND CONTROL OF METERS

All electrical meters shall be placed in such location in or on the building as designated by the ~~Electrical Inspector~~ **Energy Services Department** and shall at all times be under the exclusive management and control of the ~~Electric Department~~ **Energy Services Department**.

70-58 UNAUTHORIZED INTERFERENCE OR BREAKING OF METER SEAL

It shall be unlawful for any person, except the duly authorized agent of the ~~Electric Department~~ **Energy Services Department**, to break the seal placed on an electrical meter or to interfere with such electrical meter in any way.

70-59 CHARGE FOR REINSPECTION OF METER

A charge of as established by resolution, shall be added to the electric bill of each consumer who, by his request, has the Town test and inspect an electric meter, when said electric meter has been tested and inspected by the Town at the request of the consumer **twice** within a previous twelve-month period. Should, however, the electric meter be found to be inaccurate or malfunctioning, the charge will not be assessed.

70-60 DETERMINATION OF CONSUMPTION WHEN METER FOUND STOPPED

At any time an electricity meter is found stopped at the reading time, the consumption for the period the meter was stopped will be the average for the past four (4) readings.

70-61 SALE OF ELECTRICITY RESTRICTED

No person shall send or offer for sale any electricity purchased from the Town or generated by other means within the Town.

70-62 LOCATION OF SERVICE ENTRANCE AND POINT OF ATTACHMENT OF SERVICE WIRES TO BUILDING

The location of the service entrance and the point at which service wires are to be attached to the building shall be determined by the ~~Electrical Inspector~~ **Energy Services Department** after consultation with the owners of the property and the electrician or electrical contractor making the installation.

70-63 MINIMUM ALLOWABLE AMPERAGE AND CHANGES IN LINE SERVICE FOR THE CONVENIENCE OF THE CUSTOMER

A. No service entrance shall be wired for less than one hundred (100) amperes unless the owner can show proof that a sixty-ampere service will be satisfactory for his total needs.

B. Electric line changes, including but not limited to service and amperage upgrades, made for the convenience and at the request of the customer, and not out of necessity, when and while allowed and subject to the approval of the Town, shall be installed, maintained, changed, relocated, replaced or repaired at the expense of the customer. The Town will perform or provide for such installation, maintenance, change, relocation, replacement or repair and bill the customer for the actual costs of such installation, maintenance, change, relocation, replacement or repair, including labor, vehicle usage and materials used, ~~less and except the value of any salvageable and re-usable materials recovered during such service change.~~

70-64 UNDERGROUND SERVICE CONNECTIONS

A. In an area served by overhead lines, when a customer desires that the service shall run underground from the pole to the building, the owner shall install the requisite service equipment. The ~~Electrical Inspector~~ **Energy Services Department** shall be consulted as to the advisability of such a service and shall specify the meter location and the pole from which the service shall be run. Either conductor suitable for underground installations in conduit or other cable approved for the purpose, installed in accordance with the utility's specifications, shall be used. ~~Where the conduit enters the ground at the pole or building, it should be enclosed in concrete to a depth of eighteen (18) inches. Such service shall be not less than three (3) conductors No. 4 and as much larger as the load requires. Such underground service shall be installed entirely at the customer's expense and maintained by the customer.~~

B. If at any time the ~~Electric Department~~ **Energy Services Department** needs to replace a pole supporting an underground service connection, installed as provided in Subsection A, the customer shall be notified of the time, and he shall have his electricians on hand to take care of the service while pole replacement is being made.

70-65 AGGREGATION OF RETAIL CUSTOMER DEMAND RESPONSE

A. The Town of Front Royal, or its authorized designee, is the sole entity permitted to bid demand response on behalf of retail electric customers served by the Town's electric system directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets.

B. Retail electric customers served by the Town of Front Royal wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the Town of Front Royal or its authorized designee. Retail electric customers of the Town are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Town of Front Royal, Virginia.

70-66 ANCILLARY SERVICES PROVIDED BY DEMAND RESPONSE RESOURCES

A. The Town of Front Royal, Virginia, or its authorized designee, is the sole entity permitted to bid demand response on behalf of retail customers served by the Town's electric system directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional organization's tariff).

B. Retail customers served by the Town of Front Royal's electric system wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional organization's tariff) may do so by participating in the program established by the Town of Front Royal or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Town of Front Royal.

This ordinance is effective upon passage.

APPROVED:

Hollis L. Tharpe, 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 _____ 2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Letasha T. Thompson	Yes/No
Chris W. Holloway	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2019. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2019, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 9

Meeting Date: January 14, 2019

Agenda Item: PUBLIC HEARING – An Ordinance Amendment to Chapter 156-3 Pertaining to the Composition, Appointment and Terms of Office for UFAC (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to amend Front Royal Municipal Town Code Chapter 156-3 pertaining to the Composition, Appointment and Terms of Office for the Urban Forestry Advisory Commission (UFAC), as presented. If approved, UFAC shall be made up of not less than five (5) members.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: Was requested of Council during December 3, 2018 Work Session

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an Ordinance to amend Front Royal Municipal Town Code Chapter 156-3 pertaining to the Composition, Appointment and Terms of Office for the Urban Forestry Advisory Commission (UFAC), 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: 

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 156-3
PERTAINING TO THE COMPOSITION, APPOINTMENT AND TERMS OF OFFICE
FOR THE URBAN FORESTRY ADVISORY COMMISSION (UFAC)**

WHEREAS, the Town Council has requested the addition of another member to UFAC to ensure proper attendance at the meetings; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 156-3.B.1.a and 156-3.B.3.a of the Front Royal Town Code is hereby amended as follows:

156-3 URBAN FORESTRY ADVISORY COMMISSION (UFAC)

B. Establishment of UFAC.

1. Composition & Appointment.

- a. The Urban Forestry Advisory Commission shall be made up of **not fewer than** five (5) members, each member being a citizen of Warren County. In addition, the Virginia Department of Forestry's Chief Forest Warden for Warren County shall serve as a standing committee member.
- b. The members shall be appointed by the Town Council.

3. Terms of Office.

- a. Each member shall be appointed for a term of four (4) years, or until their successors are appointed, except that the initial appointment of two (2) members shall be for a three (3) year term, one (1) member for a two (2) year term; the remaining ~~two (2)~~ members for a four (4) year term.
- b. Members may be re-appointed to serve consecutive terms as determined appropriate by the Town Council.
- c. The Commission shall elect a Chair and Vice Chair who shall serve annual terms and may succeed themselves.

This ordinance is effective upon passage.

APPROVED:

Hollis L. Tharpe, 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 _____ 2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Letasha T. Thompson	Yes/No
Chris W. Holloway	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2019. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2019, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 10

Meeting Date: January 14, 2019

Agenda Item: PUBLIC HEARING – An Amendment to the FY2019 Budget in the amount of \$700,000 for the Community Development Block Grant (CDBG)

Summary: Council is requested to approve an amendment to the FY2019 Budget in the amount of \$700,000 for the Community Development Block Grant (CDBG). Due to this item being a routine matter the second reading shall be waived.

Note: An increase of greater than 1% of the original budget requires a public hearing.

Budget/Funding:

9130-3310113	Community Development - Grant Revenue – CDBG	\$700,000.00
9130-43026	Community Development – Admin Expense	\$70,000.00
9130-47983	Community Development – Façade Improvement	\$357,500.00
9130-47984	Community Development - Public Improvements	\$130,000.00
9130-47019	Community Development – Signage	\$127,500.00
9130-43080	Community Development – Branding & Marketing	\$15,000.00

Attachments: Budget Information

Meetings: Work Session held December 3, 2018

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve an amendment to the FY2019 Budget in the amount of \$700,000 for the Community Development Block Grant (CDBG). I further move that Council waive the second reading due to this item being a routine matter.

*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

BUDGET LINE ITEM	TOTAL BUDGET	CDBG-BUDGET (4MIL)	CDBG BUDGET (700K)	TOWN BUDGET
ADMINISTRATION				
Execution of DHCD Contract	10,000.00	8,400.00	7,500.00	2,500.00
Execution of Project Contracts	10,000.00	12,400.00	10,000.00	0.00
Execution of Project Contract (Public Improvements)	3,000.00	4,000.00	3,000.00	0.00
Contract Monitoring (Mtgs & Financial Tracking for 24 Mos)	21,000.00	24,000.00	21,000.00	0.00
Construction Completion	10,500.00	12,400.00	10,500.00	0.00
Construction Completion (Public Improvements)	3,500.00	4,000.00	3,500.00	0.00
Achievement of Benefits (Monthly Reporting) (24 Mos @ \$75 each)	1,700.00	1,800.00	1,700.00	0.00
Achievement of Benefits (Annual Reporting) (2 @ \$400 each)	800.00	800.00	800.00	0.00
Satisfactory Compliance Reviews (2 @ 2,000 each)	4,000.00	4,000.00	4,000.00	0.00
Administrative Project Closeout	2,000.00	2,000.00	2,000.00	0.00
Labor Compliance	6,000.00	6,000.00	6,000.00	0.00
Workshops	1,500.00	0.00	0.00	1,500.00
Avertising	1,250.00	0.00	0.00	1,250.00
Legal	1,400.00	0.00	0.00	1,400.00
Deed of Trust Recordations	1,500.00	0.00	0.00	1,500.00
SUBTOTAL	78,150.00	79,800.00	70,000.00	8,150.00
ADMINISTRATION TOTAL	78,150.00	79,800.00	70,000.00	8,150.00
FAÇADE IMPROVEMENTS				
Architect/ Engineer/ Design	32,500.00	35,000.00	32,500.00	0.00
Inspection	0.00	0.00	0.00	0.00
Construction/Improvements	650,000.00	350,000.00	325,000.00	325,000.00
SUBTOTAL	682,500.00	385,000.00	357,500.00	325,000.00
FAÇADE IMPROVEMENT PROGRAM TOTAL	682,500.00	385,000.00	357,500.00	325,000.00
PHYSICAL IMPROVEMENTS				
Public Restroom & Drinking Fountain				
Engineering and Inspections	0.00	12,500.00	0.00	0.00
Labor	0.00	37,500.00	0.00	0.00
Material	0.00	75,000.00	0.00	0.00
Maintenance/Sustainability	0.00	0.00	0.00	0.00
Permitting	0.00	0.00	0.00	0.00
SUBTOTAL	0.00	125,000.00	0.00	0.00
Multi-Purpose Open Air Gathering Space				
Engineering and Inspections	0.00	25,000.00	0.00	0.00
Labor	0.00	37,500.00	0.00	0.00
Material	0.00	75,000.00	0.00	0.00
Maintenance/Sustainability	0.00	0.00	0.00	0.00
Permitting	0.00	0.00	0.00	0.00
SUBTOTAL	0.00	137,500.00	0.00	0.00
Town Plaza				
Engineering and Inspections	15,000.00		0.00	15,000.00
Labor	69,000.00		45,000.00	24,000.00
Material	109,500.00		85,000.00	24,500.00
Maintenance/Sustainability	5,000.00		0.00	5,000.00
Permitting	21,180.00		0.00	21,180.00
SUBTOTAL	219,680.00		130,000.00	89,680.00
Streetscape Improvement Planning & Design				
Engineering and Inspections	20,000.00	25,000.00	0.00	20,000.00
Labor (crosswalks, trash cans, benches - refurbish)	5,100.00	0.00	0.00	5,100.00
Material (crosswalks, trash cans, benches - refurbish)	3,400.00	0.00	0.00	3,400.00
Permitting	0.00	0.00	0.00	0.00
SUBTOTAL	28,500.00	25,000.00	0.00	28,500.00
Parking & Alley Improvements				
Engineering and Inspections	50,000.00	40,000.00	0.00	50,000.00
Labor	2,100.00	0.00	0.00	2,100.00
Murals	3,000.00	0.00	0.00	3,000.00
Material	1,400.00	0.00	0.00	1,400.00
SUBTOTAL	56,500.00	40,000.00	0.00	56,500.00
Royal Shenandoah Greenway - Criser Road Trail Link				
Engineering and Inspections	40,000.00	0.00	0.00	40,000.00
Labor	120,000.00	0.00	0.00	120,000.00
Material	230,000.00	0.00	0.00	230,000.00
Permitting	10,000.00	0.00	0.00	10,000.00
SUBTOTAL	400,000.00	0.00	0.00	400,000.00
PUBLIC IMPROVEMENTS TOTAL	704,680.00	327,500.00	130,000.00	574,680.00
SIGNAGE				
Engineering/ Design and Inspections	21,500.00	18,500.00	15,000.00	6,500.00
Labor	15,000.00	0.00	0.00	15,000.00
Material	124,500.00	137,500.00	112,500.00	12,000.00
Permitting	1,000.00	0.00	0.00	1,000.00
SUBTOTAL	162,000.00	156,000.00	127,500.00	34,500.00
SIGNAGE TOTAL	162,000.00	156,000.00	127,500.00	34,500.00
BRANDING & MARKETING				
Social Media & Digital Advertisements	4,000.00	15,000.00	4,000.00	0.00
Marketing Documents & Brochures	10,500.00	0.00	0.00	13,400.00
Website Strategy	11,000.00	0.00	11,000.00	0.00
Refurbish Brochure Racks	2,200.00	0.00	0.00	6,000.00
Visitor Center Update	16,700.00	16,700.00	0.00	10,000.00
Branded Campaigns	0.00	20,000.00	0.00	0.00
SUBTOTAL	44,400.00	51,700.00	15,000.00	29,400.00
BRANDING AND MARKETING TOTAL	44,400.00	51,700.00	15,000.00	29,400.00
TOTAL				
TOTAL	1,671,730.00	1,000,000.00	700,000.00	971,730.00

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 11

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPROVAL – Ordinance Amendment to Town Code Chapter 72 (Special Events) *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Chapter 72 pertaining to Special Events in particular the full and partial closures of Main Street and the Gazebo Parking Lot located at Chester and Main Streets, as presented.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held November 13, 2018. Public Hearing held December 10, 2018

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Chapter 72 pertaining to Special Events, 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

AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 72 PERTAINING TO SPECIAL EVENTS

WHEREAS, during a recent Business Forum several business owners discussed concerns with parking during Special Events held in the Gazebo Area located at Main and Chester Streets in Downtown Front Royal; and,

WHEREAS, Town Staff has proposed amendments to Chapter 72 to help alleviate this concerns and has also changed other areas of Chapter 72 to make the Chapter more user friendly; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 72 of the Front Royal Town Code is hereby amended as follows:

- 72-1 PURPOSE OF CHAPTER**
- 72-2 ~~SPECIAL EVENTS; PERMIT REQUIRED~~**
- 72-3 ~~PERMIT PROCESSING FEE APPLICATION~~**
- 72-4 PERMIT APPROVAL PROCESS**
- 72-5 PERMIT EXCEPTIONS**
- 72-6 PERMIT REVOCATION/SUSPENSION**
- 72-7 PROVISIONS OF THIS CHAPTER**

Chapter 72

72-1 PURPOSE OF CHAPTER

A. The Town Council enacts this Chapter for the purpose of regulating the time, place and manner of special events and demonstrations within the Town and to accommodate competing demands for the public use of streets, sidewalks and public places. Regulation is necessary to preserve the public peace and safety, to permit free expression on issues of public concerns, to protect persons and property, to maintain acceptable conditions of traffic flow upon the streets and sidewalks and to prevent, control or eliminate any illegal, injurious or dangerous effects of this lawful activity.

B. The Town Council does not enact this Chapter or seek through its enforcement, to deny or abridge any person's rights of assembly and free speech or the opportunity for communication of thought and discussion of public questions in public places.

72-2 ~~SPECIAL EVENTS; PERMIT REQUIRED~~

~~A Events for which permit required.~~ No person(s) or entity shall conduct any of the following special events or activities unless a permit has been granted by the Town:

1. Any gathering of individuals or groups ~~comprising of fifty (50) or more persons~~ for the purpose of listening to or participating in entertainment and/or commemorative festivals or parades with or without music and with or without the use of microphones and amplifiers conducted in open spaces not within an enclosed structure.

2. Any planned gathering that results in the closing of any part of any public street or sidewalk to accommodate persons attending the gathering.
3. Parades, processions, marathons, bicycle races and other events utilizing the sidewalks or vehicular travel portion of Town streets.
4. Motion picture, video or broadcast television productions, other than news media, involving the staging of vehicles, equipment, props or personnel on public property, including buildings, streets and sidewalks, or requiring the use of Town equipment or services.

72-3 PERMIT APPLICATION

~~**B. Application contents and fee.**~~ **A.** An application for any permit required by this Chapter shall be made to the Town Manager or the Manager's designee. The application shall be submitted not less than thirty (30) days nor more than six (6) months prior to the date of the proposed activity. An application for a major event, one involving the closure of more than three (3) blocks or which will last more than two (2) days, shall be filed not less than sixty (60) days nor more than six (6) months before the first date of the proposed activity.

If an application is submitted after the filing deadline set forth in Subsection ~~**B**~~, **A.** the Town Manager or the Manager's designee may waive the filing deadline requirement of Subsections ~~**A**~~ ~~**and B**~~ upon a demonstration by the applicant in writing, that circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit within the time prescribed.

The application shall contain the following information, utilizing a form provided by the Town Manager's Office:

1. Description of the proposed activity;
2. Date, time and location/route of proposed activity and the anticipated number of participants and spectators;
3. Provisions for ~~sanitation~~ **restroom** facilities; security **including but not limited** to crowd, noise, parking, **and** traffic control; emergency services, fire protection, ~~food handling~~, waste and refuse disposal, ~~noise restrictions~~, ADA compliance, ~~parking~~ and loud speaker placement. Plans for control shall meet all state and local requirements, **ordinances and regulations**
- ~~3. The provision of adequate crowd, parking and traffic control, security, emergency services and fire protection, food handling, waste and refuse disposal and noise restrictions.~~
4. Food and beverages to be sold or distributed. Plans for sale or distribution shall meet all state and local requirements, ordinances and regulations;

5. The designation of an individual or individuals who shall be responsible for ensuring compliance with the provisions of this Chapter and the conditions of the permit;

6. Proposed equipment, **including but not limited to,** vehicles, staging, bleachers, shelters, lighting and electricity requirements;

7. If revenue is anticipated to be generated by the activity, the individuals or entity that will benefit therefrom, and a list of anticipated vendors. Vendors associated with special events permitted through this Chapter shall not be subject to Town business license requirements, however, the approved permit does not eliminate any requirement for any business license, permit(s) which may be prescribed by an other federal, state or local statutes, ordinances, rules or regulations or compliances with any other federal, state or local statutes, ordinances or rules or regulations;

8. If animals such as horses are to be included in the event, provision of waste collection shall be provided by the Event Coordinator.

9. If pets are to be excluded from the event and how this shall be communicated to attendees;

~~10. Placement of temporary signage stating proposed closure of road; and,~~

10. Such additional information or assurances as the Town Manager may require.

~~C. Application submission and processing requirements.~~

~~1. B.~~ A completed application shall be processed and either granted or denied within a reasonable time of receipt, but not more than thirty (30) days from the receipt of any application requiring sixty (60) days' advance filing or fifteen (15) days from the receipt of any application requiring thirty (30) days' advance filing. Such decision shall be in writing, setting forth the conditions of the permit, if granted, or the reasons for denial. The decision shall be provided to the applicant at the address stated in the application.

Prior to the final denial of any application, the applicant shall be apprised of the reason therefore and shall be able to appeal to the Town Council.

~~2. If an application is submitted after the filing deadline set forth in Subsection B, the Town Manager or the Manager's designee may waive the requirements of Subsections A and B upon a demonstration by the applicant in writing, that circumstances giving rise to the proposed event did not reasonably allow the applicant to apply for a permit within the time prescribed.~~

72-4 **PERMIT APPROVAL PROCESS**

~~D. Permit approval process.~~

~~1. A. The permit shall be granted by the Town Manager if the following conditions are met:~~
The Town Manager or the Manager's designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to the following:

~~a.~~ **1.** Any proposed use of public property, right-of-way, or facilities will have a public benefit and not unreasonably interfere with the normal use of property, right-of-way or facility by the Town or the general public;

~~b.~~ **2.** he proposed activity does not present a safety or health risk to participants, spectators or the public, or an environmental hazard;

~~c.~~ **3.** The proposed activity is compatible with the surrounding area or neighborhood, in consideration of anticipated noise, traffic, crowd capacity and other identifiable factors;

~~d.~~ **4.** Should the proposed activity include music or entertainment, provision of such entertainment shall not exceed twelve (12) hours in any twenty-four (24) hour period from the first gathering of participants;

~~e.~~ **5.** Race events shall be responsible to provide traffic cones along affected routes to keep participants within coned boundaries, place race marshals at the start/finish and at every intersection along the coned route;

~~f.~~ **6.** The applicant has provided proof of liability insurance underwritten by insurers acceptable to the Town, indemnifying the Town against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be in amounts consistent with a standard schedule approved by the Town Manager, based upon risks associated with each type of event, in consideration of anticipated attendance. The Certificate of Liability Insurance to cover the event shall name the Town as an "Additional Insurer";

~~g. The proposed activity conforms to the Town's Zoning Ordinance;~~

~~h.~~ **7.** Should the proposed activity take place within the Historic Downtown area, the following restrictions shall be met;

~~{1} Events with less than 750 attendees shall be restricted to the Gazebo Area and Parking Lot;~~

~~{2} Events with less than 3,000 attendees shall be restricted to the Gazebo Area and Parking Lot, Chester Street, and Laura Virginia Hale Place and a partial closure of Main Street from Chester Street to Blue Ridge Avenue after 5:00 p.m.;~~

~~{3} Events with 3,000 or more attendees can request closure of Main Street from Royal Avenue to Blue Ridge Avenue;~~

~~{4} Partial closure of Main Street, prior to 5:00 p.m., shall be permitted once per month;~~

~~{5} a.~~ Full and/or partial closure of Main Street, ~~prior to 5:00 p.m.~~, shall be permitted ~~four (4) times per calendar year~~ **two (2) times a month with a maximum of twelve (12) closures a calendar year;** and,

b. Full closure of the Gazebo Parking Lot shall be permitted only when the full or partial closure of Main Street has been requested/permitted.

c. Partial closure of the Gazebo Parking Lot shall be permitted, but the East Main Street entrance to the Parking Lot will remain open to accommodate parking for the Visitor's Center and local businesses. Bollards will be placed in the parking lot, by the Town, to allow such parking.

~~{6} The Town Manager shall determine the number of attendees based on the information provided by the applicant, but shall not be limited to that information when the estimate provided by the applicant is determined to be unrealistic.~~

2. **d.** Town or County sponsored events shall have priority in use of any downtown public property or right-of-way. For events not sponsored by the Town or County, applicants who have held a quality event in the previous year and remain in good standing with the Town shall have priority for the same time and location the following year. All other applications are processed in order of receipt.

3. ~~Prior to the final denial of any application, the applicant shall be apprised of the reason therefore and shall be able to appeal to the Town Council.~~

~~E. Permit requirement. The Town Manager or the Manager's designee may impose, as conditions to granting a permit, such further requirements and restrictions as will reasonably protect the public health, safety, welfare, peace and order. Such conditions may include, but are not limited to the following:~~

1. **8.** The payment of a reasonable fee for the use of Town utilities in connection with the proposed activity. ~~Fees~~ shall be as follows:

<u>Service</u>	<u>Fee</u>
Electric Service	\$25.00 per day
Water Service	Current metered rate

~~2. The applicant can request the use of Town equipment and personnel at an event. Provisions of these services, by the Town are unplanned expenses, and should be considered by the event coordinator to the Town for reimbursement for such efforts. Expenses are typically as follows:~~

<u>Service</u>	<u>Fee</u>
Police Service (less than 750 attendees)	\$ 50.00 per hour
Police Service (750 to 2,999 attendees)	\$125.00 per hour
Police Service (3,000 or more attendees)	\$250.00 per hour
Solid Waste Service (less than 750 attendees)	\$ 40.00 per hour
Solid Waste Service (750 to 2,999 attendees)	\$ 75.00 per hour
Solid Waste Service (3,000 or more attendees)	\$120.00 per hour

~~3. The provision of adequate crowd, parking and traffic control, security, emergency services and fire protection, food handling, waste and refuse disposal and noise restrictions.~~

4. **10.** By acceptance of the issuance of this **the** permit, the applicant provides the Town Manager, the Manager's designee, and/or duly constituted law enforcement officers full access to the event for the purpose of determining compliance with the provisions of this Chapter.

~~5.~~ **11.** Event Coordinators shall make every effort to promote the following and communicate to all organizers, vendors, entertainers or participants other than attendees the following suggested actions:

a. Event organizer, vendor, entertainer and participant parking should be in locations other than the Peyton Street Parking Lot. The Event Coordinators shall seek permission from off-site property owners for participant parking;

b. Participants in events associated with road closures shall confine exhibits, equipment and supplies to road area only. Blocking of sidewalks is prohibited;

~~e.~~ **i.** Event Coordinators shall provide first right of refusal for one space adjacent to each merchants' business up to six (6) weeks in advance of the event. Event Coordinators are encouraged to provide reduced rates for this space;

~~d.~~ **ii.** Event Coordinators shall place vendor booths on alternating sides of the road or shall alternate side of the road each year for successive events; and,

~~e.~~ **iii.** Pedestrian access paths shall be provided to the sidewalk at a rate of one ten (10) foot space every forty (40) feet of vendor booths. All sidewalk access points shall be free from vendor booths.

H. **12.** Any permit granted under the provisions of this Chapter shall remain in effect for the duration of the proposed activity.

72-5 **PERMIT EXCEPTIONS**

~~F. Exceptions for special event activities.~~ This Chapter shall not apply to:

1. Gatherings on residentially-zoned property for the celebration of birthdays, anniversaries or family reunions;
2. Sporting events on any publicly-owned property;
3. Gatherings or events on Warren County or school-owned property with the permission of the County or School Board; or,
4. Gatherings or events on Randolph Macon Academy or school-owned property.

72-6 PERMIT REVOCATION/SUSPENSION

G. The Town Manager or the Manager's designee shall be authorized to revoke or suspend any permit previously granted:

1. For violation of any provisions of this Chapter or of any condition of the permit;
2. For any material misrepresentation, intentional or otherwise, made in connection with the application;
3. When weather conditions render the subject activity unsafe; and,
4. When otherwise required in the interest of public health, safety and welfare or environmental considerations.

In the event a permit is revoked or suspended, the permittee shall immediately discontinue, or cause to be discontinued, the activity for which the permit was granted, but shall thereafter, be entitled to a hearing concerning the revocation or suspension decision as provided by Subsection **D.3. 72-3.B.**

~~**H. Any permit granted under the provisions of this Chapter shall remain in effect for the duration of the proposed activity.**~~

~~**I. The granting of any permit required by this Chapter shall not eliminate any requirement for any business license, any other permit(s) which may be prescribed by any other federal, state or local statutes, ordinances, rules or regulations, or compliance with any other applicable federal, state or local statutes, ordinances or rules or regulations.**~~

~~**J. Vendors associated with special events permitted through this Chapter shall not be subject to Town business license requirements.**~~

72-7 PROVISIONS OF THIS CHAPTER

A. The Town Manger may designate one (1) or more officers or employees of the Town to administer the provisions of this Chapter.

B. Any person who shall violate any provision of this Chapter shall be guilty of a Class 3 misdemeanor.

~~72-3 PERMIT PROCESSING FEE~~

~~A nonrefundable processing fee, as follows, shall be submitted with the completed application for a special event:~~

~~1. All special event permits shall be processed at no cost.~~

This ordinance shall become effective upon passage.

APPROVED:

Hollis L. Tharpe, 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 _____ 2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Letasha T. Thompson	Yes/No
Chris W. Holloway	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2018. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2019, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 12

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPROVAL – Ordinance Amendment to Town Code Sections 158-9 and 158-17 pertaining to the removal of the 1993 On-Street Parking Policy and Rescind 1993 Resolution Pertaining to the Same (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Sections 158-9 and 158-18 pertaining to the removal of the 1993 On-Street Parking Policy and to rescind the 1993 Resolution Pertaining to the same, as presented.

Budget/Funding: None

Attachments: Ordinance and 1993 Resolution

Meetings: Work Session held November 13, 2018. Public Hearing held December 10, 2018

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend and re-enact Front Royal Town Code Sections 158-9 and 158-18 pertaining to the removal of the 1993 On-Street Parking Policy and to rescind the 1993 Resolution Pertaining to the same, 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

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE SECTIONS 158-9 AND 158-17
PERTAINING TO REMOVAL OF THE ON-STREET PARKING POLICY**

WHEREAS, to designate and authorize the installation and placement of traffic signs and parking regulations more efficiently and effectively by the Town Manager it has been requested to remove all references to the On-Street Parking Policy in the Town Code; and,

WHEREAS, Council is also requested to rescind the 1993 Resolution authorizing approval of the On-Street Parking Policy; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Sections 158-9 and 158-17 of the Front Royal Town Code is hereby amended as follows:

**158-9 AUTHORITY TO DESIGNATE TRAFFIC SIGNS AND PARKING
REGULATIONS; APPEALS**

- A. The Town Manager may designate intersections at which vehicles shall come to a full stop or yield the right-of-way and may cause to be erected with the appropriate signs or markers at such in accordance with the standards contained in the Uniform Manual for Traffic Control Devices.
- B. The Front Royal Town Manager is authorized to classify vehicles with reference to parking, may designate the time, place and manner such vehicles may be allowed to park on Town streets and may make and enforce such additional rules and regulations as parking conditions may require. ~~in accordance with the On-Street Parking Policy approved by the Front Royal Town Council.~~ The Town Manager shall cause to be erected appropriate signs or markers so that an ordinarily observant person who may be affected by the parking regulation will be aware of such regulation, except that no sign shall be necessary to effectuate the parking prohibitions set forth in **other areas of this Chapter**. ~~Article VI, Article VII, Article VIII and Article IX of this Part 4, unless otherwise provided in those Articles.~~
- C. Any person, business, organization or institution shall have the right to petition the Town for a change in parking regulations or for the imposition of new parking regulations for a specific street or location. All such petitions shall be submitted, in writing, to the Town **Manager on forms supplied by the Town or by a letter to the Town Manager** at the applicant's election. Upon receipt of a petition, the Town Manager shall investigate the parking conditions at the location in question and ~~with the guidance of the On-Street Parking Policy approved by the Town Council,~~ shall either regulate parking, change the parking regulations or take no action. The petitioner shall be informed of the Town Manager's decision, in writing, and shall be advised of the right to appeal an adverse decision.
- D. Appeal procedure.
 - 1. A decision of the Town Manager pertaining to ~~on-street~~ a **new** parking **regulation** may be appealed by a petitioner under Subsection C who has received an adverse decision or by any person, business, organization or institution directly affected by a new parking regulation placed in effect. Appeals must be filed, in writing, to the Front Royal Planning Commission

~~on forms supplied by the Town.~~ Petitioners who have received an adverse decision must file their appeal within ten (10) days from the date of the written decision of the Town Manager. Those affected by a parking regulation must file their appeal within thirty (30) days from the erection of the parking sign or signs imposing said new regulation.

2. Failure to file the appeal within the required time limits shall result in the loss of the right to appeal. Upon receipt of an appeal, the Planning Commission shall place the matter on the agenda for its next meeting, shall investigate the parking conditions if it deems it necessary and shall, not later than seven (7) days after the following Planning Commission meeting, report its opinion and recommendations to the Front Royal Town Council. ~~In the formulation of its opinion and recommendation, the Planning Commission shall be guided by the On-Street Parking Policy approved by the Front Royal Town Council.~~ Upon receipt of the Planning Commission's recommendation, the Town Council shall decide the appeal at its next regularly scheduled meeting. The appellee shall be notified and shall have the right to speak and to present witnesses and evidence at said meeting before the Council votes on the appeal.

E. All parking regulations placed in effect by the Town Manager shall remain in effect and shall be enforceable pending appeal.

F. All parking regulations in effect as of the date of this ordinance shall remain in effect hereafter, unless subsequently changed in accordance with the provision of this Section.

158-17 PARKING PROHIBITED AT ALL TIMES

No person shall park a vehicle at any time upon any of the streets or parts thereof as designated by the Town Manager. ~~in accordance with the On-Street Parking Policy approved by the Front Royal Town Council.~~

This ordinance shall become effective upon passage.

APPROVED:

Hollis L. Tharpe, 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 _____ 2019, upon the following recorded vote:

Eugene R. Tewalt Yes/No

Jacob L. Meza Yes/No

William A. Sealock Yes/No

Christopher S. Morrison Yes/No

John P. Connolly Yes/No

Gary Gillispie Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2018. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2019, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

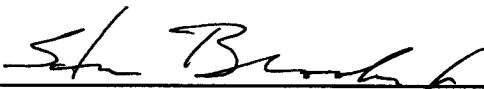
Date: ____/____/____

R E S O L U T I O N

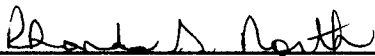
BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the On-Street Parking Policy dated January 15, 1993, which was prepared and submitted by Kimberley P. Fogle, Director of Planning, is hereby approved.

Nothing herein shall prevent the supplementation of the Town of Front Royal On-Street Parking Policy from time to time at the discretion and upon approval of the Front Royal Town Council.

APPROVE:


STANLEY W. BROOKS, JR., MAYOR

ATTEST:


RHONDA S. NORTH, Town Clerk

This resolution was adopted by the Town Council of the Town of Front Royal, Virginia, on the 22nd day of March, 1993.

DEPARTMENT OF PLANNING TOWN OF FRONT ROYAL

MEMORANDUM

TO: Town Manager, Mayor and Town Council

FROM: Kimberley P. Fogle, Director of Planning *Kpfogle*

DATE: January 15, 1993

SUBJ: On-Street Parking Policy

This memorandum will explore some of the issues surrounding restricted on-street parking and will provide a draft policy for the Council's consideration. By way of background, there have been a number of requests made in recent months for 'limited hours' parking in front of businesses, residences and churches. A desirable way for dealing with these requests is to have an administrative process and some guidelines by which the administrator can act.

Generally speaking, it is the Public Works Department and the Police Department that get involved with issues relating to parking and public safety. In the past, all requests had been made through the Police Department, who conferred with Public Works prior to approving/denying. They are the best equipped to handle the evaluation of parking requests in an equitable manner.

Recommendations

The recommended draft policy provisions are highlighted, as follows. More detailed discussion is provided later in this memorandum.

- Where requested, install two-hour parking restriction on streets that have commercially-zoned property or property used for commercial purposes, such as adjoining offices in R-3 areas. (It should be noted that such streets may have residential and institutional uses.)
- Allow for the provision of 15-minute parking in front of a particular business, when requested by that business, to the extent where it includes 50% of the frontage or 1 space, whichever is larger. This 15-minute provision would be useful for businesses where loading areas are needed because it will allow some parking (when not in use for loading) but at a high turnover rate.

- Do not place time limitations on parking within residential areas (residentially-zoned areas). Re-evaluate the situation and the need for parking restrictions if numerous requests are received that suggest a real problem in a residential area.
- Encourage the provision of handicapped parking off-street (on-site). Where that is not feasible, allow on-street signed areas where there is a demonstrated need, sufficient area for a safe situation and the provision of ramps or easy access to the structure(s) to be served. Continue the current policy with institutional uses of signing for high demand times, where possible.

Commercial Areas

Numerous types of limited hours parking are currently provided, as follows:

- **10-minute** parking (around Town Hall, Virginia Laundry, Donahoe's Florist, By-Pass Grocery and some other businesses) where in-and-out traffic is prevalent.
- **two-hour** parking (on downtown commercial streets -- Main and Royal)
- **one-hour** parking (on Chester Street)
- **15-minute** parking (in front of Chamber of Commerce in parking lot, John Marshall Market, South Street)
- **20-minute from 7 pm to 7 am (nighttime)** parking on Peyton Street. This is a strange one, designed I understand to prevent kids from hanging-out.

The two-hour parking limitation along commercial streets allows for the reasonable turnover in parked vehicles and serves the interest of the commercial uses nearby. The 10- or 15-minute parking provides for maximum parking turnover for businesses that have considerable in-and-out traffic, such as dry cleaners and the visitor's center. From a philosophical standpoint, I believe there is the place for both types in the downtown area.

Day-time, two-hour parking limitations are the most reasonable in commercial areas because they will allow for turnover while providing equal accessibility to commercial businesses. In the evening hours, residents have the opportunity to park as well. The Parking Commission, in their July 1990 report, recommended two-hour parking along all commercial streets in the downtown area, with the exception of Chester Street,

Town Manager, Mayor and Council
On-Street Parking Policy
January 15, 1993
Page 3

for parking between the hours of 7 am and 5 pm. For the high turnover businesses, where the opportunity for in-and-out service is critical to the business, the provision of very short-term limitations, such as 10 to 15 minutes, is desirable. This provision could also be utilized where the need for loading areas exists to allow for maximum utilization of the space.

All commercial businesses should be treated equitably, not favoring one business over another. Businesses needing in-and-out, short-term parking should be afforded the opportunity if it will not have an adverse impact on adjoining commercial uses. One way to achieve that may be to limit short-term parking in front of commercial businesses to one (1) space or 50% of the space available in front of a particular establishment. Due to limited convenient parking space downtown, one may park in front of X business to patronize Y business. The businesses needing short-term parking would be served but not at the expense of the adjoining businesses.

Residential

I do not believe we have a problem yet with the encroachment of commercial parking in residential areas that would warrant instituting a parking sticker or similar type program. The areas where problem has surfaced is actually a commercially-zoned area that has residential uses. The parking of employees on a public street has infringed upon the ability of the resident to park in front of their home or adjoining convenient area. If such instance occurs and a request is made by the property owner, it should be treated as a commercial area, with the 2-hour parking limitation. Equal treatment would then be afforded to all uses on the street.

Handicap Parking

Convenient and accessible parking for individuals with limited mobility and other physical handicaps should be provided. The provision of on-street handicapped spaces should be evaluated closely because it may be found that providing the spaces causes more of a safety hazard (particularly on more confined streets and where no ramp is provided in proximity) than not providing them. The criteria for placing handicapped parking spaces on-street should include the existence of handicapped clientele, easy access from the space to the structure and adequate on-street room to provide for safe maneuvering by handicapped persons. Generally speaking, handicapped spaces should be provided on-site (off-street) wherever possible.

Town Manager, Mayor and Council
On-Street Parking Policy
January 15, 1993
Page 4

With institutional uses, such as churches, the current policy of signing for handicapped use only during services or period of assembly is the more flexible and desirable approach since it targets the space to the high demand time and does not limit its use during low demand periods.

This draft policy may not address all potential situations or requests that might arise relative to limits on parking times. It does attempt to cover those areas which are likely to arise or those for which we have received requests.

March 22, 1993

RESOLUTION - Approval of on-street parking policy

Vice Mayor Kitts moved, seconded by Councilman Duncan, that Council adopt a resolution approving the On-Street Parking Policy as prepared by the Director of Planning.

Vote: Yes - Unanimous

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 13

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPROVAL – Ordinance Amendment to Town Code Sections 148-870.A.17 and 175-127 to Exempt Property from Off-Street Parking Requirements – David Downes – 14/16 Chester Street (*2nd Reading*)

Summary: On June 21, 2018 a request was received from David Downes to amend Town Code 175-127.3 to exempt the requirement of “off street parking” requirements for his property located on Chester Street. On September 19, 2018 the Planning Commission unanimously recommended against the requested change after a public hearing because it did not believe that it was appropriate to add more exemption in the downtown area for any uses or properties until a parking strategy was developed to address the increasing demand for parking in the downtown area. The property currently qualifies for a separate “lesser” exemption that applies to all legally existing commercial and industrial buildings (175-127). The exemptions does not require Mr. Downes to meet the off-street parking quantity requirements, but it does require that existing parking not be eliminated. Therefore, the applicant is required to maintain the rear parking area of his property and use it in conjunction with the businesses on the property (Beer Museum and Office)

On December 10, 2018 Council was given four (4) options to approve this request. They were: 1) APPLICANT’S REQUEST I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17. so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking, as presented; 2) SPECIAL USE PERMIT ALTERNATIVE I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking but requires approval of a Special Use Permit, as presented; 3) APPLICANT’S ALTERNATIVE I move that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, but exempt museums and art galleries from off-street parking requirements, as presented; and 4) APPROVAL OF PLANNING COMMISSION’S RECOMMENDATION I move that Council approve the recommendation of the Front Royal Planning Commission to deny the request from David Downes to exempt the requirement of “off-street parking” requirements for his properties located at 14 and 16 Chester Street. **Council approved Option 3 on the first reading.**

Budget/Funding: None

Attachments: Draft Ordinance (Option 3), Letter of Request, minutes of Work Session held November 19, 2018, Minutes of Planning Commission meeting held September 19 and minutes of December 10, 2018 Public Hearing

Meetings: Work Session held October 15 and November 19, 2018. Planning Commission
Public Hearing held September 19, 2018. Public Hearing held December 10, 2018

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, but exempt museums and art galleries from off-street parking requirements, 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

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 148-870 AND 175-127
TO EXEMPT PROPERTY FROM OFF-STREET PARKING REQUIREMENTS**

WHEREAS, the property owner of 14 and 16 Chester Street requested an ordinance amendment to exempt his property from off-street parking requirements related to his museum; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapters 148-870A.17 and 175-127.3 of the Front Royal Town Code are hereby amended as follows:

175-127 PARKING EXEMPTION FOR THE REUSE OF EXISTING PROPERTIES

Regardless of Section 175-126, the reuse of properties with existing parking areas and/or loading spaces shall be exempt from the requirement to comply with the current parking area and loading space requirements of this Chapter, or Chapter 148; provided that, the following conditions are met.

1. A zoning permit was previously issued by the Town on the property for a business (commercial) or industrial use.
2. Town Council may require site improvements when a special use permit is required.
3. The number of existing parking spaces shall not be reduced for display or other purposes, **except in areas that are exempt from off-street parking requirements, as found under Town Code 148-870.A.17.**
4. When the existing parking area and/or loading spaces are in disrepair, the Zoning Administrator may require the following types of maintenance improvements at the time of issuance of a zoning permit:
 - a. Additional landscaping.
 - b. The demarcation of existing parking spaces by striping, restriping, wheel stops, or signage.
 - c. The resurfacing of the existing surface material.

148-870 PARKING AND LOADING AREAS

A. Parking Areas.

-
17. Off-street parking shall not be required **for permitted uses that are located in the following areas:** ~~on any lot fronting on that portion of Main Street which extends from Royal Avenue to Happy Creek or upon that portion of Jackson Street which extends between South Royal Avenue and Church Street.~~

- a. Any lot with frontage on E. Main St. from Royal Ave. to Happy Creek.
- b. Any lot with frontage on E. Jackson St. from S. Royal Ave. to Church St.
- c. Any permitted art gallery or museum use within the Historic Overlay District.

For the purposes of the above, the term “frontage” shall mean where a lot physically abuts the specific portion of public right-of-way that is specified.

This ordinance shall become effective upon passage.

APPROVED:

Hollis L. Tharpe, 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 _____ 2019, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Letasha T. Thompson	Yes/No
Chris W. Holloway	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____, 2018, and _____, 2019. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2019, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

EXCERPT OF MINUTES OF DECEMBER 10 PUBLIC HEARING

PUBLIC HEARING – Ordinance Amendment to Town Code Sections 148-870.A.17 and 175-127 to Exempt Property from Off-Street Parking Requirements – David Downes – 14/16 Chester Street (1st Reading)

Summary: On June 21, 2018 a request was received from David Downes to amend Town Code 175- 127.3 to exempt the requirement of “off street parking” requirements for property located on Chester Street. Due to it being a zoning ordinance amendment request, it went to the Planning Commission for a recommendation. On September 19, 2018 the Planning Commission unanimously recommended against the requested change after a public hearing because it did not believe that it was appropriate to add more exemption in the downtown area for any uses or properties until a parking strategy was developed to address the increasing demand for parking in the downtown area. There were three drafts included for the Planning Commission’s consideration at the public hearing.

- 1) Amend Town Code 175-127.3 and 148-870.A.17 so that it exempts properties on the portion of Chester Street from E. Main Street to Laura Virginia Hale Place from the requirement for off-street parking
- 2) Amend Town Code as in #1 above, but requires approval of a Special Use Permit
- 3) Amend Town Code as in #1 above but would exempt museums and art galleries from off-street parking requirements within the Historic Overlay District

The property currently qualifies for a separate “lesser” exemption that applies to all legally existing commercial and industrial buildings (175-127). The exemptions does not require Mr. Downes to meet the off-street parking quantity requirements, but it does require that existing parking not be eliminated.

Therefore, the applicant is required to maintain the rear parking area of his property and use it in conjunction with the businesses on the property (Beer Museum and Office)

Council is requested to choose one of the options above OR to accept the Planning Commission’s recommendation and deny the request until a parking strategy is developed to address the parking in the downtown area.

Mayor Tharpe opened the public hearing.

David Downes, of 160 Old Browntown Road, thanked each member of Council and Planning’s Staff for their help in understanding the ordinance. He stated that a comment had been made that the “Town does not want to make any more exemptions” and the same ordinance is for everyone; but because he is in a certain spot it is limiting his ability and he is being treated differently. Mr. Downes stated that he previously had only used two spaces for many years and he is trying his best to generate his business. He asked for Council’s assistance with the exemption.

William Huck, of 409 E. Main Street, noted that Mr. Downes should be granted the exemption as he requested, noting that each side of the coin brings good points. He stated that from a business perspective he feels he should receive the exemption.

Inna Kolesnik, of 214 E. Main Street, stated that planners intend that the area would be used for parking and the business should retain the areas for parking. She noted that more downtown parking would be available if Mr. Downes had not blocked off his own parking behind his building. Ms. Kolesnik stated that the parking requirements should not be relaxed or exempted. She also noted, that the Beer Museum had been violating ordinances repeatedly and he should not be rewarded for his ongoing violations.

Ralph Waller, of 304 E. Main Street, he stated that the Planning Commission is a group of highly trained professionals and the Planning Commission decided unanimously not to allow his request. Mr. Waller noted that nothing has changed since the Planning Commission made their recommendation. He added that Mr. Downes likes to threaten people by saying if he does not get his way that he will seek legal action or relocate, in order to intimidate the Town Council to get what he wants. He stated that the Town will not lose any revenue since The Beer Museum is apparently a non-profit entity. Mr. Waller added that Council has a responsibility to the community and he asked that they also consider the ongoing ABC incidents reported with guns and other violent matters that have taken place on sight.

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

Councilman Morrison moved, seconded by Councilman Meza that Council affirm on its first reading an Ordinance to amend Front Royal Town Code Sections 175-127.3 and 148-870.A.17, but exempt museums and art galleries from off-street parking requirements, as presented.

Vote: Yes – Meza, Morrison and Sealock
No – Connolly, Gillispie and Tewalt
Abstain – N/A
Absent – N/A

Mayor Tharpe voted – YES (to break the tie)

(By Roll Call; Motion Carries on 1st Reading, second reading on Jan 14th)

EXCERPT OF WORK SESSION MINUTES OF NOVEMBER 19

Ordinance Amendment Request from David Downes to Exempt 14 and 16 Chester Street from the off-street parking requirements of the Town Code – *Director of Planning/Zoning*

SUMMARY: David Downes, the owner of 14 and 16 Chester Street (see aerial below), submitted an application for Town Council to consider amending the Town Code to exempt his property from the requirement to have off-street parking. This would be similar to the current exemption that applies to E. Main Street and on E. Jackson Street beside the courthouse (148-870.A.17). The applicant's property currently qualifies for a separate, "lesser", exemption that applies to all legally existing commercial and industrial buildings (175-127). This exemption does not require the Mr. Downes to meet the off-street parking quantity requirements of the Town Code, but it does require that existing parking not be eliminated. Therefore, the applicant is required to maintain the rear parking area of his property, and use it in conjunction with the businesses on the property (Beer Museum and Offices).

The Planning Commission unanimously recommended against the requested change after a public hearing held on September 19, 2018. During the public hearing a significant number of people spoke in favor of the Beer Museum. A few people also spoke in opposition to the request. The Planning Commission commended the Beer Museum's for their success at the location. However, the Planning Commission did not believe that it was appropriate to add more exemptions in the downtown area for any uses or properties until a parking strategy was developed to address the increasing demand in parking in the downtown area. There were three drafts included for consideration at the public hearing.

Council Discussion:

Mr. Camp presented the following report to Council:

Request By David Downs For Exemption To Off-Street Parking

Background:

- Mr. Downes (Beer Museum) obtained approval to locate the beer museum at 16 Chester Street on 3/17/16. No additional off-street parking spaces were required at that time because the property qualified for the parking lot exemption of Town Code 175-127. This ordinance allows existing sites to be used as they are. It requires that existing parking be kept and maintained.
- A separate parking exemption applies under Town Code 148-870.A.17. that only applies to E. Main Street and the portion of Jackson Street behind the Courthouse.

Request:

- The Applicant now would like to remove the rear parking area for a larger beer garden. He requests that the Town include his portion of Chester Street to the exemption of Town Code 148-870.A. 17 so he is not required to even maintain his existing parking, as stipulated under 175-127.

Planning Commission Action:

The Planning Commission prepared three draft options but ultimately did NOT recommend any of these.



In response to Council questions, Mr. Camp stated that the Planning Commission is interested in updating the Regional Commission's study with the emergence of new businesses downtown. He added that the Planning Commission was not eager to give away downtown parking spaces. Mr. Camp stated that with the newly installed fence up behind the structures, it has essentially become private parking for the Beer Museum. He noted that Council is being asked to review the matter at a public hearing. Mr. Camp stated that the Planning Commission does not recommend any of the options suggested by the applicant.

Mr. Sealock asked about the required amount within the fenced area; Mr. Camp stated that what is currently there is what is required. Vice Mayor Tewalt stated that what is there currently should be required, as it is pre-existing. He noted that the Town cannot require more. Council discussed using the spaces on the side of the building and the picnic table area behind the fencing. After brief discussion, Council did not come to a consensus on the parking matter.

Planning Commission Meeting Excerpt of Minutes from September 19, 2018

FRORDAM-000907-2018, Ordinance Amendment. A request submitted by David Downes to exempt 14 and 16 Chester Street from the off-street parking requirements of the Town Code. Mr. Camp stated this amendment request had been discussed several times at work sessions. Mr. Downes has requested an amendment to Town Code requirements for off-street parking to exempt the off-street parking requirements for 14 and 16 Chester Street. Over a couple of work sessions held by the Planning Commission, they reviewed the applicants request and requested three options for consideration at the public hearing. Option 1 would exempt properties on the southern portion of Chester Street from any off-street parking requirements. Option 2 would allow for Special Use Permits to be issued to waive off-street parking requirements upon review of the specific circumstances for the southern part of Chester Street. Option 3 would exempt art galleries and museums from the off-street parking requirements within the Historic District. Mr. Downes would like to permanently close off the rear area for a beer garden. He is currently allowed to do that on a small portion of his rear yard. However, the current Town Code requires him to maintain the rear parking area and he must keep that open for parking during business hours. If the amendment request was granted, Mr. Downes would be able to close that off permanently for a beer garden.

David Downes, 160 Old Browntown Road. He has been practicing law for the past 31 years. His law practice is located at 14 Chester Street where he has practiced for the past 28 years. The past 2 years he has been operating the Virginia Beer Museum which is a 501C3 non-profit consisting of 17 very respected members of the community on their board. It came to their attention that they would want to continue the good will that they have been generating and the appeal of the museum by expanding their beer garden in the back. In order to do that they constructed a fence that makes them ABC compliant, improves the aesthetics, improves security in the rear of the property where there has been some breaking and entering. It also accommodated complaints by their neighbor Inna Kolesnik, owner of the jewelry shop, who complained about not wanting to see the beer museum operate in her back yard. Trying to satisfy her they put up a fence. I bring Planning Commission September 19, this to the Planning Commissions attention in order to make it clear that the issue before the Commission has absolutely nothing to do with the fence. Regardless of what the Commission decides, the fence will stay up. He had obtained the fence by going through the proper process of getting a permit from both the County and the Town and built the fence in compliance with the building permits. The beer museum wants to be treated like their neighbors. He has been paying the same tax rate as all his neighbors on Main Street and Jackson Street who for reasons yet to be offered in any of the 3 work sessions, did not include the little portion of Chester Street that he likes to think of as downtown. When people come to our community they come downtown and that is where they go, that portion of Chester, where the gazebo is located and where there is a substantial amount of public parking available to them and probably more so than other businesses in the area that are exempt. The private property on Chester Street should be treated the same as private property owners are treated on most of Main Street and Jackson Street because they are part of downtown. In the alternative he requested Option 3, that all museums be treated alike in Front Royal. Because it was the classification of the Town, that all included art galleries, which is the reason he has included the

exemption for them in that all other museums in Front Royal are already exempt. They do not have off-street parking, nor are they required to have off-street parking. At some point the regulations took effect and they were grandfathered in. He suggested that it would be a good policy decision to encourage rather than discourage museums to come to our Town rather than tax them with a parking space off-street for every 300 square feet of museum they happen to hold.

Mr. Downes respectively requested the Commission not to adopt the second option that would give the Commission the authority to not grant the variance after being given the authority to do so. It also comes with multiple uncertainties that he as the applicant does not want to have to address. Such as additional cost that may be imposed by each parking space that is given up, a sunset provision where he may have to come back in 12 or 24 months and review, repeat and make the same request. It could also potentially impose a high tax for each of the spaces surrendered. The proposed amendments would enable the museum to be treated the same as other downtown businesses and it is what should have been done in the first place. They are not asking to be treated special, they are asking to be treated the same. This is a museum that he is very proud of and noted they have been recognized by the General Assembly as being so special as to grant them the first saloon license in 102 years by special legislation passed this term. They have been recognized by one of the most respected authorities in Virginia history. Virginia Beer came out the previous week and they are featured in the middle of it with their opening which occurred almost two years ago to the date of this meeting. They have over 200+ reviews on social media and they average 4.5 to 5.0. All those individuals have come to the museum and have never suggested they were a saloon like Gunsmoke. They have a guest log with hundreds of kind things said about the museum, none of which have suggested that they are an evil, horrible place.

Mr. Downes asked that the Commission consider the merits of their museum and the experiences of the speakers. If Planning Commission someone has never been inside of the museum, it is unfair to give great weight to what they have conjured up in their minds.

Chairman Langfitt opened the public hearing and noted that each speaker would have 3 minutes to speak.

Ben Theis, 1356 Queens Highway. Mr. Theis said he was the president of a living history organization, 501C3 non-profit and does a lot of work with historic preservation across the state. He believes the museum brings a lot to downtown. The Town is not a collection of run-down shops anymore and has improved and he would like to see it keep improving.

William Huck, business owner of C&C Frozen Treats at 409 E. Main Street. As a business owner on Main Street he can say that David Downes has participated with the event he puts on twice a year with the beer museum. Mr. Huck stated he was not a beer drinker and anything that has to do with beer does not impress him much. Regarding the status of the amendment request, Mr. Downes should be granted the same status as every other museum in the area.

Brian Matthiae, 20 Blue Ridge Avenue. Mr. Matthiae is a member of the community and speaking on behalf of others in the community. The beer museum should fall under the guidelines that have already been set forth.

Inna Kolesnik, small business owner of Nicoles Jewelry located at 214 E. Main Street. In 2002 she and her late husband opened the store. Mr. Downes said she was complaining about the beer museum and she stated she had not complained but had concern for future development of the Town. She also had security concerns. For her, the fence is the problem. Ms. Kolesnik provided pictures from Google Earth to the Commission of the shared parking lot in the rear of the businesses for access to businesses on E. Main Street to show how the parking lot was used during different years. The fence was installed May 2018. The area is busy most of the time with patrons going to stores on Main Street and the fenced in area has caused a loss of parking spaces while the fenced in area is mostly empty. Out of 42 available parking spaces in 2013, 20 were taken. In 2017 when the picture was taken out of 32 parking spaces, 27 spaces were taken which is an increase of 16%.

Susan Rockwell gave up her time to speak to allow Inna Kolesnik to continue speaking.

Ms. Kolesnik continued by saying that since 2016 the area of 14 and 16 Chester Street has been used for outdoor parties and the consumption of alcoholic beverages while the area was not approved by the Virginia Department of Alcoholic Beverage Control. This is a violation of Town Code. Town Code does not say how this violation should be addressed. She believes the Beer Museum should be friendly to neighboring businesses. Ms. Kolesnik reviewed several recommendations and said she was not in favor of approving the request for an ordinance amendment.

Ralph Waller, owner of Main Street Pawn at 304 E. Main Street. Mr. Waller asked if the Assistant Town Attorney, George Sonnett was a member on the Board of Directors for the beer museum. Mr. Sonnett stated no. Mr. Waller continued by saying that Mr. Camp was very helpful, but he did not agree with him. The fence was approved to be 6-foot tall and in some places the fence was 6'8", 6'7", etc. Does he shorten it or remove the fence? Its supposed to be a temporary fence and now it is going to be the permanent fence. The fence was to be 2x2 boards and this fence is band board and flimsy. Mr. Waller believes this sets a precedence by allowing Mr. Downes off-street parking and the fence. Other businesses on Main Street can then fence off their areas which will eliminate more parking. He is concerned for the safety of people in the area and noted he has a report of a gentleman being taken out of the beer museum at nighttime carrying 2 concealed handguns and a knife. On a Sunday in a separate incident, Mr. Waller said he witnessed one of the patrons exiting the museum screaming at the people in the beer museum and he was removed. Mr. Downes himself had a breaking and entering at the museum. He has concerns for his wife and neighbors who walk up and down Chester Street. Mr. Waller stated that if these incidents are occurring at the museum the Commission should think this over very carefully.

Charles Rockwell, 321 Oak Ridge Court. Mr. Rockwell said he was US Navy retired and they had moved here because it was not like living in DC. He has been a customer of Nicoles Jewelry and

she and her late husband made fine jewelry and was an excellent jeweler. You used to be able to walk to their business and their apartment and they used to have access where you could get to their propane tank that heats their building and that access is gone. In an emergency you cannot get in there. Great area for a beer museum and beer garden, however he believes the Planning Commission should propose some conditions that allow people that have a business or an apartment a lot longer than the beer museum a way to get access to their businesses and apartments. There should be a way to find access for these people and still allow him to have a beer garden and allow the business and property owners to still have a safe and comfortable life.

David Silek, 165 Hickerson Hollow Road. Mr. Silek said he was a lifelong resident of Warren County. He is a member of the Board of Directors for the Beer Museum. His mother owns half of one of the properties that would be affected by the ordinance amendment at 8 and 10 Chester Street. There are roughly 5 buildings that would be affected by the proposed amendment. These properties either adjoin or are immediately next to the municipal parking lot. They should have been included in the Main Street and Planning Commission Jackson Street designation when the parking ordinance was originally incorporated. These were residences when that occurred. This ordinance should have been changed years ago. Mr. Silek stated if you want future businesses to locate here in the future, it will be a nightmare for parking.

Eric Bartock, 428 W. 15th Street. Mr. Bartock said he relocated from Manassas to Front Royal because of his visits to the beer museum where he had made a lot of friends. The parking lot behind the beer museum is private property owned by David Downes. The fence provides security both for people inside and outside. He stated he had spoken to Commissioner Marshner on the phone who said she was driving through the back-parking lot and she had a car full of millennials while driving by the Front Royal Brewing Company and they asked where do the people really go to drink. As they kept driving through the parking lot, they passed by the fence behind the beer museum and one of them said, that must be where everybody goes to drink. That is not exactly a fair assessment as not everybody that goes to the museum drinks. He has seen countless numbers of hikers, people from out of the county, etc. stop and go into the beer museum and without exception they spend money downtown.

Commissioner Marshner wanted the record to state that Mr. Bartock called her through the suggestion of Mr. Downes and that Mr. Bartock had initiated the call. Mr. Bartock said he appreciated that she called him back as she was on vacation.

Jim Youngblood, 14 Massie Street. Mr. Youngblood said it seemed like a grudge match about the fence and not the parking lot. The beer museum was a great place to meet people such as hikers and world travelers. It's a great place to hang out and did not see a problem with the amendment request.

Victor Stemmer, 601 Summit Point Drive. Ms. Stemmer stated she had met a lot of people at the beer museum including business owners. She said the big issue is how one man feels about how another man operates his private property. Its about parking and most businesses downtown

have municipal parking. People just want to have a good place to eat and spend money downtown. This is a beer museum and there are plenty of parking spaces.

Tim Gallion, 241 Skyline View Drive. Mr. Gallion said he was not from Virginia and moved out to Front Royal which he thought to be a sweet little gem in Virginia. He never had a problem parking and that he didn't know about the rules and legalities of the parking issues or fence issues. As everybody has said it is kid friendly, dog friendly and a place to meet world travelers.

Ron Laech, 64 Riverview Shores Drive. Mr. Laech believes the beer museum is a wonderful, educational place with tours of the museum and the history behind the beer. He thinks it is a great part of the community and a welcomed establishment and is respected. The Commission should recognize what is allowable and available to Mr. Downes as a museum and should consider granting him the amendment request.

Kevin Humphrey, 1167 River bend Court. Mr. Humphrey stated the revitalization of Main Street has started and its now the place to be and noted the beer museum had only added to that draw. People don't go there to get sloshed but to meet people from all walks of life.

Nathan Stalvey, 244 Waterford Lane, Winchester, VA. Mr. Stalvey said he was the Director of the Clark County Historical Association. He is advocating for the beer museum not only as a board member but also as a council member of the Virginia Association of Museums. He has heard a lot about fences and things not related to the issue being considered. Mr. Stalvey reviewed the statistics of visitors visiting museums throughout the state of Virginia. If visitors like the museums, they will stick around and spend money in town. The beer garden is something most other museums do not have which allows the Virginia Beer Museum to provide an even greater experience. It invites people to stay and explore the downtown. Mr. Stalvey urged the Planning Commission to consider the economic impact the beer museum contributes to the local tourism industry.

Gregory Olmstead, 107 Greystone Drive. Mr. Olmstead said he moved here from the DC area with his wife. They do not drink but do frequent the museum because it is a great place to meet people. He believes the museum is drawing people downtown. Mr. Olmstead said he knows there is a collaborative effort with other businesses to visit the museum, restaurants and devote dollars and tourism income to Front Royal. He believes the expansion of the beer garden would be a good economic endeavor.

James Justice, 12 Chester Street. Mr. Justice said he was the president of the Virginia Brewing Company. He explained that he had bought 12 Chester Street which was the biggest fixer upper in the historic district. This is next door to David Downes building and they couldn't ask for a better neighbor. They bought the building in part because of the beer museum and wanted to be part of the downtown area. When the fence went up it stopped the concern they had with transient traffic through the area where they have found feces and clothing. Mr. Justice and his wife endorse what David Downes is trying to do and wants to be part of the growth in downtown.

Joan Linch, 1017 Horeshoe Drive. Ms. Linch said she had been here since 1998 teaching in the public schools and loved Front Royal. She mentioned she had purchased a lot of nice jewelry from Nicoles Jewelers and does not understand why there is a huge and unattractive fence behind the jewelry store and apartment. If she was living in that house, she would want to have access to the back of her house. Ms. Linch stated she had been to many museums all over the world and asked why the people here go repeatedly to the beer museum to sit and have beer. It may be a museum but looks like a bar and the museums she goes to are like the Smithsonian and she doesn't pick up people there or sit and drink or hang outside at beer gardens. Beer gardens to her are like Germany where you go to have beer. No one pretends those are museums. Ms. Linch believes property owners should have access to the rear of their buildings.

There were no additional speakers. Chairman Langfitt closed the public hearing and opened the floor to Planning Commission members.

Commissioner Merchant moved, seconded by Commissioner McFadden to issue a recommendation to Town Council for the adoption of Option 1.

Commissioner Merchant thanked all the speakers and noted that their information and input was a valuable resource. He also thanked Staff for all the effort put in to providing information to help the Planning Commission make a decision. Commissioner Merchant explained that parking spaces are not free, and they often occupy prime land, are expensive to build, and costly to maintain. The Town owned spaces in the Peyton Street Parking lot, Gazebo area, and marked spaces along Main and Chester Streets are "free" to the public, with certain time restrictions. The patrons of the Virginia Beer Museum are free to use any of said available spaces at any time. To say we are keeping parking away from the beer museum, the Town is not doing that. We encourage people to use our parking facilities for the downtown businesses. The Town Ordinance does allow certain businesses with property fronting on Main Street and Jackson Street to be exempt from parking requirements. By the Ordinance, a business generally has a required number of parking spaces that are needed to operate that business. Town Council, in its wisdom with the creation of various downtown parking lots, exempted those parcels from that. Also, Town Council has exempted any business that is existing and wishes to expand or change the use to not be held to the new parking requirements if they do not remove any existing parking they currently have. With new businesses going in on Main Street it is starting to put a strain on available parking. The Afton Inn coming on line will put an additional strain on parking. Parking spaces are at a premium. Town Council is currently reviewing the downtown parking issues. They have looked at time limits on vehicles parking on Main Street. If this doesn't work, we will need to look at other options to increase the parking which is the lifeblood of downtown. The ordinance amendment before the Planning Commission is not about fences or boundary disputes with adjacent property owners, its strictly about one thing and that is the property owners request that he be exempt from parking requirements. Mr. Merchant expressed concern that the applicant already has access to the parking. In the Planning Commission work sessions, statements have been made that the parking spaces behind the beer museum will interfere with the future beer garden, to operate the gate or have access to the parking back there for his customers and it would be an inconvenience. An inconvenience to a Town Ordinance is probably

something experienced by every business owner in Town. If we start piecemealing approval, he believes we will open the door to many other requests. He would forward to Town Council that we take the parking studies that have already been done and see how we can improve the parking and increase the number of businesses and property owners that are exempt from parking. As stated early by the public speakers that the beer museum is a great asset, he also believes that it is a great asset to our community. He does not believe that eliminating the parking will increase the comfort level of the people using it. It has also been suggested that we treat the Virginia Beer Museum as we would any other business. Mr. Merchant believes we should treat it as any other business and make it subject to the same requirements as the other businesses until we can look at the whole area and maybe exempt the Virginia Beer Museum and other properties from the parking requirements. Mr. Merchant said he does not support approval of the motion.

Commissioner Davis said she would speak against the motion in order to accomplish something greater and more useful to the beer museum and to other businesses downtown. Hearing from the public is very helpful and she feels it is time to redo the Comprehensive Plan. The Town is in a much different situation since the last parking study was done. If you look at a labeled GPS map of our downtown parking, it is a patchwork mess. The Planning Commission wants to make wise choices about whether to keep piecemealing parking regulations or to be smart and plan for what we need and possibly turn to the County for a joint venture to meet the parking needs. We need to have a smart Comprehensive Plan and move forward with something that makes sense.

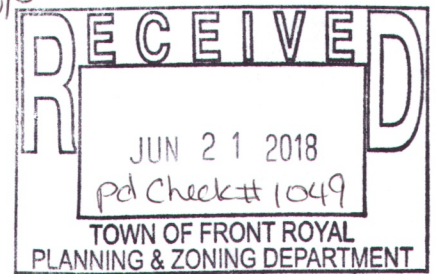
Vice Chairman Jones explained that his concern was not with the beer garden itself, but he was concerned about access to the other buildings and he cannot ignore that concern. He has no problem with there being a beer museum, but there needs to be access to those buildings.

There were no additional comments from Commission members. Chairman Langfitt called for a vote on the motion.

VOTE: No – Davis, Langfitt, Merchant, McFadden, Marshner, Jones

FRORDAM-000907-2018

LAW OFFICE OF
DAVID A. DOWNES
14 Chester Street
Front Royal, Virginia 22630-3321



Admitted in Virginia
Admitted in Federal Courts

TELEPHONE (540) 636-8500
FACSIMILE (540) 636-8501
E-MAIL: dadownes14@gmail.com

June 21, 2018

Jeremy F. Camp, Zoning Administrator
Department of Planning & Zoning
102 East Main Street
Front Royal, VA 22630-1560

Hand Delivered

Re: Amendment to Town Code 175-127.3

Dear Mr. Camp:

As the property owner of 14 and 16 Chester Street, I would respectfully request the amendment of Town Code 175-127.3 to exempt the requirement of "off street parking" requirements for property located on Chester Street between Main Street and Laura Virginia Hale Place.

This amendment will enable property owners in the "Downtown" area of our town to be treated equally and fairly as other property owners located in designated areas of Main Street and other areas in town that currently enjoy public access to public parking.

This amendment would also enable my tenant, the Virginia Beer Museum, to utilize over half of the back yard, currently reserved for parking that is not and will not be used for parking, to exercise a special ABC license approved by the Virginia General Assembly and effective on July 1, 2018.

I would respectfully request this matter be considered at your next meeting scheduled for July 18th pursuant to our conversation this morning. Pursuant to that conversation, I have attached a check for Four Hundred Dollars to pay for the application fee of this request.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David A. Downes", written over a large, loopy blue ink flourish.

David A. Downes

pc: Hollis Tharpe, Mayor of Front Royal

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

Page 1
Item No. 14

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPOINTMENT – Planning Commission

Summary: Council is requested to appoint a member to the Front Royal Planning Commission to an unexpired term to expire August 30, 2020.

Budget/Funding: None

Attachments: None

Meetings: Interviews held January 7, 2019

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council appoint to the Front Royal Planning Commission to an unexpired term to expire August 30, 2020.

*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

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

Page 1
Item No. 15

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPOINTMENTS – Audit and Finance Committee

Summary: The Audit and Finance Committee is composed of the Mayor, two Councilmembers, the Finance Director, the Town Manager and the Town's Auditor. Council is requested to appoint two Councilmembers to the Audit and Finance Committee, said terms ending December 31, 2019.

Budget/Funding: None

Attachments: None

Meetings: Work Session held January 7, 2019

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council re-appoint Councilman Tewalt and Councilman Meza to the Audit and Finance Committee along with the Mayor, Town Manager, Finance Director and the Town's Auditor, said terms to expire December 31, 2019.

*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

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

Page 1
Item No. 16

Meeting Date: January 14, 2019

Agenda Item: COUNCIL APPOINTMENT – Vice Mayor

Summary: Council is requested to appoint a Vice Mayor for the Town of Front Royal to a (2) two-year term, said term to expire December 31, 2020.

Budget/Funding: None

Attachments: None

Meetings: Work Session held January 7, 2019

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council appoint _____ as Vice Mayor for the Town of Front Royal to a (2) two-year term, said term to expire December 31, 2020.

*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*