



REGULAR TOWN COUNCIL MEETING

Monday, February 25, 2019 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance led by Vice Mayor Sealock
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of February 11, 2019
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager
 - * **Report from Northern Shenandoah Valley Regional Commission – Brandon Davis**
 - * **Report from County of Warren – Brandy Rosser**
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED)
 - A. COUNCIL APPROVAL – Bid for Cable for Infrastructure on Leach Run Parkway
 - B. COUNCIL APPROVAL – Sale of Surplus Items by Using Online Auction
 - C. COUNCIL APPROVAL – Project Costs for Fairground Water Tank Rehabilitation
8. **COUNCIL APPROVAL** – Budget Amendment - Utility Contribution to Warren Heritage Society
9. **COUNCIL REFER TO PLANNING COMMISSION** the Reconsideration of United Parcel Services Inc (UPS) Special Use Permit Application
10. **CLOSED MEETING** – Consultation with Legal Counsel

7A



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

Page 1
Item No. 7(A)

Meeting Date: February 25, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Cable for Infrastructure on Leach Run Pkwy

Summary: Council is requested to approve a bid from Wesco for the purchase of 7,200 feet of brand-specific Okonite cable for use on the Leach Run Parkway infrastructure in the amount of \$42,230.52.

Budget/Funding: Funding available in the Department of Energy Services' Leach Run Parkway line item 9401-47957.

Attachments: Memos from Purchasing Agent and Director of Energy Services and Vendor's Spread Sheet

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 bid from Wesco for the purchase of 7,200 feet of brand-specific Okonite cable for use on the Leach Run Parkway infrastructure in the amount of \$42,230.52.

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

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

Approved By: JW



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: February 13, 2019
To: Tina Presley, Senior Executive Assistant
Town Manager's Office
From: Alisa Scott, Purchasing Manager
RE: Request to Add Consent Agenda Item

The Purchasing Division responded to a request from the Energy Services Department to purchase cable for use on the Leach Run Parkway Infrastructure. On Tuesday, February 12, 2019, I held a bid opening for 7,200 feet of brand-specific Okonite cable. I received two (2) responses to this request for quotes. The Department Director, David Jenkins has reviewed the tabulation and recommends awarding the bid to Wesco for \$42,230.52.

Due to the amount of the bid, Town Council is requested to review and approve the award prior to purchase. Attached to this memo is the bid tabulation and recommendation memo from Energy Services. Please add this action item to the February 25th, 2019 Town Council Agenda.

Funding for this request is available in the Department of Energy Services' Leach Run Parkway line item 9401-47957.

Department of Purchasing
102 E Main Street
Front Royal, VA 22630
Website: www.frontroyalva.com
Phone 540-636-6889

Town of Front Royal
Energy Services
P.O. Box 1560
Front Royal, Virginia 22630-1560
(540) 635-3027 Fax: (540) 635-5497



Memo

To: Alisa Scott
From: David W. Jenkins, Director of Energy Services
Date: 2/13/2019
Re: Agenda Item

On Tuesday, February 12, 2019, the Purchasing Department held a bid opening for the purchase of wire to be used on Leach Run Parkway by the Department of Energy Services. There were two (2) responses to the request for quotation. The Department of Energy Services has reviewed the submissions and recommends proceeding with the lower bid from WESCO for the purchase. Due to the dollar amount, this purchase will need Town Council approval. Please add this item to the February 25, 2019 Council agenda for their action.

The Department of Energy Services staff recommends the award for the wire for Leach Run Parkway be made to WESCO, for a total cost of \$42,230.52.

Funding for this purchase is available in the Department of Energy Service FY19 budget line item 9401-47957, which is funding for Leach Run Parkway.

VENDOR SPREAD SHEET



Town of Front Royal, VA

Mailed: 2

Replied: 2

BID: 3

BID/PROPOSAL OPENING DATE: 2/12/2019

BID/PROPOSAL OPENING TIME: 2:00 PM

		Vendor Names	
		WESCO RICHMOND, VA	ANIXTER RICHMOND, VA
QUANTITY	DESCRIPTION	QUOTATION	QUOTATION
7200'	(4) SPOOLS: 1/C 750 MCM 61X ALUMINUM FILLED STRAND - SS 220 OKOGUARD EPR -040 SC EPR - THIRD NEUTRAL COPPER CONC WIRES 080 OKOLENE PE W/3 RED STRIPES - SEQ PRINT - 15KV	\$5865.35/MFT	\$5.96 *PRICE FIRM THROUGH 2/13. METALS WILL NEED TO BE FIRMED UP AT TIME OF PURCHASE
TOTAL:		\$42,230.52	\$42,912.00

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

7B



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

Page 1
Item No. 7(B)

Meeting Date: February 25, 2019

Agenda Item: COUNCIL APPROVAL – Sale of Surplus Items by Using Online Auction

Summary: Council is requested to approve the sale of specific equipment online with a minimum required bid. The Town is able to exercise cooperative purchasing rights through participation in the Fairfax County RFP to use The Public Group LLC dba/Public Surplus and Capital Auto & Truck Auction Inc for online auction services with an online auction fee equaling 1% of the sale price. Items/equipment will be sold “as is” and “where is”. There will be no fees incurred for towing or shipping. Items recommended to be included in the online auction are:

<u>Description</u>	<u>Suggested Minimum Bid</u>
2000 Johnson Street Sweeper	\$5,000.00
1996 GMC TopKick 6x6	\$5,000.00
2001 Mack LE613 Dump Truck	\$2,500.00
1989 Ford L8000 Refuse Body Leach 2RII 25 Yard	\$500.00
1985 Case 585 Tractor	\$500.00
Lot of Electric Poles	\$1.00

Budget/Funding: Revenue received will correspond with fund line item

Attachments: None

Meetings: Work Session held February 19, 2019

Staff

Recommendation: Approval ✓ Denial _____

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

Proposed Motion: I move that Council approve the sale of specific equipment online with a minimum required bid, as presented in the summary above.

*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

7C



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

Page 1
Item No. 7(C)

Meeting Date: February 25, 2019

Agenda Item: COUNCIL APPROVAL – Project Costs for Fairground Water Tank Rehabilitation Project

Summary: The Town's Fairground Water Tank was constructed in 1996 and has not been inspected or rehabilitated since that time. Council is requested to approve project costs from CHA Engineering for Task 1: Hydraulic Evaluation/Tank Offline Development; Task 2: Tank Evaluation and Task 3: Preparation of Rehabilitation Bidding Documents/Bidding Phase in the amount of \$41,500

Budget/Funding: Funding from 9601-R7009 – Buildings and Structures

Attachments: Memo from Director of Public Works and Proposal and Exhibits

Meetings: Work Session held February 19, 2019

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 Fairground Water Tank Rehabilitation project costs from CHA Engineering for Task 1: Hydraulic Evaluation/Tank Offline Development; Task 2: Tank Evaluation and Task 3: Preparation of Rehabilitation Bidding Documents/Bidding Phase in the amount of \$41,500

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

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Approved By: JW



Town of Front Royal Public Works

MEMORANDUM

TO: Joe Waltz, Town Manager

FROM: Robert B Boyer, Public Works Director

DATE: February 21, 2019

SUBJECT: Requesting approval for Water Tank

We would like to request Town Council approve Task 1, 2 and 3 of the proposal that's attached from CHA Engineering out of Blacksburg, VA for the fair Ground tank rehabilitation project. The amount of this portion of the project would be a total of \$41,500.00:

Task 1 - Hydraulic Evaluation / Tank Offline Development Plan	\$15,000.00
Task 2- Tank Evaluation	\$6,500.00
Task 3 - Bidding Documents / Bidding Phase Services	\$20,000.00
	\$41,500.00

EXHIBIT A

CHA Consulting, Inc. (CHA) is pleased to submit this proposal to provide engineering services for the Town of Front Royal Fairground Roads Water Tank Rehabilitation Project. Our project understanding, scope, schedule, and fees are outlined in the following paragraphs.

PROJECT UNDERSTANDING

The Town of Front Royal has a population of approximately 15,000 and operates a water system that includes a 1 million gallon, steel fluted column, elevated water storage tank. The Town of Front Royal's Fairground Water Tank is located at 395 Fairground Road in Front Royal, VA. The water tank was constructed in the late 1990's and has not been inspected or rehabilitated since that time. The following scope of services have been developed to assist the Town with the evaluation and implementation of recommended improvements associated with rehabilitating the Fairground Road Tank.

I. Scope of Services (Exhibit A):

CHA will provide engineering services for the evaluation and rehabilitation of the Fairgrounds Road Water Storage Tank.

Our engineering services will include the following Tasks:

Task 1 – Hydraulic Evaluation / Tank Offline Development

Task 2 – Tank Evaluation

Task 3 – Preparation of Rehabilitation Bidding Documents / Bidding Phase Services

Task 4 – Construction Phase Services

The detailed scope of work for each Task is outlined below.

Task 1 - Hydraulic Evaluation / Tank Offline Plan Development

- Evaluate the recently updated and calibrated hydraulic model to determine the impact associated with taking the Fairgrounds Road storage tank off-line.
- Work with Town staff and Dominion Power / other major water users to schedule and develop a tank off line plan that minimizes impact to major water users.
- Work with the Town staff and fire department to develop a plan of action that will include a standard operation procedure to be followed in the event of an emergency water demand event (fire flow needs) while the tank is off-line.
- Prepare for and facilitate a pre-project meeting with Town staff and the fire department to outline and prepare for initiation of the tank-offline plan and relevant procedures for a fire flow event that occurs during the project.

Task 2 - Tank Evaluation

- General visual observations of the tank construction and coating system.
- Coating dry film thickness measurements in accordance with Society for Protective Coatings, "Measurement of Dry Film Thickness" (SSPC-PA 2).
- Measure coating adhesion by "Tape Test" in accordance with ASTM Standard (D 3359). Due to the destructive nature of the adhesion tests, only three areas on exterior and interior coating system will be tested.
- Test exterior coating system for lead.
- Document metal loss.

- Inspection of interior tank components (roof trusses and rafters, liquid level gauge, ladders, overflow piping).
- Inspection of exterior tank components (vent, roof hatch, roof hatch safety rails, access ladder, manaway, concrete foundation, base sealant, access road, tree cover, site drainage, fencing, security).
- Inspection of the steel, fluted support column for structural integrity and coating condition.
- Prepare a report summarizing testing and visual observations along with photo documentation to include recommendation for tank rehabilitation work.
- Prepare a cost estimate for rehabilitation of the tank based on the recommended improvements that are outlined in the report.
- The tank will be disinfected per AWWA Chlorination Method 2 prior to going back into service.

Task 3 – Preparation of Rehabilitation Bidding Documents / Bidding Phase Services

- Prepare plan sheets, details, and specifications to assist the Town with the procurement of bids from qualified contractors.
- Prepare for and conduct a pre-bid conference.
- Prepare bidding addenda and address questions that are generated from prospective bidders.
- Open bids and evaluate bidding information for accuracy and completeness.
- Provide Recommendation of Award letter to Town.

Task 4 – Construction Phase Services

- Schedule and implement a project construction kick-off meeting with Contractor, Inspector, and Town Staff prior to beginning work.
- Prepare for, schedule, and conduct monthly progress meetings with Contractor, Inspector, and Town Staff to review any outstanding issues, address change order concerns, and discuss issues associated with the rehabilitation work.
- Provide shop drawing review and approval for materials that are specified for use in rehabilitation of the Fairground Road Tank.
- Coordination and approval of monthly progress payment applications provided by the Contractor. These applications will be received and reviewed at each monthly progress meeting.
- Provide Critical Point Inspection services to include the following:
 - Provide a NACE Coating Inspector to periodically monitor blasting and painting operations and document critical daily activities.
 - Inspection will include testing of blast media, air supply for blast equipment, surface cleanliness, blast profile measurements, monitor ambient air conditions, observation of mixing procedure, application process, recoat process, and visual inspection including measurement of dry film thickness of each coat as appropriate based on operations in progress at the time of the site visit.
 - Holiday Detection will be observed if provided by the Contractor.
 - Coating application observation will be under the direction of a NACE Level III Certified Coating Inspector. A daily record of the coating inspection will be prepared for each site visit and forwarded to the Town of Front Royal.
- Final Inspections services will be provided to develop punch list items and assist the Town with the final closeout of the project.

EXHIBIT B

II. Schedule (Exhibit B)

We are prepared to begin work on this project upon receipt of an authorization to proceed from the Town. We estimate the work outlined in Exhibit A to be completed prior to August 1, 2019. Time associated with weather delays are not included in this completion date.

EXHIBIT C

III. Project Costs (Exhibit C)

The proposed fees for the tasks described above are outlined below. All tasks will be lump sum and we will submit invoices for our services on a monthly basis.

Task 1 – Hydraulic Evaluation / Tank Offline Development	\$ 15,000
Task 2 – Tank Evaluation	\$ 6,500
Task 3 – Bidding Documents / Bidding Phase Services	\$ 20,000
Task 4 – Construction Phase Services	<u>\$ 65,000</u>
Total Fee Estimate	\$106,500

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

Page 1
Item No. 8

Meeting Date: February 25, 2019

Agenda Item: COUNCIL APPROVAL – Budget Amendment - Utility Contribution to Warren Heritage Society

Summary: In December 2018, Council received a request from the Warren Heritage Society for a “grant” in the amount of \$15,000 to support their operation. Council is requested to approve a budget amendment in the amount of \$5,000 as a final contribution to the Warren Heritage Society.

Budget/Funding: Funds from Electric, Water and Sewer Fund Reserves

Attachments: Letter of Request for the Warren Heritage Society and minutes of February 19, 2019 Work Session

Meetings: Work Sessions held January 22 and February 19, 2019

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council approve a budget amendment in the amount of \$5,000 as a final contribution to the Warren Heritage Society.

ROLL CALL VOTE REQUIRED

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

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

Approved By: JW

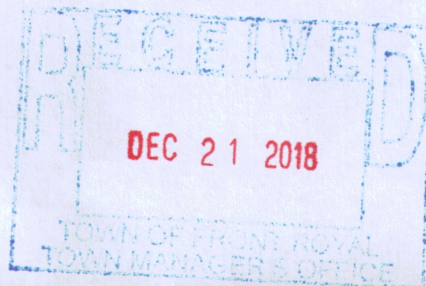


The Warren Heritage Society, Inc.

101 Chester Street, Front Royal, Virginia 22630

December 21, 2018

Town of Front Royal
Town Council
Mr. Joe Waltz, Town Manager
102 East Main Street
Front Royal, Virginia 22630



Dear Town Council and Mr. Waltz,

This letter is to respectfully request a grant of \$15,000 to support the operation of the Warren Heritage Society.

The Warren Heritage Society is a valuable destination tourism asset to Front Royal. We are currently open five days a week, and beginning in March, will be open six days a week. We help foster the intellectual and social life of the Town through our programs and sharing of our facilities. In addition, we keep the name of Front Royal across the country through the genealogical services provided by our Archives.

In 2017, 4,366 people visited the Heritage Society and its museum, and about a thousand took tours of the historic buildings on our campus: The Belle Boyd Cottage, the Balthis House, the oldest standing building in Warren County, and its outdoor kitchen. Our Archives are the official repository of historical records for the Town of Front Royal. We are busy through the year helping people find information on their ancestors: we fielded close to a thousand phone calls in 2017, hosted 245 visitors, and conducted 97 paid research projects. I expect our 2018 metrics to be similar to those of 2017. In addition, we typically have between 800 and 900 Facebook visits in any given week.

Our facilities are available to the community at large, and are often used by clubs and patriotic associations, such as the Sons of the American Revolution, to hold meetings. We sponsor occasional lectures, and in 2019 we are planning to host a Book Club as well. The lectures planned so far for 2019 are: March 30: Promises Not Kept: The Displaced Mountain Folk and the Shenandoah National Park, and May 25: The History of Front Royal and Warren County. A Summer Camp for kids has been scheduled for the week of July 15, and we hope to launch a History Club at the conclusion of that. In addition, we are planning a "Haunted Front Royal" program to coincide with the Zombie Walk at the time of Halloween.

We enrich the lives of senior citizens in the community through special lectures and tours we arrange for them. We encourage young people to develop an interest in history through our Summer Camp and through our work with youth groups. In 2019 we are hoping to prepare a curriculum guide for teachers on Shenandoah Valley history. We will be creating new exhibits in 2019 as well; topics under consideration include the Native Animals, Pioneering Women Doctors of Front Royal, The History of Charity in

Warren County, Celtic Connections of the Shenandoah Valley, Historic Homes of Warren County, the history of Bentonville and Limeton, and others. One of these exhibits will go in Town Hall -- we welcome your suggestion as to which one!

And, of course, the Warren Heritage Society is the organizer of the Festival of Leaves. In 2018, this "original" Front Royal festival drew about 25,000 visitors to Main Street (by police estimate), and involved numerous schools and societies throughout the county.

At the Warren Heritage Society, we squeeze our nickels until Mr. Lincoln squeals. Everything we do is in the most economical manner possible. We depend upon volunteers very heavily, as our staff consists of only part-time people. Our entire budget for 2018 is \$146,300. Thus, you can see how much we depend on the support of the Town's utility donation of \$15,000. Even with that waiver, we still had to budget \$3,100 for utilities in 2018.

As you know, we are the custodians of historic buildings -- and by definition, old buildings are inefficient, and require care and maintenance. We are continually looking for ways to lower our utility usage, and we got a new electric meter just a few weeks ago. This year our new money priority is the protection of the Outdoor Kitchen from further structural deterioration and water infiltration. I also will be seeking to raise money for insulation or window replacement, though I should warn you that historically correct windows are very costly. During the winter, we maintain the temperature in the Balthis House and Belle Boyd Cottage at 59 (we figure visitors will be wearing coats anyhow); in our working areas, we keep it at 69.

We have made a similar request of Warren County Board of Supervisors. We thank you in advance for your consideration of our request, and stand ready to provide any further information that you may require.

Sincerely yours,

A handwritten signature in cursive script that reads "Connie Marshner".

Connie Marshner
Executive Director

EXCERPT OF WORK SESSION MINUTES OF FEBRUARY 19, 2019

6. Continued Discussion of Funding for Warren Heritage Society

SUMMARY: On January 22, 2019, Council discussed a request from the Warren Heritage Society to support their operation, specifically their utilities. At that time, Council asked that the request be placed on an upcoming work session for further review and discussion.

HISTORY

In 2014 Council considered a reimbursement of the expense of utility services for the Warren Heritage Society located at 101 Chester Street in the amount of \$10,000 due to *“their campus of preservation has grown significantly and their outreach into the community has extended with greater need in the area”*. In accordance with the authority granted governments by Virginia Code Section 15.2-953, Council approved the request and for the money to come from Electric, Water, Sewer and Solid Waste Fund Reserves to be used toward payment of the respective portion of the utility bills beginning July 1, 2014. In 2015, Council approved the donation of \$15,000 (*increase of \$5,000*) beginning September 2015. In 2016, Council approved the donation of \$15,000 to begin September 2016, but also requested that the Warren Heritage Society make efforts to improve the efficiency of their buildings and report these efforts prior to requesting continued donations in the future. The 2016 request was also discussed at the November 2016 Liaison Committee Meeting. In 2017, Council approved the donation of \$15,000 to begin September 2017. In 2018, Council approved the donation of \$15,00 for FY2019-2019 (*minutes attached*) Attached is the current budget for the Warren Heritage Society, Letter from the Executive Director of the Warren Heritage Society and minutes from January 22, 2019 work session.

BUDGET/FUNDING: Funding from last year came from the Electric, Water, Sewer and Refuse as Unrecognized Revenue

Council Discussion: Councilmen Thompson, Sealock, and Gillispie noted that they would be in agreement with \$5,000 for the Warren Heritage Society as a final contribution, though in the future their requests should go to Warren County and not return to the Town.

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 9

Meeting Date: February 25, 2019

Agenda Item: COUNCIL REFER TO PLANNING COMMISSION – Re-Consideration and Review of United Parcel Services Inc (UPS) Special Use Permit Application

Summary: A significant change to the Special Use Permit application proposed by United Parcel Services, Inc (UPS) occurred after the Planning Commission issued a recommendation of denial on January 19, 2019. After a meeting with Town Staff on February 13, 2019 UPS presented a major change to the application. Council is requested to refer back to the Planning Commission the Special Use Permit Application by UPS to reconsider and review this major change.

Budget/Funding: None

Attachments: Staff Report, Application and Letter from UPS Attorney

Meetings: Work Session held February 19, 2019

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council refer to the Planning Commission the Special Use Permit application from United Parcel Services Inc (UPS) for further reconsideration and review due to a major change.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING



STAFF REPORT FOR THE NOVEMBER 28, 2018 PLANNING COMMISSION MEETING
Updated for Town Council 2/13/19

APPLICATION #:

FRSPU-000991-2018

APPLICANT:

United Parcel Services, Inc. (Charles Hawk)

SUMMARY OF REQUEST:

A request to establish a commercial parking lot for overflow parking for the UPS Distribution Center at 912 John Marshall Highway. **[Attachment A: Application and letter from applicant's attorney]**

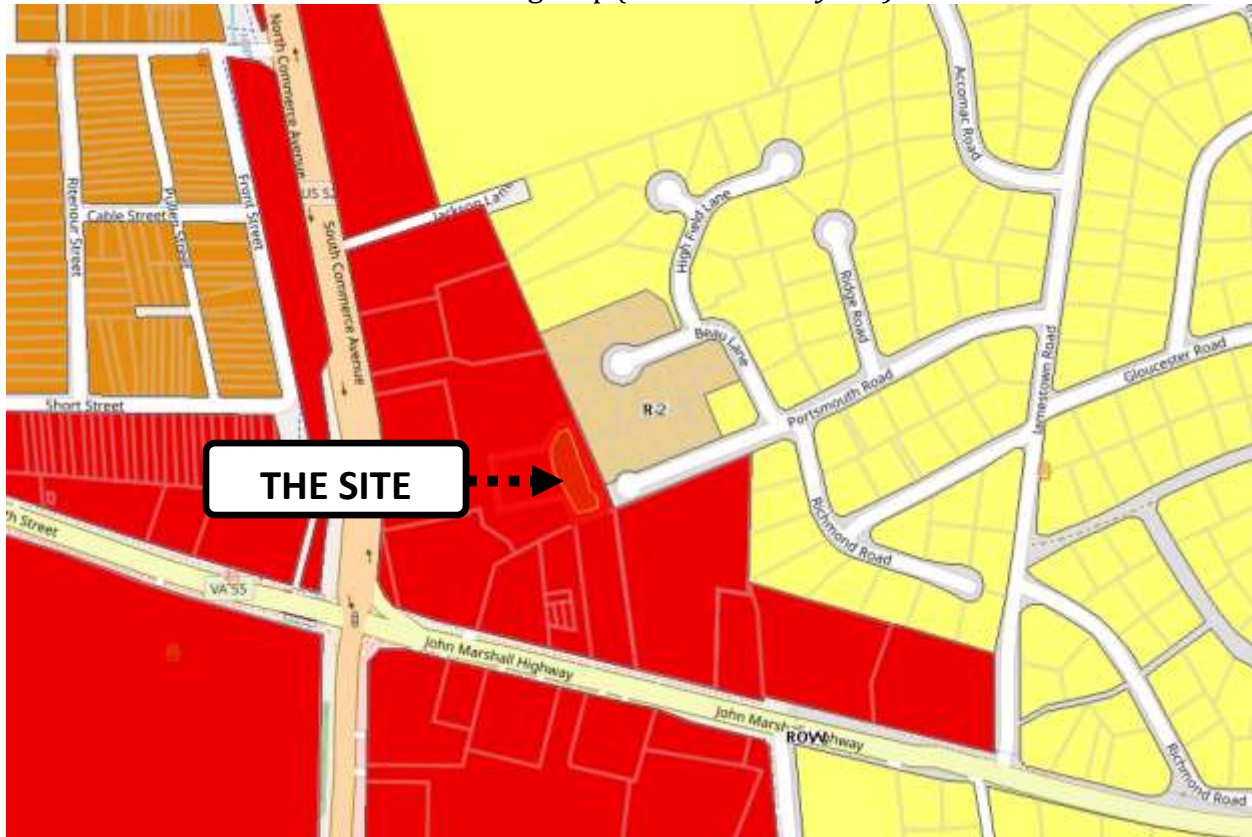
GENERAL INFORMATION:

<i>Site Addresses</i>	470 S Commerce Avenue
<i>Property Owner(s)</i>	Puja Properties LLC
<i>Existing Zoning</i>	C-1 (Community Business) District
<i>Proposed Use</i>	Commercial Parking Lot for Overflow Parking of UPS Distribution Center
<i>Tax Identification</i>	20A101 4D2
<i>Location</i>	The subject property is located in the rear parking area of 470 S. Commerce Ave, situated to the northwest of the existing UPS Distribution Center, behind the existing business park, and to the west of the end of Portsmouth Road.

Vicinity Map (Warren County GIS)



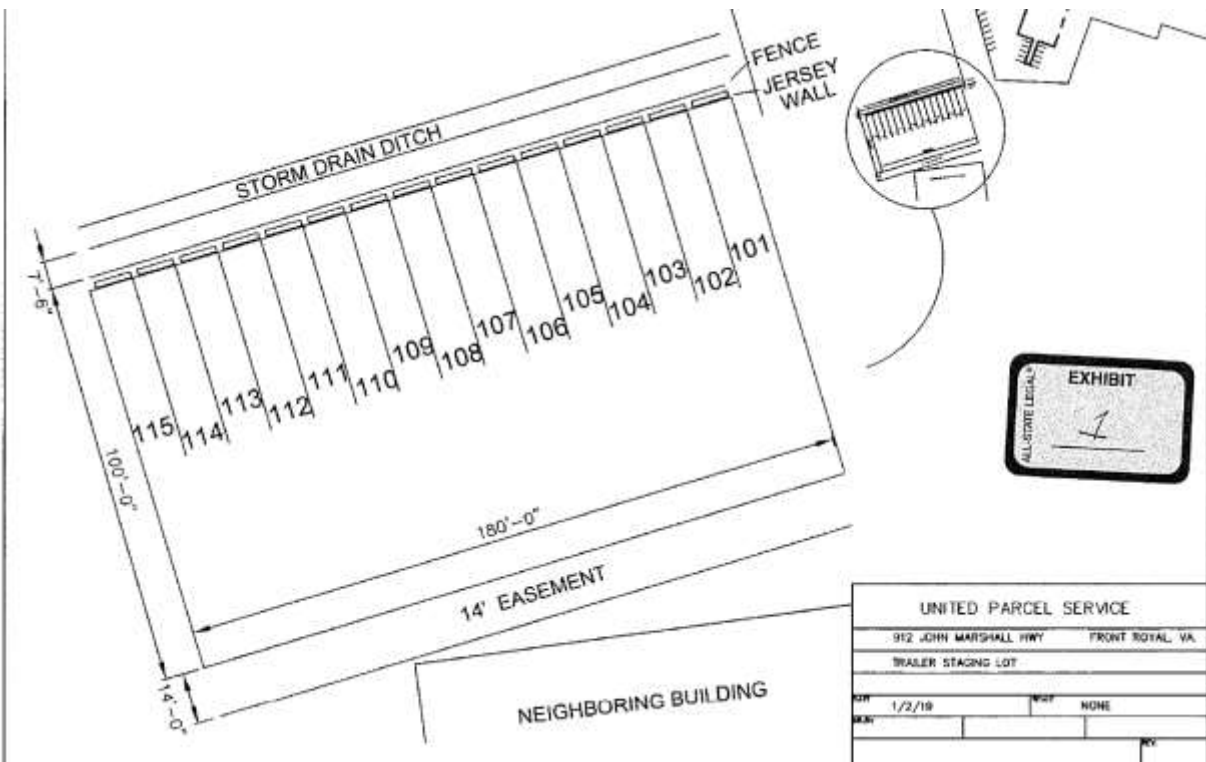
Town Zoning Map (Warren County GIS)



Aerial (Warren County GIS)



Proposed Site Layout and Fencing (.....see update)



INFORMATION ON THE APPLICATION:

Project Summary

This application is a request to obtain approval for a commercial parking lot for use by the UPS Distribution Center as an overflow parking lot.

UPS leases the property from the property owner, Puja Properties LLC, and has been doing so for a long time – allegedly since the late 1980s. This application is a response of Town Staff notifying UPS that they were in violation of the Town Code by using the property for truck parking because they have no prior approval and the Town Code requires a Special Use Permit for both commercial parking lots and distribution centers in the C-1 Zoning District. A use can not be grandfathered unless it was originally legal when established.

Special Use Permits in General

The Town is authorized to require a special use permit for certain uses within any zoning district under Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes.

The issuance of a special use permit is subject to such conditions as are deemed necessary by the Front Royal Town Council after recommendations of the Front Royal Planning Commission. Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for special use permits.

Town Code 175-136 requires that Special Use Permits meet the following requirements: (i) is not detrimental to the overall health, safety, and general welfare of the public, (ii) does not conflict with the Comprehensive Plan, (iii) is substantially compatible with surrounding land uses, and (iv) complies with laws of the Commonwealth of Virginia.”

Planning Commission

The Planning Commission originally reviewed the UPS SUP during their November 28, 2019 Planning Commission meeting, but action was postponed at the request of the applicant. UPS revised their proposal to include a residential style fence as a buffer between the tractor trailer parking area and the residential subdivision to the north and east. During their January 19, 2019 meeting, the Planning Commission voted to NOT recommend approval of this Special Use Permit Application. This decision was reached after consideration of input from the public and the revised plan submitted by UPS. While other concerns were noted, the primary unresolved issue was related to noise, and particularly noise during late night hours.

UPDATE!

On February 13, 2019, UPS met with Town Staff and the Mayor and presented a major change to their plans. UPS agreed to restrict tractor trailers from the subject property and to restrict late hour use. They intended to use the site for employee parking and parking of the smaller brown UPS delivery trucks. In this discussion, UPS said they would not propose the fencing.

ATTACHMENTS:

Attachment A: Application and Letter from the Applicant's attorney. Attachment B: Site Plan



TOWN OF FRONT ROYAL

DEPARTMENT OF PLANNING & ZONING
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VA 22630

Main: 540.635.4236

Fax: 540.631.2727

Internet: www.frontroyalva.com

FRSPU-000991-2018
~~SIT FR56B~~

SPECIAL USE PERMIT REQUEST

APPLICANT

United Parcel Service, Inc.

NAME Charles Hawk PHONE 804-743-8413

ADDRESS 9601 Coach Rd. Richmond, VA 23237

E-MAIL chawk@ups.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 912 John Marshall Hwy, Front Royal, VA 22630

TAX MAP # 20A101 SECTION 5A BLOCK _____ LOT _____

SUBDIVISION NAME _____ ACREAGE N/A

REQUEST

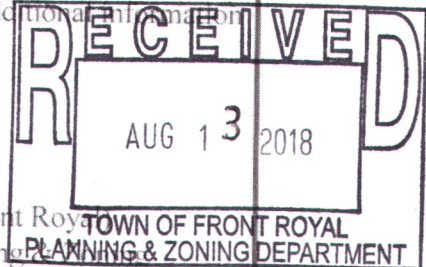
ZONING DISTRICT C-1

PROPOSED USE OF PROPERTY Commercial/Industrial

SPECIFIC SPECIAL USE PERMIT REQUEST Parking

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

1. Survey/Plat of property showing all **existing** improvements.
(10 copies if larger than 11" X 17")
2. Site Plan Application
3. Application Fee of \$400.00 (Checks payable to the Town of Front Royal)
4. Additional information as required by the Department of Planning & Zoning



CERTIFICATION

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

Signature [Signature] Date 8-8-2018

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

Receipt # 912568 \$400 Date Paid 8-13-18

Check # 22869

Joseph F. Silek, Jr., P.C.

43 CHESTER STREET
POST OFFICE BOX 602
FRONT ROYAL, VIRGINIA 22630
TELEPHONE: (540) 635-9415
FACSIMILE: (540) 635-9421
E-MAIL: JSILEK@SILEKPC.COM

January 8, 2019

Jeremy F. Camp, Director
Department of Planning & Zoning
Town of Front Royal
102 East Main Street
Front Royal, Virginia 22630

Email: jcamp@frontroyalva.com

**RE: UPS (Application No. FRSPU-000991-2018):
Response to December 18 Email Message**

DELIVERED BY ELECTRONIC MAIL ONLY

Dear Jeremy:

I am writing to respond to the remarks from Beth Sitton which you emailed me on December 18. I want to begin by pointing out that Ms. Sitton's reference to Town Code §175-70 is misplaced. It is worth emphasizing that the pending special use permit application is **not** for the operations center; rather, it is for **overflow parking on an adjacent lot, which is required to have its own separate special use permit** per Town Code §175-39(B). According to §175-39(B), the standards specified in §175-70 **only apply to special use permits for distribution facilities** – a use for which a special use permit application is not pending before the Town. Thus, the additional standards found at §175-70 do not apply to special use permit applications for parking lots. I think it also bears mentioning that UPS has been operating in Town limits since approximately 1977, and the subject parking lot has been in use since approximately 1987.

Nevertheless, UPS did want to respond to Ms. Sitton's overall question about diesel emissions and the frequency of my client's use of the parking lot in question. With respect to UPS delivery trucks, they are regulated by the U.S. Department of Transportation. Such trucks are required to pass a Federal Annual Inspection to ensure that they are up to standard. The Federal Annual Inspection requires that a delivery truck's emissions components which come standard on the vehicle from the manufacturer be inspected and maintained. UPS has technicians which are certified to perform these inspections.

As for the use of the subject parking lot, during an average non-peak 24-hour period, hitching and unhitching trailers in the subject parking lot occurs about twenty (20) times per day.

Jeremy F. Camp, Director
January 8, 2019
Page Two (2)

Within an average non-peak 24 hour period, UPS estimates that the hitching/unhitching activities occurs most frequently from 7:00 AM to 8:00 AM and from 6:30 PM to 7:30 PM.

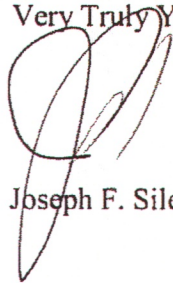
In light of the above, and to accommodate any lingering concerns, UPS proposes that the following conditions be included as part of an approved special use permit for the parking area:

1. UPS shall continue to comply with applicable state, local and federal laws, rules, and regulations with respect to the use of the subject parking lot. Specifically, UPS shall continue to comply with U.S. Department of Transportation rules and regulations pertaining to inspection and maintenance of delivery with respect to vehicles parked or stored in the subject parking lot.
2. UPS shall stripe each parking space in the subject lot consistent with applicable Town Code requirements. Further, UPS shall maintain at all times a travel lane within the subject parking lot for through traffic.
3. UPS shall install a fence with a height of no greater than eight feet (8') along the length of the parking lot adjacent to the Town storm drain while allowing a reasonable space in the fence for public access to the storm drain. Further, the fence shall use material substantially similar to those shown in the photograph attached hereto as Exhibit 2. The color of such fencing shall be grey or tan.

Attached hereto is Exhibit 1 which sets forth (for illustration purposes only) an illustration of the fencing, parking lot striping and travel lane. My client believes that the above conditions are sufficient to address any reasonable concerns.

Please review the above proposed conditions and let me know your thoughts. I would ask that you forward this letter to the members of the Planning Commission for their review and considerations as well. As always, please do not hesitate to contact me with any additional questions.

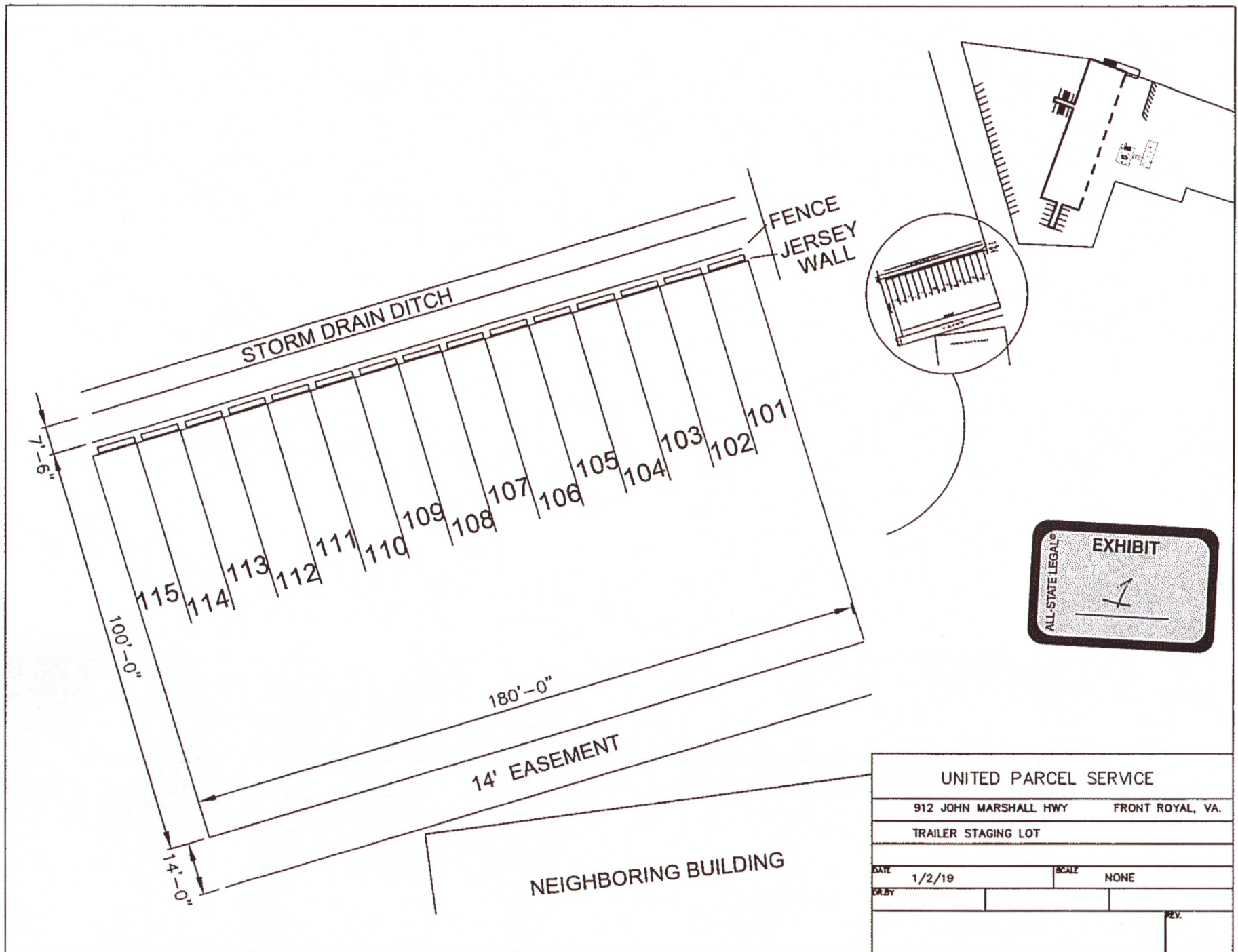
Very Truly Yours,



Joseph F. Silek, Jr.

Enclosure

Cc (w/ enclosure): UPS



UNITED PARCEL SERVICE	
912 JOHN MARSHALL HWY FRONT ROYAL, VA.	
TRAILER STAGING LOT	
DATE	1/2/19
SCALE	NONE
DR BY	
REV.	



ALL-STATE LEGAL®
EXHIBIT
2

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

Page 1
Item No. 10

Meeting Date: February 25, 2019

Agenda Item: CLOSED MEETING – Consultation with Legal Counsel

Summary: Council is to go into a Closed Meeting for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, legal mechanisms related to handling potential future debt service related to current and future budget years with respect to the former Afton Inn building, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8 of the Code of Virginia.

Budget/Funding: None

Attachments: None

Meetings: None

Staff Recommendation: Approval ☒ Denial ☐

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, legal mechanisms related to handling potential future debt service related to current and future budget years with respect to the former Afton Inn building, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8 of the Code of Virginia.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

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

*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