



REGULAR TOWN COUNCIL MEETING

Monday, April 8, 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 March 25, 2019
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager
 - * **Employee Recognition – Ryan Lyerly and Chris Roland**
 - * **Report from Superintendent for Shenandoah National Park – Jennifer Flynn**
 - 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** – Proclamation for “*Building Safety Month*”
 - B. **COUNCIL APPROVAL** – Proclamation for “*Arbor Day*”
 - C. **COUNCIL APPROVAL** – Bid for Banking Services
 - D. **COUNCIL APPROVAL** – Renewal of Tower Site Lease Agreement for Shentel
8. **PUBLIC HEARING** – To Receive Public Comments/Concerns and Approve an Ordinance to Vacate a Portion of an Alley - 208 W Duck St – Jerry Bell, Jr. (*1st Reading*)
9. **PUBLIC HEARING** – An Ordinance to Amend Town Code Chapter 12-2 and 175-137 Pertaining to FEES (*1st Reading*)
10. **COUNCIL APPROVAL** – Humane Society of Warren County Request to Use Trolley for “*Waggin’ for Dragons*” Event
11. **COUNCIL APPROVAL** – Resolution in Support of FOIA Request of Forensic Audit of EDA
12. **COUNCIL APPROVAL** – Setting Fiscal Year 2019-2020 Tax Rates; FY18-19 Budget Amendment; Ordinance Amendment to Chapter 75-44 (C) (*2nd Reading*)

7A



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

Page 1
Item No. 7(A)

Meeting Date: April 8, 2019

Agenda Item: COUNCIL APPROVAL – Proclamation – *“Building Safety Month”*

Summary: Council has received a request from David C. Beahm, Warren County Building Official on behalf of the Warren County Board of Supervisors to proclaim May 2019 as *“Building Safety Month”* in the Town of Front Royal, as presented.

Budget/Funding: None

Attachments: Proclamation

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 Proclamation proclaiming May 2019 as *“Building Safety Month”* in the Town of Front Royal, 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



Building Safety Month 2019 Proclamation

WHEREAS, Warren County is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

WHEREAS, our confidence in the structural integrity of the buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians are dedicated members of the International Code Council—a U.S. based organization, that brings together local, state and federal officials with experts in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;

WHEREAS, our nation benefits economically and technologically from using the International Codes® that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost of complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world;

WHEREAS, these modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, which, according to a FEMA-commissioned study by the National Institute of Building Sciences, provide \$11 in future mitigation benefits for every dollar invested, and;

WHEREAS, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to America's prosperity, and;

WHEREAS, Know Code – Know Confidence, the theme for Building Safety Month 2019, encourages all Americans to raise awareness of the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry. Building Safety Month 2019 encourages appropriate steps everyone can take to ensure the safety of our built environment, and recognizes that the implementation of safety codes by local and state agencies has saved lives and protected homes and businesses, and;

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Front Royal Town Council does hereby proclaim the month of May 2019 as **Building Safety Month** and encourages our citizens to join with their communities in participation in **Building Safety Month** activities.

APPROVED:

Hollis L. Tharpe
Honorable Mayor



ATTEST:

Jennifer Berry, MMC
Clerk of Council

7B



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

Page 1
Item No. 7(B)

Meeting Date: April 8, 2019

Agenda Item: COUNCIL APPROVAL – Proclamation “*Arbor Day*”

Summary: Council has received a request seeking approval of a proclamation proclaiming Saturday, April 27, 2019 as “*Arbor Day*” in the Town of Front Royal.

Budget/Funding: None

Attachments: Proclamation

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 proclamation proclaiming Saturday, April 27, 2017 as “*Arbor Day*” in the Town of Front Royal.

*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

Arbor Day 2019 Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and



WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and,

WHEREAS, Front Royal has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices;

NOW THEREFORE BE IT RESOLVED that I, Hollis L. Tharpe, Mayor of the Town of Front Royal, do hereby proclaim April 27, 2019 as



Arbor Day 2019

in the Town of Front Royal, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations. 🌳

APPROVED:

Hollis L. Tharpe
Front Royal Mayor



TREE CITY USA®

ATTEST:

Jennifer E. Berry
Clerk of Council

7C



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

Page 1
Item No. 7(C)

Meeting Date: April 8, 2019

Agenda Item: COUNCIL APPROVAL – Bid for Banking Services

Summary: Council is requested to approve the proposal from Union Bank & Trust for banking services for the Town of Front Royal for a period of five (5) years.

Budget/Funding: None

Attachments: Memo from Director of Finance and Response 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 the proposal from Union Bank & Trust for banking services for the Town of Front Royal for a period of five (5) years.

*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: March 25, 2019
To: Tina Presley, Administrative Assistant
From: B. J. Wilson; Director of Finance
RE: Agenda Item

On Thursday, November 15, 2019 the Town's Purchasing Department held an opening for proposals for the Town of Front Royal's Banking Services. The Town received six (6) responses to request for proposal. This process is completed every five (5) years for banking services.

The Department of Finance reviewed and evaluated the responses. Responses were evaluated by comparing rate structures, services, experience, resources, qualifications, understanding of municipal governments, value of new products/services, and location/availability for consultation or personal service. Three applicants deemed to be fully qualified and best suited among those submitting proposals were selected for a personal interview with the Town. Negotiations were then conducted beginning with the firm ranked first, Union Bank & Trust.

Based on the evaluations, interviews, and competitive negotiations, the Department of Finance recommends Union Bank & Trust as best suited to perform the services for a period of five (5) years.

Staff recommends the award for Banking Services be made to Union Bank & Trust for a period of five (5) years.



TOWN OF FRONT ROYAL, VIRGINIA
Repsonses Received

Item: RFP #27 Banking Services

Bid Date: November 15, 2018

The below table is generated from the initial, raw information collected from Request For Proposals. No award decision has been made.

	Union Bank & Trust	Sona Bank	Wells Fargo	United Bank	First Bank	City National Bank
RESPONSE RECEIVED	YES	YES	YES	YES	YES	YES



REQUEST FOR PROPOSAL (RFP) #27 FOR CASH MANAGEMENT SERVICE FOR:



Prepared by:

Scott Arthur, SVP/Market Executive

scott.arthur@bankatunion.com

108 North Braddock Street

Winchester, VA 22601

Phone: 540.771.3842

Steve Hickman, CTP/VP – Treasury Management Officer

1051 E. Cary Street, Suite 800

Richmond, VA 23219

Phone: 804.523.7231

steve.hickman@bankatunion.com



November 15, 2018

Town of Front Royal
Purchasing Department
102 East Main Street
P.O. Box 1560
Front Royal, VA 22630

To Whom It May Concern:

Union Bank & Trust is very pleased to provide the attached proposal for Depository and Cash Management Services to the Town of Front Royal. We are excited about the opportunity to continue our partnership with the Town in order to provide the best products and highest level of service to your office.

The Union Bank & Trust philosophy is to exceed client satisfaction by delivering unparalleled customer service at every point of contact. We are committed to offering products and services customized to meet the Town's financial needs.

We feel confident that we have put together a compelling proposal. We look forward to assisting in optimizing your cash management processes, consulting and presenting ideas to help you increase efficiency, reduce expenses, maximize interest income, and focus attention on security and fraud prevention.

Union Bank & Trust will continually evaluate its services to the Town and proactively review, recommend, and implement improvements to these services.

We eagerly await your feedback on this proposal for Depository and Cash Management Services and look forward to the opportunity to continue to work with you and the Town of Front Royal. If you have any questions regarding the products, solutions, or responses detailed in the proposal, please do not hesitate to contact us.

Sincerely,

B. Scott Arthur
Market Executive/Senior Vice President
108 North Braddock Street
Winchester, VA 22601
540-771-3842
scott.arthur@bankatunion.com



I. Introduction

Executive Summary

Headquartered in Richmond, Virginia, Union Bank & Trust is Virginia's largest headquartered bank domiciled in the state. With a presence spanning the footprint of our Commonwealth, plus locations in portions of Maryland and North Carolina, we are proud to be "Virginia's Bank." We are often the preferred banking services provider for growing commercial and industrial companies and our collaborations with government entities continue to expand. With all of our resources in close proximity to the Town of Front Royal, we are uniquely prepared to provide a high level of service to you and your constituents.

Union Bankshares Corporation (Nasdaq: UBSH) (www.bankatunion.com) is the holding company for Union Bank & Trust. Union Bank & Trust has 150 branches and approximately 216 ATMs located throughout Virginia, and in portions of Maryland and North Carolina. Non-bank affiliates of the holding company include Old Dominion Capital Management, Inc. and Dixon, Hubard, Feinour, & Brown, Inc. which both provide investment advisory services, and Union Insurance Group, LLC, which offers various lines of insurance products. As of October 2018, the Company had 1,663 employees.

Below are our Corporate Officers that make up the Union Bankshares Corporation Executive Management Team:

John C. Asbury, President & CEO of Union Bankshares Corporation and CEO of Union Bank & Trust

Maria P. Tedesco, President of Union Bank & Trust

David G. Bilko, Executive Vice President & Chief Risk Officer

M. Dean Brown, Executive Vice President & Chief Information Officer

Robert Michael Gorman, Executive Vice President & Chief Financial Officer

Loreen A. LaGatta, Executive Vice President & Chief Human Resource Officer

David V. Ring, Executive Vice President & Commercial Banking Group Executive

Union provides cash and treasury management services to Municipalities throughout the Commonwealth. As of September 30, 2018, Union Bank & Trust had on deposit with public fund entities a total of \$462,130,114.69. This represented both Demand as well as Savings/Time deposits. The mix of funds was inclusive of municipalities or subdivisions thereof which include school, law enforcement, rescue and park and service authorities. Different services provided include ACH processing, wire transfer, positive pay, remote deposit capture, lockbox, merchant services, purchasing card, and various sweep options for excess balances.

Relationship Team

The Town will work with Scott Arthur, Market Executive & Relationship Manager, Steve Hickman, Treasury Management Officer, and Kristine Palmisani, Branch Manager of 473 South Street Branch. Additional support will be provided by Union Bank's Treasury Management Associate Tammi Privott for ongoing customer service. This team is committed to our valued partnership with the Town and will continue to provide the service and product capabilities you've come to expect. These individuals will work with the Town to ensure you remain operationally efficient in your banking services and well-

informed of any pending developments that may impact you. Please find the bios of each relationship team member below:

Scott Arthur, Senior Vice President, Market Executive

Scott is a native of Winchester, VA and has enjoyed a 35 year career as a Commercial Banker there, joining Union Bank & Trust in 2015. He is currently responsible for managing and developing commercial client relationships in the Northern Shenandoah Valley. Scott graduated from the University of Richmond in 1981. He previously worked at BB&T and First Union as Market President. He is active in the community, most recently serving as President of the Rotary Club of Winchester. He is also Past Chairman of the Top of Virginia Chamber of Commerce, Past President of Blue Ridge Hospice and Judges Athletic Association and Past Campaign Chair for the United Way of the Northern Shenandoah Valley. He currently serves on the board of Shenandoah Valley Westminster Canterbury, Winchester Education Foundation, Judges Athletic Association, Frederick County/Winchester Law Enforcement Foundation and Mt. Hebron Cemetery. He and his wife Margaret have two grown children.

*Scott will act as the single point of contact for the Town through the proposal acceptance and as the Town's new primary Relationship Manager. His contact information is provided below:

Email: scott.arthur@bankatunion.com

Phone: 540.771.3842

108 North Braddock Street

Winchester, VA 22601

Steve Hickman, CTP, Vice President, Treasury Management Officer

Steve has been in banking for 6 years; 3 of which have been in a Treasury Management consulting role. He joined Union Bank & Trust in February of 2017, serving as a Treasury Management Officer for numerous regions in the Western region of Virginia. Steve began his career in New Orleans at IBERIABANK, where held positions in Retail Banking, Commercial Credit Analysis, and Treasury Management. Steve has worked with public institutions and municipalities, having on-boarded and managed the treasury relationships for Iberia Parish and Calcasieu Parish in Louisiana. Steve is a graduate of Rhodes College with a BA degree in History, and has been a Certified Treasury Professional (CTP) since January of 2016. Steve will act as the Town's primary Treasury Consultant and Manager of current Treasury products and services.

Kristine Palmisani, Assistant Vice President, Branch Manager

Kristine has been in banking for 14 years, managing for 10 of the 14 years. She started in Winchester, VA as a teller and then moved to Middleburg where she soon became manager in 2008 of that Middleburg Branch. She moved to the Front Royal Branch of Union Bank & Trust in June of 2012. She currently serves on the board of Potters House, a women's shelter located outside of Front Royal in Linden. She is also active in the Chamber of Front Royal/ Warren County. As the Front Royal Branch Manager, Kristine will maintain her great working relationship with the Town to meet their needs and stay responsive to any issues or interference with normal daily course of business.

Tammi Privott, Treasury Management Associate

Tammi has over 28 years of banking experience in the Virginia market. She has a deep and

comprehensive knowledge of wholesale banking, and she has enjoyed roles in both sales and service. Tammi will continue to be your Treasury Services Client Support Specialist. Tammi is recognized for her unwavering customer-first approach and ensuring our clients' needs are met at each interaction. Tammi is currently pursuing her Certified Treasury Professional (CTP) designation through the Association for Financial Professionals. Tammi is equally dedicated to the community and she has served on the board of the Rockingham Educational Foundation since 2011.

Treasury Services Support

In addition to the Relationship Team and Tammi as the specific customer service representative, the Town can utilize Union's Treasury Services Support team for day-to-day transactions and customer support. This team provides operational support for the Town's products, including Online Banking, ACH Administration, Wire Transfer, Positive Pay, Remote Deposit Capture, and Lockbox. Their hours of operation are Monday – Friday, 8:30 AM ET – 5 PM ET, and they are situated locally in Ruther Glen, VA.

Union Bank & Trusts Corporate Profile is as follows:

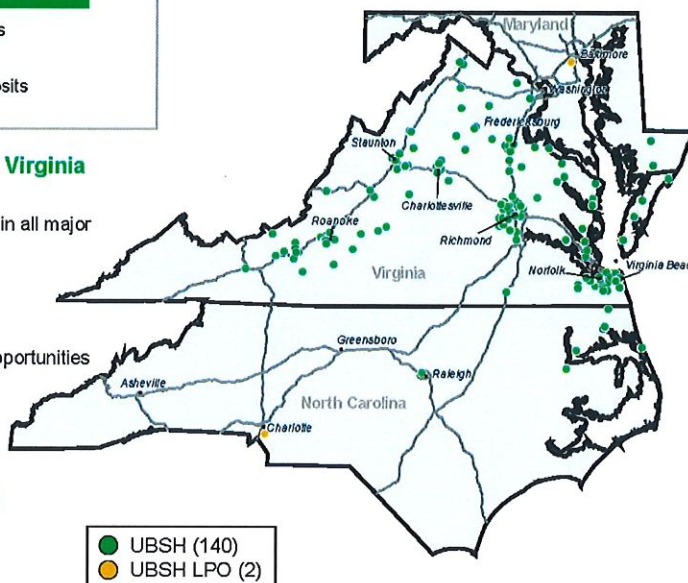


Our Company

Highlights (6/30/18)

\$13.1 billion in assets **\$9.3 billion** in loans
\$2.7 billion market capitalization **\$9.8 billion** in deposits

- Largest regional banking company headquartered in **Virginia**
- **Statewide Virginia footprint** of 131 branches in all major markets
- **#1** regional bank deposit market share in Virginia
- Positioned for growth with organic and acquisition opportunities throughout the region
- **Strong balance sheet** and capital levels
- Committed to **top-tier financial performance**
- New and highly experienced management team



Pricing data as of 7/18/18



Virginia's Bank

Virginia: All Banks

Rank	Institution	Deposits (\$mm)	Market Share	Branches
1	Wells Fargo & Co.	\$27,452	16.8 %	275
2	BB&T Corp.	23,236	14.2	327
3	Bank of America Corp.	18,010	11.0	131
4	SunTrust Banks Inc.	16,551	10.1	190
5	Union Bankshares Corp.	8,902	5.4	141
6	United Bankshares Inc.	7,062	4.3	70
7	TowneBank	6,093	3.7	32
8	Capital One Financial Corp.	6,017	3.7	55
9	PNC Financial Services Group Inc.	3,833	2.3	96
10	Carter Bank & Trust	3,428	2.1	87
Top 10 Banks		\$120,584	73.7 %	1,404
All Institutions in Market		\$163,549	100.0 %	2,349

Virginia: Banks Headquartered in VA

Rank	Institution	Deposits (\$mm)	Market Share	Branches
1	Union Bankshares Corp.	\$8,902	16.2 %	141
2	TowneBank	6,093	11.1	32
3	Capital One Financial Corp.	6,017	10.9	55
4	Carter Bank & Trust	3,428	6.2	87
5	Burke & Herbert Bank & Trust Co.	2,343	4.3	25
6	Access National Corp.	2,201	4.0	15
7	Southern National Bancorp of Virginia Inc.	1,721	3.1	41
8	First Bancorp Inc.	1,243	2.3	20
9	C&F Financial Corp.	1,129	2.0	26
10	National Bankshares Inc.	1,062	1.9	25
Top 10 Virginia Banks		\$34,138	62.0 %	467
All Virginia Institutions in Market		\$55,104	100.0 %	949

Statewide branch footprint brings unique franchise value



VIRGINIA'S BEST BANK



Powered by STATISTA

Source: SNL Financial and FDIC deposit data
 Deposit data as of 6/30/17; pro forma for announced transactions
 Note: Excludes branches with deposits greater than \$1.0 billion

Why Union Bank & Trust?

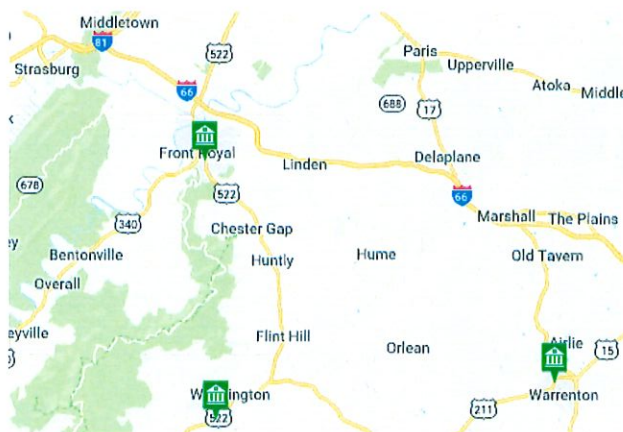
With assets of \$13.1 billion, a strong market share, continual investment in automation, and experienced bankers working with the Town, we know we are able to deliver the products and services needed to allow the Town to continue to be good stewards of their constituents' trust. Union is able to bring ideas and solutions forth that will allow the Town to stay abreast of quickly evolving technology, while at the same time providing these services at a reasonable cost.

Another important reason for Why Union Bank & Trust is that we value the opportunity to be an integral part of each community we serve, including low and moderate income neighborhoods in compliance with the Community Reinvestment Act (CRA). Union Bank & Trust has earned High Satisfactory performance test ratings in the categories of Lending, Investment, and Service, earning us an overall CRA rating of Satisfactory.

We have a culture of giving back to our communities through donations and the promotion of volunteerism. Union teammates are active and passionate about supporting local initiatives. We regularly volunteer in schools, participate in charitable walks, and host fundraisers throughout the year. Setting future generations up for financial success is at the heart of what we do. We partner with EVERFI to bring financial education into high school classrooms, preparing students to manage their financial future. So far, we've reached over 100,000 students through this program.

Locations

- **Front Royal**
473 South St
Front Royal, VA 22630
- **Rappahannock**
7 Bank Rd
Washington, VA 22747
- **Broadview**
216 Broadview Ave
Warrenton, VA 20186



Front Royal Branch

Our Front Royal Branch, led by Branch Manager Kristine Palmisani, will continue to serve as the Town's primary Branch location for deposits, cash services, and general account maintenance. Below is a list of Bank holidays resulting in closure during the Branch's normal business hours. It is the Branch's policy to change its voicemail to reflect the closing for customer awareness. If the Branch closes due to unforeseen circumstances, such as inclement weather, a Branch teammate will contact the Town personally.

New Year's Day – January 1

MLK Day – January 15

President's Day – February 19

Memorial Day – May 28

4th of July – July 4

Labor Day – September 3

Columbus Day – October 8

Veteran's Day – November 12

Thanksgiving Day – November 22

Christmas Eve – December 24 (Closes at 12:00 PM)

Christmas Day – December 25

The ledger cutoff time for deposits made to branch locations is 6:00 PM ET end of the business day. Due to this valued relationship, the Town's deposits are made available at the time of deposit, and no holds are put in place.

II. Cash Management Services

At Union, our Treasury Management Department offers a complete suite of cash management services ranging from payment and receivables management tools to liquidity and cash control services. The Town's Treasury Management Officer works closely with the full Relationship Team to identify those capabilities that most closely align with your financial objectives. Below are product descriptions requested specifically in the RFP, as well as recommended product solutions that we view as enhancements to the Town's day-to-day banking processes.

Demand Deposit Accounts

Union offers a full suite of Demand Deposit Accounts, and the Relationship Team works with the Town to ensure proper account types & structures are established to maximize interest earning potential and easy access to liquid funds. The Front Royal Branch and Kristine Palmisani are committed to providing the Town quick turnarounds for opening new accounts and adding them to existing cash management services. After recently reviewing the accounts, we recommend the Town keeps its current structure.

Additionally, Union offers numerous Savings and Time Deposit (CD's) options. These rates and terms can be provided to the Town by request.

Automated Balance Reporting & Online Access

Union has recently invested in the upgrade of our online reporting system to seamlessly integrate with our FIS based core processing system. This platform is called Business eBanking. Business eBanking provides state of the art Account Management with the ability to view accounts, balances, transaction history and other activities including incoming wires. There is automated balance reporting for all accounts reflecting collected and ledger balances, as well as viewing access of paid checks and deposited items. Deposit & Activity Reporting is retained on the new system for 18 months. Enhanced Administration features allow the profile Administrator to manage all aspects of existing users, including, but not limited to, the ability to assign and clone account privileges, set specific payment approval parameters, and pull user activity reports.

*As a special offering, Union agrees to upgrade the Town's current Business eBanking profile to Premium Reporting at no additional cost for the full 5 year term of the contract. Premium Reporting includes the Returned Checks Report, which provides online access to images, details and dates of returned check items. Other enhancements include Forecast Balances and managing saved searches for specific transaction types.

Business eBanking provides the Town with a single sign on tool for several cash management products, including ACH Transactions, Wire Transfers, Positive Pay, and ACH Positive Pay. Union can accommodate custom reporting based on the Town's needs, and there may be additional implementation and monthly fees for this service based on the Town's request. The Mobile App allows account viewing, internal transfer, ACH and Wire approvals, decisioning positive pay exception items and mobile check deposit (limited to \$50k).

Online Statements & Reconciliation

Union provides bank statements online via the Business eBanking portal. These statements are easily accessible as a reporting function and are housed on the system for 4 years. Paper statements can be accommodated along with access to the electronic statements. Account Analysis statements are paper

only through the mail, but Union anticipates adding Account Analysis statements to the online platform by EOY 2019.

Union also offers several account reconciliation products, including Full Account Recon, Partial Account Recon, and Deposit Account Recon. Reconciliation products allow the Town to enter or import check issues, then generate outstanding and paid check reports to export and match to your accounting software for reconciliation purposes. These products can be added to the Town's existing Business eBanking profile, and relevant pricing is provided in this proposal.

Stop Payments

Business eBanking provides online Stop Payment capabilities and access to Stop Payment orders. The Town can stop a single check or a range of checks with a minimum requirement of the check's number and date. Existing Check Payment Stops can be researched and pulled as a report via the online system.

Check Positive Pay & ACH Positive Pay

Union offers several products to combat the ever growing threat of check and electronic payment fraud, and we recommend the Town implements these services as protective measures and shields from fraudulent activity. Check Positive Pay is the most powerful tool available to combat check fraud, and it monitors each check presented to the Town and matches it to a list of known issued checks uploaded via the Business eBanking portal. This check-issue file is sent each time the Town distributes a check, and this file is either a simple comma-delimited file or a fixed-position file from your accounting software.

Outstanding checks will be compared by check number, issue date, and dollar amount. There is also the option of adding the "payee name" to the process as an additional measure of verification. If there is a discrepancy between the uploaded items and items presented to the Bank for payment, the Town will be notified and log into Business eBanking, view the exception item in question, and choose to pay or return before 10:30 AM ET. If this deadline is missed, the default decision of pay or return will determine the exception. Voids and cancellations of imported items are easily accomplished through this application, which can act as a replacement for ordering stop payments.

For electronic payments, Union offers ACH Positive Pay to combat ACH debit fraud. With this product, the Town provides Union a list of companies authorized to electronically debit accounts. If an unauthorized company attempts a payment, the Town will be notified via Business eBanking and will have the ability to log in and "decision" the item for pay or return before 3:00 PM ET. Both Check and ACH Positive Pay pricing are quoted in the contents of this proposal.

Wire Transfers

Union's Business eBanking offers the ability to initiate online wire payments, both USD and foreign exchange. These wires can be set up as either repetitive or non-repetitive, and wire templates are conveniently saved within the system for future use. Enhanced approval workflows allow for wires to be sent via dual control and/or up to 4 additional approvals, similar to ACH transactions. Wires are transmitted with the use of security tokens, and the cutoff time is 5:00 PM ET.

ACH Transactions

Through the Business eBanking portal, Union provides the ability to initiate ACH transactions, State and Federal tax payments. These ACH transactions can be set up as on time or recurring payments with enhanced approval workflows for dual control. Union accepts free form ACH payments,

payments sent through manually created templates, and uploaded ACH files in the standard NACHA file format. ACH transactions are transmitted with the use of security tokens, and the cutoff time for next day ACH is 5:00 PM ET. ACH transactions and detailed notices of ACH deposits are provided to the Town within 24 hours.

As a potential value-added service, Union agrees to provide the Town with EDI Reporting for no additional cost during the full 5 year term of the contract. EDI Reporting allows the Town to view detailed addenda information for incoming ACH payments, and this report can be pulled daily via the Business eBanking system.

Controlled Disbursements

Union does not offer Controlled Disbursements services.

Sweep Accounts

Union offers several Sweep Account options, which include Zero Balance Accounts, Line of Credit Sweeps, and Maximum Sweep Investment Accounts. Zero Balance Accounts are designed to allow separate bank accounts for disbursements and/or deposit activity while retaining centralized control. Line of Credit Sweeps allows the transfer of funds between a Line of Credit to an Operating Account to reduce credit line balances and lower interest expense.

Union recommends that the Town continues to use a Maximum Sweep Investment Account. This seamless cash management solution provides a way for you to earn interest on the idle balances in your checking account, provides competitive yields, and is convenient to use. Your deposits are always kept at the Bank - they are not swept to an account outside the U.S. or to an uninsured money fund. The Town's cash will remain totally liquid, and the sweeps will provide seamless integration with the other business checking accounts.

Union's rate history and new offering specific to the Town are found under the "Pricing & Rates" section of this proposal.

Collateralized Departments

Union will collateralize all deposits per the collateral requirements of the Commonwealth of Virginia, and secure the Town's deposits consistent with the Code of Virginia. Union did not elect to withdraw, or "opt-out", from Code of Virginia 2.2-4403 and from the collateral pool imposing contingent liability. The "Public Funds Disclosure" found on the last page of this proposal outlines Union's procedures to insure compliance with relevant requirements and collateralization.

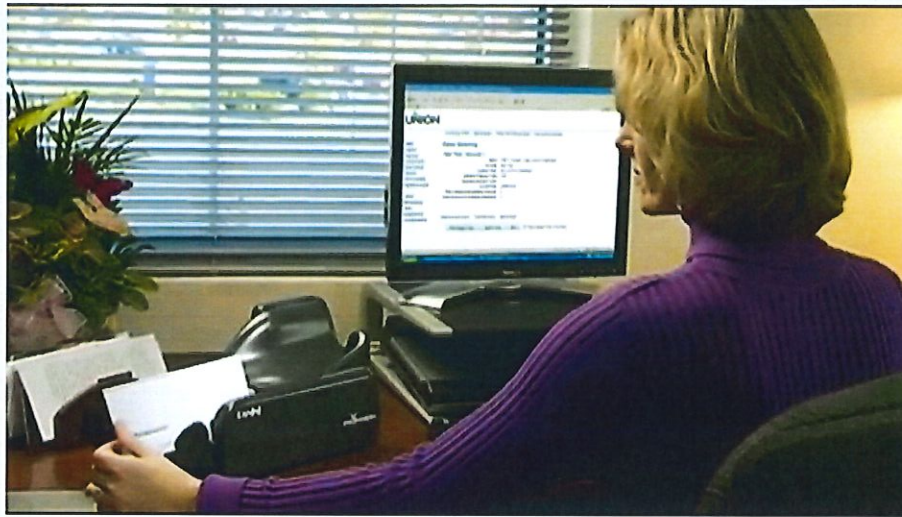
Direct Deposit of Payroll Checks

Through the ACH module on the Business eBanking system, the Town can confidently upload ACH files for the use of payroll direct deposit.

Remote Deposit Capture

Union recommends the Town utilizes Remote Deposit Capture as an enhancement for the collection of the Town's check payments. This product allows the Town to deposit checks electronically whenever they arrive or whenever convenient for the staff, all with the goal of improving cash flow by making funds available sooner and increasing efficiency by reducing trips to the Branch and photocopying checks. Using a small desktop scanning device, the Town can scan and transmit deposits by 5 PM ET and the account gets credited the same day.

The device will capture the front and back image of each check with one pass, correct individual check amounts to ensure a balanced deposit, and automatically prepare deposits and verify image quality before the transmission is sent. The Town will receive deposit confirmation via email, and images are stored locally for research purposes for up to 2 years. Steve Hickman will work with the Town to implement this service, which includes the shipment of the scanner(s), training for the staff, and remote installation of software.



Lockbox Payments

Union Bank & Trust via Deluxe can provide the Town with a state of the art lockbox solution. Lockbox can help the Town gain control over accurate payment processing and allows you to redeploy staff, who were once dedicated to running to the Branch to make a deposit.

The Town's clients mail their payments to a designated PO Box. Then, the mail is picked up from the box multiples times a day, checks are deposited into the account, and the Town receives deposit information to update records. The PO Box address would be in Charlotte, NC. Please note that the deposits would reside with the Town, and we expect additional float time of one day. Union can provide the Town with all images of processed checks, remittance stubs and other required associated documents daily, weekly or monthly. The images can be provided either through the Web Online archive, Receivables360, which is made available to the Town and/or via an image transmission file for the Town's use and storage. Either of these solutions is available for meeting this requirement.

As for electronic payment detail, we scan all contents of the envelope, and can scan the envelope itself if that is a requirement. Payment and Remittance data is available for making Posting files (aka, AR Extracts). Payment and Remittance data, and scanned images, are available via our internet-accessible Receivables360 Online system. If Posting Files are wanted, we can deliver them to Receivables360 Online or via Secure FTP. Receivables360 Online shows the daily lockbox advice information. Reports can be delivered via secure email, too, but most use Receivables360 Online for its convenience and search capabilities.

The Deluxe Lockbox platform is recognized in the financial payment processing industry for robust remittance processing and lockbox services. Originally designed as the first full-featured and image-based receivables processing system, the application has been in production since 1994 and has evolved into the most feature-rich and scalable platform in the marketplace. The Deluxe Receivables360 Online archive allows bank customers to view deposit totals, view transaction images,

and search for payments by standard check fields and custom data entry fields. Deluxe Treasury Services hosts and manages Receivables360 Online in a world class data center.

Remote Remittance Capture

Remote Remittance Capture, or "Local Lockbox", would allow the Town to utilize many of the benefits of a traditional Lockbox but keep a local Front Royal PO Box for clients to mail payments. With Local Lockbox's remote remittance feature, you have the ability to scan and capture data in-house from the remittance coupon that is needed for your client's check payments. During the scanning process, data is captured from the coupon's OCR scan line and the check payment can be exported to update the Town's records and system.

The bank-certified check-image scanner would be located right in your office, similar to Remote Deposit Capture, but would allow the scanning of both checks and payment coupons to capture detailed information. The Town will have access to reports of all payment coupons and checks for deposits, and the capability to export those details to update internal systems. Steve Hickman will work with Town to discuss both traditional Lockbox and Remote Remittance Capture in more detail and implement the products if the Town decides to move forward.

Basic pricing for both services are provided in this proposal, but additional fees may apply since its custom-priced based on needs and volumes.

Credit and Debit Card Transactions

Union offers Credit Card programs and Debit Cards for the Town's use. The Front Royal Branch will continue to provide support for these two products, including the issuance of new cards at the Town's request.

For payment processing and merchant services, Union partners with one of the industry's leading credit and debit card processors, TSYS. They have 30+ years of experience and are A+ rated the BBB. TSYS offers EMV-compatible POS terminal processing, internet-based processing and mobile processing. Union also partners with Elan Financial Services to provide clients with full serviced Purchasing Card Programs. Steve Hickman can arrange meetings between the Town and these local representatives upon request.

Armor Transport Courier Service

Union partners with Brinks Inc to receive our significant clients' cash deposits. Brinks is the world's largest cash management company with over 105+ years of experience. If the Town wishes to utilize Armor Transport and Cash Vault Services, Steve Hickman, in close partnership with the Front Royal Branch and Brinks, will guide the conversations around implementation. Pricing for this service is custom and not enclosed within this proposal, since it will require further discussion between Union and the Town after the contract is awarded.

Custodial/Trust Services

Union, through our Trust & Asset Management department, can accommodate all of the Custodial/Trust requirements laid out by the Town on page 7 of the RFP. The Town will continue to enjoy the investment services provided by this Union team.

Implementation of Services

Your Union Relationship Team is committed to providing unmatched customer service at every point

of contact, and this will be apparent during the processes of implementing new services. As an existing Union client, you will continue to use the products utilized today without any interruptions moving into a renewed contract. Steve Hickman will lead the efforts implementing the recommended services listed above, in close partnership with Tammi Privott and the Treasury Services Support team, to ensure a smooth and timely transition. This includes coordinating and preparing agreements for signatures, product training for your staff, file testing (when applicable), and the shipment & installation of equipment. Below are some specific timelines to give an idea of implementation for specific products:

- Remote Deposit Capture can be active within 7-10 business days after receiving the completed documentation.
- Positive Pay, ACH Positive Pay, and Reconciliation Services can be active within 7-10 business days after receiving completed documentation.
- Lockbox and Remote Remittance Capture can be active within 60-70 days business days after receiving completed documentation.

7D



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

Page 1
Item No. 7(D)

Meeting Date: April 8, 2019

Agenda Item: COUNCIL APPROVAL – Renewal of Tower Site Lease Agreement for Shentel

Summary: Shenandoah Personal Communications, LLC, dba Shentel, currently under lease with the Town for use of the Town's Fairgrounds Road water tank and "floor space", through October 31, 2019, has proposed a "Third Amendment to Tower Site Lease Agreement" for four (4) additional five (5) year renewal terms, with the first five (5) year term commencing November 1, 2019, and with each successive five (5) year renewal term to be approved by the Town in its sole and absolute discretion. Shentel is currently paying \$2,750.00 per month. The agreement provides for an automatic ten percent (10%) increase in rent upon the commencement of each renewal term. Council is requested to approve the renewal of the Tower Site Lease Agreement with Shentel as recommended by Staff.

Budget/Funding: None

Attachments: Lease

Meetings: April 1, 2019 Work Session

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 approval of the "Third Amendment to Tower Site Lease Agreement", providing for as many as four (4) additional five (5) year terms, with the first five (5) year term commencing November 1, 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



February 26, 2019

Via UPS

Joseph E. Waltz, Town Manager
Town of Front Royal
102 E. Main Street
Front Royal, VA 22630

RE: Extension of Tower Site Lease Agreement dated October 14, 1999, between the Town of Front Royal, Lessor, and Shenandoah Personal Communications Company (now Shenandoah Personal Communications, LLC, "Shentel"), Lessee; as renewed by First Renewal of Tower Site Lease Agreement dated February 23, 2004; Second Renewal dated May 26, 2009 and Third Renewal by Letter Agreement dated September 11, 2013, and as amended by Amendment to Tower Site Lease Agreement-Second Renewal dated January 17, 2013 and Second Amendment to Tower Site Lease Agreement-Second Renewal dated April 1, 2014 (collectively, the "Lease") for PCS Cell Site located on Water Tank at 395 Fairgrounds Road, Front Royal, VA 22630 Shentel Site 03158 Nineveh

Dear Mr. Waltz:

The Lease referenced above will expire on the 31st day of October, 2019. Shentel desires to remain at this location and would like to extend the Lease for four (4) additional five (5) year renewal terms.

Enclosed for your review is a draft Third Amendment which will extend the term of the Lease for four (4) additional five (5) year renewal terms and update the paragraphs in regard to rent and notice addresses.

Please contact me as soon as possible either by email at Diane.Lafever@emp.shentel.com or by telephone at (540) 984-5806, so that we can discuss this matter.

We look forward to continuing our business relationship with you. Thank you for your assistance.

Sincerely yours,

Diane H. LaFever
Leasing Coordinator

cc: George M. Sonnett, Jr., Esquire
Assistant Town Attorney
Town of Front Royal
P.O. Box 1560
Front Royal, VA 22630



THIRD AMENDMENT TO TOWER SITE LEASE AGREEMENT

THIS THIRD AMENDMENT TO TOWER SITE LEASE AGREEMENT ("Third Amendment") is made and entered into as of this _____ day of _____, 2019, by and between the TOWN OF FRONT ROYAL, a Virginia municipal corporation, as "Lessor", and SHENANDOAH PERSONAL COMMUNICATIONS, LLC, a Virginia limited liability company, of Post Office Box 459, 500 Shentel Way, Edinburg, VA 22824, as "Lessee".

WITNESSETH:

WHEREAS, Lessor and Lessee entered into a Tower Site Lease Agreement dated October 14, 1999, as renewed by First Renewal of Tower Site Lease Agreement dated February 23, 2004; Second Renewal dated May 26, 2009 and Third Renewal by Letter Agreement dated September 11, 2013; and as amended by Amendment to Tower Site Lease Agreement-Second Renewal dated January 17, 2013 and Second Amendment to Tower Site Lease Agreement-Second Renewal dated April 1, 2014 (collectively, the "Lease"); and

WHEREAS, pursuant to the Lease, Lessee leases from Lessor certain property located at 395 Fairground Road, Front Royal, Warren County, Virginia ("Leased Premises"); and

WHEREAS, Lessee has requested to extend the term of the Lease upon the completion of the final Renewal Term on October 31, 2019 and as described in the Lease; and

WHEREAS, Lessor and Lessee have mutually agreed to amend the terms of the Lease, subject to the terms and conditions hereof.

NOW, THEREFORE in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

(1) Section 2(a) of the Lease shall be amended to provide that this Lease may be renewed, upon written request by the Lessee and written agreement by the Lessor, for seven (7) successive additional five-year terms (the "Renewal Term"). Such written request shall be made by the Lessee on or about the fourth anniversary of the Lease or extension thereof, as the case may be. Lessor, in its sole discretion, shall approve or deny the request for extension within sixty (60) days. Failure to act within sixty (60) days shall constitute denial. It is agreed that upon execution of this Third Amendment this Lease will renew for the Renewal Term commencing as of November 1, 2019 and ending on October 31, 2024.

(2) Lessee agrees to pay Lessor, in advance, commencing November 1, 2019, monthly rent in the amount of Three Thousand Twenty-Five Dollars (\$3,025.00). For each Renewal Term thereafter, should Lessee and Lessor choose to exercise their option to renew, rent for each Renewal Term will be the monthly rent in effect for the final year of the then current term increased by ten percent (10%)

(3) The addresses set forth in Section 14 of the Lease shall be amended as follows:

Lessor:

Town Manager
Town of Front Royal
103 East Main Street
Front Royal, VA 22630

Lessee:

Shenandoah Personal Communications, LLC
ATTN: Lease Administrator
P.O. Box 459
500 Shentel Way
Edinburg, VA 22824

With copy to:

Shenandoah Personal Communications, LLC
ATTN: General Counsel
P.O. Box 459
500 Shentel Way
Edinburg, VA 22824

(4) All other terms, conditions, covenants and responsibilities set forth in the Lease not specifically amended herein, are hereby ratified and affirmed and shall continue to be in full force and effect.

WITNESS the following signatures and seals:

LESSOR:

TOWN OF FRONT ROYAL
A Virginia Municipal Corporation

BY: _____ (SEAL)

Name: _____

Title: _____

LESSEE:

SHENANDOAH PERSONAL COMMUNICATIONS, LLC
A Virginia Limited Liability Company

BY: _____ (SEAL)

William L. Pirtle, Senior Vice President, Sales and Marketing

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 8

Meeting Date: April 8, 2019

Agenda Item: PUBLIC HEARING – To Receive Public Comments/Concerns and Approve an Ordinance to Vacation a Portion of an Alley - 208 W Duck St – Jerry Bell, Jr. (*1st Reading*)

Summary: Council is requested to receive comments and concerns from the public pertaining to the proposed vacation of a public right-of-way that includes the end portion of a twenty-five (25) foot alley located to the rear and adjacent to 208 W. Duck Street and owned by Jerry Bell, Jr. Council approved a similar vacation of the same alley to Mr. Bell in December 2017; however, after further review Mr. Bell realized that he needed more of the alley than originally indicated in his request in 2017. Due to this oversight Mr. Bell is coming back before Council to request more of the alley. If approved, the original approved 2017 ordinance will be null and void.

Budget/Funding: None

Attachments: Proposed Ordinance, 2017 Ordinance, Application

Meetings: Work Session held March 4, 2019

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading an ordinance to conditionally vacate a public right-of-way that includes the end portion of a twenty-five (25) foot alley located to the rear and adjacent to 208 W. Duck Street and owned by Jerry Bell, Jr.; and to rescind the ordinance approved December 11, 2017.

*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 CONDITIONALLY VACATE A PORTION OF THE
TOWN OF FRONT ROYAL'S RIGHT-OF-WAY FOR AN ALLEY NEAR
208 WEST DUCK STREET IN THE TOWN OF FRONT ROYAL, VIRGINIA.**

WHEREAS, the Town Council of the Town of Front Royal, Virginia, has received a request from Jerry A. Bell, Jr., who resides at 208 West Duck Street in said Town, to conditionally vacate a portion of the Town's unimproved, and unused by the public, alley located on the South Side of the lot owned by Jerry A. Bell, Jr., Parcel 11C (**Tax Map # 20A11-4** Parcel 11C, per Inst. # 010008060 Zoned R-2), and on the north side of the lot owned by Jerry A. Bell, Jr., Parcel 10 (**Tax Map # 20A11-4** Parcel 10, Per Inst. # 0110007953 Zoned R-2), and partially along the north side of the lot owned by Michael W. Peters, Parcel 11 (**Tax Map 20A11-4** Parcel 11 Per Inst. # 120004498 Zoned R-2) in said Town, as shown on that certain plat titled "SURVEY OF A PORTION OF A 25' WIDE ALLEY PER PLATE RECORDED IN DEED BOOK R PAGE 180 NORTH RIVER MAGISTERIAL DISTRICT **TOWN OF FRONT ROYAL WARREN COUNTY, VA.**, prepared by Brogan Land Surveying, PLC, Joseph G. Brogan, Jr., Land Surveyor, dated April 6, 2018, hereinafter referred to as the "Plat", in said Town, more particularly described as that portion of said alley which is 165.00' (one hundred sixty-five feet) long along a course S 65°00'00" E from its point of beginning at the South and West end of Parcel 11C to the South and East end of Parcel 11C of said Jerry A. Bell, Jr., with said alley being vacated having a width of 25.14' (twenty-five and fourteen-one hundredths feet)) for a total area of alley being requested to be vacated in favor of Jerry A. Bell, Jr. as shown on said Plat being 4,125 SQ.FT. (four thousand one

hundred twenty-five square feet), said alley shown on said Plat requested to be vacated by the said Jerry A. Bell, Jr., being referred to as the “Alley”.

WHEREAS, the said Jerry Bell, Jr., has further requested that the Town to convey the Alley to him.

WHEREAS, the said Town Council and its Staff have investigated said requests and have found that the Alley requested for vacation and conveyance is not used by the Town or its citizens for public rights-of-way, and contains no public Town utility easements or other public improvement; and

WHEREAS, pursuant to the Town’s ordinance and standard procedures for said requests, and as required by Sections 15.2-2006, *et seq.*, and 15.2-2100, *et seq.*, of the Code of Virginia, 1950, a required \$100.00 application fee has been collected and paid into the Town’s General Fund; letters of this proposed vacation have heretofore been sent to property owners who are effected by the proposed vacation and conveyance; the Town Manager and the aforesaid applicant have reached a price for the Part of Alley to be conveyed; and the Town has appointed a Viewer’s Committee who have personally reviewed the area to be vacated and conveyed and who have filed a written Report with the Town recommending the vacation and conveyance; and, after conducting a duly advertised Public Hearing on the said vacation and conveyance, Town Council now finds it appropriate and in the best interests of the Town to adopt this Ordinance and to hereby vacate and convey the Alley to the said Jerry A. Bell, Jr., upon the terms and conditions hereinafter specified.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Front Royal, Virginia, that the following portion of the Town's unimproved, and unused by the public, alley, being the Alley as shown on the Plat aforesaid, is hereby conditionally vacated, on conditions and terms hereinafter described, and when said terms and conditions are satisfied, said Alley will be unconditionally conveyed to the said Jerry A. Bell, Jr.

AND BE IT, FURTHER, ORDAINED AND ENACTED that this vacation is conditioned upon the said Jerry A. Bell, Jr. obtaining the recordation of said Plat at the expense of the Jerry Bell, Jr., and to be filed in the land records of the Circuit Court of Warren County, Virginia; and the Town Manager, Finance Director, and Planning Director shall, if appropriate, sign and thereby approve the aforesaid plat of survey, and that the Town Attorney shall forthwith prepare a good and sufficient Special Warranty Deed for the Alley, to be signed on behalf of the Town Council by the Mayor, with the Town's Official Seal to be thereunto affixed and attested to by the Clerk of Town Council, and with a copy of the said approved Plat to be a part thereof, as well as an attested copy of this Ordinance, and that the said Town Attorney shall further, upon receipt of payment in the amount of Three Thousand Five Hundred Dollars (\$3,500.00), plus the costs to advertise the Public Hearing, deliver the deed for the Alley;

Upon vacation and conveyance of the Alley, the Alley so vacated and conveyed hereby will become an integral part of [REDACTED] said for all purposes and shall not be conveyed separately from the Property and shall not be a separate building lot.

AND BE IT, FURTHER, ORDAINED AND ENACTED that, if the aforesaid proof of recordation and said sums are not delivered to the Town Attorney within one (1) year from the date of the adoption of this Conditional Ordinance by the said Jerry Bell, Jr., he shall report same to this Council, and this Conditional Ordinance shall be void.

Upon payment of said sum and recordation of said deed and plat according to this Conditional Ordinance, the conditions to this Ordinance shall expire, and this Ordinance and conveyance shall thereupon become Unconditional.

This Ordinance shall be effective upon passage.

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on _____, 2019, upon the following recorded vote:

APPROVED:

Hollis L. Tharpe, Mayor

Town Council Members:

Attest:

Gary L. Gillespie _____
Chris W. Holloway _____
Jacob L. Meza _____

William A. Sealock _____
Eugene R. Tewalt _____
Letasha T. Thompson _____

Attest:

Jennifer E. Berry, CMC, Clerk of Council
Approved as to form:

Douglas W. Napier,
Town Attorney

Date

A public hearing on the above was held on _____, 2019, having been advertised in the Northern Virginia Daily on _____ and _____, 2019. The Ordinance was enacted at the regular meeting of the Town Council held _____, 2019.

DRAFT



VACATION OF STREETS AND ALLEY and OTHER TOWN RIGHTS-OF-WAYS APPLICATION

APPLICANT INFORMATION

(please print)

Name Jerry A. Bell, Jr.

Mailing Address 208 West Duck St.
Front Royal, VA 22630

Phone # 703-946-5226 E-mail jeryabell@gmail.com

☒ \$100.00 Application Fee Paid (cash, card, check)

VACATION INFORMATION

Description (please select all that apply)

☐ Street/Portion of Street

☒ Alley/Portion of Alley

☐ Other (please specify) _____

165' X 25.14
4,125 sq ft.

Location 208 W. Duck St. (TM#20A114 11C) is located along
the north side of W. Duck St. between the intersections with
Rugby St. and Forest Hill Dr. Subject alley behind 208 W. Duck St.

Reason for request Vacation of public right-of-way, that includes
the end portion of a 25-foot wide alley.

☒ Current Plat Attached Showing Property to be Vacated

Applicant's Signature Date 1/18/2019

Completed application shall be returned by mail or delivery to:

Town Manager's Office, Town Hall, 102 E. Main Street, P.O. Box 1560, Front Royal, VA 22630

Additional Information: Town Manager's Office (540)635-8007, Monday-Friday, 8:00am – 5:00pm

Revised 11/2/17

NORFOLK - SOUTHERN RAILROAD
66' WIDE

33' WIDE UNIMPROVED STREET PER PLAT IN D.B. R/180

PER PLAT IN SLIDE 176 F
SCALE 1" = 40'

T.M. 20A11-4 PARCEL 11D
SANDI J. THARPE, WALTER S. KNAVE, SR. AND HELEN M. KNAVE
PER INST. # 130003359 ZONED R-2

T.M. 20A11-4 PARCEL 11C
JERRY A. BELL, JR.
PER INST. # 010008060
ZONED R-2

T.M. 20A11-4 PARCEL 10
JERRY A. BELL, JR. PER INST. # 970005708
PAGE K. HENSON, JR. PER INST. # 970005708
ZONED R-2

25' WIDE UNIMPROVED ALLEY
PER DEED BOOK R/180
TO DUCK STREET

N 19°00'05" E

S 65°00'00" E 165.00'

25' WIDE ALLEY

A = 4,125 SQ. FT.

N 65°00'00" W 165.00'

T.M. 20A11-4 PARCEL 11
MICHAEL W. PETERS
PER INST. # 120004498
ZONED R-2

T.M. 20A11-4 PARCEL 10
JERRY A. BELL, JR.
PER INST. # 010007953
ZONED R-2

S 19°00'05" W

25.14' 0.8'N.

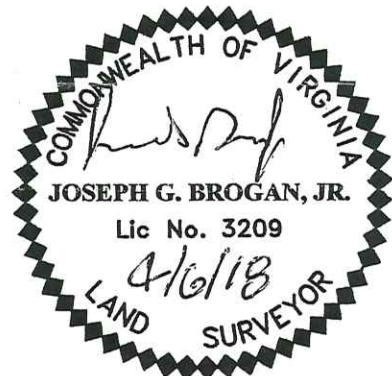
- DENOTES PIN SET.
- DENOTES EXISTING PIN OR PIPE.

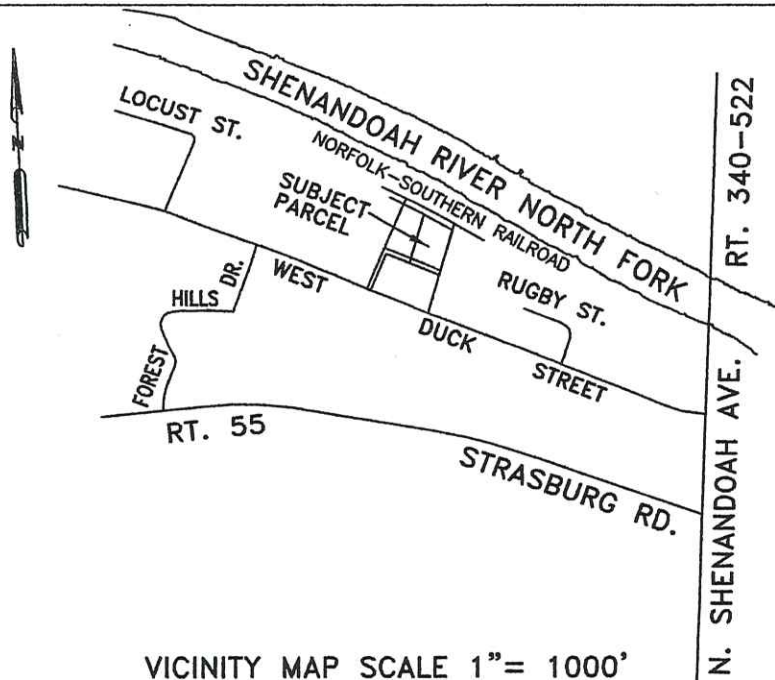
NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

SUBJECT ALLEY SITUATED OUTSIDE THE LIMITS OF THE FEMEA FLOOD ZONE.

SURVEY OF A PORTION OF A
25' WIDE ALLEY PER PLAT
RECORDED IN DEED BOOK R PAGE 180
NORTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
APRIL 6, 2018





APPROVED BY THE TOWN OF FRONT ROYAL

ALL TOWN TAXES HAVE BEEN PAID AND RELEASED.

FINANCE DIRECTOR

DATE

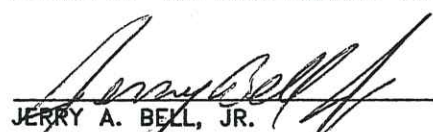
PLANNING DIRECTOR

DATE

TOWN MANAGER

DATE

THIS PLAT WAS MADE WITH THE FREE CONSENT AND
DESIRE OF THE UNDERSIGNED OWNER.


JERRY A. BELL, JR.

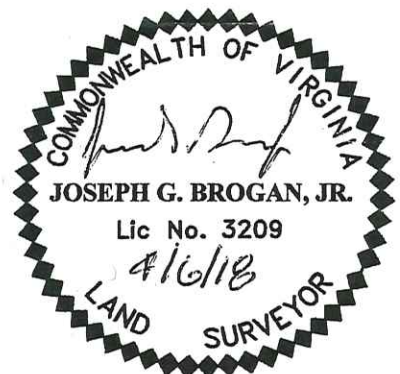
ACKNOWLEDGED BEFORE ME THIS 10 DAY OF May 2018.

MY COMMISSION EXPIRES 3/31/20


NOTARY 173578

BOUNDARY LINE ADJUSTMENT BETWEEN
TAX MAP 20A11-4 PARCEL 11C AND
25' WIDE VACATED ALLEY PER PLAT
RECORDED IN SLIDE 176-F
NORTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

SHEET ONE OF TWO



PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
APRIL 6, 2018

**AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF THE
TOWN OF FRONT ROYAL'S RIGHT-OF-WAY FOR AN ALLEY NEAR
208 WEST DUCK STREET IN THE TOWN OF FRONT ROYAL, VIRGINIA.**

WHEREAS, the Town Council of the Town of Front Royal, Virginia, has received a request from Jerry Bell, Jr., who resides at 208 West Duck Street in said Town, to conditionally vacate a portion of the Town's unimproved, and unused by the public, alley located on the north side of his lot (**Tax Map # 20A114 11B**, street address 208 West Duck Street, Lot 5A-1 in said Town, as shown on that certain plat titled "Plat of Boundary Line Adjustment for Lot 5A-1, A Portion of Lots 5 and 6 of the Riverton Lots for Richard McCoy", dated September 5, 1991, prepared by Darry G. Merchant, L. L. S., which is of record in the Clerk's Office of the Circuit Court of Warren County, Virginia, in Slide Book 160 at Page H, hereinafter referred to as the "Property"), in said Town, more particularly described as that portion of said alley which is located directly adjacent to and to the north of the Property, the portion to be vacated beginning on the West side of the Property and the boundary line of the parcel identified as **Tax Map # 20 A 114 11**, and terminating on the East side of the Property at the boundary line of the parcel identified as **Tax Map # 10A114 10**, each line of beginning and ending across said alley to be a straight line continuing from the West and East sides, respectively, of the Property across said alley as if the Property originally had been created longer in a north-south direction in the width of the alley, and such that, after said portion of said alley is vacated, the Property will now be directly be bounded to the north by the lot described as **Tax Map # 20A114 11C**, said portion of alley requested to be vacated to hereinafter referred to as "Part of Alley", said Part of Alley being approximately 97.79 feet long in an East-West length and approximately 25 feet wide in a North-South width.

WHEREAS, the said Jerry Bell, Jr., has further requested that the Town to convey the Part of Alley to him.

WHEREAS, the said Town Council and its Staff have investigated said requests and have found that the Part of Alley requested for vacation and conveyance is not used by the Town or its citizens for public rights-of-way, and contains no public Town utility easements or other public improvement; and

WHEREAS, pursuant to the Town's ordinance and standard procedures for said requests, and as required by Sections 15.2-2006, *et seq.*, and 15.2-2100, *et seq.*, of the Code of Virginia, 1950, a required \$100.00 application fee has been collected and paid into the Town's General Fund; letters of this proposed vacation have heretofore been sent to property owners who are effected by the proposed vacation and conveyance; the Town Manager and the aforesaid applicant have reached a price for the Part of Alley to be conveyed; and the Town has appointed a Viewer's Committee who have personally reviewed the area to be vacated and conveyed and who have filed a written Report with the Town recommending the vacation and conveyance; and, after conducting a duly advertised Public Hearing on the said vacation and conveyance, Town Council now finds it appropriate and in the best

interests of the Town to adopt this Ordinance and to hereby vacate and convey the Part of Alley to the said Jerry Bell, Jr., upon the terms and conditions hereinafter specified.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Front Royal, Virginia, that the following portion of the Town's unimproved, and unused by the public, alley, being the Part of Alley aforesaid, more particularly described as located on the north side of his lot (**Tax Map # 20A114 11B**, street address 208 West Duck Street, Lot 5A-1 in said Town, as shown on that certain plat titled "Plat of Boundary Line Adjustment for Lot 5A-1, A Portion of Lots 5 and 6 of the Riverton Lots for Richard McCoy", dated September 5, 1991, prepared by Darry G. Merchant, L. L. S., which is of record in the Clerk's Office of the Circuit Court of Warren County, Virginia, in Slide Book 160 at Page H, hereinafter referred to as the "Property"), in said Town, more particularly described as that portion of said alley which is located directly adjacent to and to the north of the Property, the portion to be vacated beginning on the West side of the Property and the boundary line of the parcel identified as **Tax Map # 20 A 114 11**, and terminating on the East side of the Property at the boundary line of the parcel identified as **Tax Map # 10A114 10**, each line of beginning and ending across said alley to be a straight line continuing from the West and East sides, respectively, of the Property across said alley as if the Property originally had been created longer in a north-south direction in the width of the alley, and such that, after said portion of said alley is vacated, the Property will now be directly be bounded to the north by the lot described as **Tax Map # 20A114 11C** (hereinafter referred to as "Part of Alley"), said Part of Alley being approximately 97.79 feet long in an East-West length and approximately 25 feet wide in a North-South width.

Are hereby conditionally vacated, on conditions and terms hereinafter described, and when said terms and conditions are satisfied, said Part of Alley will be unconditionally conveyed to the said Jerry Bell, Jr.

AND BE IT, FURTHER, ORDAINED AND ENACTED that this vacation is conditioned upon the said Jerry Bell, Jr. obtaining a plat and survey of the Part of Alley, said plat and survey to be prepared by a licensed Virginia Land Surveyor, said plat of survey to be obtained at the expense of Jerry Bell, Jr., and the recordation thereof at the expense of the Jerry Bell, Jr., and to be filed in the land records of the Circuit Court of Warren County, Virginia; and the Town Manager and Town surveyor shall, if appropriate, sign and thereby approve the aforesaid plat of survey, and that the Town Attorney shall forthwith prepare a good and sufficient Special Warranty Deed for the Part of Alley, to be signed on behalf of the Town Council by the Mayor, with the Town's Official Seal to be thereunto affixed and attested to by the Clerk of Town Council, and with a copy of the said approved plat of survey to be a part thereof, as well as an attested copy of this Ordinance, and that the said Town Attorney shall further, upon receipt of payment in the amount of Two Thousand Five Dollars (\$2,500.00), plus the costs to advertise the Public Hearing, deliver the deed for the Part of Alley;

Upon vacation and conveyance of the Part of Alley, the Part of Alley so vacated and conveyed hereby will become an integral part of said Property (Lot 5A-1) for all purposes and shall not be conveyed separately from the Property and shall not be a separate building lot.

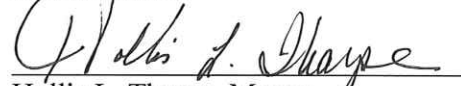
AND BE IT, FURTHER, ORDAINED AND ENACTED that, if the aforesaid plat and survey and said sums are not delivered to the Town Attorney within one (1) year from the date of the adoption of this Conditional Ordinance by the said Jerry Bell, Jr., he shall report same to this Council, and this Conditional Ordinance shall be void.

Upon payment of said sum and recordation of said deed and plat and this Conditional Ordinance, the conditions to this Ordinance shall expire, and this Ordinance and conveyance shall thereupon become Unconditional.

This Ordinance shall be effective upon passage.

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on 12-11-, 2017, upon the following recorded vote:

APPROVED:


Hollis L. Tharpe, Mayor

Town Council Members:

John P. Connolly Y
Jacob Meza Y
Christopher Morrison Y

Gary Gillispie Y
William A. Sealock Y
Eugene R. Tewalt Y

Attest:


Jennifer E. Berry, CMC, Clerk of Council

Approved as to form:

 12-11-2017
Douglas W. Napier, Date
Town Attorney

A public hearing on the above was held on 11-27, 2017, having been advertised in the Northern Virginia Daily on 11-11 and 11-18, 2017. The Ordinance was enacted at the regular meeting of the Town Council held 12-11-, 2017

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 9

Meeting Date: April 8, 2019

Agenda Item: PUBLIC HEARING – Ordinance Amendment to Town Code Chapter 12-2 and 175-137 Pertaining to FEES (*1st Reading*)

Summary: Council is requested to affirm on its first reading an ordinance to amend Town Code Chapter 12-2 (FEES) and 175-137 (FEES, CHARGES, EXPENSES) as presented. The highlights of these revisions include:

Chapter 12: Implementing a fee of \$25.00 for 3rd and subsequent requests for Data Logs from a Water Meter within 12 months.

Chapter 175-137: Including a \$25.00 application fee for ALL fence permits

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held March 18, 2019

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council affirm on its first reading an ordinance amendment to Town Code Chapter 12-2 (FEES) and 175-137 (FEES, CHARGES, EXPENSES) 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

Chapter 12

FEEES

Sections:

12-1 ENERGY SERVICES FEES

12-2 ENVIRONMENTAL SERVICES PUBLIC WORKS FEES

12-3 FINANCE FEES

12-4 PLANNING AND ZONING FEES

12-5 POLICE DEPARTMENT FEES

12-6 MISCELLANEOUS FEES

12-1 ENERGY SERVICES FEES

Electric Meter Inspections (two within 12 mo.)	No Charge
Electric Meter Inspection within 12 months	\$50.00 for the 3 rd and subsequent
Installation of Pole for Dusk-to-Dawn Light	\$150.00
Temporary Electrical Service not to exceed 100 amperes in capacity and requiring one service drop	\$65.00
Temporary Electrical Service for larger residential and commercial services	See Chapter 70-23(F) in Town Code
Underground Utility Inspection	\$50.00 per inspection

12-2 ENVIRONMENTAL SERVICES PUBLIC WORKS FEES

After hours shut-off calls (water)	\$30.00
Construction Specifications	\$15.00
Data Log Obtained from a Water Meter within 12 months	\$25.00 for the 3rd and subsequent
Excavation for Sewer Clean Out Installation	\$150.00 per hour
Freon Removal (white goods commercial or residential)	\$15.00
Grease Trap Inspection (3 rd and all subsequent)	\$50.00 per inspection
On-Call Refuse Collection	Can be found in §85-3(E) of the Town Code
Recreational Vehicle Septic Tank Dump	\$17.50 each
Right-of-Way Utilization Fee	\$25.00 plus bond and insurance
Septic Tank Waste	\$50.00 per 1,000 gallons
Temporary Hydrant Meter Deposit (agreement for reading of water must be signed)	\$400.00 5/8" and smaller \$2,350 greater than 5/8"
Tires without Rim, not to exceed 16.5 inches	\$2.00 per tire
Tires on Rim, not to exceed 16.5 inches	\$4.00 per tire
Tires over 16.5 inches with or without Rim	\$5.00 per tire
Water Meter Test (2 nd or subsequent test)	\$25.00 each

White Goods Disposal, Commercial	\$15.00 per item plus \$15.00 per Freon item
White Goods Disposal, Residential	No Charge plus \$15.00 per Freon item
Yard Waste Disposal, Commercial, Lg. Truck	\$50.00
Yard Waste Disposal, Commercial, Pickup Tk	\$25.00
Yard Waste Disposal, Residential (Town OR County Decal Required)	No Charge

Chapter 175

ZONING

175-137 FEES, CHARGES AND EXPENSES

A. The Town Council hereby establishes the following schedule of fees, charges, and expenses for zoning permits, certificates of use, special permits, variances, appeals, amendments and other matters pertaining to this chapter.

For processing an Administrative Variance - \$100.00

For processing a Board of Architectural Review request –

- Administrative Review: \$50.00
- Board of Architectural Review: \$100.00
- Demolition of Historically Significant Structure: \$200.00

For processing a Board of Zoning Appeals application - \$400.00

For Business License Zoning Clearance - \$10.00

For issuing a Certificate of Compliance - \$25.00

For processing an application to amend the Comprehensive Plan - \$400.00

For processing an amendment to the Zoning Ordinance - \$400.00

For processing a Rezoning application –

- 1 acre or less: \$500.00
- Over 1 acre: \$500.00 + \$100.00 per acre over 1st acre
- Downzoning: \$400.00

Proffer amendment or Concept Plan/Master Land Use Plan Revision - \$400.00

For processing an application for a Sign Permit –

- Permanent: \$50.00
- Permanent (Entrance Corridor): \$75.00
- Temporary: \$25.00
- Relocation of previously approved sign: no charge for review

Requested Re-advertisement - \$200.00 per meeting

For processing an application for a Special Use Permit - \$400.00

For a Zoning Permit, Commercial Accessories/Additions - \$100.00

For a Zoning Permit, Residential Accessories/Additions - \$25.00

For a Zoning Permit, Multi-Family Residential Dwelling - \$50.00 per unit

For a Zoning Permit, New Commercial - \$100.00

For a Zoning Permit, New Single-Family Residential Dwelling - \$75.00

For a Zoning Permit, Portable Storage Container (Residential or Commercial) - \$25.00 each

For a Zoning Permit, Fences (for all uses) - \$25.00 each

Construction or Land Disturbance Activity without a Permit – double zoning permit regular fee

Requested Copies –

- Letter Paper Size: \$0.15 per sheet (b&w) or \$2.00 per sheet (color)
- Legal Paper Size: \$0.50 per sheet (b&w) or \$2.50 per sheet (color)
- 11" x 17" Paper Size: \$0.75 per sheet (b&w) or \$3.50 per sheet (color)
- Bond Paper for over 11" x 17" Sizes: \$0.50 per s.f. (b&w) or \$3.00 per s.f. (color)
- Copy of Zoning Ordinance: \$15.00
- Copy of the Comprehensive Plan (each): \$20.00

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 10

Meeting Date: April 8, 2019

Agenda Item: COUNCIL APPROVAL – Contribution to the Humane Society of Warren County to use Trolley for “Waggin’ for Dragons” Event

Summary: Council is requested to approve a contribution of one Town Trolley to use for the Humane Society of Warren County’s “Waggin’ for Dragons” Event scheduled for August 3, 2019 in the amount of \$518.50.

Budget/Funding: 1205-43002 – Office of Tourism Professional Services

Attachments: Letter from Humane Society and Cost of one Trolley

Meetings: Work Session held April 1, 2019

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve a contribution of one Town Trolley to use for the Humane Society of Warren County’s “Waggin’ for Dragons” Event scheduled for August 3, 2019 in the amount of \$518.50.

*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



March 13, 2019

Joseph E. Waltz, Town Manager

P.O. Box 1560

Front Royal, VA 22630

Dear Mr. Waltz,

The Humane Society of Warren County would like to request the use of two town trolleys on August 3, 2019 from 7:30am until 5:00pm.

The trolleys will be used to ferry visitors and participants of our Waggin' for Dragon event from the parking areas to the event location.

Please let me know if you require additional information.

Sincerely,

Meghan Bowers

Executive Director



Charter Transportation Price Estimate

* Date of estimate: 03/25/2019

Client: Town of Front Royal

Contact Information: Felicia Hart fhart@frontroyalva.com 540/533-5561

Date of Event: Saturday, August 3, 2019

Type of Event: Humane Society Event

Passengers:

of vehicles: 1 Trolley

Pick up location(s): Lowes – Rivereton Commons 80 Riverton Commons Dr. Front Royal, VA

Target – Crooked Run Plaza 10 Crooked Run, Front Royal, VA

Drop off location(s): Front Royal Country Club 902 Country Club Dr. Front Royal, VA

Travel itinerary:

7:45 AM pre trip and depart the yard

8:00-4:00 continuous shuttle between locations

4:15 back in the yard

Estimated price: 1 trolley for 8.5 hours at \$61.00/hr. (Government rate) = \$518.50

Eric Lev Dahl, Virginia Rides Coordinator

eric@varides.org

540-338-7285

** Estimate is valid for 60 days from date listed. Availability not guaranteed without deposit and contract.*

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

Page 1
Item No. 11

Meeting Date: April 8, 2019

Agenda Item: COUNCIL APPROVAL – Resolution in Support of FOIA Request of Forensic Audit of EDA

Summary: Council is requested to approve a Resolution in Support of Freedom of Information Act (FOIA) Request of Forensic Audit of Economic Development Authority (EDA) as presented.

Budget/Funding: None

Attachments: Draft Resolution

Meetings: Work Session held April 1, 2019

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a Resolution in Support of Freedom of Information Act (FOIA) Request of Forensic Audit of Economic Development Authority (EDA) 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 TOWN COUNCIL OF FRONT ROYAL, VIRGINIA,
IN SUPPORT OF FREEDOM OF INFORMATION ACT REQUEST
OF FORENSIC AUDIT OF ECONOMIC DEVELOPMENT AUTHORITY***

WHEREAS, it is the collective understanding of the Town Council of the Town of Front Royal, Virginia (“Town Council”) that a forensic audit of the finances of the Industrial Development Authority of the Town of Front Royal and the County of Warren, also known as the Economic Development Authority (the “EDA”), commissioned by the EDA and the County of Warren, Virginia (the “County”), is expected to be completed and be in the hands of the Board of Directors of the EDA by March 22, 2019.

WHEREAS, it is the understanding of Town Council that one of the major purposes of the forensic audit is to give an in-depth and accurate picture of the financial standing of the EDA with respect to the Town of Front Royal (“the Town”) and the County for a certain time period and as to project funding that the EDA has been arranging and handling for the Town and the County.

WHEREAS, as has been widely publicly reported, the EDA owes the Town, and very likely the County, considerable sums of public moneys from various project funding that the EDA has been arranging and handling for the Town and County.

WHEREAS, as has been publicly reported, one of the most immediately pressing issues the Town is facing is paying for the construction of the new Police Department headquarters on Kendrick Lane, for which the EDA was to arrange and handle the financing.

WHEREAS, the former EDA Executive Director on multiple occasions led Town Council and Town staff to believe that the EDA had already finally arranged favorable financing for the new Police Department headquarters on behalf of the Town, which in fact has turned out to be completely untrue. This has led to the Town having to attempt to secure alternative funding for the new Police headquarters, which will be at considerable higher interest rates, which in turn will lead to considerable hardship to Town Council and most especially to the Town’s taxpayers, who are now facing significant tax increases to pay for these unexpected new costs of borrowing that Town taxpayers absolutely should not have to be burdened with.

WHEREAS, The EDA has been acting as the financial and legal agent for the Town in the financing of the construction of the new Town Police Department headquarters and in all other financial projects the EDA has been handling for the Town. As that agent, the EDA has been and is in a fiduciary relationship with the Town in all these projects. Regardless of who commissioned

the forensic audit, and regardless of who pays for the forensic audit, the EDA is the agent of and fiduciary for the Town, who is the beneficiary of these fiduciary relationships, for the financing of these projects. The attorney for this fiduciary, the EDA, in advising and representing and continuing to advise and represent the EDA in these matters with the Town, likewise bears a fiduciary relationship to the Town in all these financial matters, including in the forensic audit. See *Solis v. Food Employers v. Labor Relations Association*, 644 F.3d 221 (4th Cir. 2011.). Town Council, the Town's Finance Director, and the Town's Auditor have the right and the duty, as a matter of law and of fact, to see the entire forensic audit as well as all the documentation to support the forensic audit, to determine its scope, contents, and conclusions, to determine if all the Town's taxpayers' moneys are fully accounted for and will be promptly returned their its entireties to the Town by the EDA. Even if the EDA was not the Town's agent and fiduciary, the EDA's records including its audits are public records and the forensic audit would, by Virginia statute, have to be furnished to Town Council. See Va. Code § 15.2-4904. F.

NOW THEREFORE BE IT RESOLVED, that the Town Attorney file with the EDA's attorney and the County Attorney a Freedom of Information Act request for a full, complete, and unredacted copy of said forensic audit as well as all the documentation to support the forensic audit of the finances of the EDA that is being or has been performed by the EDA and County and which has been stated by officials of the EDA to be completed in full by March 22, 2019, this said request to be complied with, in full, to the Town, within five (5) business days from _____.

BE IT FURTHER RESOLVED that the Town Attorney is hereby further directed to take all lawful, necessary, and appropriate actions to enforce this Freedom of Information Act request.

[SIGNATURES FOR RESOLUTION NEXT PAGE FOLLOWING]

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:

APPROVED:

Hollis L. Tharpe, Mayor

Town Council Members:

Attest:

Gary L. Gillespie _____

William A. Sealock _____

Chris W. Holloway _____

Eugene R. Tewalt _____

Jacob L. Meza _____

Letasha T. Thompson _____

Jennifer E. Berry, CMC, Clerk of Council

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: _____

DRAFT

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 12

Meeting Date: April 8, 2019

Agenda Item: COUNCIL APPROVAL – Setting Fiscal Year 2019-2020 Tax Rates; FY19 Budget Amendment; Ordinance Amendment to Chapter 75-44(2nd Reading)

Summary: Council is requested to adopt a tax rate, approve a budget amendment and adopt a Town Code Ordinance Amendment, as presented.

Council voted at the March 25, 2019 Public Hearing a real estate tax rate of \$0.15 per \$100 of assessed value which represents an increase of \$0.029 per \$100 assessed value over the current year's rate. As part of the motion Council approved reallocation of funds for the West Main Connector Road as included in the Proposed FY2019-2020 Budget in the amount of \$90,000 to be used for the construction of the new police department and associated debt services, as well as revise the Town Code accordingly.

In the April 1, 2019 Work Session, Council discussed a tax rate of \$0.135 per \$100 of assessed value which represents an increase of \$0.014 per \$100 over the current year's rate. Council also discussed reallocation of funds for the West Connector Road and the Building/Property Maintenance to be used for the construction of the new police department and associated debt services. Since the FY2019-2020 Budget has not been approved by Council, these reallocations will be included in the final adoption of the FY2019-2020 Budget.

Note: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with exclusions mentions above, would be \$0.121 per \$100 of assessed value. This rate will be known as the "decreased tax rate".

Budget/Funding:

\$0.135 Tax Rate for FY2018-2019 Budget Amendment

Revenue – 9130-3110101 - Special Projects – Real Estate Tax ----- \$183,445.24

Expense – 9130-47013 – Community Development – Police Department ----- \$183,445.24

Attachments: Ordinance and Public Hearing Ad

Meetings: Work Sessions held Feb 19, Mar 18 & Apr 1, 2019.
Public Hearing held March 25, 2019

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion:

I move that Council adopt on its second and final reading a real estate tax rate of \$0.135 per \$100 of assessed value which represents an increase of \$0.014 per \$100 assessed value over the current year's rate and to achieve the same amount of revenue in light of the recent increased assessment, to be used for the construction of the new Police Department Headquarters and associated debt services; personal property tax rate remain the same at \$0.64 per \$100 assessed value; decrease the personal property tax relief rate from 60% to 56% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% remain the same for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524 AND approve a FY2018-2019 Budget Amendment in the amount of \$183,445.24 to be used for the construction of the Police Department Headquarters and associated debt service. I further move that Council adopt on its second and final reading an ordinance amendment to Chapter 75-44 (C), 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 SECTION 75-44 (C) OF THE FRONT ROYAL TOWN CODE PERTAINING TO REAL ESTATE AND PERSONAL PROPERTY TAX RATES

~~75-44 MAILING OF BILLS; DUE DATES, PENALTY AND INTEREST; IMPOSITION OF THE~~ REAL AND PERSONAL PROPERTY TAXES AND RATES

C. There is hereby imposed upon all real property within the limits of the Town of Front Royal, Virginia, an **effective tax rate** ~~tax~~ in the amount of thirteen and one half cents (\$0.135) per one hundred dollars (\$100.00) of assessed valuation **with the increase being designated to the construction of the new Police Department and associated debt service.** ~~with the half cents being designated to the new Police Department,~~ and a tax upon all tangible personal property located within the limits of the Town of Front Royal, Virginia, in the amount of sixty-four cents (\$0.64) per one hundred dollars (\$100.00) of assessed valuation. The tax on all personal property shall include all Machinery and Tools. The tax on all real property shall include all mobile homes.

The tax imposed upon real property within the limits of the Town of Front Royal, Virginia, shall be decreased by \$0.02 to \$0.11 per \$100 assessed value, which is reinstatement of the previous Real Estate Tax Rate for Fiscal Year 2013-2014, upon completion of payment of debt service of the new Police Department Headquarters **to the tax rate before the increase in 2019.** ~~and construction of Leach Run Parkway; and Town Code Section 75-44.C, shall thereupon be amended accordingly to reflect said decrease and reinstatement of such previous reduced Real Estate Tax Rate.~~ This ordinance shall become effective upon passage.

APPROVED:

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	Chris W. Holloway	Yes/No
Letasha Thompson	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 _____, 2019, and _____, 2019.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



NOTICE OF PROPOSED REAL ESTATE INCREASE

The **Town of Front Royal, Virginia**, proposes to increase real estate property tax levies.

1. **Assessment increase:** Total assessed value of real property including additional assessments due to new construction or improvement to property, has increased from last year's total assessed value of property by approximately 11.18%.
2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with exclusions mentions above, would be \$0.121 per \$100 of assessed value. This rate will be known as the "decreased tax rate".
3. **Effective Rate Increase:** The Town of Front Royal, Virginia, proposes to adopt a tax rate of \$0.16 per \$100 of assessed value. The difference between the decreased rate necessary to achieve the same amount of revenue in light of the increased assessment and the new proposed rates is \$0.039 per \$100, or 32.23%. This difference will be known as the "effective tax rate increase."
4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total Budget of the Town of Front Royal, Virginia, will exceed last year's Budget by 1.1%

An amendment to consider the Real Property Tax rate at \$0.16 per \$100 assessed value, which represents an increase of \$0.039 from the current year's rate; and the Personal Property Tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; and the personal property tax relief rate (PPTR) for qualifying vehicles at a rate(s) to be set by Town Council at a future time pursuant to Va. Code § 58.1-3524, and as all owners of qualified vehicles will be notified on their Town of Front Royal Personal Property Tax Bill and to amend Front Royal Municipal Town Code Chapter 75-44 (C) accordingly.

An Amendment to consider the FY2019 Budget relating to revenue received from Real Estate Taxes, possibly totaling \$521,286.00 to be used for the construction of the Police Department Headquarters and associated debt services.

A prior advertisement in this newspaper contained a clerical error in the paragraph following paragraph no. 4 by stating that the real estate of \$0.16 tax rate being considered "represents an increase of \$0.025 from the current year's rate", whereas the advertisement should have stated the considered real estate tax rate is an increase of \$0.039, as was correctly stated in the prior advertisement in paragraph no.3 thereof. The prior advertisement also was inadvertently advertised in the classified section of this newspaper when it should have been advertised in the Region section.

A **PUBLIC HEARING** on Monday, March 25, 2019 at 7:00PM in the Warren County Government Center's Board Meeting Room, to consider adoption of the aforesaid Ordinance imposing the new tax rate and amending the FY2019 budget and Town Code accordingly.

All interested citizens are invited to attend this hearing to express their views.

MAYOR AND TOWN COUNCIL
TOWN OF FRONT ROYAL, VIRGINIA

Publish: Northern Virginia Daily – March 16, 2019 (REGION Section)