

Volunteers in Police (VIPS) Award Ceremony begins at 6:00pm



TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING Monday, April 22, 2013 @ 7:00 p.m. Warren County Government Center

1. Pledge of Allegiance
 2. Moment of Silence
 3. Roll Call
 4. Approval of the Regular Council Meeting minutes of April 8, 2013.
 5. Receipt of Petitions and/or Correspondence from the Public
 6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 1. Economic Development Authority (EDA) Report – Jennifer McDonald
 2. Crime Prevention Specialist Quarterly Report – Janice Hart
 - 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 – Arbor Day
 - B. COUNCIL APPROVAL – Proclamation – Patricia Windrow Day
 - C. COUNCIL APPROVAL – Proclamation – Sue Krause Recognition
 - D COUNCIL APPROVAL – Acceptance of Donation from Beautification of Front Royal Committee and Front Royal/Warren County Tree Stewards
- *The nature of a consent agenda is such that discussion of individual items does not occur.*
8. **PUBLIC HEARING** – Rezoning Application from VFW Post 1860
 9. **PUBLIC HEARING** – Special Use Permit Application from VFW Post 1860
 10. **COUNCIL APPROVAL** – An Ordinance Approving an Agreement Between the Town, The Boisseau Family L.C./L.C. II and Royal Plaza Associates for Easement of a Walking and Biking Trail (2nd Reading)
 11. **COUNCIL APPROVAL** – Enact Chapter 10, Elections to the Town Code (2nd Reading)
 12. **COUNCIL APPROVAL** – Donation of Electric Fee for Special Event Permit for “National Day of Prayer”
 12. **CLOSED MEETING** – Acquisition of Real Property



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

Page 1
Item No. 7(A)

Meeting Date: April 22, 2013

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

Summary: Council has received a request from the Chairman of the Urban Forestry Advisory Commission (UFAC), seeking to proclaim Saturday, April 27, 2013 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, 2013 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: JB

ARBOR DAY 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, Timothy W. Darr, Mayor of the Town of Front Royal, do hereby proclaim April 27, 2013 as

ARBOR DAY

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:

Timothy W. Darr, MAYOR

ATTEST:

Jennifer Berry, Clerk of Council



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

Page 1
Item No. 7(B)

Meeting Date: April 22, 2013

Agenda Item: COUNCIL APPROVAL – Proclamation – *“Patricia Windrow Day”*

Summary: Council has received a request from Steve Sill, seeking a request to proclaim Thursday, September 12, 2013 as *“Patricia Windrow 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 Thursday, September 12, 2013 as *“Patricia Windrow 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: JB

Proclamation

PATRICIA WINDROW DAY

WHEREAS, Patricia Windrow Klein passed away March 5th, 2013, and,

WHEREAS, Ms. Windrow distinguished herself through her many professional accomplishments in film, radio, stage, and television acting, and,

WHEREAS, Ms. Windrow also created an internationally recognized body of work in painting and sculpture, over a 91-year life, and,

WHEREAS, Ms. Windrow lived and worked in the Town of Front Royal for over 22 years, and,

WHEREAS, Ms. Windrow opened a gallery in Front Royal in 1991 by renovating a then-derelect building at 401 E. Main street, and,

WHEREAS, Thenceforward Ms. Windrow became a "one-woman Urban Renewal project" by renovating some 42 structures during her life, often by her own hand, and,

WHEREAS, Ms. Windrow's indelible mark on the Town of Front Royal through her murals, sculptures, and other art projects will be long and warmly remembered, and,

WHEREAS, Ms. Windrow never stopped thinking about ways to improve the cultural heritage of the town, in her hallmark direct personal style, and,

WHEREAS, her vision and aspirations for the community will be sorely missed,

NOW, THEREFORE, the Mayor and Town Council of the Town of Front Royal, in recognition of the manifest and numerous contributions of Patricia Windrow Klein to the community as a whole, hereby proclaim September 12th as "*Pat Windrow Day*" in the town of Front Royal.

ATTEST:

SIGNED:



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

Page 1
Item No. 7(C)

Meeting Date: April 22, 2013

Agenda Item: COUNCIL APPROVAL – Proclamation – Sue Krause Recognition

Summary: Council has received a request from James Walton of Comcast Cable, seeking recognition for one of Comcast Cable's employees of 37 years, Sue Krause, who will be retiring on May 3, 2013.

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 recognizing Sue Krause of Comcast Cable, who is retiring May 3, 2013 after 37 years of service.

*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: SB

~ PROCLAMATION ~

Sue Krause Recognition

WHEREAS, Sue Krause is a lifelong resident of Front Royal and she is active in her community and church;

WHEREAS, Sue has diligently served our community for 37 years, during her employment with Comcast and; Growing up in Front Royal, she has become "the Face of Comcast" to many of our citizens;

WHEREAS, Sue has developed a clientele that spans from grandparents to grandchildren;

WHEREAS, Sue has helped our citizens through the many faces of technology. Transitioning from the early days of about 20 TV channels, to now over 500 channels of TV, Internet, Home Phone, and Home Security;

WHEREAS, Sue is always willing to assist those in with a friendly smile and lend a friendly Front Royal helping hand;

NOW, THEREFORE, the Mayor and Town Council do hereby present this proclamation of recognition to Sue Krause as she retires this ____ of _____ 2013 in the Town of Front Royal, and extend our well wishes to Ms. Krause on behalf of the citizenry of the Town.

APPROVED:

Timothy W. Darr, Mayor
Mayor

ATTEST:

Jennifer E. Berry
Clerk of Council

This proclamation was adopted by the Town Council of the Town of Front Royal, Virginia on _____



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(D)

Meeting Date: April 22, 2013

Agenda Item: COUNCIL APPROVAL – Acceptance of Donation from Beautification of Front Royal Committee & Front Royal/Warren County Tree Stewards

Summary: Council has received a request from Sandra Wilson, President of the Front Royal/Warren County Tree Stewards, seeking acceptance of a donation of \$800.00 that was contributed to the Tree Stewards from the Beautification of Front Royal Committee to be used for the kiosk being constructed at the Visitors Center.

Budget/Funding: 1000 – 3189902 Private Donations
4302 – 70009 Building/Structures

Attachments: Letter from Mrs. Wilson

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 donation of \$800.00 that was contributed to the Front Royal/Warren County Tree Stewards from the Beautification of Front Royal Committee to be used for the kiosk being constructed at the Visitors Center.

*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: STB

Volunteers for the Community Forest



Front Royal/Warren County Tree Stewards
P.O. Box 2001
Front Royal, VA 22630

April 9, 2013

Mayor Timothy Darr & Town Council Members
Front Royal Administration Building
102 East Main Street
Front Royal, VA 22630

Dear Mayor Darr & Council Members:

The Front Royal/Warren County Tree Stewards are continuing to work on developing the Royal Shenandoah Greenway. As part of that effort we are arranging to have information kiosks constructed at various locations. Of course we work with the Public Works Department regarding their location and construction.

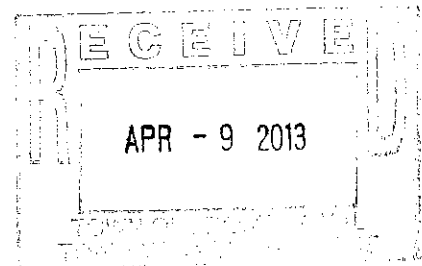
The Beautification of Front Royal Committee contributed \$800 to the Tree Stewards for a kiosk and we would be pleased to donate this money to the Town of Front Royal for construction of a kiosk.

Sincerely,



Sandra Wilson
President
Front Royal/Warren County Tree Stewards

✓ Cc: Steve Burke





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

Page 1
Item No. 8

Meeting Date: April 22, 2013

Agenda Item: PUBLIC HEARING – Rezoning Application from VFW Post 1860

Summary: Council is requested to approve a rezoning application (REZ12-07-68) submitted by Col. Samuel R. Millar, VFW Post 1860, requesting that the Town downzone 10.66 acres from the I-1 District to the A-1 District, including all of Parcel A and a portion of Parcel B. Proffers are submitted that would restrict manufactured housing and tenant housing.

Budget/Funding: None

Attachments: Memo from Fire Marshall, Application, Proffer Statement, Sit Plan Review Comments, Letter from Building Official, Code Sections and Staff Report

Meetings: Work Session held April 15, 2013.

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council approve a rezoning application (REZ12-07-68) submitted by Col. Samuel R. Millar, VFW Post 1860, to downzone 10.66 acres from the I-1 District to the A-1 District, including all of Parcel A and a portion of Parcel B, with proffers that would restrict manufactured housing and tenant housing.

*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: SB

**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**



**STAFF REPORT FOR THE TOWN COUNCIL WORK SESSION ON APRIL 15, 2013, APRIL
22, 2013 PUBLIC HEARING/1st READING & 2nd READING IN MAY**

APPLICATION #:

REZ12-07-68

APPLICANT:

Veterans Of Foreign Wars Col Samuel R
Millar Post 1860

APPLICATION SUMMARY:

The applicant has requested that the Town conditionally rezone 10.66 acres from the I-1 District to the A-1 District. The rezoning application, zoning plat, and proffer statement is included with this report as **Exhibit A**.

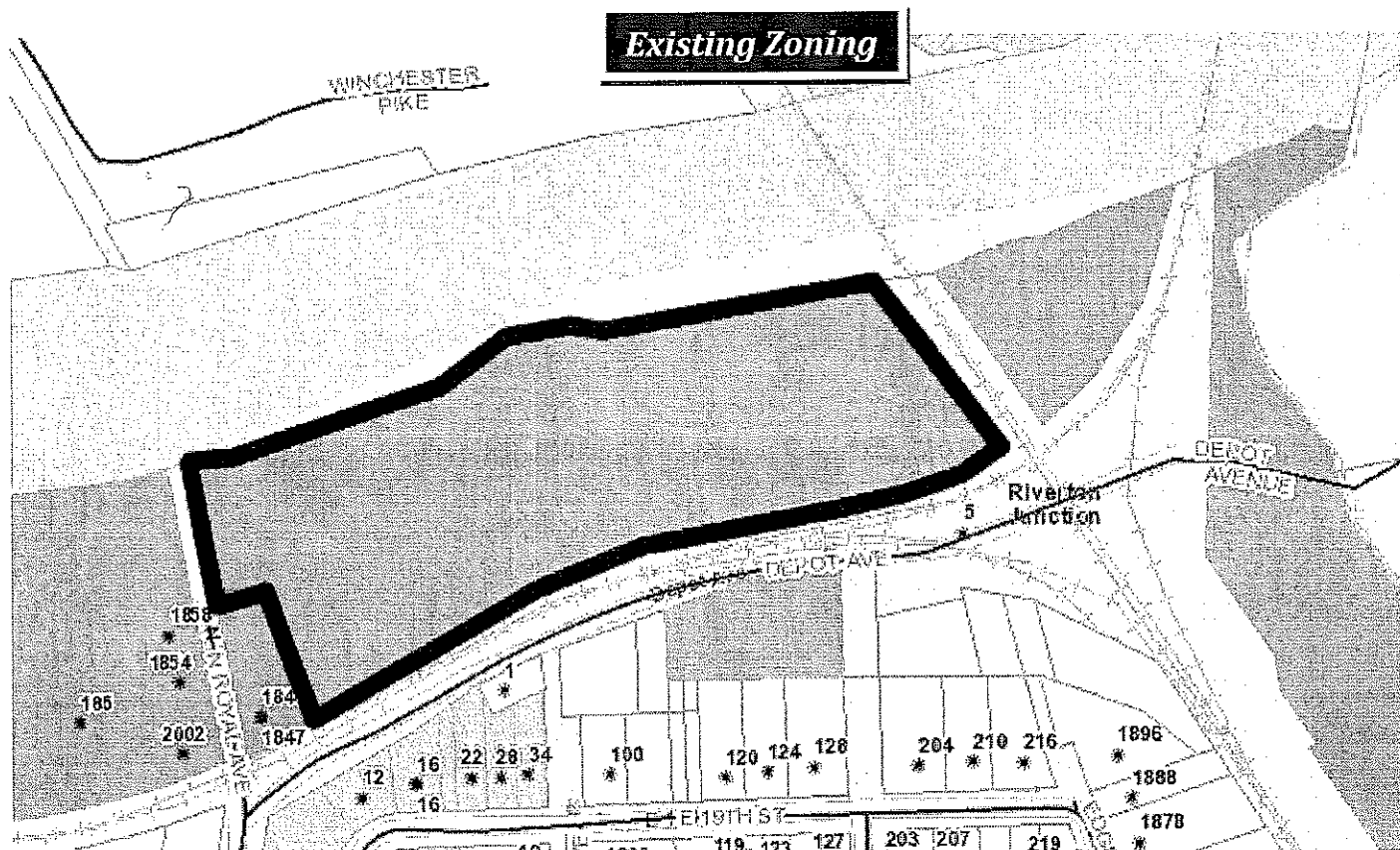
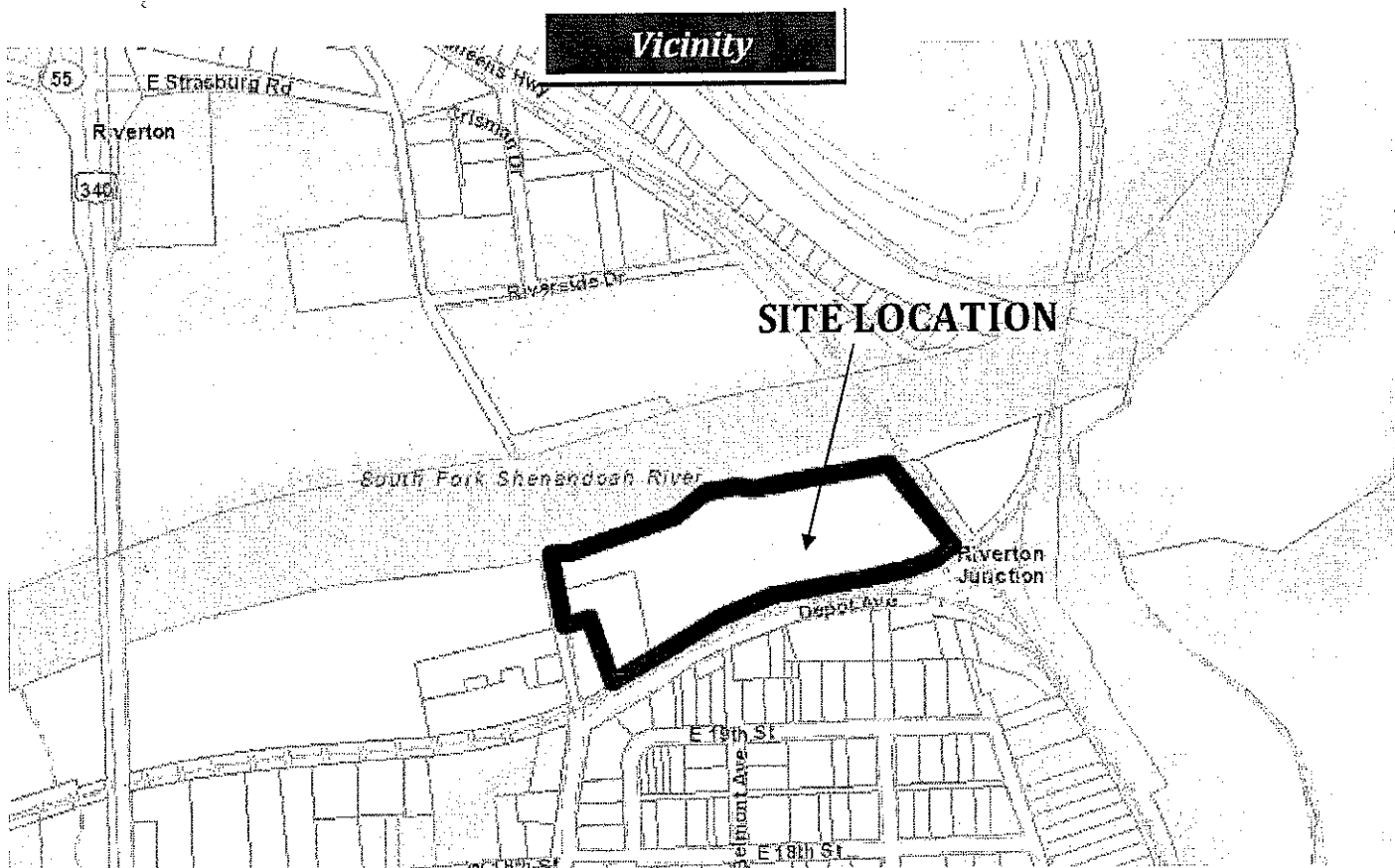
GENERAL INFORMATION:

Site Address	1847 North Royal Avenue (2 lots)		
Existing Zoning	I-1 District (entire 11.44 acres)		
Existing Use	VFW Lodge and accompanying grounds including picnic pavilion		
Overlay Districts	Historic Area - NO	Floodplain - YES	Entrance Corridor - NO
Tax Identification	Tax Parcel 20A3-1-1 (parcel A) and a portion of Tax Parcel 20A3-1-2 (parcel B)		
Location	The site is located at the end of North Royal Avenue, adjacent to the Shenandoah River.		

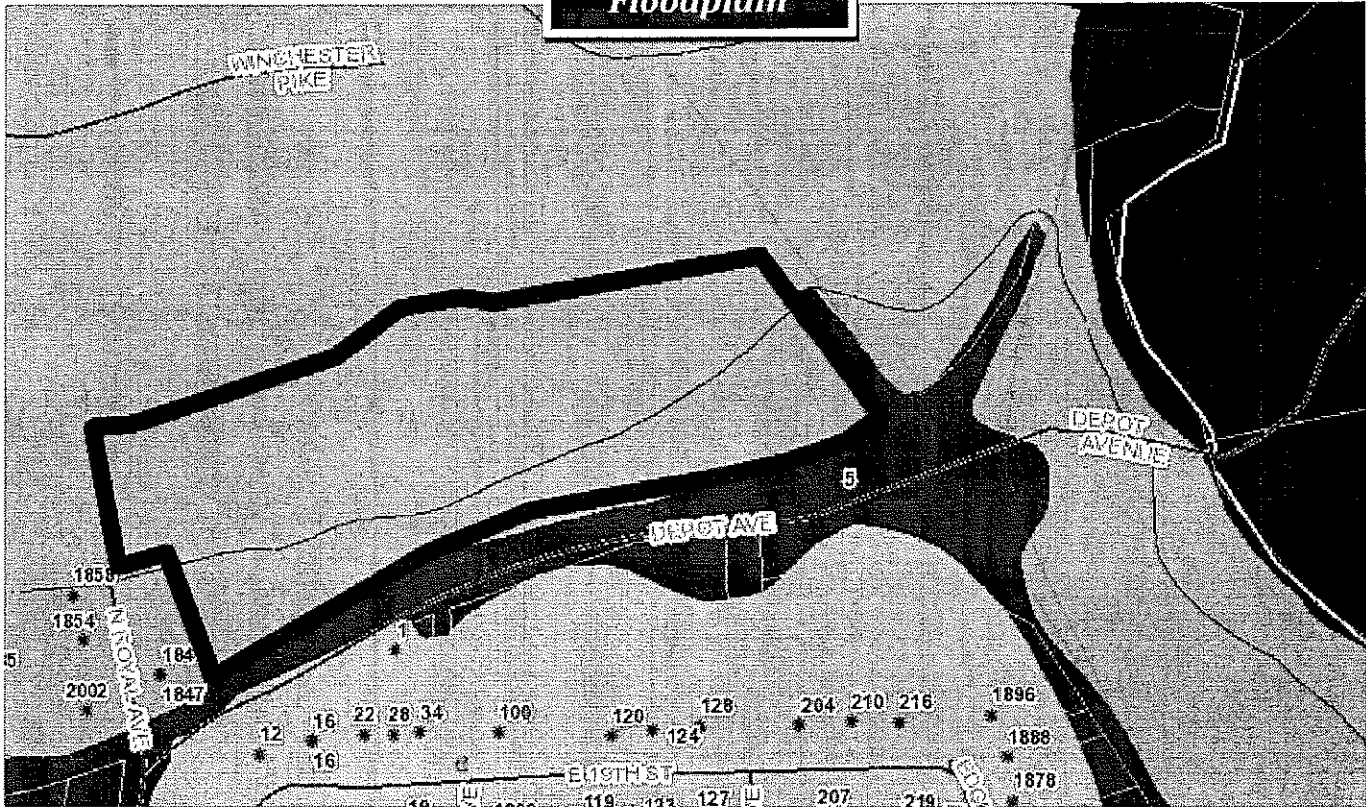
Proposed Zoning	A-1 District (excluding .78)
Intended Use(s)	Continuation of existing VFW Lodge and a Flea Market.

ILLUSTRATIONS

See following 3 pages. The accompanying Special Use Permit also includes a site plan for a flea market, subject to review and recommendation by the Planning Commission following action on the rezoning application.



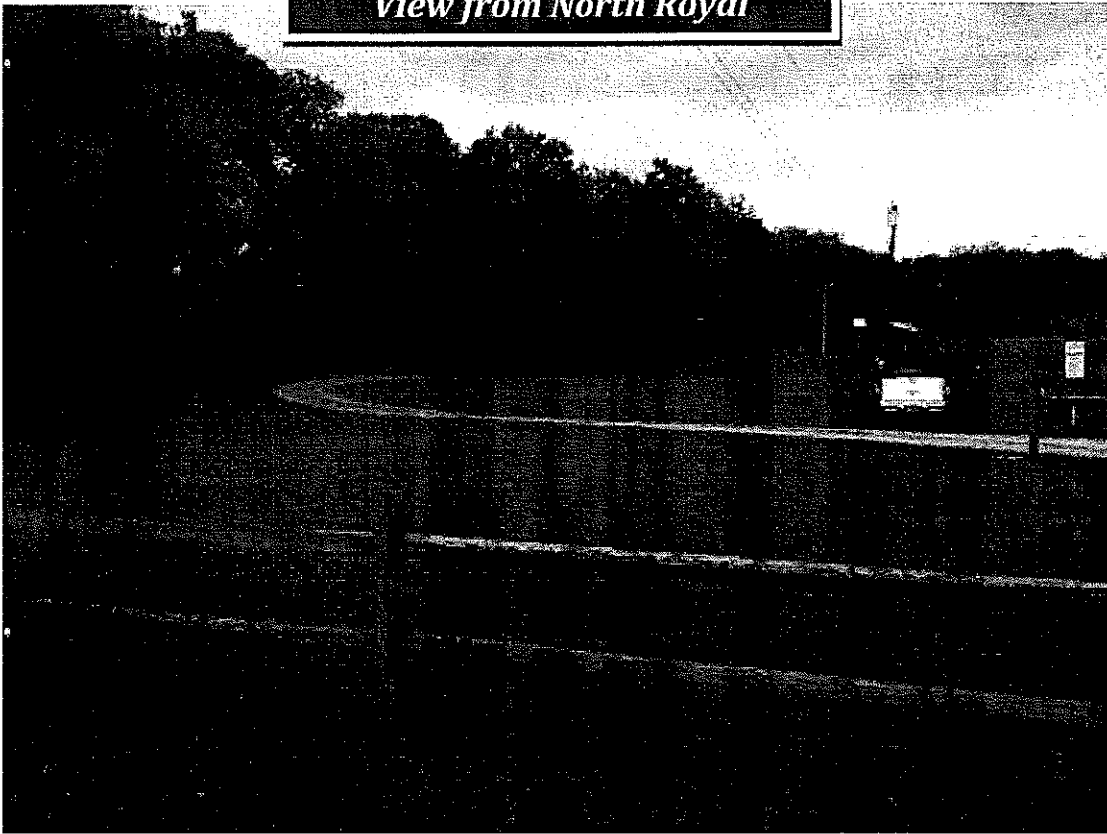
Floodplain



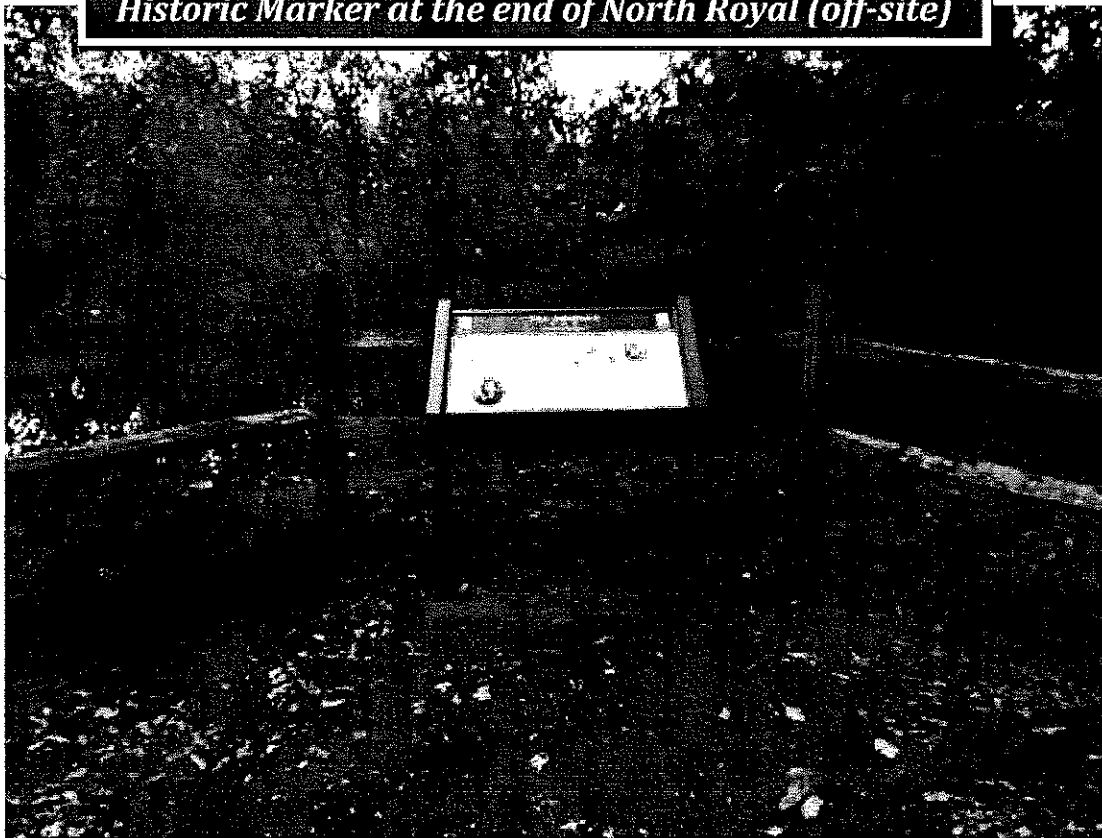
Aerial



View from North Royal



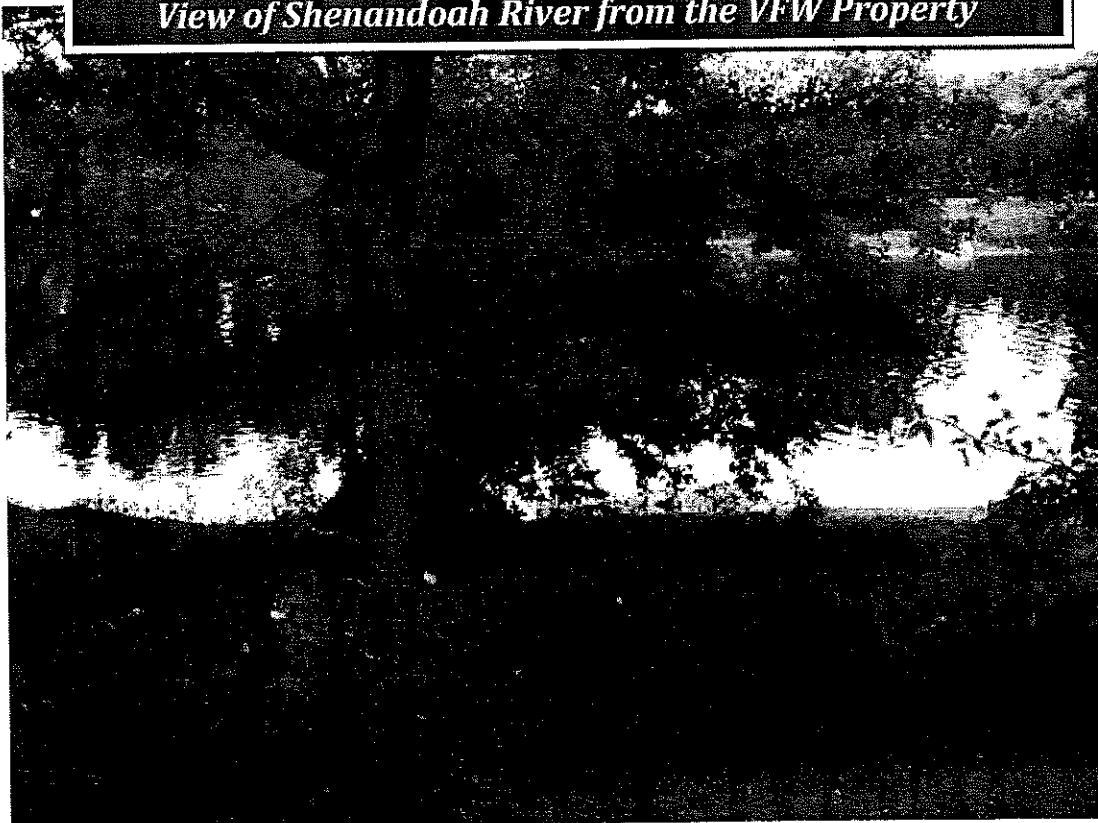
Historic Marker at the end of North Royal (off-site)



Existing picnic pavilion taken beside bathroom building



View of Shenandoah River from the VFW Property



ADDITIONAL INFORMATION:

Background

The property is owned by VFW Post 1860. VFW Post 1860 would like to establish a flea market on the property for profit to assist with funding of their organization. An ordinance amendment was previously prepared by the Planning Commission after VFW submitted a formal request for the Town to consider allowing a flea market on the property. Rather than allowing flea markets in the existing zoning district, the I-1 District, the Planning Commission, and Town Council approved an ordinance amendment to allow flea markets with a Special Use Permit in the A-1 District. Therefore, without guarantee to VFW, the ordinance was amended to allow VFW to apply for a flea market if their property was rezoned to the A-1 District, subject to the minimum standards of Section 175-10.10.B., in addition to the regular ordinance requirements of the Town Code and any other conditions added by Town Council upon review of the special use permit application. Below are the standards found under Section 175-10.10.B. of the Town Code.

175-10.10. B - Flea Markets. *Where flea markets are permitted by approval of a Special Use Permit, the following standards shall be complied with, in addition to any conditions placed on the Special Use Permit, and Section 98-46 of the Town Code.*

- 1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.*
- 2. A minimum fifty (50) foot setback shall be maintained from all property lines.*
- 3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.*
- 4. No manufactured buildings shall be permitted.*
- 5. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.*
- 6. All temporary structures or facilities, including but not limited to canopy frames, except as provided in sub-section B.5. above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.*
- 7. Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.*
- 8. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.*

Comp. Plan

Rezoning the property to the A-1 District is consistent with the Comprehensive Plan for the Town of Front Royal, which designates the subject property for future conservation and open space. The A-1 District, also referred to as the Agriculture and Open Space Preservation District, includes uses, either allowed by-right, or by Special Use Permit, that are more consistent with the Comprehensive Plan than the current zoning designation of I-1 (Industrial) Zoning District.

Proffers

A proffer is a voluntary offer by a landowner that is submitted with a rezoning application to perform an act or donate money, a product, or service with the intent of justifying the appropriateness of the proposed rezoning application. The rezoning of land with proffers is referred to in the Virginia Code 15.2-2296 as conditional zoning. Under conditional zoning, there are reasonable conditions (proffers) governing the use of the property. Proffers are voluntary for applicants, and are for the purpose of providing additional regulations, not as a means to reduce regulations. *Jefferson Green Unit Owners Association, Inc. v. Gwinn*, 262 Va. 449 (2001) established that when a locality accepts proffers, they become part of the zoning ordinance.

The Town of Front Royal is authorized to accept cash and non-cash proffers (or not accept them if they chose) under the authority provided under the Virginia Code 15.2-2298. However, proffers must be reasonably related to the rezoning application and consistent with the Comprehensive Plan before they can be accepted. In addition, numerous complex rules and regulations apply to the acceptance and use of cash proffers, such as, but not limited to, the rule that cash proffers can only be used for projects identified within a localities Capital Improvement Plan (CIP).

Exhibit A includes a proffer statement submitted by the applicant in association with the rezoning application that was submitted. The proffer statement offers the voluntary restriction of manufactured homes and tenant housing, which would otherwise be permitted within the A-1 District.

**Review
Comments**

The Town Engineer, Town Department of Environmental Services, Town Energy Services Department, the Warren County Building Official, the Warren County Fire Marshal and the Warren County Development Review Committee have reviewed the development proposal. Exhibit B is attached to this report, which is a copy of the initial review comment letter sent to VFW which summarizes all review comments received. Exhibit C is a letter from the Fire Marshal that was received separately. No major issues were identified with the future plans of the property, and not opposition to the rezoning of the property was received.

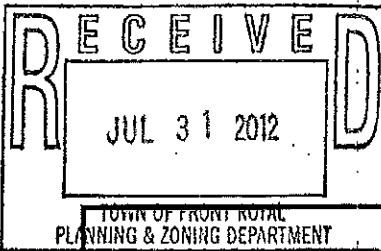
Since the rezoning of the property is not specific to any particular use, person, business or organization, no recommendations for the intended flea market use are offered as part of this rezoning application.

Staff did request that the applicant consider proffering an easement, or reservation of an easement, to the Town for a future trail along the Shenandoah River. The applicant did not include this in their proffer statement, but did include the recommendation to restrict manufactured homes and tenant housing. The applicant also modified the proposed zoning boundary, as recommended by Staff, so the proposed zoning matched the location of the future and existing uses.

PLANNING COMMISSION RECOMMENDATION:

On March 20, 2013, the Planning Commission **recommended approval** of VFW's rezoning application for the conditional rezoning of 10.66 acres from the I-1 District to the A-1 District, including proffers that restrict the use of manufactured homes and tenant housing on the property. The Planning Commission agreed at the meeting that the rezoning of the property conformed to the Town Comprehensive Plan.

ATTACHMENTS: Attachment 1: Rezoning Application, Attachment 2: Initial Review Comment Letter, and Attachment 3: Fire Marshal Review Comments



RZ 12-07-68

REQUEST FOR REZONING
TOWN OF FRONT ROYAL

APPLICANT

Name Col. Samuel R. Miller Phone 540-635-8134
VFW Post 1860
Address 1847 N. Royal Ave
E-mail Kohrt0702@yahoo.com

PROPERTY OWNER (if different from applicant)

Name VFW Same As Above Phone _____
Address _____

PROPERTY DESCRIPTION

Property Location/Address 1847 N. Royal Ave
20A3-2
Tax Map 20A3 Section 1 Block _____ Lot 1 Acreage 10.937
20A3 1 2 207
Subdivision Name (if applicable) _____

per modification ge
10.66
.78

REQUEST

Present Zoning I-1 Zoning Requested A-1
Industrial Agri Culture
Proposed Use of Property Flea Market
Statement of Justification (Why should this property be rezoned?)

The current zoning does not allow
for operation of a flea market
It is recommended by the Planning
Commission to rezone to Agriculture

(Attach additional sheets if necessary)

ADJACENT PROPERTY OWNERS - List the names and mailing addresses of all owners of property abutting or across the road from this property.

Archie FOX
1858 W. Royal Ave
Helen Truhart
1854 W. Royal Ave
Archie FOX -
Wayne's Auto Repair - Dave's Auto & Equipment
1868A, 1868B, ~~1854A~~, 1854B W. Royal Ave

(Attach additional sheets if needed)

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

1. Application Fee - \$450.00. (Checks payable to Town of Front Royal)
2. Survey/Plat of property showing all existing improvements. (8 copies)
3. Environmental Site Assessment Phase I and Phase II.
4. Written proffers. (If any)

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.

VFW Post 1860 Michael Kohlb SC Vice Commander

Signature of Property Owner

Michael Kohlb

Signature of Applicant (if different)

Dated at _____, Virginia, the 31 day of July, 2012

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

OFFICE USE ONLY

\$450.00 Fee Receipt # 226493 Date Paid 7-31-12

Planning Commission

Hearing Date: _____ Recommendation: _____

Town Council

Hearing Date: _____ Date Sent to Clerk: _____

December 30, 2008

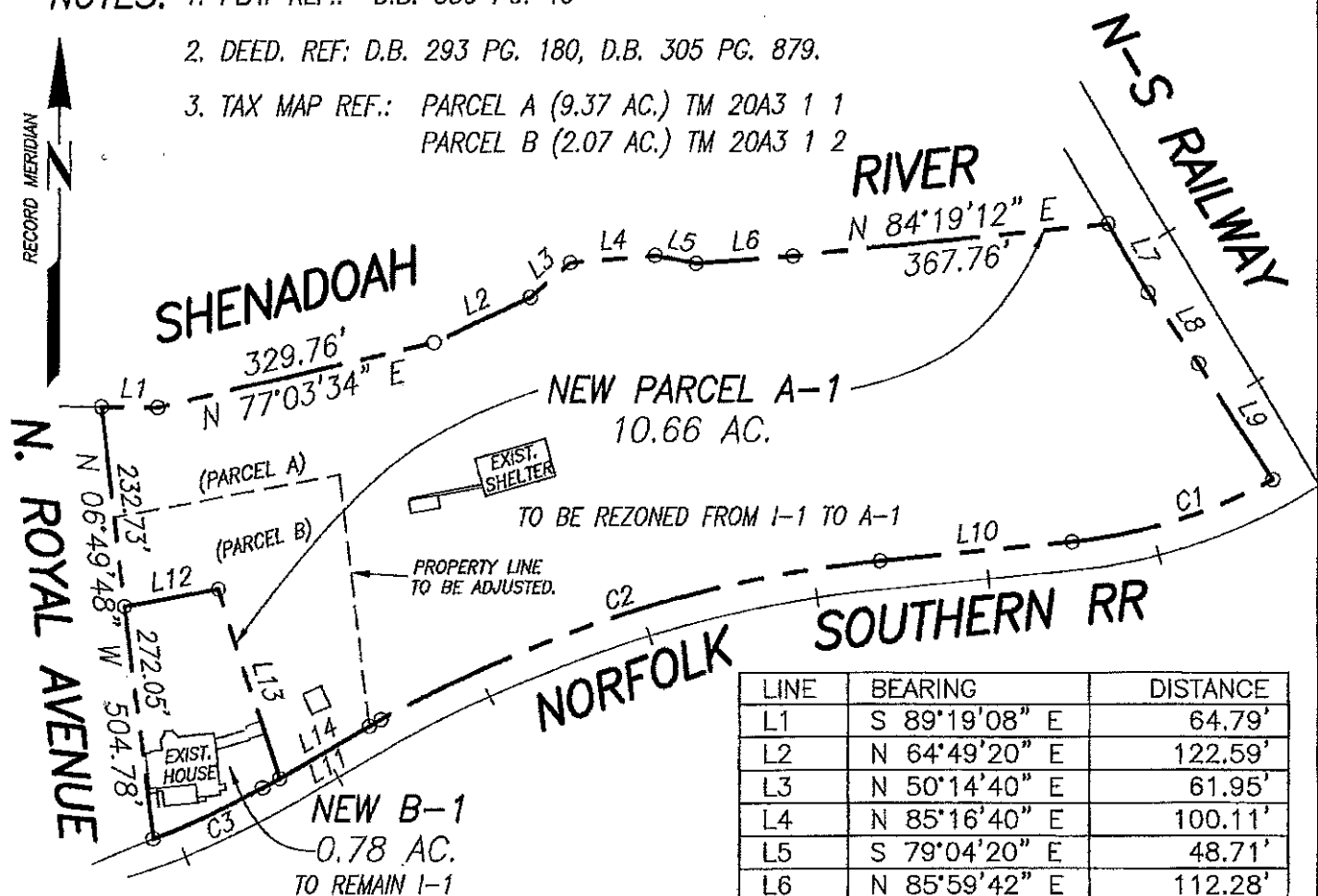
\$400.00
Down Zoning

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	604.27'	244.22'	242.56'	S 72°51'30" W	23°09'23"
C2	1465.69'	613.95'	609.47'	S 72°26'56" W	24°00'00"
C3	848.95'	139.79'	139.64'	S 65°09'06" W	09°26'05"

NOTES: 1. PLAT REF.: D.B. 336 PG. 46

2. DEED, REF: D.B. 293 PG. 180, D.B. 305 PG. 879.

3. TAX MAP REF.: PARCEL A (9.37 AC.) TM 20A3 1 1
PARCEL B (2.07 AC.) TM 20A3 1 2



METES AND BOUNDS SHOWN HEREON
BASED ON DEEDS OF RECORD AND IS
NOT THE RESULT OF A CURRENT
BOUNDARY SURVEY.



LINE	BEARING	DISTANCE
L1	S 89°19'08" E	64.79'
L2	N 64°49'20" E	122.59'
L3	N 50°14'40" E	61.95'
L4	N 85°16'40" E	100.11'
L5	S 79°04'20" E	48.71'
L6	N 85°59'42" E	112.28'
L7	S 30°50'48" E	92.21'
L8	S 35°08'10" E	100.28'
L9	S 32°33'54" E	158.99'
L10	S 84°26'10" W	224.00'
L11	N 60°26'10" E	143.28'
L12	N 79°37'12" E	110.10'
L13	S 17°34'38" E	231.26'
L14	N 60°26'10" E	121.35'

ZONING PLAT
COL. SAMUEL R. MILLAR
POST 1860, INC., VFW

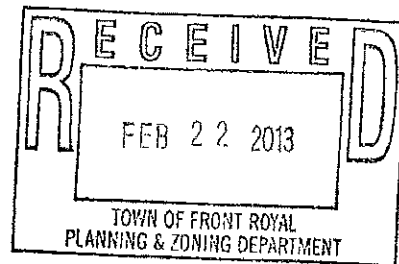
TOWN OF FRONT ROYAL
WARREN COUNTY, VIRGINIA

DATE: 20 FEBRUARY 2013 SCALE: 1" = 200'



DARRYL G. MERCHANT
CONSULTING LAND SURVEYOR
P.O. BOX 1508
FRONT ROYAL, VA 22630
540-636-4949

PROFFER STATEMENT



REZONING: RZ# 12-07-68
Industrial Employment District (I-2) District to
Agricultural (A-1) District

PROPERTY: 11.44 acres +/-;
Tax Parcel #20A3-1-1 and Tax Parcel 20A3-1-2

RECORD OWNER: Veterans Of Foreign Wars Col Samuel R Millar Post 1860

APPLICANT: Col. Samuel R. Millar VFW Post 1860

CONTACT: Michael Kohrt

PROJECT NAME: VFW Post 1860

ORIGINAL DATE
OF PROFFERS: February 22, 2013

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional zoning, the undersigned Applicant hereby proffers that in the event the Town Council of Front Royal, Warren County, Virginia, shall approve Rezoning Application #12-07-68 for the rezoning of approximately 11.44 acres from the Industrial Employment (I-2) District to the Agriculture (A-1) District, development of the subject property shall be done in general conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Front Royal Town Council in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. In the event this application is denied by the Front Royal Town Council (the "Council"), such denial is appealed to a court of competent jurisdiction, and this rezoning application is thereafter remanded to the Council for reconsideration, then the Applicant may elect to readopt all or any portion hereof, in a writing specifically for that purpose; if no such election is made, these proffers shall be withdrawn and shall be invalid. These proffers shall be binding upon the Applicant and its legal successors, heirs, or assigns.

The subject property, identified as the VFW Post 1860, being all of Tax Map Parcels #20A3-1-1 and Tax Parcel 20A3-1-2, by deeds recorded among the land records of the Warren County Circuit Court Clerk's Office as Deed Book 1293, Page 180 and Deed Book 305, Page 879.

Terms and Conditions

1. **Restriction of Uses.** The property owner hereby agrees to restrict the following uses from the property which would otherwise be permitted in the A-1 District.
- a. Manufactured Homes.
 - b. Tenant Housing.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Front Royal Town Council grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Code.

SIGNATURE: _____

Michael Kohrt

Print Signature Name

TITLE: _____

Senior Vice Commander

COMPANY: _____

VFW 1860

ADDRESS: _____

Front Royal, VA

WITNESS: _____

Jeremy F. Camp

Signature

JEREMY F. CAMP

Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF February, 2013, BY Michael Kohrt, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY BEFORE ME, Connie L. Potter, NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE 31st DAY OF August, 2015.



Registration Number: _____

7076929

Connie L. Potter
NOTARY PUBLIC

[SIGNATURES AND ACKNOWLEDGMENT CONTINUED NEXT PAGE, IF NEEDED]

SIGNATURE: _____

Print Signature Name

TITLE: _____

COMPANY: _____

ADDRESS: _____

WITNESS: _____

Signature

COUNTY OF WARREN

Department of Fire & Rescue Services

220 North Commerce Avenue, Suite 300

Front Royal, Virginia 22630

Phone: (540) 636-3830

FAX: (540) 636-9986

Email: rmabie@warrencountyfire.com

Richard E. Mabie

Fire Chief



BOARD OF SUPERVISORS

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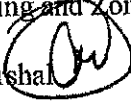
Daniel J. Murray, Jr.
North River
District

Richard H. Traczyk
Shenandoah
District

Douglas P. Stanley
County Administrator

Memorandum

TO: Jeremy Camp, Director
Town of Front Royal Planning and Zoning

FROM: Gerry R. Maiatico, Fire Marshal 

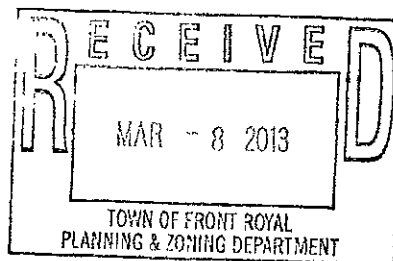
DATE: March 1, 2013

SUBJECT: Proposed Flea Market Site Plan Review

After review of the site plan and a physical review of the proposed site at the Col. Samuel Millar Post 1860, VFW proposed Flea Market; the Department of Fire and Rescue Services will have *adequate* access for fire and emergency response vehicles.

Properly designated "fire lane" and/or no parking areas at this site shall be considered to ensure fire and emergency vehicle access.

Should you require any additional assistance, please feel free to contact me.



*Front Royal-Warren County
Rivers of Opportunity-Mountains of Success*



DEPARTMENT OF PLANNING & ZONING

T: (540) 635-4236
F: (540) 631-2727

Town Hall at 16 North Royal Avenue
P.O. Box 1560, Front Royal, VA 22630-1560

COPY

October 30, 2012

VFW Post 1860, Col. Samuel R. Millar
Attn: Michael Kohrt
1847 N. Royal Avenue
Front Royal, VA 22630

Re: **DEV12-06-206/SUP12-07-258/RZ12-07-68**
Site Plan Review Comments – Planning & Zoning
Proposed Flea Market at 1847 North Royal Avenue (TM # 20A3-1, parcels 1 and 2)

Dear Mr. Kohrt:

The primary purpose of this letter is to provide you with review comments of the site plan, received on October 15, 2012, for the above-referenced project and property. Below you will find comments from the Town of Front Royal Departments of Planning & Zoning, Environmental Services, Energy Services, and the Warren County Department of Building Inspections. Under the comments from the Department of Planning & Zoning, I have also included recommendations regarding your rezoning and special use permit applications.

A. PLANNING & ZONING REVIEW COMMENTS (10/30/2012).

1. ***Land Surveyor's Signature.*** The final submission of the site plan will need to include the signature of the Land Surveyor.
2. ***Proposed Zoning and Proposed Zoning District Boundary Line.*** Please show and label the proposed zoning and zoning district boundary line, including the bearings and distances.
3. ***Utility lines.*** Please show all existing water lines and the sewer line that connects to the existing shelter.
4. ***Landscaping.*** Please include a landscaping plan that meets the requirements of Section 148-48.D-F.

5. **Signs.** Please show all proposed signs and demonstrate compliance with Section 175-106 of the Town Code.
6. **Dumpsters.** Please show all existing and proposed dumpsters and proposed trash receptacles.
7. **Lighting.** Please show all existing and proposed lighting. New lighting should be designed to minimize off-site glare.
8. **Vehicles of Vendors.** Please show where vendor vehicles and trailers will be kept on the property when the flea market is open for business.
9. **Required parking spaces.** Please label on the site plan the number of parking spaces required by Code, as found under Section 175-104.H (Flea Markets), as well as Section 175-104.Q (Assembly Building). The standards for a flea market are 1 space for every 100 square feet of the flea market. Based on the typical table detail, plus a sales area, a minimum display and sales area would be 12' x 12'.
10. **Handicap parking.** Please include handicap parking spaces.
11. **Proposed parking spaces.** It appears that you have incorrectly calculated the number of proposed parking spaces shown because three of the existing parking spaces are proposed to be removed with the connection between the existing parking lot and the new parking lot.
12. **Parking Tabulation.** Please also demonstrate on the site plan how the existing assembly building and proposed flea market will comply with the parking requirements. Based on the required number of parking spaces proposed, and the required number of parking spaces, there does not appear to be enough parking for eighty (80) tables. Seventy (70) tables appear to be the maximum number of tables, based on the parking proposed. See the table below for reference:

	Code Requirement	# Required	# Proposed
Assembly Building	1 space per 4 seats [68 seats/4=]	17.00	17
Flea Market	1 space per 100 s.f. [(70x144 s.f.) /100=]	100.8	101
TOTAL	-----	117.68	118

13. **Phasing.** Please show a phasing plan that correlates between the number of tables and the required site improvements, such as the asphalt parking area and landscaping. Based on the number of seats shown for the existing Assembly Building, there appears to be thirty-three (33) spaces that are

currently available on the property that could be used for the flea market. Here is an example of a possible phasing plan scenario:

Phases		# of Parking Spaces by Phase	# of Tables by Phase
Phase 1	Existing Parking Lot only	50 (17/33)	22
Phase 2	Existing Parking Lot + ½ of New Parking Lot	81 (17/64)	56
Phase 3	Existing Parking Lot + entire New Parking Lot	118 (17/101)	70

14. Recommendations and information.

- a. *Proffer Statement.* Attached is a draft proffer statement that staff recommends VFW consider submitting with the consideration of their rezoning application.
- b. *Emergency Services Comments Regarding Access.* Please submit information from the appropriate emergency services personnel regarding concerns or issues related to accessing the site from North Royal Avenue under the Norfolk and Southern Railroad Bridge.
- c. *SUP Conditions.* Staff is evaluating the proposed use and may be recommending conditions for the Special Use Permit to the Planning Commission. This may include the conditions that the use is limited to a fewer number of tables initially, and that the use is reevaluated after one year of operation. Other conditions may also be placed on the Special Use Permit.

You will find attached copies of Sections 175-10.10 and Section 98-61 of the Town Code, which include relevant standards for Flea Markets that would need to be complied with, in addition to any special conditions placed on the Special Use Permit, if approved by the Town.

B. ENVIRONMENTAL SERVICES REVIEW COMMENTS (10/26/2012).

"Based upon the subject development plans submitted October 23rd, the following comments are provided.

1. *Based upon 80 vendor tables, only 41 parking spaces are provided. Available patron parking should be evaluated.*
2. *Screening from the residence on the west side of the property should be included in the site plan.*
3. *It appears that the proposed connection to the new parking lot will remove three to four spaces. Is this included in the calculations?*

No bond for public improvements or connection fees appears to be associated with the proposed development."

C. DEPT. OF ENERGY SERVICES REVIEW COMMENTS (10/23/2012).

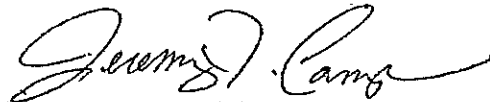
"I have reviewed the plans for this new flea market. I don't see anything that would affect the Electric Department. If you have any questions, please let me know."

D. WARREN COUNTY DEPARTMENT OF BUILDING INSPECTIONS (10/31/2012).

See attached letter.

You may reach me at (540)635-4236. I would be glad to discuss any of the comments in as much detail as needed to assist you.

Sincerely,



Jeremy F. Camp, Director
Department of Planning & Zoning

ATTACHMENTS

Cc: Steve Burke, Town Manager
Darryl Merchant



COUNTY OF WARREN

Building Inspections Office
Warren County Government Center
220 North Commerce Avenue, Suite 400
Front Royal, Virginia 22630

Phone: (540) 636-9973

FAX: (540) 636-4698

Email: dbeahm@warrencountyva.net

David C. Beahm
Building Official

October 31, 2012

BOARD OF SUPERVISORS

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District

Richard H. Traczyk
Shenandoah
District

Douglas P. Stanley
County
Administrator

Jeremy F. Camp, Director of Planning & Zoning
Front Royal Department of Planning & Zoning
The Town of Front Royal
P.O. Box 1560
16 North Royal Avenue
Front Royal, Virginia 22630-1560

RE: DEV 12-06-206, Col. Samuel R. Millar, VFW Post 1860, Site Plan

Dear Mr. Camp:

I received the application for DEV 12-06-206 by mail on Thursday October 18, 2012. After reviewing the information, here are the items that will need to be addressed for the Warren County Building Inspections to proceed with the request:

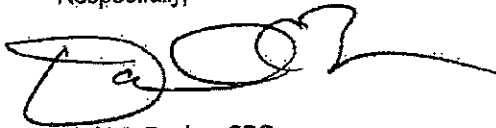
1. The current site plan shows work being completed that will require a Land Disturbance Permit.
 - o This will require a full Erosion and Sediment Control Plan Review package being completed. This information is available on the web site or at our office.
 - o There are two parts to this process, the Plan Review and Permit application which are required to be completed at the same time and would be issued at the same time.
2. The site indicates vendor tables to be installed. These would not require any permits, unless they were to be covered with an actual permanent structure. Temporary canopies or tents that are not more than 900 square feet would not require a permit.
3. The site plan does not indicate any electric to be installed, but if electric is installed a permit would be required.
4. It appears that restrooms currently exist and that they are part of the same ownership. Once a value is set for the public area capacity the existing facilities will need to be determined to be adequate to meet the need.
5. All permits would be required to be issued before any work was to begin.

If you should have any further questions with regards to this information, please do not hesitate to contact me. Thank you for providing this information so that my department could provide comment prior to this meeting.

Front Royal-Warren County
Rivers of Opportunity-Mountains of Success

October 31, 2012

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Beahm', with a long horizontal flourish extending to the right.

David C. Beahm, CBO
Building Official

Attachments:

Cc: file

DRAFT
*For Discussion
Purposes Only*

PROFFER STATEMENT

REZONING: RZ# 12-07-68
Industrial Employment District (I-2) District to
Agricultural (A-1) District

PROPERTY: 11.44 acres +/-;
Tax Parcel #20A3-1-1 and Tax Parcel 20A3-1-2

RECORD OWNER: Veterans Of Foreign Wars Col Samuel R Millar Post 1860

APPLICANT: Col. Samuel R. Millar VFW Post 1860

CONTACT: Michael Kohrt

PROJECT NAME: VFW Post 1860

ORIGINAL DATE
OF PROFFERS: October 30, 2012

Preliminary Matters

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional zoning, the undersigned Applicant hereby proffers that in the event the Town Council of Front Royal, Warren County, Virginia, shall approve Rezoning Application #12-07-68 for the rezoning of approximately 11.44 acres from the Industrial Employment (I-2) District to the Agriculture (A-1) District, development of the subject property shall be done in general conformity with the terms and conditions set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised by the Applicant and such be approved by the Front Royal Town Council in accordance with the said Code and Zoning Ordinance. In the event that such rezoning is not granted, then these proffers shall be deemed withdrawn and have no effect whatsoever. In the event this application is denied by the Front Royal Town Council (the "Council"), such denial is appealed to a court of competent jurisdiction, and this rezoning application is thereafter remanded to the Council for reconsideration, then the Applicant may elect to readopt all or any portion hereof, in a writing specifically for that purpose; if no such election is made, these proffers shall be withdrawn and shall be invalid. These proffers shall be binding upon the Applicant and its legal successors, heirs, or assigns.

The subject property, identified as the VFW Post 1860, being all of Tax Map Parcels #20A3-1-1 and Tax Parcel 20A3-1-2, by virtue of a deed dated _____ and recorded among the land records of the Warren County Circuit Court Clerk's Office as Instrument No. _____.

Terms and Conditions

1. **Access Easement.** The property owner hereby agrees to provide the Town of Front Royal, without charge, an access easement for a future public trail that traverses the property from North Royal Avenue, near the northern boundary of the property, then approximately parallel to the Shenandoah River to a location on the eastern boundary of the property to be selected in the future by the Town of Front Royal, provided, however, that such location selected by the Town does not unreasonably interfere with the property owner's lawful use of the property.
2. **Restriction of Uses.** The property owner hereby agrees to restrict the following uses from the property which would otherwise be permitted in the A-1 District.
 - a. Manufactured Homes.
 - b. Tenant Housing.

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Front Royal Town Council grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Code.

SIGNATURE: _____
Print Signature Name

TITLE: _____ COMPANY: _____
ADDRESS: _____

WITNESS: _____
Signature

Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, 20____, BY _____, WHOSE SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS APPEARED THIS DAY BEFORE ME, _____, A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, _____.

NOTARY PUBLIC

Registration Number: _____

[SIGNATURES AND ACKNOWLEDGMENT CONTINUED NEXT PAGE, IF NEEDED]

SIGNATURE: _____
Print Signature Name

TITLE: _____ COMPANY: _____
ADDRESS: _____

WITNESS: _____
Signature

Print Signature Name

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF
_____, 20____, BY _____, WHOSE
SIGNATURE IS EXECUTED ABOVE TO THE FOREGOING INSTRUMENT AND WHO HAS
APPEARED THIS DAY BEFORE ME, _____,
A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE.

MY COMMISSION EXPIRES ON THE ____ DAY OF _____, ____.

NOTARY PUBLIC
Registration Number: _____

Chapter 175 ZONING.

Section 175-10.10 STANDARDS

A. Slaughtering Activities. All slaughtering activities in the A-1 District shall comply with the following standards:

1. Such activity shall not be conducted within one hundred fifty (150) feet of the property boundary.
2. No frequent or repetitive emission of noises or odors of such intensity and character as to interfere with the health, welfare and comfort of the public or neighboring land owners at or beyond the property line shall be permitted.

B. Flea Markets. Where flea markets are permitted by approval of a special use permit, the following standards shall be complied with, in addition to any conditions placed on the special use permit, and Section 98-46 of the Town Code.

1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.
2. A minimum fifty (50) foot setback shall be maintained from all property lines.
3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.
4. No manufactured buildings shall be permitted.
5. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.
6. All temporary structures or facilities, including but not limited to canopy frames, except as provided in subsection B.5 above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.
7. Operation of the market shall be confined to Saturday, Sunday and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the special permit. The hours of operation shall be posted on the property.
8. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.

C. Manufactured Housing. Manufactured housing shall be permitted on individual parcels or lots in the A-1 District, provided the following standards are met:

1. The manufactured housing unit shall have a minimum width of nineteen (19) or more feet.
2. The manufactured housing unit shall be attached to a permanent foundation in the ground.
3. The manufactured housing unit shall have the appearance and character of conventional, site-built single-family housing.
4. Such manufactured housing units shall meet all applicable Building Code requirements.

D. Commercial Outdoor Recreation, Hospitals, Schools and Churches. Where commercial outdoor recreation, hospitals, schools and/or churches are permitted by special use permit the following standards shall be complied with, in addition to any conditions placed on the special use permit.

1. A minimum of 50% of the lot area shall be designated as open space.
2. Buildings and structures used in association with outdoor recreation, hospital, school and churches shall be setback from adjoining property lines by a distance of 200 feet, except that the setback specified under Section 175-10.6 shall apply along property lines abutting a public road or the Shenandoah River.
3. Amphitheaters, stadiums and other similar activities that involve the outdoor gathering of large groups of people shall submit a traffic impact study for evaluation by the Town during the special use permit application process if the

total number of attendees is anticipated to exceed 2,500 persons. Gatherings of people above 2,500 may only be permitted by the Town on a temporary basis.

4. All outdoor lighting shall be reviewed and approved during the special use permit process. If outdoor lighting is authorized by special use permit, such lighting shall be designed so that light fixtures and the light that they emit minimize light glare to adjoining properties and the night-sky.

5. Campgrounds and similar facilities, shall comply with all requirements of the Virginia Department of Health, except that in no circumstance shall a campground not be provided with public bathroom facilities with either public utilities or an approved independent well and sanitary sewer system.

6. The hours of operation for outdoor activities shall be defined on any special use permit that may be approved by the Town.

(Ord. No. Z-6-91 Added Entire Section 2-25-91-Effective Upon Passage)

(Amended Entire Section (changed title to STANDARDS) 7-23-12-Effective Upon Passage)

Chapter 98 BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSING.

Section 98-46 FLEA MARKETS.

A. As used in this section, the following terms shall have the meanings indicated:

FLEA MARKET - An assembly of vendors, selling new or used goods in the open air or within temporary structures, who display and sell their wares on the lands of another for a consideration.

B. Every vendor who is engaged in the sale or display of goods at a flea market shall be required to purchase a license and display the license in a prominent place visible to the public. For every license to sell or display antiques or used or second-hand goods at a flea market, there shall be paid a license tax of ten dollars (\$10.) per year or one dollar (\$1.) per day. Every vendor of new goods at the flea market shall be deemed a peddler or itinerant merchant and shall pay such license tax as is applicable to peddlers under the provisions of Section 98-61. Such license taxes shall not be prorated. Upon application to and approval by the Town Council, no license shall be required of a nonprofit organization that sells or displays goods at a flea market so long as the proceeds of sale are retained by the nonprofit organization and not shared with other persons, businesses or organizations. The following regulations shall govern the conduct of flea markets:

(Ord. No. 12-86 Added "Peddler" 7-28-86-Effective Upon Passage)
(Ord. No. 13-96 Added "Itinerant Merchant" 12-16-96-Effective Upon Passage)

1. Goods and wares may be left on premises on Saturday nights only and on Sunday night if Monday is a holiday.
2. A night watchman may be allowed on weekends.
3. No overnight trailers are allowed.
4. The owner or lessee of the premises shall keep the flea market grounds clean and free of refuse and shall provide trash containers in sufficient numbers to serve the customers and vendors on the flea market site.
5. The owner or lessee of the premises shall rent no space to any flea market vendor, except those representing nonprofit organizations, unless the vendor first produces a valid and current license issued by the Town of Front Royal or a daily license permit for the sale and display of goods at a flea market.

Chapter 98 BUSINESS, PROFESSIONAL AND OCCUPATIONAL LICENSING.**Section 98-61 PEDDLERS****A. Peddlers defined.**

(Ord. No. 4-98 Amended Title 2-9-98-Effective Upon Passage)

1. Any person who shall carry from place to place any goods, wares, or merchandise and offers to sell or barter the same, or actually sells or barter the same, shall be deemed to be a peddler.
2. Persons who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times in regular business hours and at the same place, who shall offer for sale goods, wares and merchandise, may be deemed peddlers under this Article. Persons who keep a regular place of business, open at all times in regular business hours and at the same place, who shall, elsewhere than at such regular place of business, personally or through their agents, offer for sale or sell and, at the time of such offering for sale, deliver goods, wares and merchandise, may also be deemed peddlers as above, except for sidewalk sales adjacent to a regular place of business, but this section shall not apply to those who sell or offer for sale, in person or by their employees, ice, wood, charcoal, meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale, but a dairyman who uses upon the streets of the town one (1) or more wagons may sell and deliver from his wagons, milk, butter, cream and eggs without procuring a peddler's license.
3. All persons who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times in regular business hours at the same place, who shall offer for sale rugs, furniture, appliances or clothing which is delivered at the time of sale shall be deemed peddlers and shall not be licensed under any separate section.

(Ord. No. 11-86 Amended (3) 7-28-86-Effective Upon Passage)

4. Those vendors of secondhand merchandise who sell their goods and wares as part of an approved or permitted flea market or yard sale and are licensed as such shall not be deemed peddlers. Those vendors of new merchandise at flea markets shall be deemed peddlers.

(Ord. No. 11-86 Amended (4) 7-28-86-Effective Upon Passage)

5. a. All persons vending Christmas trees or fireworks who do not keep a regular place of business, whether it is a house, vehicle, vacant lot or elsewhere, open at all times during regular business hours at the same place, but who offer said items for sale during a portion of the year on or about the season of a celebrated holiday shall not be deemed peddlers except for purposes a license tax imposed pursuant to Virginia Code Section 58.1-3717.
- b. Christmas trees are defined as decorative bushes, trees, wreaths and like foliage associated with the celebration of a recognized holiday occurring on December 25 of each year. The term "Christmas" shall have no religious connotation under this ordinance.
- c. All vendors of Christmas trees and fireworks who do not keep a regular place of business as defined herein shall pay a license tax of one hundred dollars (\$100.). Any nonprofit civic, charitable or educational organization may receive a waiver of this license tax upon application to and approval of the Front Royal Town Council.

(Ord. No. 8-92 Added (5) 7-27-92-Effective Upon Passage)

B. Place of sale. (Ord. No. 3-84 Added 4-23-84-Effective Upon Passage)

1. It shall be unlawful for any peddler to occupy or partially occupy while selling, or sell from, the private property of another without written permission of the private property owner in the possession of the peddler while selling or peddling.

(Ord. No. 2-96 Amended (1) 2-12-96-Effective Upon Passage)

2. All peddlers shall be required to sell or offer for sale their goods, wares or merchandise only:

a. along the following streets: Royal and Shenandoah Avenues. Provided, however, that it shall be unlawful to occupy or partially occupy, while selling or to sell from, any portion of the street right of way.

b. upon the property of a shopping center as set forth in Section 175-111.

c. at all flea market sites in the Town of Front Royal operating as flea markets by special permit or otherwise operating as flea markets in accordance with the town's Zoning Ordinance.

(Ord. No. 11-86 Amended (c as e) 7-28-86-Effective Upon Passage)

(Ord. No. 2-96 Amended (2) 2-12-96-Effective Upon Passage)

3. This subsection shall not apply to persons who sell or offer for sale, in person or by their employees, ice, wood, charcoal, meat, milk, butter, eggs, poultry, fish, oysters, game, vegetables, fruits or other supplies or farm products of a perishable nature.

C. Delivery of goods on day of sale. For the purpose of this section, any delivery made on the day of sale shall be construed as equivalent to delivery at the time of sale. Any person claiming exemption from the provisions of this section on the ground that he is delivering goods, wares or merchandise previously sold to the customer shall, upon request of any police, tax or revenue officer, or assessing official, furnish evidence of his claim other than his mere statement, which evidence may be an invoice or signed order describing the goods, wares or merchandise involved and the amount and price thereof. Failure to furnish such evidence shall be sufficient ground for charging the person making such delivery with a violation of this section, and, in any prosecution for a violation of this section, the claim aforesaid must be corroborated by satisfactory evidence.

(Ord. No. 13-96 Amended 12-16-96-Effective Upon Passage)

D. Levy of license tax on retail peddlers.

1. There is hereby imposed upon peddlers license taxes in accordance with the following schedules:

a. Peddlers of meat, milk, butter, eggs, poultry, fish, oysters, games, vegetables, fruits or other family supplies of a perishable nature not grown or produced by the peddler: fifty dollars (\$50.00). There shall also be imposed a license tax of fifty dollars (\$50.00) per vehicle for every vehicle over one used to peddle the above-stated products.

b. All other peddlers shall pay a license tax of five hundred dollars (\$500.00).

(Ord. No. 11-86 Amended (D) 7-28-86-Effective Upon Passage)

2. The license tax authorized by this subsection shall not apply to a peddler who sells to licensed dealers or retailers only; a regular wholesaler dealer who shall at the same time sell or deliver merchandise to retail merchants; a distributor or vendor of motor fuels and petroleum products or seafood; a farmer; a farmers' cooperative association; a producer of agricultural products; a manufacturer who is subject to Virginia tax on intangible personal property and who peddles only the

goods, wares or merchandise manufactured by him at a plant whose intangible personal property is taxed by the Commonwealth of Virginia.

3. Any peddler who shall peddle for sale or sell or barter without a license shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.) nor more than five hundred dollars (\$500.) for each offense and, in addition, shall be required to purchase the appropriate peddler's license from the Town of Front Royal.

E. Exemption as to certain dealers in ice, etc. No peddler's license shall be required, under the provisions of this section, of dealers in ice, wood or coal, who peddle same from vehicles, provided that such dealers have taken out a merchant's license in the town.

F. Exemption as to person selling farm or domestic products. Nothing contained in this section shall be construed as imposing any tax upon a person selling farm or domestic products within the town when the products to be sold are grown or produced by such person, but proof shall be shown that such products are so raised by the party offering them for sale. Before any exemption certificate shall be issued to any person as a grower, producer or manufacturer, the applicant for such exemption certificate shall first file with the Assessor a written statement, duly sworn to and attested to by a notary public or Justice of the Peace to his community, setting out in full and in detail the facts claimed to make such applicant a grower, producer or manufacturer, and no exemption certificate shall be issued by the Assessor until such statement, duly sworn to, shall have been produced and filed. The notary public or Justice of the Peace executing such written statement shall be given in full.

G. Enforcement of section. It shall be the duty of the police officers and other officers of the town to enforce the provisions of this section and to have warrants issued against any person committing a violation.



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

Page 1
Item No. 9

Meeting Date: April 22, 2013

Agenda Item: PUBLIC HEARING – Special Use Permit Application from VFW Post 1860

Summary: Council is requested to approve a Special Use Permit application (SUP12-07-258) and Site Development Plan Application (DEV12-06-206) submitted by Col. Samuel R. Millar, VFW Post 1860, requesting a Special Use Permit for a Flea Market on 10.66 acres referenced in the Rezoning Application. The Flea Market is proposed to ultimately have (70) tables, with site improvements including new parking areas including handicap parking spaces, landscaping and an emergency access lane to be developed in three phases.

Budget/Funding: None

Attachments: Applications and Staff Reports

Meetings: Work Session held April 15, 2013.

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a Special Use Permit Application (SUP12-07-258) and Site Development Plan Application (DEV12-06-206) submitted by Col. Samuel R. Millar, VFW Post 1860, for a Flea Market on 10.66 acres referenced in the Rezoning Application, 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: JB

**TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING**



**STAFF REPORT FOR THE TOWN COUNCIL WORK SESSION ON APRIL 15, 2013, APRIL
22, 2013 PUBLIC HEARING/1st READING & 2nd READING IN MAY**

APPLICATION #:

SUP12-07-258/DEV12-06-206

APPLICANT:

Veterans Of Foreign Wars Col Samuel R
Millar Post 1860

APPLICATION SUMMARY:

Subject to approval of the accompanying rezoning application, the applicant has requested that the Town approve a Special Use Permit and site development plan for a flea market. The Special Use Permit and site plan applications are included with this report as **Exhibit A**.

GENERAL INFORMATION:

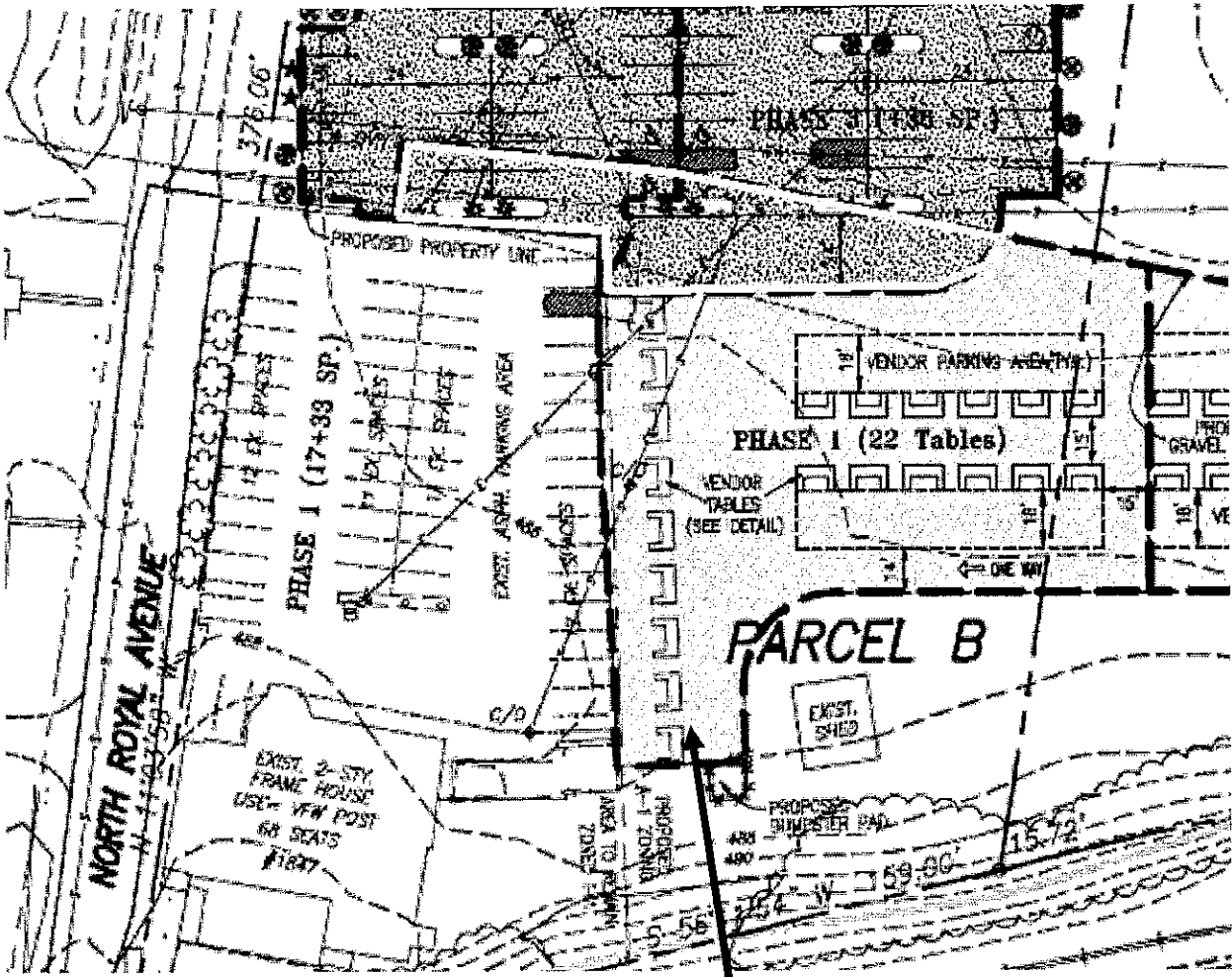
Site Address	1847 North Royal Avenue (2 lots)		
Existing Zoning	I-1 District (entire 11.44 acres)		
Existing Use	VFW Lodge and accompanying grounds including picnic pavilion		
Overlay Districts	Historic Area - NO	Floodplain - YES	Entrance Corridor - NO
Tax Identification	Tax Parcel 20A3-1-1 (parcel A) and a portion of Tax Parcel 20A3-1-2 (parcel B)		
Location	The site is located at the end of North Royal Avenue, adjacent to the Shenandoah River.		

Projected Zoning	A-1 District (excluding .78)
Proposed Use(s)	Continuation of existing VFW Lodge and a Flea Market on the portion of the property zoned A-1 District.

ILLUSTRATIONS

See the illustrations shown as part of the rezoning application, the attached site plan (Exhibit B), and the following illustration of phase 1.

Phase 1



PHASE ONE LOCATION SHOWN IN YELLOW

ADDITIONAL INFORMATION:

Background

The applicant submitted a site plan application on October 15, 2012, which accompanied a Special Use Permit application for a flea market submitted earlier. The Special Use Permit was initially submitted as incomplete pending a site plan, which is required by the Town Code uses that require a Special Use Permit. Town Staff provided review comments on the site plan by a letter dated October 30, 2012. This letter is attached and included as Exhibit B to this report. The applicant submitted a revised site plan on February 21, 2013.

Staff has worked with VFW to prepare a site plan that includes three (3) phases of development. The first phase would utilize the existing parking lot, and include a gravel area adjacent to it for 22 tables, an access lane, and fire access lane. The first phase would have minimal impact to the site, and is understood to not require a land disturbance permit due to the limited amount of land disturbance. Only phase 1 is recommended to be approved by this Special Use Permit at this time.



Phasing

The longer range plan includes the addition of Phase 2 and 3. These phases would include 22 tables as part of Phase 2, and 26 tables as part of Phase 3, with a total of 70 tables planned for the site after development of all three phases. Approval of phases 2 and 3 are not recommended at this time for at least the following reasons:

- By phasing the project, it reduces the up-front costs necessary to start the use, which is preferred by the applicant.

**Review of
2nd Site Plan
Submission**

- By phasing the project, the Town will be able to monitor and control traffic and other potential negative impacts that could result by the use of the property as a flea market. Staff also recommends re-review of the Special Use Permit after a year of operation of phase 1 to determine if the Special Use Permit for phase 1 should be continued, and if it would be appropriate to authorize phase 2 and/or 3.

Staff has reviewed the revised site plan that has been submitted and offers the following minor comments that should be adequately addressed before final approval of the site plan.

- 1) #2, under the Notes section, references that the property is zoned I-2. The correct current zoning district is I-1 District. Please correct this error.
- 2) Please reword the Director of Energy Resources Management to the Director of Energy Services.
- 3) Phase 1 landscaping. Please specify what landscaping will be installed as part of phase 1. Landscaping within the public right-of-way should be reviewed by the Town Arborist.
- 4) Please specify the surface material details that will be used for the proposed island in the rear (east) of the existing parking lot. This should be a landscaped island with a shade tree or shrub included within it. Please also specify the surface material details for the other island shown in the phase 3 parking area.
- 5) Please add handicap parking improvements as part of phase 1 if required by the Warren County Building Official as part of phase 1 development.
- 6) Please include the final conditions, including the specific requirements of Section 175-10.10.B, of the Town Code, on the final site plan. Please also include reference to the proffers, which should be recorded if accepted by Town Council.

Legal Venue

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

Section 175-10.04 of the Front Royal Municipal Code requires a Special

Use Permit for "Flea Markets".

The issuance of a Special Use Permit is subject to such conditions as are deemed necessary by the Front Royal Town Council, after recommendations of the Front Royal Planning Commission.

Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for Special Use Permits.

RECOMMENDATIONS:

During the March 20, 2013 Planning Commission Meeting, the Planning Commission recommended approval of the Special Use Permit Application and Site Plan Application submitted by VFW, subject to the property being rezoned first, subject to the following conditions for the Special Use Permit, and subject to final approval of the site plan by Town Staff after all agency review comments are adequately addressed.

DRAFT CONDITIONS FOR #SUP12-07-258

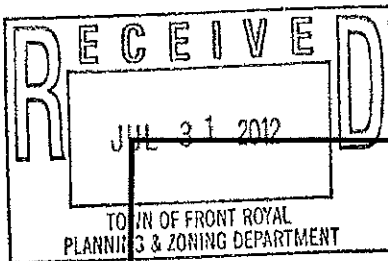
1. **Phase 1 Only At This Time.** This permit shall be valid for the use of the property as a flea market, only to the extent that is illustrated as phase 1 on the approved site development plan (DEV12-06-206), subject to review and extension as provided for under condition #2.
2. **1-Year Validity Only At This Time.** This permit shall be valid for a period of time that is one-year, beginning from the date that the use initially commences, and expiring twelve (12) months thereafter. However, the use may continue to operate beyond this period of time, provided that the applicant submits a request to extend the Special Use Permit within the first twelve (12) months, and the Town does not revoke the permit. If the applicant submits a request to extend the permit, Town Council will review the request, after review and recommendation by the Planning Commission. Town Council may extend the permit for a specific time period, or extend the permit indefinitely. At such time that the permit may be extended, it may also be expanded to include phase 2 and/or 3, as illustrated on the site development plan, as may be revised by the Town in the future. Upon future permit extension, Town Council may require a public hearing if deemed necessary. If a public hearing is required by Town Council, the applicant shall pay the standard Special Use Permit application fee.
3. **Code Compliance.** The use of the property shall comply with the requirements of Town Code, including those specific to flea markets under Section 175-10.10.B. For reference purposes, the requirements of Section 175-10.10.B. are as follows:
 - *Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.*
 - *A minimum fifty (50) foot setback shall be maintained from all property lines.*
 - *No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.*
 - *No manufactured buildings shall be permitted.*
 - *All tables, facilities and structures shall be maintained in a well-kept and attractive manner.*

- *All temporary structures or facilities, including but not limited to canopy frames, except as provided in sub-section B.5. above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.*
- *Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.*
- *Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.*

4. **Inspection.** The Zoning Administrator, and/or designee, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this Special Use Permit.

5. **Revocation.** Notwithstanding the above conditions, the Town may revoke the Special Use Permit at any time if it is found that the property is not in compliance with local regulations, including, but not limited to, the conditions of this Special Use Permit.

ATTACHMENTS: Attachment 1: Application, Attachment 2: Copy of the Site Plan

SUP 12-07-258**SPECIAL USE PERMIT REQUEST
TOWN OF FRONT ROYAL**

APPLICANT Col. Samuel R. Miller
NAME YFW Post 1860 PHONE 540-635-8134
ADDRESS 1847 N. Royal Ave
E-MAIL Kohrt 0702 @ yahoo.com

PROPERTY DESCRIPTION

PROPERTY ADDRESS 1847 N. Royal Ave
30A3-1-2
TAX MAP _____ SECTION _____ BLOCK _____ LOT _____
SUBDIVISION NAME _____
ACREAGE 1.0

REQUEST

ZONING DISTRICT Current Industrial (Proposed Rezoning to Agriculture)
PROPOSED USE OF PROPERTY Flea Market
SPECIFIC SPECIAL USE PERMIT REQUEST Operation of a
Flea Market on Weekends and holidays
as specified in the Town Code

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

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

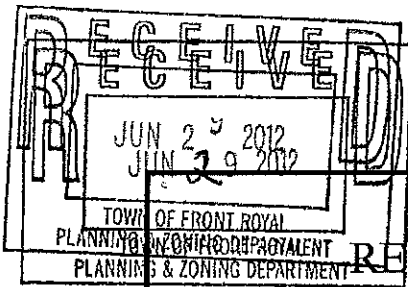
CERTIFICATION

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

Signature [Signature] Date 7-31-12

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

Receipt # 226492 Date Paid 7-31-12



DEV 12-06-206

DEVELOPMENT APPLICATION
REQUEST FOR SITE PLAN APPROVAL
TOWN OF FRONT ROYAL

APPLICANT Col. Samuel R. Miller
NAME VFW Post 1860 PHONE 540-635-8134
ADDRESS 1847 N. Royal Ave
Designated Contact for Applicant Michael Kohrt 540-313-1956

PROPERTY DESCRIPTION

PROPERTY ADDRESS 1847 N. Royal Ave
TAX MAP 20A3-1-2 SECTION _____ BLOCK _____ LOT _____
SUBDIVISION NAME _____
ACREAGE 10 ACRES

REQUEST

ZONING DISTRICT _____
PROPOSED USE OF PROPERTY Flea market
PROPOSED BUILDING SIZE _____
BUILDING COVERAGE _____
NUMBER OF PARKING SPACES PROVIDED _____
AMOUNT OF OPEN SPACE AREA _____

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

1. Five (5) copies of the site development plan, prepared in accordance with the requirements of Town Code Section 148-20.
2. One (1) copy of an Erosion and Sediment (E&S) Plan.

(The required number of copies of the Erosion and Sediment Plan should be to the Warren County Building Inspection office, as their approval is required before the development plan can be approved by the Town.)

CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge, and the project will be implemented as presented and approved by the Town of Front Royal, in accordance with the Town's Land Development Regulations (Chapter 148) and Zoning Ordinance (Chapter 175).

Signature Michael Kohrt Date 6-28-2012
Fee \$300.00 Receipt Number 226445 Date 6-29-12

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

January 13, 2012

*NOT ready for review until 10-16-12 *



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

Page 1
Item No. 10

Meeting Date: April 22, 2013

Agenda Item: COUNCIL APPROVAL – An Ordinance Approving an Agreement Between the Town, the Boisseau Family L.C./L.C. II and Royal Plaza Associates for Easement of a Walking and Biking Trail (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance approving an agreement between the Town and the Boisseau Family L.C., the Boisseau Family, L.C. II and Royal Plaza Associates. If approved, the ordinance and agreement will grant to the Town a deed of permanent easement, temporary construction easement, special warranty deed to parcels and other responsibilities in connection with a walking and biking trail near Royal Plaza Shopping Center.

Budget/Funding: None

Attachments: Ordinance and Agreement

Meetings: Work Session held March 4, 2013. Public Hearing held April 8, 2013

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council adopt on its second and final reading an ordinance approving an agreement between the Town and the Boisseau Family L.C., the Boisseau Family, L.C. II and Royal Plaza Associates for a walking and biking trail near Royal Plaza Shopping Center, as presented.

ROLL CALL VOTE REQUIRED

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

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

Approved By: JB

AN ORDINANCE TO AUTHORIZE CONVEYANCE OF A PARCEL OF REAL ESTATE OWNED BY THE TOWN OF FRONT ROYAL ("FRONT ROYAL") TO BOISSEAU FAMILY L.C. IN EXCHANGE FOR A PERMANENT EASEMENT ON BOISSEAU FAMILY L.C.'S, BOISSEAU FAMILY, L.C.II'S, AND ROYAL PLAZA ASSOCIATE'S REAL ESTATE, FOR A WALKING AND BIKING TRAIL IN FAVOR OF FRONT ROYAL; IN EXCHANGE FOR A CONVEYANCE OF A PARCEL OF REAL ESTATE OWNED BY BOISSEAU FAMILY, L.C, II TO FRONT ROYAL ; AND IN EXCHANGE FOR A CONVEYANCE OF A SMALL PARCEL OF LAND OWNED BY BOISSEAU FAMILY, L.C. II TO FRONT ROYAL

WHEREAS, the Town Council of the Town of Front Royal, Virginia (hereinafter the "Town"), has received a request to approve an ordinance approving an agreement between the Town and The Boisseau Family L.C., the Boisseau Family, L.C., II, and Royal Plaza Associates. If approved, the ordinance and agreement would grant to the Town, from Boisseau Family L.C. and L.C., II, a deed of permanent easement for a walking and biking trail parallel to U.S. Route 522 South (Remount Rd.) on the east side of the Royal Plaza Shopping Center, together with a temporary construction easement; would grant to the Town, from Boisseau Family L.C. II, a special warranty deed to a parcel of 1.2916 AC. adjacent to U. S. Route 522 South (Remount Rd.) and Criser Rd.; would grant a special warranty deed to the Town, from the Boisseau Family L.C. II, to a parcel of 0.0841 AC. near Commerce Ave. and the intersection of Prospect Street and Front Street; would grant to Boisseau Family L.C. from the Town a special warranty deed to "Parcel A-1" (0.6991 AC.); would add Boisseau Family L.C. and L.C. II and Royal Plaza Associates as additional insureds on the Town's liability insurance policy; and would require the Town to perform additional minor maintenance and other responsibilities in connection with the walking and biking trail and agreement.

WHEREAS, the said Council and the Town's Staff have investigated said proposed exchange and found, as evidenced by Council's Resolution of April _____, 2013, that the exchange is of approximately equal value in real estate value alone, and is more than equal in value to the Town's residents and visitors, who will now also have a permanent easement affording the opportunity for a walking and biking trail with its recreational, tourist, and health benefits; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Front Royal, Virginia, having duly subjected itself to complete compliance with the requirements of Section 15.2-2100, *et seq.*, of the Code of Virginia, 1950, as amended, and, especially a three-fourths (3/4ths) majority vote of the elected Members of the Town Council to approve such conveyance, the Town shall convey to Boisseau Family, L.C. the fee simple interest, with Special Warranty of title, to that certain parcel of land approximately eighty feet (80') in width and designated as "Parcel A-1" as depicted on the Criser Plat by Darryl G. Merchant, Land Surveyor, dated 23 July 2010, Revised 31 August 2010, a copy of which is attached hereto and incorporated herein by reference (the "Criser Plat"). **Provided, however** that the Town shall reserve unto itself a permanent easement of 50 ft. depth and 80 ft. width on Criser Road marked on said Criser Plat "Hereby Reserved By The Town Of Front Royal For Public Street Use (4,000sq. Ft.)", which shall run with the land, for utility installation and maintenance of same, as well as for ingress, egress and regress, over, across, and through said realty. No improvements or structures may constructed, placed, or erected by Boisseau Family, L.C., Boisseau, L.C.II, Royal Plaza Associates, or any of their successors or

assigns, on the easement reserved by the Town which would in any manner or at any time interfere with the Town's use of its reserved easement. Said conveyance to Boisseau Family, L. C. shall be by good and sufficient Special Warranty deed to be prepared by the Town Attorney and executed by the Mayor on behalf of the Council;

AND BE IT, FURTHER, ORDAINED AND ENACTED that the Town Attorney shall receive in exchange, either by the same deed or by separate conveyance, at his discretion, good and sufficient deeds from the Norfolk Southern Corporation to the Town, the following:

(a) A deed of easement will be granted and conveyed from Boisseau Family, L.C. ("LLC1") and Boisseau Family, L.C. II ("LLC 2") to the Town for a permanent easement appurtenant, which shall run with LLC1 and LLC 2's land, together with a temporary construction easement not to exceed five (5) years measured from the date said deed of easement is recorded, all as depicted on a plat titled "Happy Creek Trail System, Plat Showing Proposed Ingress-Egress Easements and Temporary Construction Easements, Prepared for the Town of Front Royal", prepared by Darryl G. Merchant, Land Surveyor, dated 23 September, 2009, revised 13 July, 2010, a copy of which is attached hereto and incorporated herein;

(b) A special warranty deed conveying a fee simple interest to the Town will be granted and conveyed from LLC 2 for a parcel of land containing 1.2916 acres, more or less, near Remount Road (U. S. Route 522), as shown on that plat titled "Plat Showing Parcel A1, Town of Front Royal, LR 01-1293, And the Land of

The Boisseau Family L.C. II, Et Al”, prepared by Darryl G. Merchant, Land Surveyor, dated 23 July 2010, Revised 31 August 2010, (the “Criser Plat”) a copy of which is attached hereto and incorporated herein; provided, however, LLC 2 reserves to itself, its successors and assigns, a fifteen foot (15”) wide access easement on that portion of said parcel marked “15’ Wide Access Easement Reserved By The Boisseau Family L.C. II, Et Al (4,161 Sq. Ft.)”;

(c) A special warranty deed conveying a fee simple interest to the Town from LLC 2 for a small parcel of land containing 0.0841 of an acre near Commerce Avenue, and depicted on a plat titled “Plat Showing 0.0841 Acre Parcel of Land as Shown On The Subdivision Plat of A Portion of The Paul W. Rudacille Estate As Recorded in Slide 180 H”, prepared by Darryl G. Merchant, Land Surveyor, dated September 23, 2009, a copy of which is attached hereto and incorporated herein.

AND BE IT, FURTHER, ORDAINED AND ENACTED that the Town Manager, and Planning Director, shall, if appropriate, sign and thereby approve the aforesaid Plats of Survey, and that if the aforesaid deeds from Boisseau Family, L.C., Boisseau Family, L.C. II, and Royal Plaza Associates are not delivered to the Town Attorney within one (1) year from the date of the adoption of this Ordinance, he shall report said event to this Council, and this Ordinance shall be void.

For purposes of Section 4-4 (E) of the Town Code, this ordinance shall be considered “routine” and shall be effective upon passage.

*****THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on April _____, 2013, upon the following recorded vote:

Daryl L. Funk	<u>Yes/No</u>	Bret W. Hrbek	<u>Yes/No</u>
N. Shae Parker	<u>Yes/No</u>	Eugene R. Tewalt	<u>Yes/No</u>
Hollis L. Tharpe	<u>Yes/No</u>	Thomas H. Sayre	<u>Yes/No</u>

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

A public hearing on the above was held on April _____, 2013, having been advertised in the Northern Virginia Daily on March 23 and 30, 2013 and the Warren Sentinel on April 4, 2013.

The Ordinance was enacted at the regular meeting of the Town Council held April _____, 2013.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____ / ____ / ____

THIS AGREEMENT is made and entered into this _____ day of _____, 2013, by and between THE TOWN OF FRONT ROYAL, VIRGINIA, a Municipal Corporation organized, Chartered, and existing under the laws of the Commonwealth of Virginia, ("the Town"), and THE BOISSEAU FAMILY L.C., a Virginia limited liability company, ("LLC 1"); THE BOISSEAU FAMILY, L.C. II, a Virginia limited liability company ("LLC 2"), and ROYAL PLAZA ASSOCIATES, a Virginia limited partnership ("RPA").

WHEREAS, the Town desires to acquire a permanent easement over and across other property owned by LLC 1 & LLC 2, for the construction of a bicycle and walking trail, together with a temporary construction easement surrounding such permanent easement, and to add LLC 1, LLC 2, and RPA to the Town's liability insurance as an "additional insureds", if the Town's insurance carrier permits, as to the said bicycle and walking trail; and

WHEREAS, RPA has a leasehold interest in the entirety of the Royal Plaza Shopping Center property and hereby joins in this Contract for the sole purpose of consenting to the easements being granted herein across the Royal Plaza Shopping Center property; and

WHEREAS, the Town desires to acquire, in fee simple, a parcel of real estate near Remount Road (U. S. Route 522) owned by LLC 2; and

WHEREAS, the Town desires to acquire, in fee simple, a small parcel of real estate near Commerce Avenue owned by LLC 2.

NOW, THEREFORE, WITNESSETH that the parties covenant and agree as follows:

1. LLC 1 and LLC 2 agree:

(a) A deed of easement will be granted and conveyed from LLC 1 and LLC 2 to the Town for a permanent easement appurtenant, which shall run with LLC1 and LLC 2's land, together with a temporary construction easement not to exceed five (5) years measured from the date said deed of easement is recorded, all as depicted on a plat titled "Happy Creek Trail System, Plat Showing Proposed Ingress-Egress Easements and Temporary Construction Easements, Prepared for the Town of Front Royal", prepared by Darryl G. Merchant, Land Surveyor, dated 23 September, 2009, revised 13 July, 2010, a copy of which is attached hereto and incorporated herein;

(b) A special warranty deed conveying a fee simple interest to the Town will be granted and conveyed from LLC 2 for a parcel of land containing 1.2916 acres, more or less, near Remount Road (U. S. Route 522), as shown on that plat titled "Plat Showing Parcel A1, Town of Front Royal, LR 01-1293, And the Land of The Boisseau Family L.C. II, Et Al", prepared by Darryl G. Merchant, Land Surveyor, dated 23 July 2010, Revised 31 August 2010, (the "Criser Plat") a copy of which is attached hereto and incorporated herein; provided, however, LLC 2 reserves to itself, its successors and assigns, a fifteen foot (15') wide access easement on that portion of said parcel marked "15' Wide Access Easement Reserved By The Boisseau Family L.C. II, Et Al (4,161 Sq. Ft.)";

(c) A special warranty deed conveying a fee simple interest to the Town from LLC 2 for a small parcel of land containing 0.0841 of an acre near Commerce Avenue, and depicted on a plat titled "Plat Showing 0.0841 Acre Parcel of Land as

Shown On The Subdivision Plat of A Portion of The Paul W. Rudacille Estate As Recorded in Slide 180 H", prepared by Darryl G. Merchant, Land Surveyor, dated September 23, 2009, a copy of which is attached hereto and incorporated herein.

2. Provided that the Town's liability insurance carrier consents thereto, the Town agrees to add each of LLC 1, LLC 2, and RPA, and each of their respective successors and assigns, to the Town's policy of liability insurance as "additional insureds", effective on the day that construction of the walking and bike trail is concluded, at no expense to LLC 1, LLC 2 or to RPA. Further, the Town agrees that the entirety of the contemplated bicycle and walking trails to be constructed by the Town and located within the easement granted herein on the shopping center property shall be lighted to a minimum average of foot candle level of two (2) from dusk to dawn. The Town further agrees to clear and keep maintained and cleared of brush and debris once per year the contemplated bicycle and walking trail to be constructed by the Town within the easement granted herein, in the area from the trail to Happy Creek. The Town further agrees to cut, once, the scrub trees and brush, and to clean thoroughly, once, the area of trash between U. S. Route 522 and Happy Creek, and to relocate, once, any beavers that have built a dam after execution of this agreement. It is further agreed by the Town that if the Town should decide to construct a sidewalk on the east side of Happy Creek, the Town will not assess LLC 1, LLC 2, or RPA for any of the costs of construction thereof. Further, the Town agrees that if the Virginia Department of Highways constructs a more modern bridge on Criser Road, LLC 1, LLC2, and RPA will not be assessed for the costs of construction thereof. It is understood and agreed by all

parties that the provisions of Virginia Code § 29.1-509 are intended to be made a part of and incorporated by reference into this Contract.

3. Subject to complete compliance with the requirements of Section 15.2-2100, *et seq.*, of the Code of Virginia, 1950, as amended, and, especially a three-fourths (3/4ths) majority vote of the elected Members of the Town Council to approve such conveyance, the Town agrees that it will convey to LLC 1 the fee simple interest, with Special Warranty of title, to that certain parcel of land approximately eighty feet (80') in width and designated as "Parcel A-1" as depicted on the Criser Plat by Darryl G. Merchant, Land Surveyor, dated 23 July 2010, Revised 31 August 2010, a copy of which is attached hereto and incorporated herein by reference (the "Criser Plat"). ~~The Town further agrees to relocate, at its cost, the power pole that is in the center of Parcel A-1.~~ Provided, however, that the Town shall reserve unto itself a permanent easement of 50 ft. depth and 80 ft. width on Criser Road marked on said Criser Plat "Hereby Reserved By The Town Of Front Royal For Public Street Use (4,000sq. Ft.)", which shall run with the land, for utility installation and maintenance of same, as well as for ingress, egress and regress, over, across, and through said realty. No improvements or structures may constructed, placed, or erected by LLC 1, LLC 2, RPA, or any of their successors or assigns, on the easement reserved by the Town which would in any manner or at any time interfere with the Town's use of its reserved easement; provided, however, that this sentence shall not prevent LLC 1, LLC 2, RPA, and/or any of their successors or assigns from asphalt-paving said reserved easement, provided the same is done to the public street standards of the Town of Front Royal.

4. **IT IS UNDERSTOOD AND AGREED** by the parties that the Town will require anyone at any time in the future who constructs a bridge leading from U. S. Route 522 (Remount Road) to serve the properties of LLC 1, LLC 2, and/or RPA, their successors and assigns, to construct such bridge directly across U. S. Route 522 from one of the existing entrances to what is currently the properties of Gateway Shopping Center, so that one traffic light serves both the bridge and one of the said existing entrances of what is currently Gateway Shopping Center.

5. **IT IS UNDERSTOOD AND AGREED** by the parties that the obligations set forth in Paragraph (3) above are a condition precedent to the parties' other obligations as provided for in this Contract. In the event that the Town fails, for any reason whatsoever, to approve this Contract in complete compliance with the requirements of §15.2-2100 *et seq.* of the Code of Virginia as set forth in Paragraph (3) above, this Contract shall be void and of no effect, and the parties shall have no further obligation to one another under this Contract whatsoever.

IN WITNESS WHEREOF the Town Council of the Town of Front Royal, Virginia, has caused this Contract to be executed on its behalf by Timothy W. Darr, its duly elected Mayor, and to have its official seal hereunto affixed and attested to by Jennifer L. Berry, its Clerk, all in accordance with a Motion approving this Contract adopted on _____, 2013, a true copy of an extract of the official Minutes of the Regular Meeting of said Council being attached hereto and incorporated herein;

AND IN WITNESS WHEREOF The Boisseau Family, L.C. and The Boisseau Family, L.C. II have caused this instrument to be executed by RICHARD W. BOISSEAU, III, its Manager;

AND IN WITNESS THEREOF, for the sole purpose of consenting to the easements granted in this Contract across the shopping center property, Royal Plaza Associates has caused this instrument to be executed by GEORGE C. STUCKEY, Manager of Stuckey Associates, LLC, itself the General Partner of Royal Plaza Associates.

THIS INSTRUMENT was executed in duplicate by all of the foregoing persons on ____ day of 2013, with one (1) copy to the Town, one (1) copy to Richard W. Boisseau, III, and one copy to George C. Stuckey.

TOWN OF FRONT ROYAL, VIRGINIA

BY: _____
TIMOTHY W. DARR, MAYOR

ATTESTED TO:

JENNIFER L. BERRY, CLERK

THE BOISSEAU FAMILY, L.C.

BY: _____
RICHARD W. BOISSEAU, III
MANAGER

THE BOISSEAU FAMILY, L.C. II

BY: _____
RICHARD W. BOISSEAU, III
MANAGER

ROYAL PLAZA ASSOCIATES

By: STUCKEY ASSOCIATES, LLC
General Partner

By: _____
George C. Stuckey, Manager

APPROVED AS TO FORM:

Douglas W. Napier, Town Attorney



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

Page 1
Item No. 11

Meeting Date: April 22, 2013

Agenda Item: COUNCIL APPROVAL – Enact Chapter 10, ELECTIONS, to the Town Code
(2nd Reading)

Summary: Council is requested to adopt on its second and final reading an Ordinance to enact Chapter 10, ELECTIONS, to the Front Royal Municipal Town Code. If approved, Town Elections will be held the Tuesday following the first Monday in November in even numbered years; current members of Town Council and the Mayor shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire; term members of all Town Council members and the Mayor shall begin the first day of January next following the election; and candidates for Town Council and the Mayor shall not be nominated or identified on the ballot by political party affiliation.

Budget/Funding: None

Attachments: Proposed Ordinance

Meetings: Work Session held February 19, 2013. Public Hearing held April 8, 2013

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to enact Chapter 10, ELECTIONS, to the Front Royal Municipal Town Code, as presented.

ROLL CALL VOTE REQUIRED

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

Approved By: JB

Chapter 10

ELECTIONS

Sections:

10-1 Election of Mayor and Town Council

10-1 ELECTION OF MAYOR AND TOWN COUNCIL

A. The Mayor and Town Council shall be elected on the Tuesday following the first Monday in November in even numbered years in the manner provided by Virginia general election laws. The Mayor and members of Town Council in office at the effective date of this ordinance amendment shall have their terms extended and shall continue in office until December 31 of the year in which their respective terms were to expire.

B. The terms of office for all Town Council members shall begin on the first day of January next following their election, and each shall serve for a term of four (4) years or until his or her successor shall have been elected and qualified. The term of office for the Mayor shall begin on the first day of January next following his or her election, and the Mayor shall serve for a term of two (2) years. The Town Council members and Mayor may succeed themselves as often as the voters may choose.

C. Candidates for Town Council and Mayor shall be nominated only by petition in the manner prescribed by general law. Candidates for Town Council and Mayor shall not be nominated or identified on the ballot by political party affiliation or in any other manner that would disqualify them for candidacy under any law of the United States or the Commonwealth of Virginia.

D. (1) The Council may fill any vacancy that occurs in the membership of the Council for the unexpired term, provided that such vacancy is taken within 45 days of the office becoming vacant. If a majority of the remaining members of the Council cannot agree, or do not act, the judges of the circuit court having jurisdiction shall make the appointment. The person so appointed shall hold office only until the qualified voters of the Town fill the vacancy by special election pursuant to Virginia Code § 24.2-682, 1950, as amended, or its successor enactment(s), and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.

(2) If a majority of the seats on the Council are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in Virginia Code § 24.2-227, 1950, as amended, or its successor enactment(s).

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2013, upon the following recorded vote:

Thomas H. Sayre	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
N. Shae Parker	Yes/No	Daryl L. Funk	Yes/No

A public hearing on the above was held on _____, 2013 having been advertised in the Northern Virginia Daily on _____, 2013 and _____, 2013. The Ordinance was enacted at the Regular Meeting of the Town Council held _____ 2013.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



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

Page 1
Item No. 12

Meeting Date: April 22, 2012

Agenda Item: COUNCIL APPROVAL – Donation of Electric Fee for Special Event Permit for “National Day of Prayer”

Summary: Council has received a request from Denni Giovinazzo, representative of the Front Royal Community Prayer Committee, seeking the waiver of the \$25.00 electric fee associated with the use of electricity at the Gazebo for “National Day of Prayer” on Thursday, May 2, 2013 from 6:30pm – 7:30pm.

Budget/Funding: 9401 – 3161901 Sales of Services

Attachments: Letter from Ms. Giovinazzo and Special Events Application

Meetings: None

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve the donation of the \$25.00 electric fee associated with the use of electricity at the Gazebo for “National Day of Prayer” on Thursday, May 2, 2013 from 6:30pm – 7:30pm.

ROLL CALL VOTE REQUIRED

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

Approved By: JB



TOWN OF FRONT ROYAL SPECIAL EVENTS APPLICATION

The Town of Front Royal requires a Special Events Permit for any gathering of fifty (50) or more people for listening to or participating in entertainment and/or commemorative festivals or parades conducted in open spaces with or without music, the use of microphones and amplifiers, requiring closing of public streets and/or utilizing public sidewalks or travel portions of public streets. Applications must be submitted a minimum of ten (10) days before the event and no more than (6) months before the event, with the exception of larger events that require the closing of (3) blocks and lasting more than (2) days have a minimum of (60) days before the event. Events may not exceed twelve (12) hours in a 24-hr. period. The complete Ordinance pertaining to Special events can be found in the Town Code under Chapter 72 on the Town's website (www.frontroyalva.com).

Name of Event:

Community Prayer Service / Nat'l Day of Prayer

Event Date:

May 2, 2013

Event Hours:

Setup 4:00

Service 6:30 - 7:30

Event Location:

Gazebo, Main St Front Royal

Expected Attendance

100

of Vendors

Contact Person:

Denni Giovinozzo

Contact Address:

1117 Harmony Orchard Rd, Front Royal

Contact Phone:

540-305-6984

Contact e-mail:

d.gio1117@gmail.com

Detailed Event Description to include names of performers and activities (Attach additional sheets if necessary)

A prayer service with local pastors and public servants and councilmen. Music provided by Servants Hearts and Hands. Flag presentation by veterans. Soloist for nat'l anthem.

All Permit Applications must include the following plans as applicable:

- ☐ Provision for Sanitation Facilities/Garbage Disposal
- ☐ Provision for crowd, noise, parking & traffic control
- ☐ ADA compliance

- ☐ Provision of Food/Drink
- ☐ Provision for inclusion or exclusion of pets
- ☒ Onsite/Offsite Signage (Requires Separate Permit)

MAR 26 2013

- ☒ Certificate of Liability Insurance naming the Town of Front Royal as Additional Insured (Event on Town Property)
- ☐ Electric Service \$25.00 non-refundable fee per day payable to the Town of Front Royal (Town Code: 72-2.E.1.)

Applicant Signature:

Denni Giovinozzo

Date:

3/26/13

If approved, this Application will serve as your Permit.

Town Manager Signature:

Date:



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
03/28/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Jim Kenney Jim Kenney Insurance Agency 121 East 2nd Street Front Royal, VA 22630	CONTACT NAME: NAME: _____ FAX: _____ ADDRESS: _____ (A/C No): _____ E-MAIL: _____ ADDRESS: _____ PRODUCER: _____ CUSTOMER ID #: _____
INSURED David Lingeback 565 S River Rd Front Royal, VA 22630	INSURERS AFFORDING COVERAGE INSURER A: Western Heritage Insurance Company INSURER B: _____ INSURER C: _____ INSURER D: _____ INSURER E: _____ INSURER F: _____

COVERAGES		CERTIFICATE NUMBER:		REVISION NUMBER:		
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSURER	TYPE OF INSURANCE	ADDL. SUBV. (INS. WVR)	POLICY NUMBER	POLICY EFF. DATE (MM/DD/YYYY)	POLICY EXP. DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PER OCC		ecp0935206	05/02/2013	05/03/2013	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ex. Commercial) \$100,000 MED EXP (Any one person) \$1,000 PERSONAL & ADV INJURY \$100,000 GENERAL AGGREGATE \$200,000 PRODUCTS - COMPROP AGG \$100,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ex. Accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB EXCESS LIAB DEDUCTIBLE RETENTION \$	OCCUR CLAIMS-MADE				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED? (Mandatory in NH) 1 yrs. division under DESCRIPTION OF OPERATIONS below	Y/N N/A				WC STATE-TORY LIMITS B.L. EACH ACCIDENT \$ B.L. DISEASE - EA EMPLOYEE \$ B.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Factsheet, Schedule, if more space is required)
 10 day notice of cancellation applies for non-payment of the premium.

one day event
 565 S RIVER BEND FRONT ROYAL, VA 22630

CERTIFICATE HOLDER

TOWN OF FRONT ROYAL
 PO BOX 1560
 FRONT ROYAL, VA 22630

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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April 15, 2013

Mayor Darr and Front Royal Town Council

Re: Request for waiver of electric fee for NDP event

Dear Mayor and Council,

Thursday May 2 we will be holding the 13th annual Front Royal Community Prayer Service in observance of the National Day of Prayer. We extend to all of you our invitation to attend and join us in prayer for our nation and locality.

We would like to request that the fee for electric usage for this public event be waived as it is only about one hour in length. We do like to start setting up a couple of hours in advance, which would include preparing our P.A. system. However, the total electrical demands are actually very small in relation to the \$25.00 fee. In addition, please consider that this is a public service for which no fund raising or request for donations are procured. Our committee of three takes on all expenses personally.

We thank you for your consideration and look forward to hearing your decision in this matter.

Respectfully,

Denni Giovinazzo

Front Royal Community Prayer Committee

TOWN CODE 72-2 EXCERPT

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

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

Service Fee

Electric Service - \$25.00 per day

Water Service - Current metered rate



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

Page 1
Item No. 13

Meeting Date: April 22, 2013

Agenda Item: CLOSED MEETING – Acquisition of Real Property

Summary: Council is requested to convene and go into Closed Meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711.A.3. of the Code of Virginia.

Budget/Funding: None

Meetings: None

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion:

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held property, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711.A.3. of the Code of Virginia.

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

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

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

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

Approved By: JB