



TOWN COUNCIL WORK SESSION

Monday, June 17, 2013 @ 7:00pm

Front Royal Administration Building Conference Room

Town/Staff Related Issues:

1. Front Royal Limited Partnership Discussion – *Planning/Zoning Director*
2. Happy Creek Trail Project Costs – *Directors of Electrical Services/Environmental Services*
3. Ordinance Amendment Pertaining to Taxis Continued Discussion – *Town Attorney*
4. Comcast Lease Renewal – *Town Attorney*
5. Comcast Pole Attachment Agreement Renewal – *Town Attorney*
6. Special Events Electric Fee– *Town Manager*

Council/Mayor Related Issues:

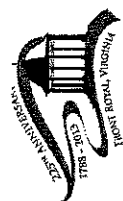
7. Environmental Unfunded Mandates –*Mayor Darr*
8. Council Discussion/Goals *(time permitting)*
9. Closed Meeting – 1) Community Development Consultant and 2) Consultation with Legal Counsel specific to Annexation.

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of 1) discussion, consideration or interviews of prospective candidates for employment, namely, Community Development Consultant, pursuant to Section 2.2-3711 A. 1. of the Code of Virginia and 2) for the consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, Annexation, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.

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

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



Town of Front Royal, Virginia Work Session Agenda Form June 17, 2013

Agenda Item: Front Royal Limited Partnership (FRLP) Discussion – PC Recommendations
Director of Planning & Zoning

Summary: During a Special Meeting of the Planning Commission, held on May 29, 2013, the Planning Commission unanimously passed the attached resolution regarding FRLP's citizen initiated annexation petition. This resolution begins with a summary of the background behind the Town's review of FRLP's citizen initiated annexation petition and various development proposals. There were numerous meetings held by the Planning Commission at the direction of Town Council, Warren County and FRLP. In summary, the resolution concludes that the Planning Commission supports the annexation in general, but does not recommend acceptance to the Exemplar Proffers at this time, or any other similar form of conditions that would obligate the Town and/or vest development rights to FRLP, except that it may be reasonable to agree upon a maximum density of 2 units per acre and cash proffer amount to the County. The resolution also includes an appendix that summarizes the key issues with the Exemplar Proffers.

Council Discussion: This agenda item is scheduled for discussion between Town Council and Staff at the June 17, 2013 Town Council Work Session.

Budget/Funding: No additional funds are needed.

Legal Evaluation: The Town Attorney will be available at the upcoming Town Council work session to answer legal questions that Town Council may have.

Staff Recommendations: Staff agrees with the Planning Commission's comments represented in the attached resolution.

Town Manager Recommendation: The Town Manager will be available at the upcoming work session for discussion and questions.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)

1 **PLANNING COMMISSION RESOLUTION REVIEW COMMENTS REGARDING THE**
2 **FRONT ROYAL LIMITED PARTNERSHIP (FRLP) ANNEXATION PETITION**

3
4 **May 29, 2013**
5

6 *Whereas*, on September 19, 2012, Front Royal Limited Partnership (FRLP) submitted a
7 Notice of Citizen Initiated Petition for Annexation, filed with the Commission on Local
8 Government, Department of Housing and Community Development, Commonwealth of
9 Virginia; and
10

11 *Whereas*, the Citizen Initiated Petition for Annexation was submitted with the intent of
12 annexing approximately 604 acres into the jurisdictional boundaries of the Town of
13 Front Royal, VA from Warren County, VA.; and
14

15 *Whereas*, upon initial review by the Town of Front Royal Planning Commission the 604-
16 acre property was proposed to be zoned A-1 upon Annexation, or upon Boundary Line
17 Adjustment if agreed to by all three parties, including FRLP, Town of Front Royal, and
18 Warren County; and

19 *Whereas*, the Town of Front Royal Planning Commission, at its October 17, 2012
20 meeting, discussed the proposed annexation and made the following motion:

21 Commissioner Jones moved, seconded by Commissioner Kline, that the Planning
22 Commission refer the following comments to Town Council regarding the proposed
23 citizen-initiated annexation petition by Front Royal Limited Partnership:
24

- 25 1. In accordance with Section 175-9.1 of the Town code, the property should only be
26 designated within the A-1 District upon being added to the Town boundaries, should
27 that occur. Furthermore, no additional vested rights should be given to the owners at
28 this time regarding future development of the property.
29 2. The Planning Commission generally supports the annexation for the following
30 reasons: a) It will help the Town better facilitate its transportation planning goals,
31 such as, but not limited to, the construction of the East-West Connector Road, and b)
32 It will aid the Town in creating a more unified and longer term land use plan for the
33 North East Planning Area in terms of housing, economic development, conservation,
34 public facilities, recreation, urban forestry, tax revenue generation and utility
35 infrastructure.
36 3. The Planning Commission recognizes the importance of working with Warren
37 County to ensure that future development proposals adequately address relevant
38 impacts to both Town and County services, such as, but certainly not limited to,
39 public schools, parks, law enforcement, and utilities.
40 4. It is appropriate for other properties in the area to be considered at the same time.
41

42 *Whereas*, on November 16, 2012, the Warren County Planning Commission
43 recommended that the County work out a formal agreement with the Town and FRLP,
44 subject to the following criteria:

- 45 • FRLP will address the fiscal impact of any development on the County as determined
46 by the County's fiscal impact model.

- 47 • FRLP will be responsible for transportation improvements as dictated by traffic
- 48 impact analysis to be reviewed and accepted by the Town and VDOT.
- 49 • Agreement with the Town regarding water and sewer service.
- 50 • Maximum residential density of 2-units per acre with a commercial component.

51 *Whereas*, during a joint meeting with FRLP, The Town of Front Royal, and the Warren
52 County, held on February 21, 2013, the possibility of a Boundary Line Agreement or
53 Voluntary Settlement Agreement was discussed. At this meeting, it was clarified that a
54 Boundary Line Adjustment was not agreeable to Warren County. Furthermore, FRLP
55 was not amenable to the VSA terms agreed upon by the Town and the County. FRLP
56 alternatively proposed a more complex set of terms that would effectively guarantee the
57 zoning and key development requirements through approval of a preliminary proffer
58 statement, also referred to as the Exemplar Proffers or Appendix. All parties then agreed
59 to forward FRLP's proposal to the Town Planning Commissions for their review within a
60 time period sufficient to respond to the Commission of Local Government within the
61 applicable response deadline for the Citizen Initiated Annexation Petition; and

62 *Whereas*, the Town of Front Royal Planning Commission held meetings on 3/20/13,
63 3/27/13, 4/17/13, 4/24/13, 5/15/13, and 5/29/13 to review FRLP's proposal. During
64 this review period the Planning Commission, FRLP, and both Town and County Staff
65 reviewed three preliminary proffer versions, two VSA Agreement versions, a
66 preliminary traffic study, and numerous other documents submitted by FRLP.

67 *Now Therefore Be It Resolved*, by the Town of Front Royal Planning Commission, that
68 the following comments are recommended to Town Council:

69 The Town of Front Royal Planning Commission continues to generally support the
70 annexation of the 604-acre property, for the same reasons specified in the Planning
71 Commission's comments provided on October 17, 2012, as shown above. However, after
72 careful and detailed consideration of FRLP's current proposal, the Planning Commission
73 does not believe that an adequate resolution of the issues can be obtained at this time.

74 Therefore, and as consistent with the Planning Commission's original comments, it
75 remains the opinion of the Planning Commission that FRLP's property should only be
76 brought into the Town boundaries if zoned A-1 District. Furthermore, after a genuine
77 attempt to work within the unorthodox pseudo-rezoning review process proposed by
78 FRLP, and as consistent with the Planning Commission's original review comments, the
79 Planning Commission does not recommend that the Town agree to any conditions within
80 a VSA that would establish any vested rights in regards to zoning, subdivision or land
81 development; except that, upon rezoning it may be reasonable to grant a maximum gross
82 density of two (2) residential dwelling units per acre. Attached with this resolution is an
83 Appendix listing the most significant issues, but not a comprehensive list of issues, that
84 exist with FRLP's proposal, including the Exemplar Proffers, submitted 5/13/13, and
85 VSA, submitted 5/28/13.

86

87 **Be It Further Resolved**, that the Planning commission understands that current
88 discussions are underway between representatives of FRLP, the Town and County that
89 may lead to a major restructuring and simplification of the details of the Voluntary
90 Settlement Agreement. We understand that their changes will be soon coming and that
91 there will be time for the Planning Commission to consider them and make a timely
92 recommendation to the Town Council.

93
94 APPROVED:

95 
96 _____

97 David E. Gushee, Planning Commission Chairman

98
99
100 ATTEST:

101 
102 _____

103
104 Jeremy F. Camp, Director of Planning & Zoning

105
106 THIS RESOLUTION was approved at the Special Meeting of the Town of Front Royal
107 Planning Commission, conducted May 29, 2013, upon the following recorded vote:

108
109 Robert H. Ballentine ☒ Yes / ☐ No

William T. Kline ☒ Yes / ☐ No

110
111 David E. Gushee ☒ Yes / ☐ No

Deborah Langfitt ☒ Yes / ☐ No

112
113 Douglas Jones ☒ Yes / ☐ No

Arnold M. Williams, Jr. ☒ Yes / ☐ No

APPENDIX

EXEMPLAR PROFFERS:

- **NO VDOT REVIEW.** The Exemplar Proffers are based on a traffic impact study that has not been reviewed by VDOT. VDOT is unwilling to review the traffic impact study until FRLP goes through the normal review process. Without VDOT review, it is unfeasible to determine if the applicant's proffered road improvements are sufficient.
- **INADEQUATE UP-FRONT INFRASTRUCTURE.** The Exemplar Proffers would allow up to 469 houses to be constructed and occupied without completion of the East/West Connector Road.
- **LACK OF CASH CONTRIBUTION.** Despite the massive size of the 604-acre property in relationship to the Town of Front Royal, and the significant impacts it would create, ZERO (\$0.00) DOLLARS are offered by the developer to mitigate the cost of capital facilities that the Town could have to incur to accommodate the development of 818 dwellings. While Parks & Recreation and Education services are being addressed with the County, the other expenses that would be incurred by the Town are not insignificant. Furthermore, ZERO (\$0.00) DOLLARS are guaranteed toward on-site or off-site road improvements, other than those improvements that would otherwise be required.
- **NO MASTER PLAN.** The Exemplar Proffers do not include an adequate master development plan and has not been evaluated for incorporation into the Town's Comprehensive Plan.
- **CONFLICTION WITH THE EXISTING PROFFERS.** The Exemplar Proffers create confliction with the In-Town Proffers that have already been approved by the Town of Front Royal for other adjoining lands owned by FRLP. At a minimum, this includes varying phasing deadlines for the road construction and a different location and design for the East/West Connector Road. The Exemplar Proffers also necessitate the construction of the portion of the East/West Connector that the Town currently has the option to not construct (phase 5). This raises significant financial concerns related to the interpretation of the existing In-Town Proffers that the Applicant has not addressed at this time.
- **TOWN OBLIGATIONS.** The Exemplar Proffers create unreasonable obligations for the Town. This includes, but is not limited to, the requirement that unless the Town dedicates sufficient right-of-way for the East/West Connector Road within an arbitrary time period, as set by FRLP, then FRLP is not required to build the East/West Connector Road, resulting in an insufficient transportation network to support the proposed development. While it may be reasonable to dedicate right-of-way owned and controlled by the Town, it is not reasonable to obligate the Town to dedicate right-of-way it does not control, which will not be fully realized until further planning and engineering takes place.
- **CASH CREDIT FOR WATER TOWER CONSTRUCTION COSTS.** The cash credit for the construction costs of a possible future water tower may not be appropriate if these improvements would otherwise be required by Town Code.

170 VOLUNTARY SETTLEMENT AGREEMENT (VSA):

171

- 172 • OBLIGATIONS OF THE TOWN TO EXTEND ALL UTILITY LINES. The VSA appears to
173 obligate the Town to extend utility lines to the property, or properties, at the public's expense.
174 Previously FRLP had agreed to include language that would guarantee that the Town is not
175 obligated to build utility infrastructure.

Town of Front Royal, Virginia Work Session Agenda Form

Date: June 17, 2013

Agenda Item: Happy Creek Trail - Construction Costs

Summary: Following the acquisition of the Right-of-Way and easements necessary to develop the Happy Creek Trail from South Street to Criser Road, staff have been developing construction cost estimates for review by Town Council.

Council Discussion: Council is requested to consider the construction costs and options. Staff will provide costs at the Work Session.

Staff Evaluation: The construction of the Happy Creek Trail was not included in the FY13-14 Budget, and was not included in the work plan for our Department of Environmental Services and Energy Services. Staff will present the estimated costs and personnel time to construct.

Budget/Funding: Funding for construction of the Happy Creek Trail was not currently budget; funds will need to be brought forward from reserve funds. The Director of Finance will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends Council review the construction cost estimates and provide direction towards the funding and construction of the Trail

Town Manager Recommendation: The Town Attorney recommends Council review the construction cost estimates and provide direction towards the funding and construction of the Trail.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)

Town of Front Royal, Virginia
Work Session Agenda Form

Date: June 17, 2013

Agenda Item: COUNCIL CONSIDERATION/APPROVAL/DISAPPROVAL: Ordinances to Amend Sections 12-5, 98-72, & 158-60, Pertaining to Taxicabs

Summary: Theses ordinances, if adopted, would set out regulations for the licensing, fees, insuring, qualifications of taxicab operators, vehicle inspections and standards, rates for taxi services, accident reports, and taxicab operations in the Town of Front Royal.

Council Discussion: The Town of Front Royal has not had in place any ordinances or meaningful regulations governing the permitting, vehicle standards, or operation of taxicabs in Town.

Staff Evaluation: Staff evaluation is based in part on Va. Code § 46.2-2067. A., which states that "[i]t is the policy of this Commonwealth, based on the public health, safety and welfare, to assure safe and reliable privately operated taxicab service for the riding public in this Commonwealth", and to that end staff endeavored to fashion draft ordinances to regulate taxicab operations that would make taxicabs safer, more reliable, and a more enjoyable experience for the general public.

Budget/Funding: It is estimated about \$1,000 for various forms and supplies relating to regulating taxicabs would be needed.

Legal Evaluation: State law specifically permits localities to prescribe reasonable regulations as to filing of schedules of rates, charges, financial responsibility of operators, and general operation of taxicab vehicles. A copy of the state enabling statutes is attached.

Staff Recommendations: If taxicabs are to be regulated in Front Royal, staff recommends amendment and/or adoption of ordinances regulating taxicab driver's permits; Certificates of Public Convenience & Necessity; and the operation of taxicabs, all as set forth in Sections 12-5, 98-72, and 158-60.

Town Manager Recommendation: The Town Manager concurs with staff's recommendations.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)



**ORDINANCES TO AMEND SECTION 12-5, 98-72, & 158-60 OF THE
FRONT ROYAL TOWN CODE
PERTAINING TO TAXICABS**

WHEREAS, the Town has received requests to adopt regulations for the operation of taxicabs within the Town limits; and,

WHEREAS, the Town desires to ensure and promote public health, safety, welfare, and commerce through the availability of for-hire vehicles within the Town; and,

WHEREAS, the Town desires to regulate and control taxicab service in Front Royal to promote the highest character and qualifications of operators and vehicles for public convenience and necessity, as well as assure robust completion among providers of reliable quality taxi service;

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapter 12, Section 12-5, Chapter 98, Section 98-72, and Chapter 158, Section 158-60 of the Front Royal Town Code are hereby amended as follows:

12-5 POLICE DEPARTMENT FEES

Accident Report	\$5.00
<i>Certificate of Public Convenience & Necessity (Taxicab Owners)</i>	<i>\$100.00</i>
<i>Taxicab Driver's Permit (Valid for 12 months)</i>	<i>\$25.00</i>

98-72 TAXICABS

~~For every license for the privilege of transporting baggage or passengers for hire along the public streets and highways of the Town by means of wagons, carts, drays, trucks, automobiles, or other wheeled vehicles, not operated over fixed routes or by schedules, there shall be paid a license tax of ten dollars (\$10.00) for each vehicle for passengers or baggage.~~

~~Each person engaged in the business of operating a taxicab pursuant to a Certificate of Public Convenience & Necessity (Taxicab) shall pay an annual license tax of \$5.00 for each taxicab listed in such Certificate plus \$0.15 for each \$100.00 of the aggregate gross receipts derived from such business during the preceding year, but no less than \$200.00.~~

TAXICABS

158-60 TAXICABS

A. PURPOSE

The purpose of this chapter is to regulate and control taxicab service in the Town of Front Royal (the "Town"), through the operation of taxicabs for hire; the rates and charges for service; the filing of schedules, rates and charges; the general operation of such vehicles; and the character and qualifications of operators through the issuance of Certificates of Public Convenience and Necessity to person in the business of operating taxicabs, in order to preserve the health, safety, welfare and property of Front Royal citizens and the public at large, as well to help foster robust competition among providers to result in quality taxicab service throughout the Town.

B. DEFINITIONS

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Certificate: The Certificate of Public Convenience and Necessity granted by the Town to persons in the business of operating taxicabs as provided in this article.

Driver: Any person in charge of or driving any taxicab to transport individuals and baggage for hire.

Owner: Any person having control of the operation or maintenance of taxicabs, including any person having control of the collection of revenue derived from the operation of taxicabs, and including the purchaser of any taxicab under conditional sales contract, or other title-reserving agreement.

Taxicab: Any motor-driven vehicle used for the transportation, for hire or reward, of passengers upon any street, of the Town, except buses being operated under franchise or by the Town and over fixed routes between fixed termini; the term includes "taxi", "taxis", and "cabs". Provided, however, the taxicabs shall not mean an ambulance as defined in § 32.1-111.1, or a nonemergency medical transportation carrier as defined in Chapter 20, Title 46.2, of the Code of Virginia, 1950, as amended, or their successor enactment(s). Provided, further, that taxicabs shall not mean "limousine", defined herein as a luxury sedan with a wheelbase lengthened beyond that of a standard wheelbase of a sedan of the same or similar make or model, which limousine is driven by a chauffeur, and which limousine is not marked by lettering or numbers on the outside of the vehicle other than legally required licensing.

C. APPLICATION OF ARTICLE; COMPLIANCE

The operation of taxicabs in the Town shall be subject to the conditions, regulations and restrictions set forth in this article, and it shall be unlawful to operate, or cause to be operated, within the Town

any taxicab unless the conditions, regulations and restrictions herein set forth and prescribed have been complied with by such owner.

D. CERTIFICATE OF PUBLIC CONVENIENCE & NECESSITY (TAXICAB)

1. No Certificate shall be issued pursuant to this Chapter until an applicant can provide satisfactory proof that all delinquent business license taxes have been paid, and a valid business license for the operation of a taxicab service has been issued by the Town's Finance Department; nor shall any taxicab be operated for profit on the streets of the Town unless and until the Chief of Police has issued a Certificate pursuant to this Chapter to the owner of the taxi or taxi service.
2. An application for a Certificate, as required in this Chapter, shall be made, under oath, by the owner or proposed owner to the Chief of Police upon forms provided therefor by the Town. The application shall contain the following information:
 - a. The full name and business address of the applicant and home address if the applicant is an individual.
 - b. The trade name under which the applicant does or proposes to do business.
 - c. The number and kind of vehicles, showing seating capacity, design and color scheme of each vehicle used or to be used in the taxi service.
 - d. The address and size of each depot or terminal to be used in the taxicab service.
 - e. For the owner, and for each holder or owner of the stock of the taxicab service if the owner is a company, and for any partner if the owner is a partnership, of the taxicab service, each conviction of the violation of any criminal law, or guilty or nolo contendere plea thereto, whether such violation be of a Town ordinance, state law or federal law.
 - f. The specific experience of the applicant in the transportation of passengers for hire.
 - g. A copy of the valid Town of Front Royal business license issued for the operation of a taxicab service.
 - h. All facts or circumstances upon which the applicant bases his belief that public convenience and necessity require the granting of his application.
3. Upon the filing of an application, the Chief of Police, or designee, shall review the application to determine that the applicant is of good moral character and is otherwise qualified to conduct such business and, in the case of companies, partnerships or other such entities to investigate the fitness of the officers, directors, partners, stockholders, other owners and responsible persons. Within thirty (30) days of receiving such application, the Chief of Police shall make a determination of whether the applicant can provide safe transportation to the public, and therefore, whether a Certificate shall be issued, based on compliance with the criteria set forth in this Chapter. The applicant shall be notified of the decision, in writing, when it is made.

Each certificate shall contain (a) the name and address of the applicant; (b) the make, color, vehicle identification number, and (c) license plate number of each taxi authorized to be operated by the certificate; and the date of issuance.

4. No equipment shall be substituted for that described in a Certificate issued under this division unless and until it has been inspected and approved by the Chief of Police or designee, and the substitution or addition has been endorsed in writing on the Certificate by the Chief of Police.

5. Every Certificate issued under this Chapter shall be good and valid, unless revoked or suspended as provided in this Chapter, from the date of issuance until the following thirty-first day of December of each year. No Certificate shall be assigned or transferred.

E. CERTIFICATE REVOCATION OR SUSPENSION

1. The Chief of Police may, for cause, cancel, revoke, or suspend any Certificate issued pursuant to this Chapter, after giving fifteen (15) calendar days written notice to the Certificate holder. Written notice shall specify the justification for this action.
2. The Certificate holder shall have the right within five (5) days from the date of cancellation, revocation, or suspension of Certificate to appeal the decision to the Town Council. The decision of the Town Council, after hearing relevant evidence, shall be final.

F. INSURANCE REQUIREMENTS

1. Except as otherwise provided by Subsections (b) of this section, no Certificates will be issued or continued in effect unless there is in full force and effect the following insurance policy or policies, which every owner of any taxicab operated in the Town shall file with and have approved by the Chief of Police and shall keep enforced at all times:
 - (a) A public liability automobile policy for each authorized taxicab in the amount of at least \$25,000.00 for bodily injury or death to any one person, and in the amount of at least \$50,000.00 for injuries or death to more than one person sustained in the same accident, and in the amount of \$20,000.00 because of damage to property of others resulting from any one accident.
 - (b) If the minimum State automobile insurance requirements exceed the above rates, those requirements will automatically apply
 - (c) Such insurance policy will inure to the benefit of any persons sustaining damage to property for which the Certificate holder may be liable.
2. Evidence of such insurance will be filed with the Chief of Police prior to the issuance of any Certificate and will include provisions for notice by the insurance carrier to the Chief of Police prior to termination of such coverage, such that each such policy of insurance so filed shall contain a clause that the insurance carrier may cancel the policy upon not less than thirty (30) days written notice to the Chief of Police, as well as such other notice as may be required by law to be given the owner.
3. If any policy of insurance is canceled, the owner shall not operate, or cause to be operated, any vehicle covered by such policy until other insurance meeting the requirements of this section is obtained and approved by the Chief of Police.

G. GENERAL VEHICLE REQUIREMENTS; INSPECTIONS

1. Every taxicab shall be of the enclosed or sedan type with four (4) doors, at least two (2) seats and of not less than five (5) passenger capacity. Every taxicab shall be, at all times, in good order and repair, in clean appearance on the exterior and interior, and comply with all state regulations

when in operation. No taxicab shall display advertisements beyond that allowed by State or Town law, ordinance or regulation.

2. The Chief of Police, or a member of the Police Department designated by him, at any time, may cause to be inspected any taxicab within the Town. Such inspection shall be made at any Virginia state-authorized inspection station. If any such taxicab is found to be unsafe, unfit, or in an unclean condition, the owner thereof shall be notified at once that such taxicab shall not be operated thereafter until such unsafe, unfit or unclean condition has been remedied. The costs of any such inspection shall be paid by the owner.

H. IDENTIFICATION OF VEHICLES

Every taxicab shall bear (i) the word or words "taxicab", "taxi", or "cab" permanently affixed to its exterior, in letters at least three (3) inches in height, and (ii) on the outside a permanently affixed roof sign with the word/words "taxicab", "taxi", or "cab" in three inch high lettering capable of being illuminated when fares are transported, and, on at least two (2) sides of the taxicab vehicle, the name of the owner, in permanent letters not less than two (2) inches high and plainly visible at a distance of one hundred (100) feet, and on two (2) sides and the back, the owner's number in letters three (3) inches high and plainly visible at a distance of one hundred (100) feet. Such markings and roof sign, taken together, shall clearly reflect that the motor vehicle is operating as a taxicab or is performing a taxicab service.

I. SCHEDULE OF RATES

1. The owner of the taxicab service shall submit the rates established for services rendered by taxicabs within the Town with the Chief of Police at least five (5) business days prior to the effective date of any increase or change.
2. The rates for services rendered by taxicabs within the Town shall be posted by signs within the taxicab of sufficient size, print, and illumination to be plainly visible to passengers in each taxicab, and shall also be prominently posted at each place of business of the taxicab service.

J. RECORD OF CALLS

Every owner of the taxicab service shall keep a clear, neat record of the origin, telephone number, person making the call, and destination of all calls, and it shall be the duty of all drivers and employees of the owner to report such calls to the owner of the taxicab service. Such records shall be open at all times to inspection by the Chief of Police or designee, and shall be preserved for a period of not less than six (6) months. No person shall knowingly make a record of a fictitious call or use any fictitious name in reporting a bona fide call, nor shall a fictitious or false address of the point of origin or destination be knowingly reported and recorded.

K. ACCIDENT REPORTS

Every accident, however slight, in which any taxicab is involved, shall be immediately reported to the police department. Such report shall not be used against the owner or driver making it in any criminal proceeding. Such report shall be available to any person, or his attorney, injured in such accident or by reason thereof.

L. TAXICAB DRIVER'S PERMIT

1. It shall be unlawful for any person to drive a taxicab within the Town unless such person shall have obtained a special permit to be known as a "taxicab driver's permit," which shall be in addition to any other license required of such person. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor as provided in paragraph O. below.
2. It shall be unlawful for any owner of a taxicab to permit the same to be operated by any person who does not have a valid and effective taxicab driver's permit. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor as provided in paragraph O. below.
3. Application for a permit required by this Chapter shall be made in writing under oath to the Chief of Police and shall include the following:
 - a. Full name of applicant
 - b. Present address
 - c. Age
 - d. Place of birth
 - e. Place of previous address and employment for the past five (5) years, and a copy of the applicant's record from the Virginia Department of Motor Vehicles, or similar agency or agencies in another state for so much of as at least the last ten (10) years immediately preceding that the applicant has been sixteen (16) years of age or older
 - f. Height
 - g. Weight
 - h. Color of eyes
 - i. Color of hair
 - j. Gender
 - k. Whether or not applicant is in good physical condition
 - l. Whether or not applicant has good hearing and eyesight
 - m. Whether or not applicant uses, or has used within the past five (5) years, intoxicating liquors, drugs, or any other form of narcotic, and if so, to what extent
 - n. Whether or not applicant has ever been convicted of, pled guilty to, or enter the plea of nolo contendere or no contest to, the violation of any local, state, federal, or other criminal law, and if so, the number of times, the kind of offenses, and other such information relevant to the operation of taxicabs hereunder as may be required by the Chief of Police. In addition, the applicant will provided signed consent for the Town to access the applicant's criminal record and arrest record, if any, as shown on the central Registry for Child Abuse. The applicant shall declare, under oath, he or she is not listed by either database, except as disclosed above.
 - o. What experience, if any, applicant has had in the operation of motor vehicles
 - p. Whether or not applicant has previously been employed or licensed as a driver or chauffeur and, if so, whether or not his or her license has ever been revoked or suspended for any reason.
4. Each applicant for a taxicab driver's permit shall apply for his or her permit in person and have his or her fingerprints taken, which fingerprints shall constitute a part of the application.

5. Each applicant for a taxicab driver's permit shall file with their application two (2) recent photographs of themselves of a size designated by the Chief of Police, one of which shall be attached to and become a part of the application.
6. The Chief of Police shall promptly make an investigation of the facts stated in an application filed under this Chapter and shall make a written memorandum of the findings, which shall be kept on file for the benefit of any interested party.
7. The Chief of Police may require of the applicant for a taxicab driver's permit such medical examination as deemed appropriate by the Chief of Police.
8. If the Chief of Police, upon investigation, finds that the applicant is duly qualified and of good moral character, the applicant shall be issued a taxicab driver's permit. If the Chief of Police is not satisfied as to the qualifications and fitness of the applicant to operate taxicabs upon the streets of the Town, the Chief of Police shall refuse to issue such permit. No taxicab driver's permit shall be issued to any person who (i) is required to register as a sex offender as provided in § 9.1-901, or its successor enactment, or in a substantially similar law of any other state, the United States, or any foreign jurisdiction; (ii) has been convicted of a violent crime as defined in subsection C of Virginia Code § 17.1-805, or its successor enactment; or (iii) has been convicted of any crime involving the driving of a taxicab, including drug or alcohol offenses, but not traffic infraction convictions.
9. The applicant shall have the right, within five (5) business days from the day a taxicab driver's permit is denied, to appeal to the Town Council. The decision of the Town Council, after hearing relevant evidence, shall be final.
10. The taxicab driver's permit issued by the Chief of Police, which, at the option of the Chief of Police may be created by the Virginia Department of Motor Vehicles at the expense of the permit holder, shall be prominently displayed on the windshield, to the right of the State safety inspection decal and the Town license decal, near the bottom of the windshield, in such a manner as to not violate any law or regulation of the Commonwealth of Virginia, of the taxicab driven by the permit holder. Failure to display the permit shall be cause for revocation of the permit.
11. No taxicab driver's permit issued under this Chapter shall be transferable.

M. PERMIT REVOCATION OR SUSPENSION

1. The Chief of Police may, for cause, cancel, revoke, or suspend any Permit issued pursuant to this Chapter, after giving fifteen (15) calendar days written notice to the Permit holder. Written notice shall specify the justification for this action.
2. The Permit holder shall have the right within five (5) days from the date of cancellation, revocation, or suspension of Certificate to appeal the decision to the Town Council. The applicant waives confidentiality during the appeals process. The decision of the Town Council, after hearing relevant evidence, shall be final.

N. TAXICAB OPERATION

1. No taxicab driver shall fail or refuse to complete accepted calls as promptly as possible.
2. No nonpaying passenger of the same party shall be transported in a taxicab with a paying passenger, except police officers engaged in the performance of their duty and unable to obtain other adequate means of transportation.
3. Not more than one passenger shall be transported at one time in a taxicab without the consent of the person first engaging the vehicle.
4. Every taxicab, while in operation for the solicitation or transportation of passengers, shall be attended by the driver at all times, except when such driver is actually engaged in loading and unloading the taxicab with passengers or the belongings of the passengers.
5. No taxicab driver shall transport or permit to be transported objects or materials within their vehicle reasonably likely to leave dirt, stains, or otherwise soil or leave unclean the taxicab in such a way that the presence of these conditions might reasonably be damaging or objectionable to other passengers using the taxicab.

O. PENALTY FOR VIOLATION OF CHAPTER

Every owner or operator of a motor vehicle used as a vehicle for the transportation of persons or baggage for a consideration on any street in the Town who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$100.00 for the first offense and not more than \$500.00 for each subsequent offense.

This ordinance shall become effective July 1, 2013.

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: ____/____/____

STATE STATUTES ENABLING LOCAL ORDINANCES REGULATING TAXICABS

§ 46.2-2062. Regulation of taxicab service by localities; rates and charges. —

A. The governing body of any county, city or town in the Commonwealth may by ordinance regulate the rates or charges of any motor vehicles used for the transportation of passengers for a consideration on any highway, street, road, lane or alley in such county, city or town, and may prescribe such reasonable regulations as to filing of schedules of rates, charges and the general operation of such vehicles; provided that, notwithstanding anything contained in this chapter to the contrary, such ordinances and regulations shall not prescribe the wages or compensation to be paid to any driver or lessor of any such motor vehicle by the owner or lessee thereof.

B. In considering rates or charges pursuant to this section, or financial responsibility as provided by this chapter, the governing body may require the owner or operator to submit such supporting financial data as may be necessary, including federal or state income tax returns for the two years preceding, provided that the governing body shall not require any owner or operator to submit any audit more extensive than that conducted by such owner or operator in the normal course of business. Such financial data shall be used only for consideration of rates or charges, or to determine financial responsibility, and shall be kept confidential by the governing body to which it has been submitted. Nothing in this subsection shall make confidential any certificate of insurance, bond, letter of credit, or other certification that the owner or operator has met the requirements of this chapter or of any local ordinance with regard to financial responsibility.

§ 46.2-2059.1. Roof signs and markings for taxicabs. — Every motor vehicle operating in the Commonwealth as a taxicab or performing a taxicab service shall bear (i) the word or words "taxicab," "taxi," or "cab," permanently affixed to its exterior, in letters at least three inches in height, and (ii) a roof sign. Such markings and roof sign, taken together, shall clearly reflect that the motor vehicle is operating as a taxicab or performing a taxicab service.

§ 46.2-2063. Locality license and payment of locality license tax may be required. — The governing body of any county, city, or town may require a license for and impose upon and collect a license tax from every person, firm, association, or corporation that operates or intends to operate in such county, city, or town any taxicab or other motor vehicle for the transportation of passengers for a consideration. The tax may be upon each such motor vehicle so operated. The governing body of the county, city, or town may by ordinance provide for levying and collecting the tax and may impose penalties for violations of the ordinance and for operating any such vehicle without obtaining the required license. Any person accepting a license issued under authority of this section and operating a taxicab business based in a county, city or town shall be subject to the provision that any complaint relating to taxicab service in the Commonwealth shall be resolved under the license regulations of the county, city, or town from which that person obtained a taxicab license.

§ 46.2-2065. Local regulation of qualifications of operators; stands. — The governing body of any county, city, or town may prescribe such reasonable regulations as to the character and qualifications of operators of any such vehicle as they deem proper and may provide for the designation and allocation, by the sheriff or chief of police, of stands for such vehicles and the persons who may use the same.

§ 46.2-2066. Penalty for violation of provisions of article or regulations. — Every owner or operator of a motor vehicle used as a vehicle for the transportation of persons for a consideration on any highway, street, road, lane or alley in any county, city or town who violates any of the provisions of this article or regulations of a governing body made pursuant to this chapter shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$100 for the first offense and not more than \$500 for each subsequent offense.

§ 46.2-2067. Local regulation of number of taxicabs. —

A. It is the policy of this Commonwealth, based on the public health, safety and welfare, to assure safe and reliable privately operated taxicab service for the riding public in this Commonwealth; and in furtherance of this policy, it is recognized that it is essential that counties, cities and towns be granted the authority to reasonably regulate such taxicab service as to the number of operators and the number of vehicles that shall provide such service and regulations as to the rates or charges for such taxicab service, even though such regulations may have an anti-competitive effect on such service by limiting the number of operators and vehicles within a particular jurisdiction.

B. The governing body of any county, city, or town in the Commonwealth may regulate by ordinance and limit the number of taxicab operators and the number of taxicabs within its jurisdiction in order to provide safe and reliable privately operated taxicab service on any highway, street, road, lane or alley in such county, city, or town. The governing body may promulgate such reasonable regulations to further the provisions of this section including, but not limited to, minimum liability insurance requirements. However, such ordinances and regulations shall not prescribe the wages or compensation to be paid to any driver or lessor of any such motor vehicle by the owner or lessee thereof; nor shall such ordinances and regulations authorize the governing body to reduce the number of taxicabs permitted to be operated by a taxicab operator or a holder of a certificate issued under such ordinance, other than for non-use of such taxicabs or for cause as defined by such ordinance, including instances where there is a decrease in the demand for taxicab service. Further, such ordinances and regulations shall not impose (i) regulatory requirements concerning claims settlement practices beyond those imposed by § 46.2-2056 or (ii) financial requirements to qualify as a self-insurer beyond those imposed by § 46.2-2053 on any taxicab operator who, in lieu of filing an insurance policy or surety bond, has qualified as a self-insurer pursuant to § 46.2-2053 by depositing with the State Treasurer state, federal or municipal bonds or has filed an unconditional letter of credit issued by a bank. Nothing herein shall be construed to affect or control the authority of counties, cities or towns to set the amount, if any, of locally established liability insurance requirements that may be met by a program of self-insurance.



Mr. Anthony Elar, Jr.
559 Harmony Orchard Rd.
Front Royal, VA 22630-6209

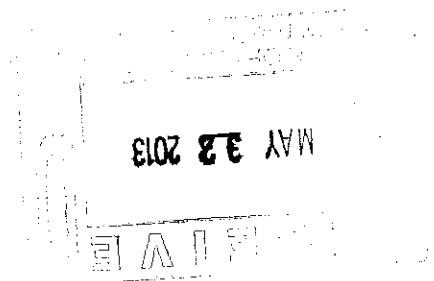
5/22/13

STEVE,

PLEASE DISTRO ACCORDINGLY
FOR THE NEXT WORK SESSION.

THANKS,

Tony Elar



RESPONSE TO CONCERNS AT TOWN WORK SESSION

- 1.Regulation of transportation is a legitimate role of Gov't. for example: FAA regulates Pilots,Towns regulate Cabs,Towns regulate Contractors, etc etc....(see Luray,Woodstock,Winchester,etc).**
- 2. Taxi Logs, SOP, standard operating procedure, Police agencies use this info!**
- 3.Funding, the fees associated with the ordinance will cover the expenses required to enforce and regulate the Taxi Co's.**
- 4.Infraction,a misdemenanor,class 3?**
- 5.Appeal process, see other Towns same process!**
- 6.Schools and pickup of children and minors,some parents call other cab companies when YC is busy,or they do not know of YC,new in Town?**

MAY 23 2013

**7. Background checks,VERY IMPORTANT,
there is a driver on the Sexual Offender list
currently driving in the Town!**

**8.Liability issue? What if something terrible
does happen, and the Town did have the
opportunity to regulate and prevent the
occurrence and chose not to??**

**Please feel free to contact me on my cell at
703 328 2642 or email me at
tonyelar@embarqmail.com**

Town of Front Royal, Virginia
Work Session Agenda Form

Date: June 17, 2013

Agenda Item:

Second Amendment To Lease with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC for lease of a portion of 15 North Royal Avenue.

Summary:

Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, dba "Comcast", currently under lease with the Town for the use of a portion of the Town's real property located at 15 North Royal Avenue, wishes to extend the lease term for one (1) year, with an option to renew annually, not to exceed three additional one (1) year periods, with an annual increase in rent of 3%. Comcast is offering annual rent of \$10,522.44, payable monthly, a 3% increase of current rent, as consideration. Under the terms of Comcast's cable franchise agreement with the Town, Comcast is required to maintain a customer service office within the Town of Front Royal.

Council Discussion:

Town Council is asked to consider approving an amendment to the current Comcast office lease of Town property located at 15 North Royal Avenue..

Staff Evaluation:

N/A

Budget/Funding:

N/A

Legal Evaluation:

The Assistant Town Attorney will be available for legal questions.

Staff Recommendations:

N/A

Town Manager Recommendation:

The Town Manager recommends approval of the ***Second Amendment To Lease*** with Comcast. The amendment provides for continuing revenue from the subject property for up to four (4) years, while providing the Town with the option of terminating the lease on three (3) months prior written notice.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)



SECOND AMENDMENT TO LEASE

THIS SECOND AMENDMENT TO LEASE entered into this _____ day of _____, 2013, by and between Town of Front Royal ("Landlord") and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC ("Tenant").

WHEREAS, Tenant is tenant and Landlord is landlord under a certain business premises lease originally between Town of Front Royal and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, dated July 25, 2005 as amended by the Amendment to Lease August 10, 2009 (collectively, the "Lease") respecting certain real property located at 15 North Royal Ave. Front Royal, Virginia and

WHEREAS, the term of the Lease expires on June 30, 2013, and both parties wish to extend the term from July 1, 2013 through June 30, 2014.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant hereby AMEND the Lease as follows:

1. The term of the Lease is hereby extended from July 1, 2013 through and including June 30, 2014 (the "Fourth Extension Term").
2. Rent for the Fourth Extension Term will be as follows:

7/1/13 – 6/30/14 \$ 876.87/month \$ 10,522.44/year
3. Tenant shall have the right to further extend the term of the Lease for three (3) additional periods of one (1) year each (the "Fifth, Sixth and Seventh Extension Terms"). Tenant shall provide Landlord written notice of its election to do so no later than March 31 of each year. The Fifth, Sixth and Seventh Extended Terms shall be upon the same terms, conditions and provisions contained in the Lease as amended hereby, including that the Rent shall continue to escalate by three percent (3%) annually on each July 1.
4. Landlord shall have the right to terminate this Lease with three (3) months prior written notice to the Tenant.
5. On the expiration or earlier termination of this Lease, Tenant shall surrender the Premises free and clear of all tenants, occupants, and personal property, broom clean and in good condition and repair, ordinary wear and tear and damage by fire or casualty only excepted.

6. Section 25 of the Lease is amended to provide that all notices under the Lease, in order to be effective, must be in writing, and shall be given either by certified mail, return receipt requested, or by nationally recognized overnight courier service, addressed as follows:

To Landlord: Town of Front Royal,
102 E. Main Street
P.O. Box 1560
Front Royal, Virginia 22630

To Tenant: Comcast of Potomac, LLC
8098 Sandpiper Cr.
Baltimore, MD 21236
Attn: Lease Administrator

With a copy to: Comcast Cable Communications, LLC
One Comcast Center
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103-2838
Attn: General Counsel

Notices shall be effective on (a) the date of hand delivery, (b) one (1) business day after deposit with a national courier service, or (c) five (5) business days after deposit in the U.S. Mail. Inability to deliver due to change of address for which no notice was given or refusal to accept delivery shall be deemed delivery hereunder. Each party shall have the right to designate by notice in writing any other address to which such party's notice is to be sent.

7. All other terms and conditions of the Lease shall remain in full force and effect.

IN WITNESS WHEREOF, the Landlord and Tenant have caused this Second Amendment to Lease to be duly executed as of the date first written above.

Town of Front Royal

By: _____
Name:
Title:

Comcast of
California/Maryland/Pennsylvania/Virginia/West
Virginia, LLC

By:  _____
Name: Marc Sirota
Title: Vice President- Finance

Town of Front Royal, Virginia
Work Session Agenda Form

Date: June 17, 2013

Agenda Item:

Pole Attachment Agreement with Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC for a new, non-exclusive, license agreement to permit the erection, attachment, and installation of cables, wires and/or appliances to the Town's utility poles.

Summary:

Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, dba "Comcast", currently under a ten (10) year, non-exclusive, pole attachment license agreement with the Town, terminating June 22, 2013, for the use of the Town's utility poles, wishes to enter into a new pole attachment license for a term of five (5) years, with an option to extend for one (1) additional year. Comcast is currently paying \$13.00 per pole attachment, and is currently attached to 2,134 Town poles. It is believed that the current rate of \$13.00 per attachment was below the "industry rate" at the time of the execution of the current agreement in 2003. The Town exercised its option to terminate the current agreement and renegotiate terms to avoid continuing for another five (5) years at a rate which is now well below the "industry rate". The Town seeks an increase in the per attachment rate from \$12.00 to \$25.00 per attachment, realizing additional annual revenue of \$25,600. A final draft of the agreement is expected from Comcast within the next week.

Council Discussion:

Town Council is asked to consider approving a new ***Pole Attachment Agreement*** with Comcast for a non-exclusive license for a period of five (5) years at the increased rate of \$25.00 per pole attachment.

Staff Evaluation:

The Director of Energy Services will be available for questions.

Budget/Funding:

N/A

Legal Evaluation:

The Assistant Town Attorney will be available for legal questions.

Staff Recommendations:

The Director of Energy Services recommends an increase in the pole attachment rate to \$25.00.

Town Manager Recommendation:

The Town Manager recommends approval of a new ***Pole Attachment Agreement*** with Comcast. A new, non-exclusive, license agreement will provide for continuing revenue for an additional five (5) years, through the end the current cable television franchise agreement terminating in 2018.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)



Town of Front Royal, Virginia
Work Session Agenda Form

Date: June 17, 2013

Agenda Item: Special Events - Electric Fee

Summary: At the August 20th Work Session, Council requested that staff evaluate options in Town Code 72.2 - E to address requests for fee waivers associated with Special Events at the Gazebo. Staff recommend the changes below:

E. Permit requirements. The Town Manager or the Manager's designee **may shall** 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:

<u>Service</u>	<u>Fee</u>
Electric Service (<u>Gazebo Only</u>)	\$25.00 per day
<u>Electric Service (Gazebo & Village Commons)</u>	<u>\$150.00 per day</u>
Water Service	Current Metered Rate

Council Discussion: Council is requested to consider the proposed Code Amendment to address issues raised during discussions. Council may consider adding additional language that prevents issuance of a waiver by the Town is they so desire.

Staff Evaluation: The proposed Code Amendment will mandate that these fees are to be assessed. The amendment will also establish an additional fee for larger events that require additional electric service needs. The fees are established to recover both staff time and electricity consumed during the event.

Budget/Funding: The Director of Finance will be available to address fiscal issues.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Staff Recommendations: Staff recommends that Council consider adoption of the proposed Code Amendment.

Town Manager Recommendation: The Town Manager recommends that Council consider adoption of the proposed Code Amendments.

Council Recommendation:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action: ____ (Aye) ____ (Nay)