



REGULAR TOWN COUNCIL MEETING

Monday, April 13, 2020 @ 7:00pm

via WEBEX at www.frontroyalva.com/meeting

Public comments shall be sent via email to Clerk of Council Tina Presley at tpresley@frontroyalva.com by 4:00pm on Monday, April 13, 2020. All comments received will be forwarded to Town Council before the meeting.

1. **COUNCIL APPROVAL** – Consent to Depart from the Regular “Order of Business” for All Regular Council Meetings Scheduled Via WebEx

I move that council approve the departure from the regular “Order of Business” during all regular Council Meetings scheduled via WebEx, and, until such time as Town Council resumes meetings held in-person. I further move that all public comments be submitted via Clerk of Council by 4:00pm the day of the Regular Council Meeting during this time.

2. Roll Call

3. Approval of Minutes:

Work Session Minutes of March 2, March 30, and April 6, 2020

Regular Council Meeting Minutes of March 9 and March 23, 2020.

4. Reports:

- a. Report of special committees or Town Officials and Interim Town Manager
- b. Requests and inquiries of Council members.
- c. Report of the Mayor
- d. Proposals for addition/deletion of items to the Agenda.

5. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED)

- A. COUNCIL APPROVAL – Donation to FRIBA for Love Letters
- B. COUNCIL APPROVAL – Resolution for a Deed of Easement for Sanitary Sewer Utilities – HEPTAD, LLC
- C. COUNCIL RECOMMENDATION FOR RE-APPOINTMENT – BZA – Hensley
- D. COUNCIL APPROVAL – Amendments to Downtown Revitalization Project (CDBG) By-Laws/Members of the Façade Advisory Board and Façade Improvement Program Design
- E. COUNCIL APPROVAL – Proclamation – Sexual Assault Awareness Month
- F. COUNCIL APPROVAL – Resolution to Delay Charges for Real Estate and Personal Property Tax Penalties and Interest

6. **COUNCIL APPROVAL** – DEQ Consent Order Issuance

1

EXCERPT FROM TOWN CODE

4-19 ORDER OF BUSINESS; PLACEMENT AND APPROVAL OF ITEMS ON AGENDAS

A. ORDER OF BUSINESS

1. At every regular meeting of the Council, the order of business shall be as follows:

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of the Minutes of previous meetings

Receipt of Petitions and/or correspondence from the public

Reports

- a. Report of Special Committees or Town Officials and Town Manager.
- b. Requests and Inquiries of Council members.
- c. Report of the Mayor
- d. Proposals for addition/deletion of items to the Agenda.

Consent Agenda Items.

Items for Approval.

Closed Meeting items (if applicable)

2. The order of business shall not be departed from except by the consent of two-thirds (2/3) of the members of the Council present and voting.

3. Items which appear under the heading "Consent Agenda items" are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the "Items for Approval" portion of the order of business.
4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

3

TOWN COUNCIL WORK SESSION MINUTES

Monday, March 2, 2020

Town Hall Council Chambers

Councilman Gillispie moved, seconded by Vice Mayor Sealock to appoint and recognize Tina Presley as Clerk of the Front Royal Town Council pro tempore for the meeting of Front Royal Town Council on March 2, 2020 Regular Meeting; and for such additional and further meetings and times that are a continuation of the March 2, 2020 meetings at her services such as Clerk pro tempore may be needed.

1. CLOSED MEETING – Personnel and Afton Inn

Councilman Gillispie moved, seconded by Vice Mayor Sealock that Town Council go into closed meeting with respect to the Afton Inn building for the following purposes: (1) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of Town Council would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia; (2) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of Town Council, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia; (3) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia. Councilman Gillispie further moved that Town Council go into closed meeting to discuss personnel matters, specifically: the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of Town Council, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

Councilman Gillispie moved, seconded by Councilman Meza 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.

Vote: Yes – Tewalt, Sealock, Cockrell, Gillispie, and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Holloway

ROLL CALL

2. Ordinance Amendments –

a. Sewer Use Ordinance – Chapter 134 – Director of Public Works Boyer advised Council that there were mandates set by Department of Environmental Quality (DEQ) pertaining to pretreatment at the Wastewater Treatment Plant and updating the Town Code was part of the mandate. Vice Mayor Sealock questioned the limits with regard to pharmaceuticals. Mr. Boyer clarified that the changes related more to manufacturers not residential. Council agreed to move this item to a Public Hearing

b. Remove Recycling Charge – Chapter 85 – Interim Town Manager Tederick explained that the Town Code change is to “clean up” the Town Code to reflect *Public Works* instead of *Environmental Services* and to remove the charge of \$10.00 for not separating recyclables due to the separation no longer being a requirement. Councilman Cockrell noted that “*Director of Environmental Services*” in 85-

Mayor Initial _____

3.2 also needed to be changed to “*Public Works*”. Council agreed to move to this item to a Public Hearing.

c. Town Decal Revision – Chapter 160 – Mr. Tederick advised that the Town collects a license fee for a vehicle decal, but the proposal tonight was to not have residents be required to display the decal. He included that Town residents would still be able to use County dump sites as long as they can verify their residence by showing a registration and/or driver’s license. Councilman Meza verified that the vehicle decal can be requested at no charge. Director of Finance Wilson advised that the vehicle decal is called a “license fee” as used in the State Code. Council agreed to move this item to a Public Hearing.

3. Engineering Services for Parallel Waterline for Water Supply to Rt. 522 Corridor –

Summary Read: The Town recently contracted with CHA Consulting to complete the Preliminary Engineering Report (PER) dated July 2019 for the feasibility of a parallel waterline for the water supply for the Route 522 North Corridor that has been approved by VDOT. Council previously directed staff to move forward with an RFP for engineering design services with intentions on using water reserve fund balance to fund the project. A budget amendment will need to be approved to move forward with the project. A public hearing on the budget amendment will be required due to the amendment exceeding 1% of the original budget. The Town issued an RFP for engineering design services and received five (5) proposals. After review, and negotiations, Staff believes that CHA Consulting can meet the Town’s needs and assist the town in beginning this project. Staff recommends the contract for \$1,215,500.00 be awarded to CHA for their scope of services proposal. Mr. Tederick advised that not included in their proposal is a Clerk of the Works increasing the cost to \$1,313,000.00. Mr. Wilson anticipates an outside service for the Clerk of the Works. Council agreed to move this item to a public hearing.

4. New Contract with CHA Consulting for I & I Abatement

Summary Read: The Town currently contracts engineering services with CHA Consulting for I&I Abatement. However, the current contract will end in February 2020. To prepare for the end of this contract term, and at the direction of Council, the Purchasing department solicited and received four (4) proposals. The RFP requested a scope of work for engineering services with intentions on reducing the Sanitary Sewer Overflows (SSO’s) and bypasses at the wastewater treatment plant and help reduce the Total Solid Suspended (TSS) levels. With the I&I Abatement projects completing within the scope of services for the current contract, Town Staff recommends continuing to contract with CHA Consulting for the following services and amounts in the proposal attached.

Task 1 – FR-5 Sanitary Sewer Conveyance Improvements \$144,000.00

Task 2 – Annual I&I Abatement Engineering Services \$200,000.00

Task 3 – Preliminary Engineering Report \$80,000.00

TOTAL: \$424,000.00

Mr. Tederick advised that this item was a continuation of the Town’s I & I Abatement. Council agreed to move to the Regular Agenda for approval.

5. Budget Discussions

Councilman Thompson questioned the usage of meals and lodging taxes as it relates to Tourism. Mr. Wilson explained that meals taxes is not used towards Tourism; however, 67% of money collected from lodging taxes is used towards Tourism equating to \$211,000. Ms. Thompson questioned whether salaries were covered in the \$211,000. Mr. Tederick explained that money was added for the total

Mayor Initial _____

budget of Tourism equating to \$409,000. He confirmed that “blighted buildings” is a new item in the Tourism budget. Councilman Thompson questioned the current plan for the Town’s Tourism Department. Mr. Tederick noted that he attended a productive meeting of the Joint Tourism Advisory Committee recently. He opined that the options on the table are 1) take \$225,000 and outsource to an organization with the organization being the Joint Tourism Advisory Committee in which case they would have to become incorporated to become a fiscal agent and hire people to run the organization; 2) for the Committee to not become incorporated but provide oversight to someone else (like the Chamber) to manage the money and 3) the Town could manage it but outsource to an organization. He asked for direction from Council in the future in what direction they would like to move forward. He voiced confidence that the Joint Tourism Advisory Committee has the right vision to spend Tourism dollars, noting that if the Town and County were to “put up” money the Committee would be restructured to include Town and County stakeholders. Councilman Cockrell reiterated after watching the video of the Committee’s meeting online. Mr. Tederick anticipates a proposal from the Committee in the next few weeks. Council agreed to wait on advertising the Appropriation Ordinance until April.

Mayor Tewalt asked Mr. Wilson to explain the \$29 million plus on borrowing bonds in the proposed budget. Mr. Wilson and Mr. Tederick noted:

- Redundant Water Line - \$500,000 at 2 ¾ % for 20 years
 - \$3.5 million Dominion to pay back through water rates paying for the line
- I & I Abatement \$8 million - \$550,230 at 2 ¾ % for 20 years
- Secondary Road Paving Plan \$4.8 million - \$533,865 at 2 ¾ % for 10 years
- Secondary Water Line Upgrades \$2.8 million – not sure of figures but may have enough in water reserves to cover.
- Fleet Management Building \$1.6 million - \$111, 865 at 2 ¾ % for 20 years

Mr. Tederick noted that the interest rate for the projects may be potentially less and depending on the market. He also confirmed that some of the unknowns will be verified when staff meets with Stantec regarding the water rates in a few weeks. Mayor Tewalt questioned whether the projects could be put together when going to the bond market. Mr. Wilson explained that they would have to be separate due to variables in I & I, Water, Years of loan, etc., most likely different loans and bonds. Mr. Tederick advised that it would be productive to get one bond counsel (financial institution) to work with the whole package to give the Town options and facilitate it for the Town.

Councilman Thompson questioned new hires, specifically the Assistant Town Manager, the Planning Department and the Tourism Department. Mr. Tederick advised that he has received applications for Planning/Zoning and hopes to hire that employee; however, he suggested that the Assistant Town Manager is one that the new Town Manager will hire. Councilman Meza clarified that while it looks like new money in the proposed budget for an Assistant Town Manager it is actually monies carried from when former Town Manager Waltz asked for a Town Manager and then used the monies for a Town Engineer. No new dollars.

Mayor Tewalt questioned medical insurance. Mr. Tederick advised the proposed budget has a 3% increase but was optimistic in the new rates being well received and will be reflected in the next few weeks. Councilman Thompson asked whether the insurance could reflect a Wellness Program.

Mayor Tewalt asked for anything in “limbo”. Mr. Wilson advised the water and sewer rates, but Council will be advised more on the rates at the March 16 Work Session. Mr. Tederick advised that

Mayor Initial _____

Councilman Thompson questioned whether spending was being currently authorized for the Visitors Center. Mr. Tederick noted that he and Tim Smith, Visitor Center Manager, are authorized, noting that he has put a halt on purchasing some merchandise because of there being \$40,000 in current inventory. He continued that money is appropriated to a firm to deliver Visitor Guides to various areas in the Shenandoah Valley. Mr. Wilson advised that there was very little revenue from the sale of merchandise reiterating that it is geared towards drawing attention to the Town

ABSENT: Councilman Holloway

Mayor Initial _____

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 9, 2020, in the Warren County Government Center's Board Meeting Room. Warren County Girl Scouts of Nation's Capital, Services Unit 14-4 led those attending in the Pledge of Allegiance to the flag and Mayor Tewalt asked for a Moment of Silence.

Councilman Thompson moved, seconded by Councilman Holloway to appoint and recognize Tina Presley as Clerk of the Front Royal Town Council pro tempore for the meeting of Front Royal Town Council on March 9, 2020 Regular Meeting; and for such additional and further meetings and times that are a continuation of the March 9, 2020 meetings at her services such as Clerk pro tempore may be needed.

Vote: Unanimous

ROLL CALL for MAYOR/TOWN COUNCIL

PRESENT:

Mayor Eugene R. Tewalt
Vice Mayor William A. Sealock
Councilman Lori A. Cockrell
Councilman Chris W. Holloway
Councilman Jacob L. Meza
Councilman Letasha T. Thompson
Town Attorney Douglas W. Napier
Interim Town Manager Matthew A. Tederick
Clerk of Council Pro Tempore Tina L. Presley

ABSENT:

Councilman Gary L. Gillispie

(The above represent municipal officers of the Town of Front Royal as stated in Town Charter Section 4)

APPROVAL OF MINUTES

Councilman Meza moved, seconded by Councilman Holloway to approve the Regular Council Meeting minutes of February 24, 2020, Special Meeting minutes of February 19, 2020 and Work Session minutes of February 19, 2020 as presented

Vote: Unanimous

RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC

Bruce Rappaport, 300 W. Main Street – voiced concern over the demise of the community noting that it never fully recovered from the closing of Avtex Fibers Plant. He opined that there was no way the Town could afford the many required services and repairs the Town will need over the next 30 years without raising taxes. Council's budget has \$29 million worth of capital improvement that includes a big-ticket item of a \$12 million water line that Dominion Energy needs completed. He voiced concern over the costs of maintaining the water line thirty years from now. He noted that the debt service had to be paid and the only way to do that was to raise taxes.

Linda Allen, 15 Massie Street – read the following for the record

Mayor Initial _____

*Good Evening, Mayor Tewalt, Members of Town Council, and Staff,
There is a problem with the Main St. and Royal Ave. intersection that I discussed with the town engineer but he, as you know, is no longer here. The problem is serious enough to expect that it be fixed soon. At this intersection, cars face each other on Royal Ave. going north and south. On Royal Ave., one may be turning left and one may be turning right. At first, the two cars seem to aim at each other while entering the center of the intersection, then angle to make their respective turns. The problem occurs when there are cars in each lane of Royal Ave. and Main St. The persons on Main St. can turn right on red. If the car is turning from E. Main St. onto N. Royal-around the corner of the Afton Inn-- no vehicle collision can occur. The person on W. Main St. also turns right on red; for seconds it aims toward the car turning left onto W. Main St. There is not enough room for three cars unless they make their turns tightly. Size of vehicle and how far out the W. Main St. driver turns become the problem. There are times when you see eyes open wide as two vehicles turn, one from W. Main onto S. Royal and one from S. Royal going toward W. Main St. because one vehicle is large and the two vehicles come within inches of each other. I have had to stop while turning left from S. Royal onto W. Main St. because a medium sized SUV swung out from W. Main St., using right turn on red-beside Sona Bank. It would help if the town stops allowing a right turn on red from W. Main St. onto S. Royal Ave. It could avoid an accident. That kind of accident could hit the car on Royal Ave. turning left onto W. Main St. Even at low speeds, serious damage can be done to a car. Worse, a hit would be approx. at the driver door. With the door as the only protection against injury, it is not likely that bodily injury would be avoided. If you would, please, refer this problem to someone who can fix it, I would appreciate it. Thank you.*

Paul Gabbert, 1221 Valley View Drive – voiced disbelief that Council wants the citizens of Front Royal to pay for the redundant water line for those who are in the Corridor. He voiced concern over the FOIA requests that he submitted recently regarding “whether the Interim Town Manager was doing a good job.” He continued that he received a letter from the Town Attorney with enormous costs associated with each request. He reminded Council of the email he sent each of them and received three responses. He read Councilman Meza’s response. He questioned whether Mr. Tederick filled out a Statement of Economic Interests when he became Interim Town Manager and read LLCs he believed he was involved with.

Mike McCarthy, Green Mountain Hospitality (aka Holiday Inn, Houlihan’s, Blue Ridge Golf Course) – mentioned the letter he had previously sent to Council pertaining to the dissolution of Tourism. He noted that his business spends thousands of dollars in marketing a year. He continued by voicing his concern over the dismissal of the Tourism Director and questioned his “faith” in Council on what their steps were moving forward. He read an excerpt from the article “*Tourism Expands and Strengthens the Shenandoah Valley in Economy*” October 2019 under visitshenandoah.org. He noted that each of the entities mentioned in the article have an active professional tourism person leading the charge. He voiced concern over the dismissal of the Tourism Director without a clear plan for the future.

REPORTS

a. Report of Special Committees or Town Officials and Interim Town Manager

Director of Energy Services David Jenkins recognized Preston Toms for graduating from the Northwestern Lineman College with a plaque. He explained the steps on how to get to the point of graduation. Council and those in attendance applauded this achievement.

Mayor Initial _____

Interim Town Manager clarified for the record various statement said earlier:

- Dominion Power will be paying for the redundant water line that will service businesses outside the Town Limits.
- Many of the LLCs that Mr. Gabbert listed earlier are not his, but they carry his office address to receive paperwork. He also noted that many of them are also closed. He fully supported his Statement of Economic Interests document that he completed as Interim Mayor and noted that he approached legal counsel to insure it was completed accurately.
- The Joint Tourism Board is very active and anticipates that they will be presenting to Council on March 16, 2020.
- Explained that he looked at the overall budget from the point of a Town Manager to produce a good sound budget to Council. He noted several advertisements that the Town paid for that were understandably beneficial to businesses such as Mr. McCarthy's; however, he explained that Tourism does not have a strategic plan in place and preferred that stakeholders get involved. He advised that the Town was required by law to spend 67% of the lodging tax on Tourism promotion not Tourism to assist a particular sector or specific business. He noted that he was "very happy with the direction the Town is headed"

b. Requests and inquiries of Council members.

Councilman Thompson – noted that she spent two hours at the Visitors Center recently receiving an education and noted various "pieces of misinformation" that the Joint Tourism Board may have received with regard to Tourism advertising. She advised that Meagan from the Visitors Center will be presenting before Council, at her request, on March 16 to clear up all misinformation on facts and figures. She also advised that the Joint Tourism Board has been invited to this meeting to so that everyone is in the same room together getting questions answered.

She voiced concern that Felicia Hart's contact information was listed on several items specifically on handouts at the recent Pittsburg Travel Show, but now that contact information is no longer valid and contacts are going into a "black hole".

She voiced concerns regarding a violation of the MOA between Town Council and Board of Supervisors with regard to any changes to the document.

Councilman Meza – thanked Mr. Gabbert for reading his email and voiced support of its content. He invited everyone to attend Council's Work Session on March 16 to hear information with regard to Tourism. It was confirmed that the Joint Tourism Board would meet on March 11 and is also invited to the March 16 Council Work Session. There is also a proposed Joint Meeting with the Board of Supervisors on March 30 to hear a presentation from the Joint Tourism Board, noting that this meeting has not been confirmed.

Councilman Cockrell – advised that she recently attended Bingo at the Elks Lodge for the Phoenix Project and expressed appreciation to Captain Crystal Cline of the Police Department for her enthusiasm and participation.

She touched on the coronavirus and the amount of fear and misinformation going around. She confirmed that Dr. Colin Greene gave a report to the Board of Supervisors recently and requested that he be asked to give a report to Town Council. Councilman Meza suggested reaching out to Valley Health since a number of representatives would be happy to give a report.

Mayor Initial ____

She questioned whether Felicia Hart's emails were going to a "black hole". Mr. Tederick clarified that all her emails go to him and Mrs. Presley and are reviewed daily; however, phone calls were not.

c. Report of the Mayor

Read Proclamation for "*Women's History Month*" and presented, along with Councilman Cockrell and Councilman Thompson, to the Girl Scouts in the audience:

PROCLAMATION
Congressional Resolution Designating the Month of March as
"Women's History Month"

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

WHEREAS, American women have played and continue to play critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home;

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation;

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS, American women have served our country courageously in the military;

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked & undervalued, in the literature, teaching and study of American history:

NOW, THEREFORE, BE IT RESOLVED by the Mayor on behalf of the Town Council of the Town of Front Royal that March 2020 is designated as "*Women's History Month*" in the Town of Front Royal.

d. Proposals for Addition/Deletion of Items to the Agenda – None

CONSENT AGENDA ITEMS –

A. COUNCIL APPROVAL – Liaison Committee Mission Statement and Policies Revision
Council approved the revision to the Liaison Committee Mission Statement and Policies as presented and contingent upon the approval of the same from the W.C. Board of Supervisors.

Mayor Initial _____

B. COUNCIL APPROVAL – Proclamation – Women’s History Month

Council approved a proclamation designating the month of March as “Women’s History Month in the Town of Front Royal as presented.

C. COUNCIL APPROVAL – Proclamation – Governmental Purchasing Month

Council approved a Proclamation recognizing March as “Governmental Purchasing Month” in the Town of Front Royal, as presented.

D. COUNCIL APPROVAL – Bid for Metering Reading Handheld Devices

Council approved the purchase of (3) Trimble Ranger XE handheld devices for meter reading, from Core & Main and made by Neptune, through sole source procurement in the total amount of \$27,000.

E. COUNCIL APPROVAL – Encroachment License for 114-116 E. Main Street Handicap Ramp and Landing – Mark Poe of Poe Shoe and Brace Company

Council approved a five-year Encroachment License for 114-116 E. Main Street Handicap Ramp and Landing with Mark Poe of Poe Shoe and Brace Company, as presented.

Councilman Holloway moved, seconded by Councilman Thompson that Council approve the Consent Agenda Items as presented.

Vote: Yes – Councilmen Sealock, Cockrell, Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Gillispie

ROLL CALL

PROCLAMATION

By virtue of the authority vested by the Constitution of Virginia in the Governor of the Commonwealth of Virginia, there is hereby officially recognized:

GOVERNMENTAL PURCHASING MONTH

WHEREAS, the Virginia Association of Governmental Purchasing (VAGP) was established in 1958, is the largest chapter of the National Institute of Governmental Purchasing with approximately 1,260 professional public purchasing members employed by nearly 350 public entities in the Commonwealth of Virginia, comprised of cities, counties, towns, state agencies, colleges, universities, public schools, hospitals, political subdivisions, authorities and community service boards throughout Virginia; and

WHEREAS, the Capital Area Purchasing Association (CAPA), also a large chapter of the National Institute of Governmental Purchasing, was established in 1978, and represents approximately 250 professional public purchasers from more than 55 public entities in the Virginia Capital Region; and

WHEREAS, the purchasing and materials management profession, with an aggregate purchasing power of billions of dollars, has a tremendous impact on the economy; and

WHEREAS, purchasing and materials management professionals work diligently to establish and maintain ethical standards in buying and selling, to increase knowledge of efficient procurement methods, to disseminate useful information to members, and to promote professionalism in public purchasing; and

WHEREAS, in addition to purchasing goods and services, purchasing and materials management professionals engage in, or have direct responsibility for executing, implementing and administering contracts, developing

Mayor Initial ____

forecasts and procurement strategies, supervising and monitoring the flow and storage of materials, and developing working relationships with suppliers; and

WHEREAS, governmental purchasing professionals contribute positively to our Commonwealth's public agencies and services by improving purchasing methods and practices and by using new technology to increase efficiency and improve processes;

NOW, THEREFORE, the Mayor on behalf of Town Council, do hereby recognize March as **GOVERNMENTAL PURCHASING MONTH** in the **TOWN OF FRONT ROYAL**, and call this observance to the attention of all citizens.

PUBLIC HEARING - Setting Fiscal Year 2020-2021 Tax Rates and Ordinance Amendment to Chapter 75-44 (*1st Reading*)

Mayor Tewalt Opened the Public Hearing

Paul Gabbert, 1221 Valley View Drive – voiced concern that reducing the tax rate and approving the proposed budget would put the Town in the hole for the next ten years. He questioned the moving of money around and placing into different categories and suggested raising the tax rate instead of lowering it. He suggested that Dominion Energy pay for the water line, not the increase of water rates.

Mayor Tewalt Closed the Public Hearing

Councilman Holloway moved, seconded by Councilman Cockrell that Council adopt a real property tax rate at \$0.13 per \$100 assessed value which represents a decrease of \$0.0005 from the current year's tax rate and a personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; and the personal property tax relief rate (PPTR) for qualifying vehicles at a rate to be set by Town Council at future time pursuant to Virginia Code §58.1-3524. Councilman Holloway further moved, seconded by Councilman Cockrell that Council affirm on its first reading and ordinance amendment to Chapter 75-44.C. to reflect the adopted real and personal property tax rates, as presented.

Councilman Meza – defended the tax decrease and noted that Council has received backlash for increasing taxes, specifically drawing attention to the half cent increase last year for the Police Department. He expressed the need for Council to stay committed to the proposed tax decrease and budget. He noted that if more money is needed for a particular department, namely Tourism that is was okay but figure out where other areas could be cut to accomplish that goal. He advised that he supported the half cent decrease tonight.

Vice Mayor Sealock advised that he wanted to maintain the \$.13 ½ cents until the budget was fully reviewed and would vote no on the tax decrease tonight. He reminded Council that the real estate tax rate was advertised at \$.13 and it could not be increased.

Councilman Thompson reminded Council that after their previous budget discussions that she would not vote for any tax rate until there was a clear solid plan for Tourism. She advised that she would vote no tonight.

Councilman Meza noted that Council has had the proposed budget for about a month and staff has reviewed it with them line by line. He encouraged Council to make recommendations to the budget

Mayor Initial _____

including those related to Tourism. He noted that other than Tourism he hasn't heard any recommend changes to the budget.

Councilman Thompson reiterated that she and Councilman Sealock are looking more for an education on what the Visitors Center does so there is more understanding of its operation. She expressed hope that Council would be more educated by the second reading. Mayor Tewalt reminded Council that if the tax rate is voted down there will be no tax rate for this year.

Councilman Meza expressed fear that Council was "holding the budget hostage" over Tourism. He noted that what he was hearing was that Councilmen Thompson and Sealock were not concerned about decreasing the tax rate only concerned with the direction of Tourism. He reiterated that he was okay with that concern but stay committed to the \$.13 and decide how to change the budget to reflect the appropriate funding towards Tourism. He explained that if the amount is \$60,000 then where in the budget do you want to take it from to put it in Tourism. Vice Mayor Sealock voiced his concern on the dual role of Community Development/Tourism. He Voiced optimism for the Joint Tourism Board and the Town and County Tourism dollars going in a positive direction

Interim Town Tederick expressed his dislike for the process of having to vote on the tax rate and then vote on the budget. He expressed his willingness to continue to go through the budget in the next month or so to discuss all of Council concerns. He reminded Council that tonight they are voting the tax rate which is separate than the budget. Town Attorney Napier advised that only a vote of three is needed to set the tax rate and four to pass the budget. Councilman Meza expressed his commitment to figuring out the direction of Council on the Tourism Budget and moving the \$.13 forward tonight.

Vice Mayor Sealock urged Council to give real consideration to Tourism dollars, but to keep the tax rate moving forward he would change his vote tonight to yes on the tax rate.

Councilman Cockrell questioned the health insurance rates for employees. Mr. Tederick advised Council that preliminary estimates are going to be lower than what was estimated in the budget. He advised that they will be briefed on this at the March 16 Work Session as well.

She reiterated how impressed she was with the Joint Tourism Board and how capable they were to make decisions about promoting Tourism for the Town and County. She suggested looking at the Board more closely to see how it's made up.

Vote: Yes – Councilmen Sealock, Cockrell, Holloway and Meza

No – Councilman Thompson

Abstain – N/A

Absent – Councilman Gillispie

ROLL CALL

COUNCIL APPROVAL – Ordinance Amendment to Chapter 175-106.B.1.b[6] Pertaining to Sign Regulations for Medical Facilities with a Medical Center – Valley Health (2nd Reading)

Councilman Meza abstained from the vote due to his employment with Valley Health.

Mayor Initial _____

Vice Mayor Sealock moved seconded by Councilman Holloway that Council adopt on its second and final reading an ordinance amendment to Town Code Chapter 175-106.B.1.b.[6] by defining what a medical center is and modify existing standards pertaining to just medical centers, as presented.

Vote: Yes – Councilmen Sealock, Cockrell, Holloway and Thompson

No – N/A

Abstain – Councilman Meza

Absent – Councilman Gillispie

ROLL CALL

175-106.B.1.b.[6]

~~[6] Medical and Professional Centers: Facilities located within a center of at least two (2) acres in size and including five (5) or more functions or offices planned as an integrated development shall be authorized to erect signs based on the following:~~

~~[a] Signs for Individual Establishments or Functions Within Center: Same as for multiple businesses, as outlined in Section 175-106B.2.c.~~

~~[b] Center Identification Sign: One (1) ground mounted or monument style sign per street frontage with an area of one (1) square foot per four (4) linear feet of lot frontage on which the sign is to be erected, up to a maximum of sixty (60) square feet. The center identification sign shall display only the name and address of the center, and establishments located therein. No other ground mounted signs shall be permitted on that same road frontage within the center.~~

[6] Medical Centers: In lieu of the other requirements of this section, Medical Centers may be granted alternative standards for signs, subject to the following provisions.

- a. A master signage plan shall be submitted with a sign permit application showing the location, size, height and appearance of each proposed sign on the property.
- b. The sign permit and master signage plan shall be reviewed by the Planning Commission and decided on within 60 days of submittal, unless otherwise agreed upon by the Applicant. Town Staff may authorize the refacing of signs or other minor alterations that meet the same specifications approved by the Planning Commission.
- c. Wall signs shall not exceed the maximum height requirement for the zoning district in which they are located.
- d. Wall signs may be permitted to encompass up to 20% of the area of each building wall, provided that, under no circumstance may the total amount of wall signage exceed 200 square feet per building wall.
- e. Ground Mounted signs may be allowed by the Planning Commission up to 150 square feet along public streets and up to 75 square feet along private streets. Monument style signs are recommended.
- f. All signs shall be setback no less than 5 feet from the property line, and not less than 5 feet from any private street, driveway, parking aisle, or other vehicle maneuvering area.
- g. For the purposes of this subsection, Medical Centers shall only include medical facilities that are part of an integrated development and are located on at least two (2) acres. Other permitted uses on the same property shall be allowed wall signage in accordance with Town Code 175-106.B.2. Ground mounted signs for other permitted uses shall be restricted, unless the Planning Commission authorizes the use to share signage primarily used for the Medical Center or if the signage is exempt by this Section.

COUNCIL APPROVAL – Ordinance Amendment to Chapter 9-303 to Provide for the Abatement of Blight Property (2nd Reading)

Councilman Holloway moved, seconded by Councilman Thompson that Council adopt on its second and final reading an ordinance amendment to Town Code Chapter 9-303 “Spot blight Abatement” as presented.

Councilman Sealock praised Councilman Gillispie for his hard work on this ordinance and bringing it before Council.

Mayor Initial _____

Vote: Yes – Councilmen Sealock, Cockrell, Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Gillispie

ROLL CALL

9-303 AUTHORITY TO REQUIRE REMOVAL, REPAIR, ETC., OF BUILDING AND OTHER STRUCTURES SPOT BLIGHT ABATEMENT

~~A. Owners of real property within the Town shall remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the Town.~~

~~B. If an owner fails to do so, the building official may send the owner notice of his or her obligations under this section. Such notice shall be:~~

~~1. In writing, mailed by certified mail, return receipt requested, sent to the last known address of the property owner; and~~

~~2. Published in a newspaper having general circulation in the locality in accordance with the applicable provisions of Code of Virginia §§ 15.2-1426, 15.2-1427.~~

~~C. The Town, through its own agents or employees, may remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the Town if the owner and lien holder of the property fails to do so within thirty (30) days following the later of the return of the certified mail receipt or newspaper publication. However, if the structure is deemed to pose a significant threat to public safety and such fact is stated in the notice, the Town may take action to prevent unauthorized access to the building within seven days of such notice. Repair of the structure may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings.~~

~~D. In the event the Town, through its own agents or employees removes, repairs or secures any building, wall or any other structure pursuant to this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the Town as taxes and levies are collected.~~

~~E. Every charge authorized by this section which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided Code of Virginia (1950), Title 58.1, Chapter 39, Articles 3 and 4, as amended. F. The remedies provided by this section are in addition to, and not in lieu of, any other remedy provided by general law or by the Building Code.~~

A. PURPOSE. The purpose of this Section is to provide for the abatement of blighted property that threatens the public's health, safety, and/or welfare.

B. DEFINITIONS. As used in this chapter, unless otherwise required by the context:

1. "Blighted property" means any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards.
2. "Town" means the Town of Front Royal, Virginia.
3. "Farm building or structure" means a legally established building or structure, primarily used for agricultural, as defined by the Zoning Ordinance.
4. "Spot blight" means a structure or improvement that is a blighted property as defined in this chapter.
5. "Spot blight abatement plan" means the written plan prepared by the owner(s) of record of any blighted property to address spot blight, or if the owner(s) of record of such blighted property fail to respond as provided for in this chapter, the written plan prepared by the Town Manager, or designee, to abate, raze, or remove the blighted property.

C. SPOT BLIGHT ABATEMENT AUTHORIZED. Town Council is authorized under Code of Virginia §§ 36-49.1:1.G and 15.2-900, as amended, to declare any blighted property to constitute a nuisance, which declaration shall be made

Mayor Initial _____

by ordinance adopted by Town Council specific to such blighted property, and thereupon abate, raze, or remove such blighted property.

D. INSPECTIONS. Upon receipt of a complaint that any individual commercial, industrial, or residential structure or improvement is spot blight, the Town Manager, or designee, shall be authorized to inspect such structure or improvement and make a preliminary determination that such structure or improvement is blighted property.

E. EXEMPTIONS. The following structures and improvements shall be exempt from this chapter:

1. Farm buildings or structures.
2. ~~Structures listed or eligible for listing in the Virginia Landmarks Register or National Register of Historic Places, or as a contributing resource to a Virginia Landmarks Register or National Register of Historic Places listed or eligible Historic District.~~

F. PROCEDURE FOR DECLARATION OF BLIGHTED PROPERTY.

1. Should the Town Manager, or designee, make a preliminary determination of blighted property in accordance with this chapter, notice shall be sent to the owner(s) of record of the blighted property at the last known address of such owner(s) as shown on the current real estate tax assessment records, specifying the reasons why the property is a blighted property. Such notice shall be sent by Certified Mail and First Class Mail to said owner(s), and also shall be posted on the blighted property. The owner(s) of record shall have thirty (30) days from the date such notice is sent in which to respond in writing with a spot blight abatement plan to address the blighted property within a reasonable time.
2. If the owner(s) of record fail to respond within the thirty (30) day period with a written spot blight abatement plan that is acceptable to the Town Manager, or designee, the Town Manager, or designee, shall prepare a proposed spot blight abatement plan for the blighted property, and shall request that Town Council direct the Town Manager, or designee, to prepare an proposed ordinance to declare that said blighted property constitutes a nuisance.
3. If directed to prepare such proposed ordinance by Town Council, the Town Manager, or designee, shall provide notice of such ordinance and Town's proposed spot abatement plan in accordance with Code of Virginia § 15.2-1427, as amended, and bring such ordinance forward for public hearing, Town Council's consideration, and passage. In addition to the notice required by Code of Virginia § 15.2-1427, as amended, written notice of such ordinance and public hearing, together with a copy of the Town's proposed spot blight abatement plan, shall be sent to the owner(s) of record of the blighted property at the last known address of such owner(s) as shown on the current real estate tax assessment records and shall be posted on the blighted property.
4. If Town Council adopts the ordinance and the Town's proposed spot abatement plan or some variation thereof, the Town's spot blight abatement plan shall become effective and the Town Manager, or designee, may implement the Town's spot blight abatement plan.

G. PROPERTY LIENS. If the ordinance is adopted by Town Council, any costs incurred by the Town under the Town's spot blight abatement plan for the removal or abatement of the blighted property shall be a lien on the blighted property and such lien shall bear interest at the legal rate of interest established in Code of Virginia § 6.2-301, as amended, beginning on the date that such removal or abatement is completed through the date on which the lien is paid. Said lien may be recorded as a lien among the land records of the Circuit Court of Warren County, which lien shall be treated in all respects as a tax lien and enforceable in the same manner as provided in Code of Virginia Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.103965 et seq.) of Chapter 39 of Title 58.1. as amended.

COUNCIL APPROVAL– Contract with CHA Consulting for I & I Abatement

Councilman Cockrell moved, seconded by Councilman Holloway that Council approve a new contract with CHA Consulting, Inc. in the amount of \$424,000, to allow the Town and CHA to continue working on reducing the amount of I & I treated at the Wastewater Treatment Plant with completion of the following tasks: Task 1 – FR-5 Sanitary Sewer Conveyance Improvements in the amount of \$144,000.00; Task 2 – Annual I & I Abatement Engineering Services in the amount of \$200,000.00; and Task 3 – Preliminary Engineering Report in the amount of \$ 80,000.00. Councilman Cockrell further moved, seconded by Councilman Holloway that the Interim Town Manager execute all documents specific to the contract.

Vote: Yes – Councilmen Sealock, Cockrell, Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Gillispie

ROLL CALL

COUNCIL APPOINTMENTS AND MOA – Clerk of Council and Deputy Clerk of Council

Councilman Meza moved, seconded by Councilman Holloway that Council appoint Tina L. Presley as Clerk of Council and Mary Ellen Lynn as Deputy Clerk of Council, said positions to be in addition to their current job duties as Senior Executive Assistant to the Town Manager and Administrative Assistant to the Director of Energy Services respectfully; and contingent upon 1) administer of their oaths from the Clerk of the Circuit Court that includes an approved copy of these minutes and 2) executed Memorandums of Agreements (MOA) from each of the Clerk of Council and Deputy Clerk of Council as presented.

Vote: Yes –Councilmen Sealock, Cockrell, Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – Councilman Gillispie

ROLL CALL

Mayor and Council declared the meeting adjourned at 8:16 PM

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Acting Clerk of Council

Councilman _____ moved, seconded by _____ approved the Regular Council Meeting minutes of March 9, 2020 on April 13, 2020.

Mayor Initial _____

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 23, 2020, in the Warren County Government Center's Board Meeting Room.

ROLL CALL for MAYOR/TOWN COUNCIL

PRESENT:

Mayor Eugene R. Tewalt
Vice Mayor William A. Sealock
Councilman Lori A. Cockrell
Councilman Gary L. Gillispie (*teleconference*)
Councilman Chris W. Holloway
Councilman Jacob L. Meza (*teleconference*)
Councilman Letasha T. Thompson
Interim Town Manager Matthew A. Tederick
Acting Clerk of Council Tina L. Presley

ABSENT:

Town Attorney Douglas W. Napier

(The above represent municipal officers of the Town of Front Royal as stated in Town Charter Section 4)

COUNCIL APPROVAL – Consent to Depart from the Regular “Order of Business”

Vice Mayor Sealock moved seconded by Councilman Holloway that Council approve the departure from the regular “Order of Business” tonight, March 23, 2020.

Vote: Unanimous

COUNCIL APPROVAL – COVID-19 Emergency Ordinance

Due to the COVID-19 Pandemic, Town Council is requested to adopt a COVID-19 Emergency Ordinance that appoints a Director of Emergency Management and declare a COVID-19 Communicable Disease Local Emergency simultaneously issued by the Town's Director of Emergency effective March 23, 2020 and implement emergency procedures to ensure continuity of Town Government, as presented.

Vice Mayor Sealock moved seconded by Councilman Holloway that Council approve the COVID-19 Emergency Ordinance, as presented.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie (*teleconference*) Holloway and Meza (*teleconference*)
No – Councilman Thompson
Abstain – N/A
Absent – N/A

ROLL CALL

Mayor Initial _____

COVID-19 EMERGENCY ORDINANCE

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA, APPOINTING A DIRECTOR OF EMERGENCY MANAGEMENT AND SIMULTANEOUSLY CONFIRMING AND RATIFYING A DECLARATION OF A COVID-19 COMMUNICABLE DISEASE LOCAL EMERGENCY SIMULTANEOUSLY ISSUED BY THE TOWN'S DIRECTOR OF EMERGENCY MANAGEMENT EFFECTIVE MARCH 23, 2020, AND IMPLEMENTING EMERGENCY PROCEDURES TO ENSURE CONTINUITY OF TOWN GOVERNMENT.

WHEREAS, Section 44-146.19(B)(3) of the Code of Virginia requires all towns in Commonwealth to appoint a coordinator of emergency management, and Town Council desires to appoint the Town Manager, or, in the absence of a town manager, the Interim Town Manager, as the Director of Emergency Management for the Town; and

WHEREAS, it is acknowledged that pursuant to Section 8 of the Town Charter that in time of emergency the Mayor may take command of the police, maintain order and enforce the law subject to review by Town Council; and

WHEREAS, Section 44-146.16 of the Code of Virginia, 1950, as amended, defines terms and conditions, including but not limited to "communicable disease", "disaster" and "state of emergency" which, when existent, support the declaration of a "local emergency" as is also therein defined; and

WHEREAS, Section 44-146.21(A) of the Code of Virginia, 1950, as amended, prescribes the procedure for declaring a local emergency, including but not limited to the simultaneous consent of the local governing body to a declaration of local emergency by the Town's Director of Emergency Management; and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act, Section 2.2-3707 of the Code of Virginia, 1950, as amended, are limited only by a properly claimed exemption pursuant to Section 2.2-3700(B) of the Code of Virginia, 1950, as amended; and

WHEREAS, Section 15.2-1413 of the Code of Virginia, 1950, as amended, provides that a locality may, by ordinance, provide a method to assure continuity in its government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Section 38 of the Town Charter and Section 4-4 of the Code of the Town of Front Royal, Virginia, as amended, prescribes the procedure for the single reading and passage of emergency ordinances of the Town, allowing for immediate effect, provided that four (4) members of the Town Council vote to waive a second reading; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the healthcare community in responding to COVID-19; and

Mayor Initial _____

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID- 19 communicable disease outbreak a pandemic; and

WHEREAS, on March 12, 2020, Governor Ralph Northam declared a state of emergency in the Commonwealth of Virginia in response to the continued spread of COVID-19, and declared the anticipated effects of COVID-19 to be a disaster as described in Section 44-146.16 of the Code of Virginia, 1950, as amended; and

WHEREAS, on March 15, 2020, Governor Northam announced a ban on all gatherings of one hundred (100) or more people statewide; and

WHEREAS, on March 16, 2020, President Donald Trump urged people to avoid gathering in groups of more than ten (10) people; and

WHEREAS, on March 17, 2020, Governor Northam and the State Health Commissioner issued a Declaration of Public Health Emergency addressing the need to increase social distancing to inhibit the spread of the COVID-19 virus, and the Governor, by press release, urged all Virginians to follow the federal guidance limiting non-essential gatherings of more than ten (10) people and urging all Virginians aged 65 and older to self-quarantine; and

WHEREAS, there have been confirmed cases of COVID-19 in the Lord Fairfax Health District (LFHD); and

WHEREAS, on March 20, 2020, Virginia Attorney General Mark Herring issued an official advisory opinion regarding the open public meeting requirements of the Virginia Freedom of Information Act, Section 2.2-3707 of the Code of Virginia, 1950, as amended; and

WHEREAS, the Town Council is satisfied that the public health threat posed by COVID- 19 constitutes a real and substantial threat to health and safety of persons and property in the Town of Front Royal, Virginia, and that a declaration of local emergency is necessary and essential.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Front Royal, Virginia:

1. That it hereby appoints the Town Manager, or, in the absence of a town manager, the Interim Town Manager, as Director of Emergency Management for the Town, which is currently Matthew A. Tederick, Interim Town Manager.

2. That simultaneously upon his appointment as Director of Emergency Management, Town Council acknowledges a Declaration of Local Emergency by the Town's Director of Emergency Management due to the COVID-19 pandemic and that the Declaration of Local Emergency empowers the Director of Emergency Management with special authority and duties, said authority and duties being defined by the laws, rules, regulations and plans of the United States of America, the Commonwealth of Virginia and the Town of Front Royal, and Town Council hereby consent to same pursuant to Section 44-146.21(A) of the Code of Virginia, 1950, as amended.

3. That it is not necessary that the Mayor exercise his authority to take command of the police, maintain order and enforce the law at this time.

4. That it understands and confirms that when, in judgment of this Town Council, all needed emergency actions have been taken and the emergency has abated, appropriate action to end the declared local emergency will be taken,

5. That the infectious nature of COVID-19 makes it unsafe to assemble a quorum of this Town Council in a single location, or to assemble members of the public in a single location, making it difficult or impossible for this Town Council and the Town's boards and commissions to conduct meetings in accordance with normal practices and procedures. Therefore, in accordance with Section 15.2-1413 of the Code of Virginia, 1950, as amended, notwithstanding Section 2.2-3707 of the Code of Virginia, 1950, as amended, or any contrary provision of law, general or special, and consistent with the March 20, 2020 official advisory opinion of the Virginia Attorney General regarding the open public meeting requirements of the Virginia Freedom of Information Act, the following emergency procedures are adopted to ensure continuity of government during the pendency of the emergency and disaster created by COVID- 19 pandemic and are deemed a valid exemption pursuant to Section 2.2-3700(B) of the Code of Virginia, 1950, as amended, from the open meeting requirements of the Virginia Freedom of Information Act which shall otherwise remain in full force and effect:

a. That any process, procedure, or matter which requires the physical presence of the public in a Town building that the Director of Emergency Management has declared or in the future declares to be closed to the public is hereby suspended.

b. Meetings of Town Council and other Town boards and commissions may be held through electronic communication means without a quorum of members physically present in a single location, so long as notice of such meetings is still given in accordance with applicable laws.

c. Such meetings may be held without permitting members of the public to be physically present in a central location or in the same physical location as any of this Town Council, board, or commission members, so long as alternative arrangements for public access to such meetings are made. Such alternative public access may be electronic, including but not limited to audio, telephonic, or video broadcast.

d. For any matter requiring a public hearing by law, public comment will be solicited and received via written means prior to the vote on such matter. Public comments may also be solicited and, if so solicited, received, via electronic and/or telephonic means if possible and practical. All such comments will be provided to the members of the body and made a part of the record of such meeting.

6. That the continuity of government provisions in the aforesaid paragraph 5 shall be in effect until repealed by this Town Council, for a period not exceeding six months from the date of this declaration of a local emergency. Upon repeal or expiration of the aforesaid paragraph 5, the matters referenced therein shall resume operation in accordance with all

of the requirements of Section 2.2-3707 of the Code of Virginia, 1950, as amended.

This ordinance shall become effective upon passage.

Mayor and Council declared the meeting adjourned at 7:03 PM

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley, Acting Clerk of Council

Councilman _____ moved, seconded by _____ approved the Regular Council Meeting minutes of March 23, 2020 on April 13, 2020.

Mayor Initial _____

TOWN COUNCIL WORK SESSION

Monday, March 30, 2020 at 7:00 P.M.

Online via WebEx

Interim Town Manager Tederick noted his appreciation of all participants of the first online Town Council Work Session. Mayor Tewalt opened the meeting.

1. Executive Brief from Gallagher (Health Insurance) presented by Cheri Herschman.

Mr. Tederick suggested Council move to item number 2 due to technical difficulties experienced by Ms. Herschman.

2. CDBG General Discussion

a. Amend Resolutions: Mr. Tederick gave a brief description of the two documents that needed approval – one to update the members list, and the other to amend the Façade Improvement Program to include ‘materials only’ projects. He explained that these amendments are simply an ‘administrative task.’

b. Pavilion Construction: Councilman Meza expressed concern about the timing of allocating the \$75,000 considering the current COVID-19 situation. Mr. Tederick clarified that the \$75,000 recommended by Town Staff will come out of the current year’s budget. Councilman Sealock noted that a failure to move forward with the project could cause future issues with the CDBG funding – he also expressed the importance of ‘going forward in a positive manner.’ Town Finance Director, Mr. Wilson, noted that if the project is further delayed the builder may not hold to the price originally quoted. Councilman Holloway said he was still ‘up in the air.’ Councilman Cockrell agreed with Councilman Meza’s COVID-19 reservations. Council opted to put it on the agenda for their next Town Council Meeting.

With Ms. Herschman’s technical difficulties fixed, the work session moved back to item 1.

1. Executive Brief from Gallagher (Health Insurance) presented by Cheri Herschman.

Ms. Herschman from Gallagher analyzed the TLC renewal as well as explored the different options that exist in the market to develop a plan that would both save the Town costs as well as meet the interest of the employees. The plan allows for budgeting of the Adverse Experience Adjustment needed to terminate any contract with The Local Choice in future years. Gallagher recommended eliminating the \$250 Deductible Plan and offering employees the choice of either the \$500 Deductible Plan or the High Deductible Plan. Additionally, Gallagher recommended the Town implement a Health Reimbursement Arrangement (HRA) for employees. There would be no employee contribution with the HRA and any funds not used by employees would go back to the Town. Gallagher also suggested implementing a Wellness Program.

Mr. Tederick noted that he hopes to set money aside to front the IBNR. Mr. Wilson agreed and explained funds could be encumbered just in case there is a need to move away from TLC. Ms. Herschman clarified that the figure is adjusted yearly.

Mayor Initial _____

Councilman Cockrell questioned why an HRA would only have 60% usage by employees. Ms. Herschman explained that the overall underutilization of health plans by healthy employees is the main contributor. Councilman Meza asked if there is a cap on the HRA. Ms. Herschman clarified that there is no cap and HRA figures are decided by the plan administrator. Councilman Meza also noted his support for the HRA plan as it helps to 'stair step' the deductibles. Councilman Gillispie questioned whether employees would be able to enroll online. Ms. Herschman explained that their process is changing daily, but the plan would be for employees to enroll online during open enrollment (April 15-May 15) and Gallagher would, hopefully, be able to come reeducate employees after July 1st. Mayor Tewalt clarified that the \$500 deductible plan would increase by \$56 monthly for employees. Councilman Meza expressed gratitude towards Gallagher and Town Staff for a plan that would 'keep employees whole.'

Councilman Thompson wondered if implementation of a Wellness Program would offer additional future savings. She also questioned the mention of an HRA debit card. Ms. Herschman explained that with correct wellness accountability there could definitely be future savings. She also clarified that the debit card is the system used so that employees will not be responsible for fronting HRA funds. Council gave approval to Town Staff to move forward with the plan as presented by Gallagher.

3. Credit Card Convenience Fee

Councilman Meza questioned whether residents could pay online with a bank account or if the Town could work on making it possible. Mr. Wilson explained that the current software vendor does not support that function. Councilman Thompson questioned where the current software came from and what other options are available. She also noted that the Town should pursue paperless billing as a money saving option. Mr. Wilson explained that while the current software does not allow for paperless billing it provides the Town with the capability to bill several separate utilities (electric, water, sewer & trash) together. Changing the interface for billing is a possibility but could be difficult and costly. Councilman Cockrell noted that the lack of online payment options provided by the Town have been a 'pet peeve' of hers. She suggested educating residents about ACH. Mr. Tederick added some perspective, stating that he agreed with Councilmen Cockrell and Thompson that the software is a problem, but it is the 'backbone' of the utility accounts. He described finding a software solution as a 'high priority' item. Mr. Wilson further explained that due to the required custom programming to accommodate several Town ordinances, such as the Summer Sewer Program finding a new vendor could prove difficult.

Councilman Meza wondered why a third-party platform such as Paypal could not be used. Mr. Wilson explained that the use of a third-party vendor would not allow payments to automatically post to the account and would therefore delay posting. This could cause additional problems and confusion. Councilman Sealock asked if town staff had considered reaching out to the software vendor to ask them to provide a solution. He also stated that the whole software system should be updated.

Councilman Holloway questioned whether waiving credit card fees would require official Council approval. Mr. Wilson and Town Attorney Napier verified that the Director of Emergency

Mayor Initial _____

Management (the Interim Town Manager) could approve the change as an 'emergency.' Councilman Thompson expressed that she did not feel comfortable raising electric rates to offset the waived credit card fees and questioned if Council could 'dip into reserves' to cover the expense. Councilman Meza agreed saying this expense 'can't go on the backs of citizens.' Council gave the Director of Emergency Management approval to waive credit card fees effective immediately and opted to discuss how to offset the cost at a later date.

4. General Budget Discussion

Mayor Tewalt questioned if Town Staff had developed a plan to address the \$29 Million Debt Service. Mr. Tederick explained that he is working with Mr. Wilson and will be ready to present to Council in approximately a week. His plan was to schedule an additional work session to discuss the budget only. Mr. Wilson agreed and noted that the Town's income is changing daily. Councilman Sealock requested a report from Town Staff that includes funds that remain in the current budget that can be reserved. Mr. Wilson advised he could have a report ready for Council by the end of the week. He wanted to get further input from the department heads first. Council scheduled a Special Budget Work Session for Thursday, April 9th and 7:00 P.M.

5. Open Discussion

Mr. Tederick praised Town Staff for being adaptable and doing a great job handling the necessary changes in response to COVID-19. Mayor Tewalt also expressed his thanks. Councilman Meza noted that we will see an increase in COVID-19 cases over the next thirty days.

Mayor adjourned the meeting at 8:33 p.m.

PRESENT ONLINE: Mayor Tewalt, Councilman Meza, Councilman Thompson, Councilman Gillispie, Vice Mayor Sealock, Councilman Cockrell, Interim Town Manager Tederick, Town Attorney Napier, Acting Deputy Clerk of Council Lynn, Director of Finance Wilson, Acting Clerk of Council Presley and those members of the public and press who were listening online.

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Mary Ellen Lynn, Acting Deputy Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Work Session Meeting minutes of March 30, 2020 on April 13, 2020.

Mayor Initial _____

TOWN COUNCIL WORK SESSION MINUTES**Monday, April 6, 2020****via WebEx at frontroyalva.com/meeting**

Mayor Tewalt opened the meeting.

1. Williamsburg Estates Drainage Issues – Interim Town Manager Tederick introduced Mr. Keys and Mr. Foster, officers of the Williamsburg Estates Homeowners Association (HOA). He showed Council two brief videos taken by a resident of Williamsburg Estates that showed significant flooding and various pictures showing the damage the water runoff left behind. Mr. Tederick advised that the question remains, what is the Town's responsibility and what is the HOA's responsibility. Mr. Keys noted that there were four pipes in question and two of them were clogged with debris. Councilman Holloway asked what the HOA dues paid for. Mr. Keys explained that the dues (fees) were used for insurance, mowing and maintenance around the lake (pond). Mr. Keys noted that it would go a long way if the Town would clean the drainage pipes and dig the ditch deeper.

Councilman Gillispie questioned who contributed to the drainage problem. It was confirmed that there was a natural flow of water in the area due to the creek, and if the Town were to divert water the Town would be liable for any further damage. Councilman Athey noted that before curb and gutter was installed in the area there was significant flooding. She complimented the HOA in their efforts for cleaning around the lake, noting it took a lot of time and energy and looks "amazing".

Mr. Foster noted that he was constantly picking up trash and asked if grates could be placed over the pipes to collect the trash. It was confirmed that grates or screens would only make the problem worse.

Councilman Sealock questioned the control of the pond level. Mr. Keys advised there was no relief valve and a large drainage pipe was installed by the HOA; however, it was installed too high. Mr. Sealock advised that there were significant issues downstream and above.

Mr. Tederick explained that this was a tough situation in that the ditch is the HOA's responsibility. He suggested that the Public Works Department could do some work in an effort to assist the HOA. Mr. Gillispie suggested that the Town clean out the front of the culverts and get back with Council on further costs. Councilman Meza agreed with Mr. Gillispie and questioned whether the Town could figure out where the water was coming from. Mr. Tewalt agreed that the Town could open up the pipes that are blocked; however, the ditch is private property and an easement is needed to move further. He reiterated to clean the two storm pipes and stay off private property until the liability issues were cleared up.

Public Works Director Boyer noted that the footbridge in the area catches a lot of debris and the drainage pipe is approximately 1 ½ feet above grade.

Mayor Tewalt asked for Mr. Tederick to schedule a time when he and other members of Council could visit the site.

2. Review of Comprehensive Water and Wastewater Utility Cost of Service Fee and Rate Study presented by Stantec - Vice President Andrew Burnham and Senior Principal David Hyder presented the Front Royal Water and Sewer Rate Study. They recommended water increase of 2.0% annually and sewer increase of 3.5% annually, noting that the FY20201 typical monthly bill increase would be \$2.43 or 2.9%. They also recommended a decrease in the System Development Charge and that the

Mayor Initial _____

connection fee would not be included in the charge but based on actual costs (labor and materials). They also noted that there would be no change to existing surcharges required for inside/outside cost differential. Council thanked Stantec.

3. Sanitary Sewer Closed Circuit Television (CCTV) Investigation for I & I Abatement – Mr. Wilson explained that the Sanitary Sewer Closed Circuit Television (CCTV) investigation is to satisfy the requirements of the Town's responsibilities in I & I Abatement under the recent DEQ Consent Order. He noted that Sewer Fund Balance reserves could be used for the project in the amount of \$990,674.00 and would be eligible for reimbursement if the Town obtains financing to advance I & I. Mayor Tewalt confirmed that it was in line with the previous Stantec Presentation. Mr. Wilson explained that the lowest bidder (Hdydrostructures) did not receive the bid due to not meeting qualifications.

Mr. Wilson confirmed that a public hearing would need to be advertised due to the amount and that the bid would be awarded at that time. Council agreed to move to a public hearing.

4. Ordinance Amendments to Chapters 12 and 175 Pertaining to Fees – Mr. Wilson advised that the "user fees" are reviewed each year by Town Staff and this year some fees were being proposed for removal and one is being revised. He noted that the overall loss of revenue with their removal would be approximately \$4,000 to \$5,000 annually. Council agreed to move forward with their removal.

5. Envision Village Commons Report – Mr. Tederick gave an overview of the report noting that the key takeaway was the measurement of the criteria and that the Town spends approximately \$21,000 a year for the larger events. He explained that the amount spent on special events could be paid for by the organizer but phased in over several years so as not to be a burden on the organizer to have to pay those funds all at once. He suggested that the next phase would be to receive feedback from Council, write up the Policy and Procedures using the report as a baseline and bring back to Council for further review. Council agreed.

6. BZA Term Expires May 1 – Mr. Tederick explained that John Hensley's term expires on the BZA May 1 and that he would like to be considered for recommendation for re-appointment. Councilman Meza noted that maybe Council should advertise for the position. Mayor Tewalt noted that he would normally agree to this; however, under the current circumstances dealing with the COVID-19 Pandemic it would be best to have Mr. Hensley remain in his seat if he was willing to do so. Council agreed to place on the next Regular Meeting for approval.

7. DEQ Consent Order – Mr. Tederick advised Council that the Town was currently under a Consent Order from the Virginia Department of Environmental Quality (DEQ) and based on violations owes the State of Virginia \$38,615.00. He explained that approximately 90% of this fee could go to a Supplemental Environmental Project. This project is identified as a restoration of the stream bank of Happy Creek between South Street and Prospect Street. Mayor Tewalt questioned how this project was chosen. Mr. Tederick advised that it was based on recommendations. Councilman Gillispie advised that the cleanup effort in Happy Creek at 8th Street looked great.

Councilman Sealock advised of other areas along Happy Creek that needed more attention than from South Street to Prospect Street such as at Main Street. Mr. Tederick advised that there is nothing preventing the Town from doing more; however, CHA found a section of Happy Creek that qualified for labor and materials and was easy for DEQ financially. Mr. Boyer advised that permits may take approximately 1 to 1 ½ years and that the Town was planning to do the work themselves.

Mayor Initial _____

Council agreed to move to the next regular meeting for approval.

8. **Open Discussion** – Mr. Tederick advised Council that there is a Budget Work Session scheduled for Thursday, April 9, 2020 at 7:00pm via WebEx.

Mayor adjourned the meeting at 8:45pm.

PRESENT VIA WEBEX: Mayor Tewalt, Councilman Meza, Councilman Thompson, Councilman Gillispie, Vice Mayor Sealock, Councilman Cockrell, Interim Town Manager Tederick, Town Attorney Napier, Acting Clerk of Council Presley, Director of Finance Wilson, Director of Public Works, and those members of the public and press who viewed the meeting online.

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Acting Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Work Session Meeting minutes of April 6, 2020 on April 13, 2020.

Mayor Initial _____

5A



Town of Front Royal, Virginia Council Agenda Statement

Item # 5A

Meeting Date: April 13, 2020

Agenda Item: Donation to FRIBA for “Love Letters”

Summary: Council has received a request from the Front Royal Independent Business Alliance (FRIBA) asking assistance to support the “Virginia is for Lovers” campaign in the Town of Front Royal. FRIBA contracted for and purchased their own LOVE letters in fall 2019 and received positive responses. FRIBA is requesting \$4,000 from Council to purchase and place a permanent set of LOVE letters in the Village Commons/Gazebo Area in Downtown Front Royal. The set will be painted by the Local Artisan Trail volunteer artists. The letters will be installed and maintained by Town Staff.

Budget/Funding: 1205-43018 Office of Tourism – Tourism Promotion \$4,000.00

Attachments: Letter from FRIBA

Meetings:

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 \$4,000 to the Front Royal Business Alliance (FRIBA) to purchase LOVE letters to be placed permanently in the Village Commons/Gazebo Area in Downtown Front Royal, said letters to be painted by the Local Artisan Trail volunteer artists and to be installed and maintained by 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: 

1 Kidd Lane
Front Royal, VA 22630



info@frontroyaliba.org
www.frontroyaliba.org

February 28, 2020

The Honorable Mayor and Members of Council of the Town of Front Royal:

The Front Royal Independent Business Alliance's (FRIBA) main objective is to support, stimulate and enhance the local independent business and professional community in Front Royal and Warren County. In doing so, the opportunity to promote and educate the public beyond our borders is within our reach.

Today we are asking the Town of Front Royal to assist in this worthy effort through supporting the brilliant "Virginia Is For Lovers"™ campaign in our community. This has been promoted here in the past by our local Chamber of Commerce by renting the LOVE letters from the state and placing them at various events. These come from the Virginia Department of Tourism in Richmond for a fee.

FRIBA contracted for and purchased our own LOVE letters this past fall. Many saw these in the Gazebo area during the holidays and now currently at other local locations. The reaction to these letters is completely positive and applauded. These letters are portable and are a gift to our community for local events. We deliver, setup and remove them as requested.

We come to you now to request \$4000.00 to purchase and place a permanent set of LOVE letters in the Village Commons/Gazebo area of Front Royal. This set will be painted by the local Artisan Trail volunteer artists to reflect local artistic interpretations of our community for all to see and share. This project would involve the installation of the letters by Town staff.

Currently the County, as a Rotary Project for the Guard Hill Road entrance, The Apple House Restaurant and Gift Shop at the Linden entrance, and other groups are placing LOVE letters on the sites to convey the welcoming Virginia image for the public and the travelling visitors to see and use as photo ops and social media sharing. The letters convey the sentiment we all want to see and feel from our hometown, and across the state.

The design work for this project has been completed, and now we ask for your support to help us with the implementation. If you need more specific information, we would be glad to answer any questions. (FRIBA is a non-profit 501-c6 under the national AMIBA 501-c3 umbrella)

Thank you for your vital role in the continuing task of enhancing and stimulating our business community and the lives of our citizens.

Respectfully yours,

The Officers and Board of Directors of FRIBA
George McIntyre, Craig Laird, Patricia Moore, Arline Link, Mike McCool



The best way to compete with organized business is with organized people.

5B



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

Item # 5B

Meeting Date: April 13, 2020

Agenda Item: Resolution for a Deed of Easement for Sanitary Sewer Utilities – HEPTAD, LLC

Summary: Council is requested to approve a Resolution for a Deed of Easement for a 20-foot Sanitary Sewer Easement to be dedicated to the Town of Front Royal on property over the land of HEPTAD, LLC designated at Tax Map 20A21-2 Parcel 1, Happy Creek Magisterial District on Leach Run Parkway.

Budget/Funding: None

Attachments: Resolution and Deed of Easement/Plat

Meetings: None

Staff

Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council approve a Resolution for Deed of Easement for a 20-foot Sanitary Sewer Easement to be dedicated to the Town of Front Royal on property over the land of HEPTAD, LLC designated at Tax Map 20A21-2 Parcel 1, Happy Creek Magisterial District on Leach Run Parkway.

*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:  _____

TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA

***A RESOLUTION TO APPROVE A DEED OF EASEMENT FROM HEPTAD, LLC
FOR SANITARY SEWER UTILITIES***

WHEREAS, Heptad, LLC (“Heptad”), a Virginia limited liability company, is the owner in fee simple of real property situated along Leach Run Parkway in the Happy Creek Magisterial District, Town of Front Royal and Warren County, Virginia, (the “Property”); and

WHEREAS, Heptad desires to grant and convey to the Town of Front Royal, Virginia, a municipal corporation (the “Town”) a perpetual privilege and rights-of-way easement over the Property as set forth in that certain Deed of Easement for Sanitary Sewer Utilities dated September 11, 2019 (“Deed of Easement”), a copy of which has been signed by Heptad, LLC, by its Manager, Ronald Llewellyn, and which copy is attached hereto and incorporated herewith; and

WHEREAS, Town Council of the Town of Front Royal, Virginia (“Town Council”), on behalf of the Town, as a municipal corporation and political subdivision of the Commonwealth of Virginia is willing to accept said Deed of Easement and to accept said perpetual privilege and easement of rights-of-way (“Easement”) over the Property as set forth in that certain Deed of Easement; and

WHEREAS, this Easement will yield significant public benefit to the citizens of the Town, the County, and the Commonwealth; and

WHEREAS, Town Council has determined that the restrictions (“terms and conditions” of the grant) set forth in said Deed of Easement (the Restrictions) will preserve and protect in perpetuity the beneficial use of the Property by the Grantor and the privilege and rights-of way Easement over the Property in favor of the Town.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ENACTED by Town Council that the said Deed of Easement from Heptad which gives, grants and conveys to the Town such privilege and Easement in perpetuity for rights-of-way for sanitary utilities subject to the Restrictions (“terms and conditions” of the grant) as set forth in

said Deed of Easement, is hereby accepted by Town Council on behalf of the Town as set forth in said Deed of Easement.

This Resolution shall be effective immediately upon enactment.

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on March 23, 2020, upon the following recorded vote:

APPROVED:

Eugene R. Tewalt, Mayor

Town Council Members:

Attest:

Lori A. Cockrell _____
Gary L. Gillispie _____
Chris W. Holloway _____

Jacob L. Meza _____
William A. Sealock _____
Letasha T. Thompson _____

Tina L. Presley, Acting Clerk of Council

Approved as to form and legality:

Douglas W. Napier, Town Attorney

THIS DEED PREPARED
WITHOUT BENEFIT OF
TITLE EXAMINATION BY:

Robert J. Light, Esq.
VA State Bar No. 43553
Joseph F. Silek, Jr., P.C.
43 Chester Street
P.O. Box 602
Front Royal, Virginia 22630
Tel.: (540) 635-9415
Fax: (540) 635-9421
Email: rlight@silekpc.com

This deed is exempt from the recordation taxes imposed by §58.1-801 and §58.1-803 of the Code of Virginia, 1950, pursuant to §58.1-811.A.3

THIS DEED OF EASEMENT FOR SANITARY SEWER UTILITIES is made and entered into this 11th day of September, 2019, by and between **HEPTAD, LLC**, a Virginia limited liability company, herein referred to as "Grantor", and **TOWN OF FRONT ROYAL, VIRGINIA**, a municipal corporation, herein referred to as the "Grantee".

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00) cash in hand paid by the Grantee to the Grantor, receipt whereof is hereby acknowledged, the Grantor grants and conveys unto the Grantee, its successors and assigns, the following rights in real property situated in the Town of Front Royal, Warren County, Virginia, to-wit:

The privilege and easement in perpetuity for rights-of-way to construct, lay, maintain, repair, inspect, improve, and operate within the easement strips hereinafter described and referred to, those works and systems for the collection and transmission of waste water, over, across, and under the property of the Grantor known and designated as that area described as "20' WIDE SANITARY SEWER

EASEMENT TO BE DEDICATED TO THE TOWN OF FRONT ROYAL PER THIS PLAT,” on that certain plat intended to be filed and recorded herewith in the Clerk’s Office of the Circuit Court of Warren County, Virginia, which plat is titled: “PLAT SHOWING CENTERLINE OF NEW 20’ WIDE SANITARY SEWER EASEMENT OVER THE LAND OF HEPTAD LLC DESIGNATED AS TAX MAP 20A21-2 PARCEL 1, Happy Creek Magisterial District, Town of Front Royal, Warren County, Virginia”, Prepared by Joseph G. Brogan, Jr., Land Surveyor and dated July 17, 2019. **TAX MAP NO.: 20A21-2 Parcel 1**

The further terms and conditions of this grant are as follows:

- (a) Granting of the easements hereinafter described neither expressly or impliedly constitutes any payment, nor the waiver of any obligation for the payment, by the Grantor or its successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.
- (b) The Grantor reserves the right to make any use of the easement herein granted which may not be inconsistent with the rights herein conveyed or interfere with the use of said easement by the Grantee for the purposes named; provided, however, that the Grantor shall not erect any roadway, building, or other structure, excepting a driveway or fence, on the easement without first obtaining prior written approval of the Grantee. Provided, however, notwithstanding anything herein to the contrary, the Grantee shall not be responsible for damages to any fence erected by Grantor in the easement area herein granted where such damage was the result of Grantee accessing or excavating its sewer line in the easement area and where such damages are not the result of Grantee’s gross negligence or intentional conduct.
- (c) Grantor shall have no right, title, interest, estate or claim whatsoever in or to any of the lines, pipes, or other equipment and accessories installed by virtue hereof. All lines, pipes, and other equipment and accessories installed or constructed shall remain the property of the Grantee.
- (d) Grantee shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its sewerage facilities within the boundaries of said easement as are consistent with the purpose expressed herein.
- (e) Grantee shall exercise reasonable care to protect Grantor’s property from damage or injury occasioned in the enjoyment of the easements and rights herein granted, and to promptly repair the said property or reimburse the Grantor for any property damaged beyond repair completion of any activity by Grantee upon the easement, Grantee shall restore the Property as nearly as possible to its original condition as is practicable, including backfilling, and compaction of

trenches, repaving, reseeding or re-sodding of lands, replacement of equipment and facilities of Grantor, removal of trash and debris, and removal of Grantee's equipment, accessories or appurtenances not inconsistent with the construction, maintenance or operation of said sewerage facilities or the exercise of any rights or privileges expressed herein, and will make a good faith effort to minimize any damage. Grantee shall maintain said easement and sewerage facilities in such repair as not to endanger or otherwise limit the enjoyment or use of the Property, including ingress, egress or parking in, on and over driveways, roads, or parking lots.

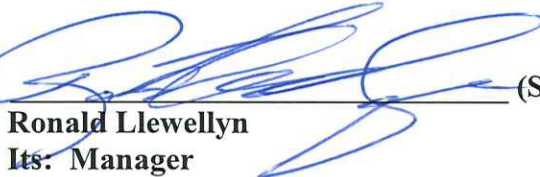
- (f) Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said rights-of-way or easement that may in any manner, in Grantee's judgment, endanger or interfere with the proper and efficient operation of the sewer facilities therein or thereon and the Grantee shall have all such other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easement herein granted for the aforesaid purpose.
- (g) If the Grantee does cut or fell any brush, undergrowth or trees, or should excavations be carried on pursuant to this easement and any large-sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth, trees, large-sized rocks and boulders shall be the expense of Grantee be removed from the Property.
- (h) This permanent easement shall run with the land of Grantor, and shall be binding upon the heirs, executors, administrators, successors, and assigns of the Grantor and the Grantee.

Grantor further covenants that it has the right to convey the easements aforesaid; that Grantee shall have quiet and peaceful enjoyment and possession of said easements, and that Grantor will execute such further assurances of the said of the said grant and easements herein contained as may be requisite.

WITNESS the following signature and seal:

GRANTOR:

HEPTAD, LLC,
a Virginia limited liability company

By:  (SEAL)
Ronald Llewellyn
Its: Manager

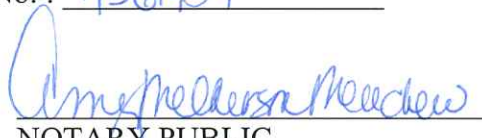
COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

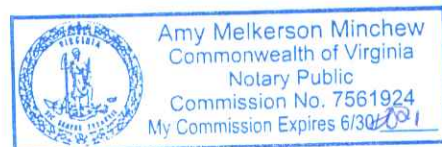
I, Amy Melkersen Minchew, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Ronald Llewellyn, whose name is signed on the foregoing Deed of Easement dated this 14th day of September 2019 in his capacity as Manager of Heptad, LLC, has this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this 14th day of September, 2019.

My commission expires on the 30th day of June, 2021.

Notary Registration No. : 7561924

 (SEAL)
NOTARY PUBLIC



The foregoing conveyance is hereby accepted by the Town of Front Royal, Virginia, as evidenced by the signature of undersigned, who is authorized to accept this conveyance on behalf of the Town, as evidenced by a Resolution adopted by the Town Council.

WITNESS the following signature and seal:

TOWN OF FRONT ROYAL, VIRGINIA

By: _____ (SEAL)
Hon. Eugene R. Tewalt, Mayor

ATTEST:

Tina Presley, ~~Clerk of Council~~
Acting Clerk of Council

**COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:**

I, _____, a Notary Public in and for the Commonwealth of Virginia At Large, do hereby certify that Eugene R. Tewalt, Mayor, and Tina Presley, Clerk of Council, whose names are signed on behalf of the Town of Front Royal, Virginia to the foregoing Deed of Easement dated this ____ day of _____ 2020, have each this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this ____ day of _____, 2020.

My commission expires on the ____ day of _____, ____.

Notary Registration No. : _____

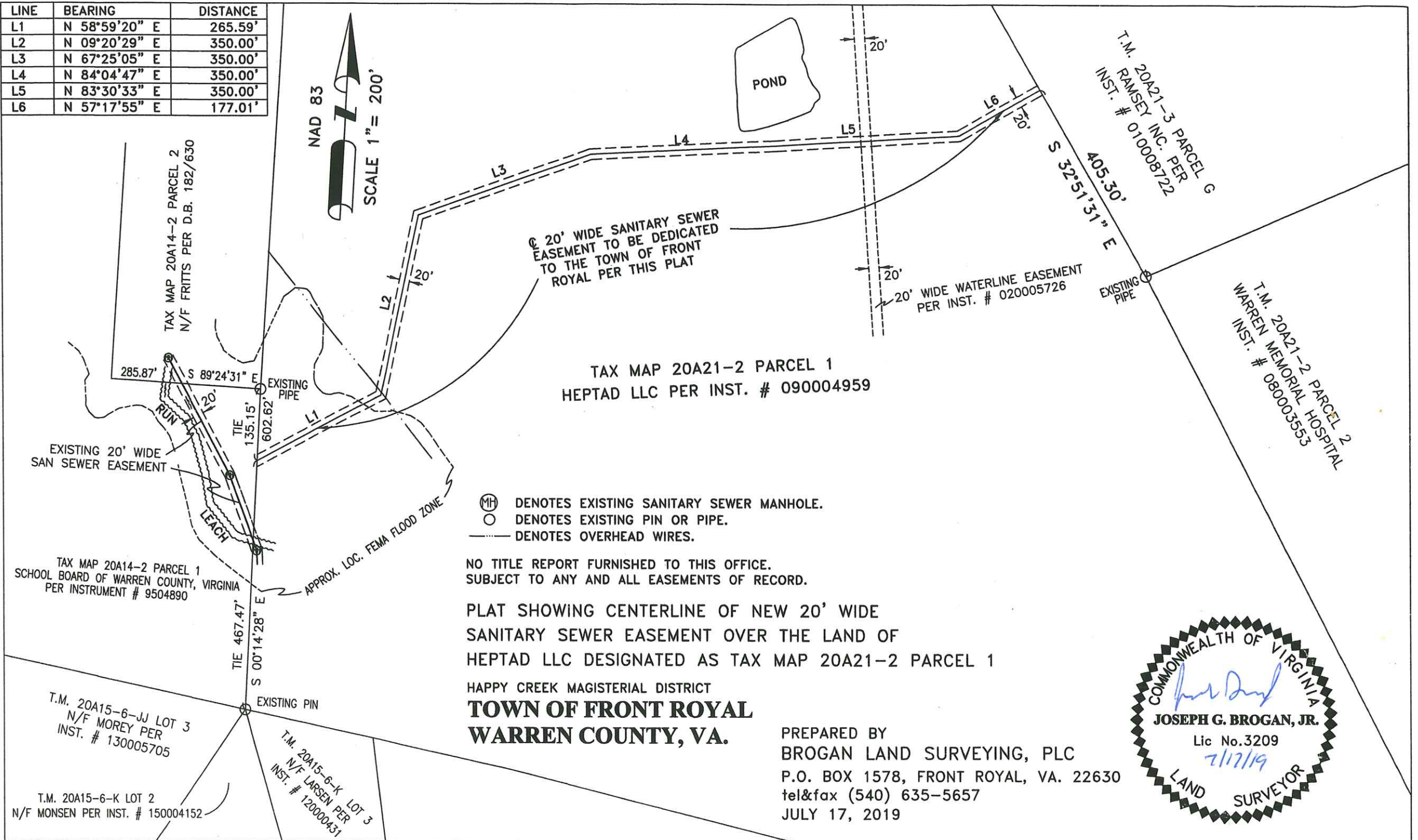
NOTARY PUBLIC (SEAL)

APPROVED AS TO FORM:

Douglas W. Hoffman
Town Attorney

Date

LINE	BEARING	DISTANCE
L1	N 58°59'20" E	265.59'
L2	N 09°20'29" E	350.00'
L3	N 67°25'05" E	350.00'
L4	N 84°04'47" E	350.00'
L5	N 83°30'33" E	350.00'
L6	N 57°17'55" E	177.01'



5C



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

Item # 5C

Meeting Date: April 13, 2020

Agenda Item: COUNCIL RECOMMENDATION FOR REAPPOINTMENT – BZA

Summary: Council is requested to consider recommendation to the Judge of the Warren County Circuit court for re-appointment to the Board of Zoning Appeals (BZA) for a 5-year term expiring May 1, 2025.

Budget/Funding: None

Attachments: None

Meetings: Work Session held April 6, 2020

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 recommend John E. Hensley to the Judge of the Warren County Circuit Court for re-appointment to the Board of Zoning Appeals (BZA) to a five-year term, said term expiring May 1, 2025.

*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: _____

5D



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

Item # 5D

Meeting Date: April 13, 2020

Agenda Item: COUNCIL APPROVAL – Amendments to Downtown Revitalization Project (CDBG) “By-Laws/Members of Façade Advisory Board” and “Façade Improvement Program Design”

Summary: Council is requested to approve amendments to the Downtown Revitalization Project (CDBG) documents: “By-Laws & Members of Façade Advisory Board” and “Façade Improvements Program Design” that was formerly approved by Town Council in 2018, as presented.

Budget/Funding: None

Attachments: Revised Documents: “By-Laws & Members of Façade Advisory Board” and “Façade Improvements Program Design”

Meetings: Work Session via WebEx March 30, 2020

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 amendments to the Downtown Revitalization Project (CDBG) documents: “By-Laws & Members of Façade Advisory Board” and “Façade Improvements Program Design” that was formerly approved by Town Council in 2018, as presented. I further move that Council direct the Interim Town Manager to execute all necessary documents related to these documents.

*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: _____

**FRONT ROYAL DOWNTOWN
REVITALIZATION PROJECT
CIG #17-23**

BYLAWS AND MEMBERS OF THE
FAÇADE ADVISORY BOARD
TOWN OF FRONT ROYAL, VIRGINIA

ADOPTED BY TOWN COUNCIL
ON JUNE 25, 2018

AMENDED APRIL 13, 2020

ASSISTANCE PROVIDED BY:
SUMMIT DESIGN AND ENGINEERING SERVICES

**BYLAWS OF THE FAÇADE ADVISORY BOARD
FRONT ROYAL DOWNTOWN REVITALIZATION PROJECT**

ARTICLE I – THE BOARD

SECTION 1. Name of the Board. The full name of the Board shall be the “Front Royal Downtown Revitalization Project Façade Advisory Board (FAB).

SECTION 2. Purpose of the Board.

1. The Board shall recommend policies and procedures that govern all improvements implemented under the Front Royal Downtown Revitalization Project’s Façade Improvement Program.
2. The Board shall monitor staff, consultant, and contractor work progress in accordance with the Façade Improvement Program Design.
3. The Board shall have the authority to approve pre-qualified contractors to perform work related to the project for all contracts.
4. The Board shall approve applicants seeking program assistance.
5. The Board shall review bids and make contract awards for all Façade Improvement Program activities in consultation with Town staff, the Project Management Team, the Management Consultant, and the Consulting Architect.
6. The Board shall address and take action on written complaints or disputes that may arise in the course of the grant implementation. The Board shall respond in writing to all written appeals within 30 days of receipt and shall act to resolve the appeal within the subsequent 30 days.
7. The Board shall take other action, as permitted by the Town Council of Front Royal, Virginia, and as necessary to the Façade Improvement Program of the Front Royal Downtown Revitalization Project.

SECTION 3. Office of the Board. The office of the Façade Advisory Board shall be in the Town of Front Royal, Commonwealth of Virginia. The Board will hold its meetings in the Front Royal Town Office or at such place and time as it may designate.

SECTION 4. Board Members. The Façade Advisory Board shall consist of a minimum of seven (7) voting members, and shall be designated by the Grant Administrator, including:

- ~~The Town Manager serving as~~ Grant Administrator
- ~~The Director of Planning & Zoning serving as~~ Project Manager
- ~~The Director of Tourism & Community Development serving as~~ Assistant Project Manager
- A Town Council Liaison
- A Board of Architectural Review Liaison
- Two (2) Non-Benefiting Downtown Business Representative

Non-Voting Consulting Members. The Board may allow non-voting members to serve in an advisory capacity as deemed necessary. At a minimum these shall include the Management Consultant.

ARTICLE II – OFFICERS

- SECTION 1. Officers.** The officers of the Façade Advisory Board shall be a Chairperson, Vice-Chairperson, and Secretary.
- SECTION 2. Chairperson.** The Chairperson shall preside at all meetings of the Façade Advisory Board.
- SECTION 3. Vice Chairperson.** The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson; and in case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Façade Advisory Board shall select a new Chairperson.
- SECTION 4. Secretary.** The Secretary shall have the responsibility for keeping the minutes of the meetings, recording all votes of the Board, and keeping a record of the correspondence and proceedings of the Board. The records and minutes of the Board will be available for public review in the offices of the Town Manager or his/her designee.
- SECTION 5. Election or Appointment.** The Chairperson, Vice-Chairperson, and Secretary shall be elected by the members of the Façade Advisory Board with a simple majority and shall hold office for the term of the project, or until their successors are elected and qualified.
- SECTION 6. Vacancies.** Should any of the offices become vacant, the Façade Advisory Board shall elect a successor from its membership at the next regular meeting.

ARTICLE III – MEETINGS

- SECTION 1. Regular Meetings.** Regular meetings of the Façade Advisory Board shall be held as necessary to progress project Downtown; but will meet at least once per year. The Chairperson of the FAB will call the meetings. All meetings will take place at the Front Royal Town Office or at such place and time as it may designate by the Project Manager.
- SECTION 2. Special Meetings.** The Chairperson of the Façade Advisory Board may, when deemed expedient, call a special meeting of the Board.
- SECTION 3. Interim Applicant Approvals/Denials & Contract Awards.** The Chairperson of the Advisory Board may, when deemed expedient, conduct a poll of the members regarding specific applicant approvals/denials and Façade Improvement contract awards by e-mail or telephone, as long as the appropriate data and information have been made available to the members in a timely manner. A record of such interim decisions should be maintained in the Board's records and affirmed upon the first subsequent regular or special meeting of the Board.

SECTION 3. Quorum. The powers of the Façade Advisory Board shall be vested in the members. Four (4) voting members shall constitute a quorum of the Board for the purpose of conducting and exercising its powers and for all other purposes, but a smaller number may adjourn until a quorum is obtained. When a quorum is in attendance, action may be taken by the FAB upon a vote of a simple majority. Each member, including the Chairperson, shall have one vote.

SECTION 4. Attendance. Members are expected to attend all meetings and should notify the Secretary of any absence in advance.

ARTICLE IV – AMENDMENTS TO THE BYLAWS.

The Bylaws of the Façade Advisory Board shall be amended only with the approval of at least four (4) of the voting members of the Board at a regular or a special meeting, but no such amendment shall be adopted unless at least five (5) days written notice thereof has been previously given to all of the members of the FAB.

ARTICLE V – PARLIAMENTARY PROCEDURE

Robert’s Rules of Order Newly Revised, 11th Edition shall govern the conduct and procedures at all meetings of the Façade Advisory Board.

~~INITIAL~~ MEMBERS DESIGNATED BY THE GRANT ADMINISTRATOR:

1. ~~Mr. Joe Waltz~~, Town Manager serving as Grant Administrator
2. ~~Jeremy Camp~~, **Chris Brock Acting** Director of Planning & Zoning serving as Project Manager
3. ~~Felicia Hart, Director of Tourism & Community Development~~ **BJ Wilson, Director of Finance** serving as Assistant Project Manager
4. Bill Sealock, Town Council Liaison
5. Angela Toler, Board of Architectural Review Liaison
6. Ed Daley, A Non-Benefiting Downtown Business Representative
7. Herb Melrath, A Non-Benefiting Downtown Business Representative

Approval

Reviewed and adopted by the Front Royal Town Council in session on June 25, 2018

Amended by Front Royal Town Council in session on April 13, 2020

Matthew A Tederick, Interim Town Manager & Certifying Officer
Town of Front Royal

Date

**FRONT ROYAL DOWNTOWN
REVITALIZATION PROJECT
CIG #17-23**

FAÇADE IMPROVEMENT
PROGRAM DESIGN
TOWN OF FRONT ROYAL, VIRGINIA

ADOPTED BY TOWN COUNCIL
ON JUNE 25, 2018

AMENDED APRIL 13, 2020

ASSISTANCE PROVIDED BY:
SUMMIT DESIGN AND ENGINEERING SERVICES

TABLE OF CONTENTS

SECTION 1: PROGRAM ADMINISTRATION	1
PROGRAM OBJECTIVE	1
PROGRAM DESCRIPTION	1
IMPROVEMENT STANDARDS	2
SECTION 2: ELIGIBILITY CRITERIA	2
ELIGIBILITY REQUIREMENTS	2
APPLICATION PROCESS/TECHNICAL ASSISTANCE	3
SECTION 3: MATCH REQUIREMENTS	4
PRIVATE INVESTMENT MATCH REQUIREMENTS	4
CONDITIONS OF MATCHING DEFERRED LOAN	5
SECTION 4: BIDDING, CONTRACT, INSPECTIONS, & PAYMENT PROCESS	7
SECTION 5: PROGRAM TIME FRAME	8
SECTION 6: PROGRAM INCOME	8
SECTION 7: COMPLAINTS & APPEALS PROCEDURE	9
SECTION 8: RECORDKEEPING	9
SECTION 9: PROGRAM DESIGN AMENDMENTS	9
SECTION 10: APPROVAL	10

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

SECTION 1: PROGRAM ADMINISTRATION

PROGRAM OBJECTIVES

The Town of Front Royal is committed to providing financial incentives to private property owners for the rehabilitation of exteriors of the commercial structures within the project boundaries of the Front Royal Downtown Revitalization Project Area identified for funding through the Virginia Community Development Block Grant (CDBG) Program. The designated project area is shown on the map attached to this program design. The Town is prepared to offer both financial assistance and technical design assistance to property owners in order to improve the appearance and economic viability of the businesses and to eliminate blight and blighting influences in the identified project area. Front Royal has established the Front Royal Downtown Facade Improvement Program to:

1. Promote a diverse and economically viable downtown business district;
2. Contribute to eliminating blight, blighting influences, and other visual clutter detrimental to a downtown business district;
3. Promote economic development by providing an incentive for property owners to renovate their buildings for the expansion of the current use, for accommodation of a higher use, and to increase the occupancy level of vacant or underutilized buildings.

PROGRAM DESCRIPTION

The Town of Front Royal has budgeted \$350,000 in CDBG funds provided by the Virginia Department of Housing and Community Development (DHCD) to provide matching deferred loans to property owners within the Front Royal Downtown Revitalization Project Area for commercial property facade improvements. The matching deferred loan must be applied to physical construction. The Town has also budgeted \$35,000 in CDBG funds for architectural design assistance for the businesses.

The CDBG matching deferred loan is strictly for improvements to the exteriors of buildings visible from a public right-of-way. This generally excludes repairs to a building's roof, unless such improvements clearly contribute to enhancing the visual environment. The matching deferred loan may be applied to the primary façade, the exposed side(s) of a building, and the rear of a building (under certain circumstances). Exceptions to this guideline may be granted by the Front Royal Downtown Revitalization Facade Advisory Board based on the level of improvements needed on each face of the building.

A property owner must match the deferred loan amount with other exterior or interior improvements to the building. The matching deferred loan program will be administered by the Town of Front Royal Director of Planning and Zoning serving as Project Manager or his designated representative and will be available from June 2018 until funds are exhausted or close-out of the Front Royal Downtown Revitalization Project, whichever comes first. The program may be extended if new sources of funds become available to the Town of Front Royal. Recipients of matching deferred loans will be required to execute a legally binding agreement with the Town.

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

IMPROVEMENT STANDARDS

The Town will establish a Front Royal Downtown Revitalization Project Management Team of local citizens and public officials to provide overall coordination of the Front Royal Downtown Revitalization Project. A Front Royal Downtown Revitalization Façade Advisory Board will be appointed by Town Council to review and approve all commercial improvements proposed for funding under this program. The Advisory Board will work closely with each applicant and any consulting parties to devise appropriate designs/work write-ups and implement repairs and improvements that are in compliance with this Program Design. All exposed façades of existing buildings should present a finished appearance in character comparable to the remainder of the building. Economy of maintenance is important as well as producing a harmonious relationship with neighboring buildings and therefore exterior finishes should be of reasonably permanent and durable materials.

Because the Front Royal Downtown Revitalization Project Area is within the state and federally recognized Front Royal Historic District, façade improvement designs and exterior finishes are subject to review and approval by the Board of Architectural Review (BAR) and where necessary, the Planning Commission of the Town of Front Royal according to the Front Royal Historic Overlay District Guidelines and the Town of Front Royal Municipal Code (including Chapter 175 – Zoning) and subject to review and approval by the Virginia Department of Historic Resources (DHR) regarding their appropriateness for the building and location within the Historic District and the period of construction. Additionally, Preservation Virginia has requested to be a consulting party on all project reviews provided to the BAR and DHR.

SECTION 2: ELIGIBILITY CRITERIA

ELIGIBILITY REQUIREMENTS

All non-government-owned commercial buildings (income producing) within the project area are eligible for assistance through this program. However, buildings identified as deteriorating or are dilapidated in the Town's CDBG application area are targeted for funding.* Early in the program, the Façade Advisory Board and the Town will contact the owners of these buildings individually to urge them to participate. At its discretion, the Board may reduce CDBG funding levels for lower-priority buildings in order to conserve adequate funding to address the targeted buildings. In this event, the Board will use a point system to rank each facade improvement project pending approval. The project receiving the most cumulative points will be funded first, and so on until funds are exhausted. The points assigned will be as follows:

<u>Building Condition Rating: *</u>	<u>Points</u>	<u>Weight</u>
Sound	1	3
Deteriorating	2	
Dilapidated	3	

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

<u>Cash Contribution to Work:</u>	<u>Points</u>	<u>Weight</u>
100% match	1	2
101-150% match	2	
151-200% match	3	
201%+ match	4	
<u>Leveraged Match/Investment:</u>	<u>Points</u>	<u>Weight</u>
100% match	1	1
101-200% match	2	
201-300% match	3	
301%+ match	4	

* See Front Royal Building Conditions Map in the CIG application.

The total point score for each proposed project will be calculated by multiplying the point total for each criterion by the weight assigned to that criterion, and then adding the three (3) products.

APPLICATION PROCESS / TECHNICAL ASSISTANCE

The Town of Front Royal will accept applications from identified commercial property owners in a sequence that takes into account the extent of need, proximity of location, and similarity of work so as to benefit from any economies of scale that might be realized through the contracting process and the points awarded per above as necessary. As a first step, the owner should fill out an application for assistance. The application should identify the building and its owner, provide a preliminary overview of the work to be performed, and include a brief summary of the proposed matching investment. Such application may be made on a form provided by the Town, and must be signed by all owners.

After receiving the application, the Project Manager/Assistant Project Manager will review the application, meet with the applicant, and do a preliminary site inspection in order to confirm eligibility for the Façade Improvement Program; to clarify and provide additional detail as needed to the owner's preliminary overview of the work to be performed; and to review the intended work for compliance with the property maintenance code, zoning ordinance, Historic Preservation regulations, and this Program Design. The Project Manager/Assistant Project Manager will forward the application and all additional details developed in these initial conversations to the Consulting Architect contracted to provide architectural design assistance.

The Consulting Architect will subsequently conduct a inspection of the subject building's exterior and consult with the owner in preparing improvement design sketches (by means of elevations, photographs with call-outs, or renderings indicating particular design elements and treatments) with a more detailed work write-up and preliminary cost estimate so as to assist contractors in preparing accurate bids and performing the required work. The Town, utilizing CDBG funds, will cover the cost of designs and work write-up ups, up to an amount equal to 10% of the CDBG funds invested in each Façade Improvement project (this percentage formula having been set by the Virginia Department of Housing and Community Development and agreed to by contract with the Consulting Architect). Any additional design assistance provided at the owner's request beyond that associated with the agreed upon Façade Improvement will be at the owner's expense per a separate agreement with the Consulting Architect or any other architect chosen by the owner.

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

The Town will refer each application, design sketches, work write-up, and cost estimate for approval to the Advisory Board. The Advisory Board is responsible for approving the work to be done as defined by design sketches and work write-ups, the intended matching investment amount, and readiness for bid. After Approval by the Advisory Board, the design sketches and work write-up for each project will be forwarded to the Town of Front Royal Board of Architectural Review for approval or advice and to Preservation Virginia for consultation. Once BAR approval and Preservation Virginia input are received and addressed appropriately, the Project Management Consultant will prepare for each Façade Improvement project a "Work Write-Up and Standards Check List" form provided by the Virginia Department of Historic Resources. This DHR form along with the design sketches and work write-up will be forwarded to DHR for its review and approval. The final work write-up, after any required adjustments or edits, will serve as the agreed upon scope of work for obtaining quotes or competitive sealed bids from contractors (see bidding procedure described below).

The Town will compile a list of pre-qualified licensed contractors to notify regarding bidding opportunities and will submit the list to the Advisory Board for its approval at the beginning of the program. The Town will place each approved job out for bid upon approval of the application by the Advisory Board, in accordance with the *Virginia Public Procurement Act* and Federal Labor Standards. Once received, the Board will also review all bids and approve all contract awards in consultation with Project Manager/Assistant Project Manager.

Once a project is ready to get underway, the Town will set up a contract/loan closing with the property owner and contractor to answer any final questions, discuss logistics and timing of construction activities, and sign the construction contract and deed of trust/deed of trust note associated with the deferred loan (explained more fully below). If the cost of the planned and agreed upon improvements exceed the maximum eligible amount available through the Façade Improvement Program, the property owner is expected to pay the additional costs at closing.

SECTION 3: MATCH REQUIREMENTS

PRIVATE INVESTMENT MATCH REQUIREMENTS

Building owners must pay all costs above \$20,000 and match the CDBG funds committed to the Façade Improvement projects dollar for dollar. An owner can meet the match requirement in three ways:

1. The basis for the match can be qualifying improvements to the building the owner has completed or will have completed at the time of the contracted Façade Improvement work. Matching qualifying improvements include any permanent improvements, interior or exterior, made to the building such as improvements to the plumbing, electrical, or mechanical systems of the structure, a new roof, new doors or windows, etc. Furnishings, shelving, appliances, moveable kitchen equipment, and other unattached improvements are not considered qualifying improvements. The cost of the previous or concurrent improvements must equal dollar for dollar the CDBG funds committed to the project. Example: With \$20,000 in improvements funded by \$20,000 in CDBG funds, the property

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

owner would need \$20,000 in previous or concurrent improvements as a matching investment.

2. If the property owner does not have any qualifying matching investment, the owner can opt to finance 50 percent of the total dollar value of the improvements through an actual cash contribution or a loan from a lending institution. Example: With \$20,000 in façade improvements shared equally by the property owner and the Façade Improvement Program, each would make a \$10,000 payment.
3. If the owner wishes to invest via both of the above because of a limited amount of previous or concurrent qualifying improvements, the total amount invested must still equal the CDBG investment. Example: With \$20,000 in improvements and only \$10,000 in previous or concurrent improvements as a matching investment, the CDBG funds committed to the project could only be \$15,000. The property owner's dollar for dollar match would equal the \$10,000 in previous or concurrent improvements plus an additional \$5,000 in cash toward the cost of façade improvements under this program for a total of \$15,000.

All match amounts will be based on the final contractor quote or bid price accepted by the owner, Advisory Board, and Town. Private investment that has been made since September 1, 2015 may be counted toward the required match. The owner must present invoices or other appropriate information to document the matching investment.

For building owners who opt to use their own time and labor as match, standard wage rates by job types and building owner skills will be utilized to calculate the match. DHCD will provide wage information based on federal wage rates for various job types.

Prior to approving an application for assistance, the Advisory Board must have adequate assurance that the owner has clear title to the property, that the property is properly insured, and that the property owner has provided verification of his/her financial match or has on hand the financial resources needed to meet the approved match amount. If the approved matching amount includes a cash contribution toward the cost of the contracted façade improvements, the owner must agree to pay the matching funds to the Town at contract signing/loan closing so that the Town can pay contractor invoices in a timely fashion.

CONDITIONS OF THE MATCHING DEFERRED LOAN

The Town of Front Royal will make matching deferred loans to qualified applicants for the repair and improvement of the primary façade and exposed side(s) of the building, if visible from a public right-of-way including all vertical surfaces, gutters, downspouts, doors, windows, attached signs, exterior lighting, canopies, awnings, masonry cleaning & repair, and painting. Ineligible work includes any repairs/improvements to the interior, electrical, plumbing & mechanical systems, roofs, structural elements, non-permanent fixtures, and new construction.

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

Loan amounts available are:

1. Up to \$15,000 for the cost of improvements to a primary building façade;
2. Up to an additional \$2,500 per bay on a primary façade with multiple businesses (maximum of two additional bays);
3. Up to \$5,000 for non-primary facades as long as the primary façade meets program standards or is also being improved under the Façade Improvement Program;
4. No more than \$20,000 provided per separately parceled commercial property, regardless the number of facades or bays.

Owners will be expected to also cover all costs over the maximum eligible amount calculated for their buildings. Costs above the CDBG funds to be invested into each project must be paid at contract signing/deferred loan closing.

The matching deferred loan will be made for a five (5)-year term at zero percent (0%) interest. The deferred loan will be entirely forgiven at the end of the five-year period and the property lien removed if the applicant has met the following conditions:

1. The property owner has completed the facade improvements in accordance with the CDBG program guidelines and has done so within six (6) months of bid acceptance, unless the Advisory Board grants a request for extension of time. All buildings receiving CDBG funds must be free of exterior blight once the construction is complete.
2. The property owner has continued to maintain the improvements in a satisfactory condition.
3. The building to be improved must have a current tenant operating a business or must be occupied by a tenant operating a business within one year after the improvements are completed, unless the Advisory Board grants a request for extension of time. Rental apartments are considered a business, as long as the apartments meet all applicable property maintenance code and zoning ordinance requirements. If the owner is unsuccessful in securing a tenant within this timeframe, only 10% of the deferred loan will be forgiven during the first year and no amount of the deferred loan will be forgiven in subsequent years of vacancy.
4. Once rented, short vacancies of four (4) months or less will not be added to the term of the deferred loan. Longer term vacancies of five (5) months or more and frequent and repeated vacancies of any duration will be added onto the term of the deferred loan. Exceptions to this provision are at the discretion of the Advisory Board or any successor organization created by the Town of Front Royal to oversee the Façade Improvement Program.
5. The owner of the building at the time of the loan approval has retained ownership of the improved property during the five-year period. If the owner sells the property within the

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

five-year term, or otherwise voluntarily transfers ownership, the balance on the loan note will become due and payable on a prorated basis (20% of deferred loan forgiven per year).

In addition, property owners will be expected to continue maintaining the improvements beyond the term of the deferred loan. This expectation will be enforced by the Town through its property maintenance ordinance.

CDBG funds returned to the Town through enforcement of these conditions shall be considered Program Income. The Town will use any such Program Income to make additional deferred loans in accordance with this Program Design and the Program Income Plan approved by DHCD and implemented as a part of the Front Royal Downtown Revitalization Project.

SECTION 4: BIDDING, CONTRACTING, INSURANCE, & PAYMENTS

The goal of these procedures is to minimize the time and complexity of applying for assistance, while meeting U. S. Department of Housing and Urban Development (HUD) and DHCD requirements for use of CDBG funds. In this manner, it is the Town's hope to maximize participation by eligible Downtown Front Royal property owners.

All jobs involving CDBG funds must be bid by the Town, which shall select the winning bidder with the assistance of the Advisory Board and in accordance with the *Virginia Public Procurement Act*. The winning bidder must also be acceptable to the owner.

~~As a policy exception due to extraordinary circumstances, building owners who are also licensed and insured contractors may choose to have their personal company do the construction work with the prior approval of the Advisory Board, including approval of the design sketches and work write-up. In such circumstances, CDBG funds can only be used for the documented cost of materials secured from the supplier providing the lowest price quote, with a minimum of three (3) quotes provided. It should be noted that under this circumstance, a building owner may not be eligible for the full matching deferred loan because the cost of materials may be significantly less than the \$20,000 deferred loan available per commercial building. A two-party contract between the Town and the owner for the cost of materials would be executed in such circumstances.~~

~~As a policy exception due to extraordinary circumstances, a building owner may negotiate independently with a licensed and insured contractor with the prior approval of the Advisory Board, including approval of the design sketches and work write-up. In such a circumstance, CDBG funds can only be used for the documented cost of materials secured from the supplier providing the lowest price quote, with a minimum of three (3) quotes provided. It should be noted that under this circumstance, a building owner may not be eligible for the full matching deferred loan because the cost of materials may be significantly less than the \$20,000 deferred loan available per commercial building. A two-party contract between the Town and the owner for the cost of materials would be executed in such circumstances.~~

Building owners who are also licensed and insured contractors may choose to have their personal company do the construction work with the prior approval of the Advisory Board, including approval of the design sketches and work write-up. In such circumstances, CDBG funds can only be used for the documented cost of materials. Where building components such

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

as window, doors, or awnings are fabricated off-site and only installed on site, such components are considered materials if the cost is quoted and paid based on an "installed price." It should be noted that under this circumstance, a building owner may not be eligible for the full matching deferred loan because the cost of materials may be significantly less than the \$20,000 deferred loan available per commercial building. A two-party contract between the Town and the owner for the cost of materials would be executed in such circumstances.

A building owner may negotiate independently with a licensed and insured contractor with the prior approval of the Advisory Board, including approval of the design sketches and work write-up. In such a circumstance, CDBG funds can only be used for the documented cost of materials. Where building components such as window, doors, or awnings are fabricated off-site and only installed on site, such components are considered materials if the cost is quoted and paid based on an "installed price." It should be noted that under this circumstance, a building owner may not be eligible for the full matching deferred loan because the cost of materials may be significantly less than the \$20,000 deferred loan available per commercial building. A two-party contract between the Town and the owner for the cost of materials would be executed in such circumstances.

A formal contract and lien must secure each job involving CDBG assistance. The Town will prepare these documents for execution by the owner. The two-party or three-party contract (as appropriate) will outline each party's responsibilities and the work description. In addition to the contract, a deed of trust and deed of trust note will be executed by the owner and the Town and subsequently recorded in order to secure the loan. Property owners will need to be prepared to pay any cash match that is required and any costs over the maximum eligible amount calculated for the building at closing.

Prior to execution of the contract and loan documents, the owner of the building to be improved must provide evidence of ownership such as a deed or tax receipt. The Town will have performed a Title Search prior to contract execution where any question of ownership or clear title arises. The Town will require written documentation from the owner that the structure is covered by all-hazard insurance in a sufficient amount to protect the Town's investment in the improvements prior to contract execution. For any commercial building in a 100-year flood plain, insurance coverage must include flood insurance provided through the National Flood Insurance Program.

To be eligible for the Façade Improvement Program, a property owner and any and all tenants occupying the building must not owe past due taxes of any type levied and collected by the Town of Front Royal or County of Warren unless an official arrangement has been made for payment of back taxes between the property owner and the Town of Front Royal and County of Warren.

All construction is subject to the Virginia Uniform Statewide Building Code as adopted by reference in the Warren County Code of Ordinances and to regular inspection and approval by the Warren County Building Official and/or Building Inspectors.

If requested, materials deposits and progress payments can be released to the contractor based on a valid receipt for materials purchased and securely stored and/or a satisfactory interim inspection. Otherwise, the total loan amount will be released in one (1) 100% payment after the construction work is determined to be substantially complete by the Project Manager/Assistant Project

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

Manager, Building Official/Building Inspector, and property owner as documented by an executed Statement of Final Completion/ Acceptance.

Section 5: Program Time Frame

Matching deferred loans will be available to qualified applicants from June 1, 2018 until final close-out of the Front Royal Downtown Revitalization Project or until funds are exhausted, whichever comes first. However, at the Town's discretion, submission of applications for assistance may be limited to certain windows of time (rounds of funding).

Section 6: Program Income

Any CDBG funds recaptured during implementation of the Front Royal Facade Improvement Program will be used to recapitalize and extend the Facade Improvement Program. Recaptured funds, if any, are expected to come only from prorated repayment of deferred loans due to non-compliance with terms. Recaptured CDBG funds will thus be used to further eliminate blight and blighting influence in Downtown Front Royal, removing obstacles to economic development. The Town may elect to expend recaptured funds outside the current project area for this purpose according to the Program Income Plan approved by DHCD and implemented as a part of the Front Royal Downtown Revitalization Project.

Section 7: Complaints and Appeals Procedure

Oral complaints of any nature and by any party shall be documented and resolved by the Façade Improvement Program Project Manager as informally and quickly as possible. If the complainant requires assistance in putting his or her complaint or appeal in writing, staff will make such assistance available. Written complaints received by the Project Manager or the Town of Front Royal will be resolved and documented in consultation with the Advisory Board. The person making the complaint will be notified in writing of the decision. All written complaints will be addressed within thirty (30) days of receipt and resolved within the subsequent thirty (30) day time period and documentation retained for review. Barring a resolution of the complaint by the Advisory Board, the complaint may be taken to the Front Royal Downtown Revitalization Project Management Team with the same requirements as above. Barring a resolution of the complaint by the Management Team, the complaint may be taken to the Town Council where a non-legal resolution is final. Any final appeal will be addressed in writing to DHCD where a non-legal resolution is final. Appeals to DHCD should include a copy of all correspondence that has taken place to date. The appeal should identify the problem and the desired solution. DHCD will investigate the complaint and respond in writing in a timely manner. All involved parties will be copied. Beyond this step, the complainant may seek a legal remedy in the local court of jurisdiction at complainant's own cost. Once a job is Inspectorly closed out and the one-year warranty period is in effect, the property owner should address complaints, in writing, directly to the contractor involved in the rehabilitation.

Section 8: Recordkeeping

AMENDMENT TO FAÇADE IMPROVEMENT PROGRAM DESIGN

The Advisory Board Secretary will be responsible for keeping the minutes of its meetings. The Board will also be responsible for tracking the number of businesses assisted by and participating in the Façade Improvement Program. Documentation of private investments made by property owners within the project area either through source documentation (such as invoices, construction contracts, etc.) or through affidavit as submitted to the Project Manager are subject to validation by the Advisory Board.

Section 9: Program Design Amendments

During implementation of the Front Royal Downtown Façade Improvement Program, the Town may find it necessary to make minor changes and refinements as the program proceeds. If a minor alteration to this design is deemed necessary to better achieve the intent of the program, the Advisory Board will adopt the changes upon approval of the proposed change by DHCD. If a major alteration to this design is deemed necessary, the Advisory Board will adopt the changes and forward them for approval by the Front Royal Town Council and by DHCD. The Façade Improvement Program will be implemented to assure consistent and equitable assistance to all program participants.

Section 10: Approval

Reviewed and adopted by the Front Royal Town Council in session on June 25, 2020.

Amended by the Front Royal Town Council in session on April 13, 2020

Joe Waltz, Matthew A. Tederick Interim	Town Manager & Certifying Officer	Date
Town of Front Royal		

5E



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

Item # 5E

Meeting Date: April 13, 2020

Agenda Item: COUNCIL APPROVAL – Proclamation – Sexual Assault Awareness Month

Summary: Council is requested to approve a Proclamation proclaiming April 2020 as *“The Laurel Center Sexual Assault Awareness Month”* 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 April 2020 as *“The Laurel Center Sexual Assault Awareness Month”* 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: _____

A red ink signature, appearing to be a stylized "M" or "W", is written over the line for the "Approved By" field.



P.O. Box 14, Winchester, VA 22604

THE LAUREL CENTER SEXUAL ASSAULT AWARENESS MONTH PROCLAMATION

Whereas, every 98 seconds someone in America is being sexually assaulted!

Whereas, Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts every community member of the **Town of Front Royal** and **County of Warren**; and

Whereas, Rape, Abuse, and Incest National Network (RAINN) statistics regarding who the perpetrators are, confirm 93% of victims under the age of 18 know their perpetrators; 59% are acquaintances, 34% are family members, and 7% are strangers, and

Whereas, Rape, sexual violence, and sexual harassment impact our community, and statistics show 1 in every 6 women and 1 in 33 men has been a victim of an attempted or completed rape in their lifetime, and

Whereas, Child sexual abuse prevention must be a priority to confront the reality that 1 in 9 girls and 1 in 53 boys under the age of 18 experience sexual abuse or assault at the hands of an adult, and

Whereas, Young people experience heightened rates of sexual violence, youth ages 12-17 make up 15% of the statistics, and

Whereas, We must work together to educate our community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

Whereas, With leadership and education, we can be successful in preventing sexual violence in the **Town of Front Royal, County of Warren** by increasing education, awareness, and community involvement; and

"Working together in our community to stop the cycle of domestic and sexual violence"

Whereas, **The Laurel Center- Sexual Assault Division** has led the way in the **Town of Front Royal** and **County of Warren** in addressing sexual violence by providing FREE 24-hour hotline services to victims/survivors and secondary survivors, responding to emergency calls, offering on-going support and comfort to those impacted by sexual violence during medical exams, criminal proceedings, and empowering all impacted by sexual violence to chart their own course of healing; and

Whereas, **The Town of Front Royal** strongly supports the efforts national, state, and **The Laurel Center**, and every citizen, to actively engage in public and private efforts to prevent sexual violence. It's time for all of us to take appropriate action and support one another to create a safer environment for all. It's time we become the change.

NOW THEREFORE BE IT RESOLVED, that I, Hollis L. Tharpe, as Mayor of the Town of Front Royal and on behalf of the entire Town Council join **The Laurel Center** advocates and communities across the country in playing an active role to prevent sexual violence. Along with the United States Government and the State of Virginia, I do herby proclaim April as "Sexual Assault Awareness Month!"

IN WITNESS WHEREOF, have hereunto set my hand and caused the seal of the Town of Front Royal to be affixed on this _____ day of _____.



Signed

Attest

Eugene R. Tewalt,
Honorable Mayor Town of Front Royal

Tina L. Presley
Acting Clerk of Council

"Working together in our community to stop the cycle of domestic and sexual violence"

5F



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

Item # 5F

Meeting Date: April 13, 2020

Agenda Item: COUNCIL APPROVAL – Resolution to Delay Charges for Real Estate & Personal Property Tax Penalties and Interest

Summary: Council is requested to approve a Resolution to delay charges for penalties and interest related to 2020 Real Estate and Personal Property Taxes by a period of 90 days due to implications of COVID-19 on the Town citizens.

Budget/Funding: Decreased revenue from penalties and interest associated. Estimated figures unknown at this time.

Attachments: Resolution

Meetings: Work Session held April 9, 2020.

Staff

Recommendation: Approval_____ Denial_____

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

Proposed Motion: I move that Council approve a Resolution to delay charges for penalties and interest related to 2020 Real Estate and Personal Property Taxes by a period of 90 days due to implications of COVID-19 on the Town citizens, 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: _____

RESOLUTION

Regarding the extension of due date for real estate & personal property taxes

WHEREAS, the Town of Front Royal Municipal Code Section 75-44 (B) declares a penalty of 10% of the tax past due or ten dollars (\$10.00), whichever is greater, shall be added to any tax not paid by the aforesaid due date, provided that in no case may the penalty exceed the amount of the tax assessed. In addition, interest shall be added to any delinquent taxes and penalties at the rate of 10% per year, with interest commencing on the first day of the month following the date on which any such taxes became due and payable.

WHEREAS, the Town intends to extend the date in which penalties and interest shall commence for the 2020 Real Estate Taxes and Personal Property Taxes for a period of 90 days from the date on which any such taxes become due and payable.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Front Royal, Virginia, that Town Council approves this resolution regarding the extension of penalty & interest for 2020 Real Estate Taxes and Personal Property Taxes, as presented.

APPROVED:

Eugene R. Tewalt, Mayor

Attest:

Tina L. Presley, Acting Clerk of Council

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

William A. Sealock	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Lori A. Cockrell	<u>Yes/No</u>	Jacob L. Meza	<u>Yes/No</u>
Chris Holloway	<u>Yes/No</u>	Letasha T. Thompson	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

6



Town of Front Royal, Virginia Council Agenda Statement

Item # 6

Meeting Date: April 13, 2020

Agenda Item: COUNCIL APPROVAL – DEQ Consent Order Issuance

Summary: Council is requested to approve a Consent Order from the Virginia Department of Environmental Quality (DEQ) to implement specific actions to correct issues that have resulted in violations of the Virginia Pollutant Discharge Elimination System (VPDES) permit issues to the Town's Wastewater Treatment Plant (WWTP) that occurred over the past year. These Violations were due largely to very high flows through the WWTP during heavy rain events when storm water and ground water leaked into the sewage collection system. These high flows resulted in the discharge of suspended solids to the Shenandoah River in amounts greater than allowed by the VPDES permit. As a result of these violations, DEQ and Town staff met to discuss actions the Town can take to reduce the high flows to the WWTP and reduce or eliminate the permit violations. These are documented on the Consent Order which also includes a civil charge of \$38,615.00. DEQ agreed to allow the Town to perform a Supplemental Environmental Project (SEP) in lieu of paying the full civil penalty to the Treasurer of Virginia. The SEP proposed by the Town is a streambank and channel restoration project in Happy Creek between E. Prospect Street and South Street. The civil penalty is \$3,915.00.

Note: This order supersedes and terminates the Consent Order issued by the Board to the Town on October 29, 2009.

Budget/Funding:

9801-43002 – Wastewater Treatment Plant Professional Services

Civil penalty of \$3,915.00 is payable to the Treasurer of Virginia and the rest applied to the SEP.

Attachments: Consent Order

Meetings: Work Session held via WebEx April 6, 2020

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council approve the Consent Order issued by the Department of Environmental Quality (DEQ) received April 2020 that includes paying a civil penalty of \$3,915.00 and allowing the Town the Supplemental Environmental Project (SEP) that includes a streambank and channel restoration project in Happy Creek between E. Prospect Street and South Street, as presented. I further move that Council direct the Interim Town Manager to execute all documents associated with the Consent Order.

*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: _____

DRAFT
Pending DEQ Acceptance of
Proposed Changes



Black Text = Original DEQ Text
Black Crossout = Proposed Town Deletion
Blue Text = Proposed Town Additions

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY VALLEY REGIONAL OFFICE

Matthew J. Strickler
Secretary of Natural Resources

P.O. Box 3000, Harrisonburg, Virginia 22801
(540) 574-7800 Fax (540) 574-7878
Physical Address: 4411 Early Road, Harrisonburg, VA
www.deq.virginia.gov

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO TOWN OF FRONT ROYAL FOR FRONT ROYAL WWTP VPDES Permit No. VA0062812

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the Town of Front Royal, regarding the Front Royal WWTP, for the purpose of resolving certain violations of the State Water Control Law, the applicable permit, and regulation. This Order supersedes and terminates the Consent Order issued by the Board to the Town of Front Royal on October 29, 2009.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

~~“305(b) report” means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.~~

1. “Board” means the State Water Control Board, a permanent citizens’ board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

2. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. “Discharge” means discharge of a pollutant. 9 VAC 25-31-10
5. “Discharge of a pollutant” when used with reference to the requirements of the VPDES permit program means:
 - (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
6. “DMR” means Discharge Monitoring Report.
7. “Effluent” means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
8. “Facility” means the Front Royal WWTP located at 1100 Manassas Avenue, in Front Royal, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of the Town of Front Royal.
9. “Front Royal” means the Town of Front Royal, a political subdivision of the Commonwealth of Virginia. Front Royal is a “person” within the meaning of Va. Code § 62.1-44.3.
10. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
11. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the State Water Control Law.
12. “Permit” means VPDES Permit No VA0062812, which was issued under the State Water Control Law and the Regulation to Front Royal on November 1, 2018 and which expires on October 31, 2023.
13. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand,

cellar dirt and industrial, municipal, and agricultural waste discharged into water... 9
VAC 25-31-10.

14. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution." Va. Code § 62.1-44.3.
15. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
16. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
17. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
18. "Va. Code" means the Code of Virginia (1950), as amended.
19. "VAC" means the Virginia Administrative Code.
20. "VPDES" means Virginia Pollutant Discharge Elimination System.

SECTION C: Findings of Fact and Conclusions of Law

1. Front Royal owns and operates the Facility and the sewage collection system which conveys sewage to the Facility. The Permit allows Front Royal to discharge effluent and other treated municipal wastes from the Facility, to the Shenandoah River, in compliance with the terms and conditions of the Permit.
2. Shenandoah River is located in the Shenandoah River subbasin and the Potomac River Basin.

3. On October 29, 2009, DEQ and Front Royal entered into a Consent Order to address overflows and bypasses resulting from Inflow & Infiltration (I&I) issues in the Front Royal collection system. The Consent Order included a schedule of compliance for I&I investigation and rehabilitation.
4. DEQ received DMRs from Front Royal for the Facility, for the monitoring periods from [September 1, 2018 – September 30, 2018](#); [October 1, 2018 – October 31, 2018](#); November 1, 2018 – November 30, 2018; December 1, 2018 – December 31, 2018; January 1, 2019 – January 31, 2019; February 1, 2019 – February 28, 2019; March 1, 2019 – March 31, 2019; April 1 – April 30, 2019; May 1, 2019 – May 31, 2019; June 1 – June 30, 2019; and July 1, 2019 – July 31, 2019, that included the following data results:

Month	Outfall	Parameter	Concentration/Loading	Reported	Legal Requirement
September 2018	001	004-TSS	Concentration Maximum	54 mg/L	45 mg/L
September 2018	001	004-TSS	Quantity Average	540 kg/D	450 kg/D
September 2018	001	004-TSS	Quantity Maximum	1790 kg/D	680 kg/D
October 2018	001	004-TSS	Quantity Average	467 kg/D	450 kg/D
November 2018	001	004-TSS	Concentration Average	51 mg/L	22 mg/L
November 2018	001	004-TSS	Concentration Maximum	112 mg/L	33 mg/L
November 2018	001	004-TSS	Quantity Average	1740 kg/D	440 kg/D
November 2018	001	004-TSS	Quantity Maximum	3780 kg/D	660 kg/D
December 2018	001	004-TSS	Concentration Average	40 mg/L	22 mg/L
December 2018	001	004-TSS	Concentration Maximum	134 mg/L	33 mg/L
December 2018	001	004-TSS	Quantity Average	1601 kg/D	440 kg/D
December 2018	001	004-TSS	Quantity Maximum	6054 kg/D	660 kg/D
December 2018	001	159-CBOD5	Quantity Maximum	810 kg/D	540 kg/D
January 2019	001	004-TSS	Concentration Average	34 mg/L	22 mg/L
January 2019	001	004-TSS	Concentration Maximum	54 mg/L	33 mg/L
January 2019	001	004-TSS	Quantity Average	863 kg/D	440 kg/D
January 2019	001	004-TSS	Quantity Maximum	1617 kg/D	660 kg/D
February 2019	001	004-TSS	Concentration Average	61 mg/L	22 mg/L
February 2019	001	004-TSS	Concentration Maximum	156 mg/L	33 mg/L
February 2019	001	004-TSS	Quantity Average	1482 kg/D	440 kg/D
February 2019	001	004-TSS	Quantity Maximum	3349 kg/D	660 kg/D
February 2019	001	120-E. coli	Concentration Average	208 n/CML	126 n/CML
March 2019	001	004-TSS	Concentration Average	27 mg/L	22 mg/L
March 2019	001	004-TSS	Concentration Maximum	53 mg/L	33 mg/L
March 2019	001	004-TSS	Quantity Average	859 kg/D	440 kg/D
March 2019	001	004-TSS	Quantity Maximum	2110 kg/D	660 kg/D
April 2019	001	004-TSS	Concentration Average	26 mg/L	22 mg/L
April 2019	001	004-TSS	Concentration Maximum	48 mg/L	33 mg/L
April 2019	001	004-TSS	Quantity Average	567 kg/D	440 kg/D
April 2019	001	004-TSS	Quantity Maximum	829 kg/D	660 kg/D
May 2019	001	004-TSS	Concentration Average	26 mg/L	22 mg/L

May 2019	001	004-TSS	Concentration Maximum	44 mg/L	33 mg/L
May 2019	001	004-TSS	Quantity Average	614 kg/D	440 kg/D
May 2019	001	004-TSS	Quantity Maximum	1379 kg/D	660 kg/D
June 2019	001	120-E. coli	Concentration Average	134 n/CML	126 n/CML
July 2019	001	004-TSS	Quantity Average	510 kg/D	440 kg/D
July 2019	001	004-TSS	Quantity Maximum	922 kg/D	660 kg/D
July 2019	001	004-TSS	Concentration Average	34 mg/L	22 mg/L
July 2019	001	004-TSS	Concentration Maximum	61 mg/L	33 mg/L

5. On July 19, 2019, DEQ issued NOV No. W2019-07-V-0005 to Front Royal for Permit effluent violations.
6. On August 5, 2019, DEQ staff met with Front Royal staff, and Front Royal's consultant to discuss the July 2019 NOV, the 2009 Consent Order, and on-going Inflow and Infiltration (I&I) issues at the Facility. During the meeting, Front Royal reviewed the progress of its I&I Abatement Program, and reviewed upcoming plans for sanitary line rehabilitation and flow monitoring.
7. On September 16, 2019, Front Royal submitted a plan and schedule for I&I reduction projects for FY 2020 through FY 2022. Additionally, Front Royal submitted the following completed projects in an effort to reduce I&I since the 2009 Consent Order, totaling over \$3 million dollars in investigation and improvement costs:

Town of Front Royal Summary of I&I Related Work Since 2009	
Date(s)	Description
2009 - 2014	Manhole Inspection, CCTV, Flow Monitoring, I&I Investigation
2007 - 2016	Sewer Rehabilitation of approximately 2,000 LF of pipe
2004 - 2018	Rehabilitation of approximately 250 manholes
2011 - 2014	Sewer Rehabilitation of approximately 9,000 LF of pipe
2016	Corrective Action Plan Development and field investigation
2016-2019	CCTV of clay and concrete sanitary Sewer (81,000 LF)
2017	75,000 LF of Smoke Testing
2017	Field investigations, CCTV review, and inspection with over 30,000 LF of CCTV completed
2018	Manhole Inflow Removal - Frame and Cover Replacement for 140 manholes
2018	Field investigations, CCTV review, and inspection
2019	Rehabilitation Design (to date)
2019	CIPP Lining contract (awarded) for approximately 14,000 LF
2019 - 2020	Manhole rehabilitation (awarded) for over 300 manholes
2019 - 2020	Sewer Replacement (budget) for 3,500 LF

8. DEQ received DMRs from Front Royal for the Facility, for the monitoring periods from October 1, 2019 – October 31, 2019, November 1, 2019 – November 30, 2019, and December 1, 2019 – December 31, 2019 that included the following data results:

Month	Outfall	Parameter	Concentration/Loading	Reported	Legal Requirement
October 2019	001	004-TSS	Quantity Maximum	1009 kg/D	660 kg/D
October 2019	001	004-TSS	Concentration Average	24 mg/L	22 mg/L
October 2019	001	004-TSS	Concentration Maximum	74 mg/L	33 mg/L
November 2019	001	004-TSS	Quantity Average	812 kg/D	440 kg/D
November 2019	001	004-TSS	Quantity Maximum	1177 kg/D	660 kg/D
November 2019	001	004-TSS	Concentration Average	64 mg/L	22 mg/L
November 2019	001	004-TSS	Concentration Maximum	102 mg/L	33 mg/L
December 2019	001	004-TSS	Quantity Average	1023 kg/D	440 kg/D
December 2019	001	004-TSS	Quantity Maximum	1929 kg/D	660 kg/D
December 2019	001	004-TSS	Concentration Average	72 mg/L	22 mg/L
December 2019	001	004-TSS	Concentration Maximum	141 mg/L	33 mg/L
January 2019- December 2019	001	794 P, Total	Concentration Maximum	0.63 mg/L	0.22 mg/L

9. On December 9, 2019, DEQ issued NOV No. W2019-12-V-0001 to Front Royal for Permit effluent violations. Front Royal responded that they were continuing to investigate the source of the violations.
10. On January 15, 2020, DEQ issued NOV No. W2020-01-V-0001 to Front Royal for Permit effluent violations. Front Royal responded that they were on track for the plan and schedule submitted in September 2019, and had hired a consultant to review the repetitive effluent violations. The plan and schedule are incorporated in Appendix A of the Order.
11. From January 1, 2019 through January 31, 2020, Front Royal reported a total of six overflows and bypasses, with approximately 3.8 million gallons of unpermitted discharges reaching state waters. Front Royal has continued to work towards I&I reductions in its collection system.
12. Permit Part I.A.1 prohibits discharges that exceed discharge limitations.
13. Va. Code § 62.1-44.5 states that: “[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.”
14. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
15. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.

16. The Department has issued no permits or certificates to Front Royal other than VPDES Permit No. VA0062812.
17. Shenandoah River is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.
18. Based on the results of the January 15, 2020 meeting, the reported bypasses and overflow reported from January 2019 through January 2020, and the DMR documentation submitted for the months of [September 2018](#), [October 2018](#), November 2018, December 2018, January 2019, February 2019, March 2019, April 2019, May 2019, June 2019, July 2019, October 2019, November 2019, and December 2019 effluent violations, the Board concludes that Front Royal has violated the Permit, Va. Code 62.1-44.5 and 9 VAC 25-31-50 as described in paragraphs C(3) through C(14), above.
19. In order for Front Royal to complete its return to compliance, DEQ staff and representatives of Front Royal have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Front Royal and Front Royal agrees to:

1. Perform the actions described in ~~Appendix~~ [Appendices A, B, and C](#) of this Order; and
2. Pay a civil charge of \$38,615 ~~within 30 days of the effective date of the Order~~ in settlement of the violations cited in this Order, [to be paid as follows](#);
 - a. [Front Royal shall pay \\$3,915 of the civil charge within 30 days of the effective date of this Order.](#) Payment shall be made by check, certified check, money order or cashier’s check payable to the “Treasurer of Virginia,” and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Front Royal shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Front Royal shall be liable for attorneys’ fees of 30% of the amount outstanding.

- b. Front Royal shall satisfy \$34,700 of the civil charge by satisfactorily completing the Supplemental Environmental Project (SEP) described in Appendix B of this Order.
- c. The net project costs of the SEP to Front Royal shall not be less than the amount set forth in Paragraph D.2.b. If it is, Front Royal shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEP, including tax savings, grants, and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-interest loans, contracts, or grants shall be deducted.
- d. By signing this Order, Front Royal certifies that it has not commenced performance of the SEP.
- e. Front Royal acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by Front Royal to a third party, shall not relieve Front Royal of its responsibility to complete the SEP as described in this Order.
- f. In the event it publicizes the SEP or the SEP results, Front Royal shall state in a prominent manner that the project is part of a settlement of an enforcement action.
- g. The Department has the sole discretion to:
 - i. Authorize any alternate, equivalent SEP proposed by the Town; and
 - ii. Determine whether the SEP, or alternate SEP, has been complete in a satisfactory manner.
- h. Should the Department determine that Front Royal has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify Front Royal in writing. Within 30 days of being notified, Front Royal shall pay the amount specified in Paragraph D.2.b, above, as provided in Paragraph D.2.a, above.

Both the Board and Front Royal understand and agree that this Order supersedes and terminates the Consent Order issued by the Board to Front Royal on October 29, 2009.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Front Royal for good cause shown by Front Royal or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. W2019-07-V-0005 dated July 19, 2019, NOV No. W2019-12-V-0001 dated December 9, 2019, and NOV No. W2020-01-V-0001 dated January 15, 2020. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Front Royal admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Front Royal consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Front Royal declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Front Royal to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Front Royal shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Front Royal shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Front Royal shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances

are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Front Royal. Nevertheless, Front Royal agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. the Director or his designee terminates the Order after Front Royal has completed all of the requirements of the Order;
 - b. Front Royal petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Front Royal.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Front Royal from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Front Royal and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of Front Royal certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Front Royal to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Front Royal.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Front Royal voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2020

Amy T. Owens, Regional Director
Department of Environmental Quality

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The Town of Front Royal voluntarily agrees to the issuance of this Order.

Date: _____ By: _____, _____
(Person) (Title)
Town of Front Royal

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this _____ day of
_____, 2020, by _____ who is
_____ of the Town of Front Royal on behalf of the ~~Board of~~
~~Directors~~ Town of Front Royal.

Notary Public

Registration No.

My commission expires: _____

Notary seal:

APPENDIX A SCHEDULE OF COMPLIANCE

1. I&I Reduction

a. Metershed FR-6&7

- (1) By September 1, 2020, Front Royal shall complete construction of sanitary sewer rehabilitation projects in the FR-6&7 metershed;
- (2) By, April 1, 2021, Front Royal shall complete flow monitoring to determine I&I reduction in the FR-6&7 metershed.

b. Metershed FR-5

- (1) By June 1, 2020, Front Royal shall complete an engineering study of FR-5 metershed sewer backups and SSOs;
- (2) By January 1, 2021, Front Royal shall complete the design of the FR-5 metershed sanitary sewer rehabilitation projects;
- (3) By January 1, 2022, Front Royal shall complete the construction of FR-5 metershed sanitary sewer rehabilitation;
- (4) By May 1, 2022, Front Royal shall complete flow monitoring to determine I&I reduction in FR-5 metershed.

c. Metershed FR-1

- (1) By January 1, 2022, Front Royal shall complete the engineering study for the FR-1 metershed sanitary sewer rehabilitation.

2. WWTP Operations

- a. By August 1, 2020, Front Royal shall complete and submit to DEQ an engineering study of the Facility operations, which shall include a design review. Once approved by DEQ, the recommendations and schedule outlined in the study shall become enforceable under this Order.

3. General Requirements

Front Royal shall submit quarterly reports to DEQ, with the first report being due July 10, 2020. Subsequent quarterly reports will be due October 10, January 10, April 10, and July 10, until the cancellation of this Order. The quarterly reports shall contain:

- (1) A summary of all work completed since the previous report, in accordance with this Order;
- (2) A projection of work to be completed during the upcoming quarterly period in accordance with this Order; and
- (3) A statement regarding any anticipated problems in complying with this Order.

~~b. No later than 14 days following a date identified in the above schedule of compliance, Front Royal shall submit to DEQ a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.~~

4. **DEQ Contact**

Unless otherwise specified in this Order, Front Royal shall submit all requirements of Appendix A of this Order to:

Eric Millard
Enforcement Specialist Senior
VA DEQ – Valley Regional Office
PO Box 3000, Harrisonburg, VA 22801
Phone: (540) 574-7813
Fax: (540) 574-7878
Eric.millard@deq.virginia.gov

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APPENDIX B

Town of Front Royal

SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)

In accordance with Va. Code § 10.1-1186.2, Front Royal shall perform the Supplemental Environmental Project (SEP) identified below in the manner specified in this Appendix. As used in this Order and Appendix, SEP means an environmentally beneficial project undertaken as partial settlement of a civil enforcement action and not otherwise required by law.

1. The SEP to be performed by Front Royal is a streambank and channel restoration project along the 1,300 linear foot section of Happy Creek depicted in Appendix C. Excessive accumulations of rock and other obstructions to flow will be moved from the stream channel and placed along the banks to reduce erosion and increase the bank height to better contain high flows and reduce flooding potential. Where needed, imported riprap stone will be added to sections of the bank to further protect the bank from erosion.
2. Front Royal shall obtain any required federal, state, and local permits and approvals prior to performing the SEP. The SEP shall be completed by December 31, 2020.
3. Beginning with the effective date of the Order and continuing until completion of the SEP, Front Royal shall submit progress reports on the SEP on a quarterly basis, due the 10th day of each quarter (January 10th, April 10th, July 10th, October 10th).
4. Front Royal shall submit a written final report on the SEP, verifying that the SEP has been completed in accordance with the terms of this Order, and certified either by a Certified Public Accountant or by a responsible officer or owner. Front Royal shall submit the final report and certification to the Department within 14 days from the completion of the SEP.
5. If the SEP has not or cannot be completed as described in the Order, Front Royal shall notify DEQ in writing no later than December 31, 2020. Such notification shall include:
 - a. an alternate SEP proposal, or
 - b. payment of the amount specified in Paragraph D.2.b as described in Paragraph D.2.a.
6. Front Royal hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.
7. Front Royal shall submit to the Department written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation within 14 days of the project completion date. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from Front Royal's

Chief Financial Officer, or equivalent Town position, concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.

8. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to the contact identified in Appendix A of this Order.

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APPENDIX C

Happy Creek Work Area

