



REGULAR TOWN COUNCIL MEETING

Monday, May 11, 2020 @ 7:00pm

via WEBEX at www.frontroyalva.com/meeting

Public comments, including those for public hearings, shall be sent via email to Clerk of Council Tina Presley at tpresley@frontroyalva.com by 4:00pm on Monday, May 11, 2020. All comments received will be forwarded to Town Council before the meeting.

1. Roll Call
2. Approval of Minutes:
 - Special Meeting Minutes of April 20, 2020
 - Joint Work Session with Board of Supervisors Minutes of May 4, 2020
 - Work Session Minutes of April 20, April 27, and May 4, 2020
 - Regular Council Meeting Minutes of April 27, 2020
3. 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.
4. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED) - NONE
5. **PUBLIC HEARING** – FY20 Budget Amendment to Utilize Funds from Unrestricted General Funds Reserves to be Donated to a Non-Profit Third Party to Distribute Economic Recovery Assistance to Eligible Business Effected by COVID-19 Pandemic.
6. **COUNCIL APPROVAL** – An Ordinance Amendment to Chapter 160 Pertaining to Licensing Vehicles, particularly the display of vehicle decals/stickers (*2nd Reading*)
7. **COUNCIL APPROVAL** – An Ordinance Amendment to Chapter 134 pertaining to new state requirements issued by the Department of Environmental Quality (DEQ) (*2nd Reading*)
8. **COUNCIL APPROVAL** – An Ordinance Amendment to Chapter 85 Pertaining to the removal of a recycling collection fee (*2nd Reading*)
9. **COUNCIL AUTHORIZATION TO ADVERTISE** for FY20-21 Annual Appropriation Ordinance
10. **COUNCIL APPROVAL** – Video Recording Services for Government Center Board Room –SwagIT Production Systems LLC
11. **COUNCIL APPROVAL** – Resolution to Request General Assembly to Determine the Town Shall be Represented by One Delegate
12. **COUNCIL APPROVAL** – Resolution to Request Governor to Allow To Determine When to Open Local Businesses
13. **CLOSED MEETING** – Contract Negotiations and FDR Services

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TOWN COUNCIL SPECIAL MEETING

Monday, April 20, 2020

Online via WebEx

ROLL CALL for MAYOR/TOWN COUNCIL

PRESENT: Mayor Eugene R. Tewalt
Vice Mayor William A. Sealock
Councilman Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Chris W. Holloway
Councilman Jacob L. Meza
Councilman Letasha T. Thompson
Interim Town Manager Matthew A. Tederick
Town Attorney Douglas W. Napier
Deputy Clerk of Council Mary E. Lynn

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

Councilman Gillispie moved, seconded by Councilman Meza to add the approval/authorization of an Emergency Temporary Shower for Warren County's Health and Human Services to the Special Meeting Agenda.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie Holloway, Meza and Thompson
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

COUNCIL APPROVAL – Setting Fiscal Year 2020-2021 Tax Rate/Amend Chapter 75-44

Councilman Meza moved, seconded by Vice Mayor Sealock, 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 the personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; and to decrease the personal property tax relief rate (PPTR) from 56% to 53% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524. I further move that Council adopt on its second and final reading an ordinance amendment to Chapter 75-44.C. to reflect the adopted real and personal property tax rates, as presented.

Councilman Meza expressed how impressed he was that Council decided to lower real estate taxes prior to the COVID-19 outbreak. He noted that raising tax rates during this time would be a "bad decision" and put an additional financial burden on citizens.

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

No – Councilman Thompson

Abstain – N/A

Absent – N/A

ROLL CALL

COUNCIL APPROVAL – Temporary Use of Shower Trailer – Warren County Health and Human Services

Councilman Cockrell moved, seconded by Councilman Holloway, that Town Council finding that the following is necessary and appropriate to respond to a public need for temporary housing and temporary response facilities during a time of public emergencies at local, state, and federal levels due to the COVID-19 pandemic, I move that Town Council approve, authorize, and ratify the temporary use of a stall shower trailer on Warren County's Health and Human Services Complex property located in the Town of Front Royal, for the use of the Thermal Shelter Project, pursuant to Town Code 175-9.4, and pursuant to authorization of the Town Manager to the County of Warren as the Town's Director of Emergency Management. I further move that this temporary use be allowed to continue (A) until October 21, 2020, (B) until such time as the Town Manager determines that a local emergency due to the COVID-19 pandemic no longer exists, or (C) upon a written request from the County Administrator of the County of Warren or, (D) upon the written request of the Warren County Community Liaison or, (E) the Director of the Warren County Department of Social Services, whichever event first occurs.

Interim Town Manager Tederick explained that his office received the emergency request late on Friday afternoon. He stated that the Town Code is written to account for these types of instances and he considered the request to be a reasonable accommodation.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

CLOSED MEETING – FDR Services, Annexation Issues and Connection/Tap Fees

Councilman Gillispie moved, seconded by Councilman Cockrell that Town Council convene and go into Closed Meeting for the following purposes: 1) Consultation with legal counsel employed or retained by Town Council regarding specific legal matters, specifically, modification or renegotiation of the contractual provisions of FDR Services Corporation of Virginia, Inc., requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia; 2) To consider a potential amended proposed voluntary economic growth-sharing agreement with the Board of Supervisors of Warren County or potential future annexation issues regarding the area in the vicinity of Route 522 North of the Town of Front Royal, pursuant to the following: a. The discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the

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Town would be adversely affected, under Va. Code Section 2.2-3711. A. 6 and b. Consultation with legal counsel employed or retained by Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, under Va. Code Section 2.2-3711. A.8; and 3) With respect to a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, to consider the Town's legal position and strategy with respect to potential legal issues concerning Town water and sewer service development fees (connection or tap) fees and related expenses, pursuant to Va. Code Section 2.2-3711. A. 8. of the Code of Virginia, as well as discussion concerning, pursuant to Section 2.2-3711. A. 5. of the Code of Virginia

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Councilman Cockrell moved, seconded by Councilman Holloway that the Mayor/Town 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 the Mayor and Town Council be taken by roll call and recorded and included in the minutes of the meeting of the Mayor and Town Council

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

COUNCIL APPROVAL – Application for Jeffrey L. LeHew Family LLC V

Town Attorney Doug Napier drafted a motion that that Town Council authorize the Town Manager and himself to draft and sign an agreement on behalf of the Town to approve the application submitted by Jeffrey L. LeHew Family LLC V for Town water and sewer services on the property listed in the application at in-Town rates contingent on the understanding and agreement with the applicant that if a fixed brick and mortar location is erected at the site to use the Town utilities the Town's approval is voided and a new application will have to be submitted

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Vice Mayor Sealock moved, seconded by Councilman Holloway to approve the motion as stated by Mr. Napier

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Mayor adjourned the meeting at 9:13 p.m.

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley, Clerk of Council
Written by Mary Ellen Lynn, Deputy Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Special Meeting minutes of April 20, 2020 on May 11, 2020.

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TOWN COUNCIL WORK SESSION

Monday, April 20, 2020 at 7:00 P.M.

Online via WebEx

- Options for Local Economic Recovery** – Due to current COVID-19 Pandemic circumstances, and at the request of Council, Town Staff presented possible options for a local economic recovery plan for small businesses and unemployed citizens. Staff began by outlining the assistance and relief efforts that have already been put in place. This includes the absorption of credit card fees, utility bill late fees, the temporary suspension of utility disconnects for non-payment and the 90-day postponement of real estate and personal property tax late fees and penalties. Town Staff recommended delaying the 2% water rate increase for a period of one year and reducing the water/sewer connection fees effective July 1st. Additionally, Staff recommended Council distribute up to \$1.5 million from the Town's General Unrestricted Fund to local businesses and citizens that are experiencing financial hardship.

Councilman Meza noted that while credit card fees represent a real cost to the town, late fees and reconnect fees do not. Town Finance Director Wilson clarified that late fees still represent a lack of budgeted revenue. Councilman Gillispie asked if the Town has been in contact with the State about relief for municipalities facing significant budget shortfalls. Interim Town Manager Tederick explained that there is some relief for expenses directly related to COVID-19, however, there have not yet been any funds allocated to localities.

Mr. Tederick stated that the primary discussion about the local Economic Recovery Plan has been to develop a criterion to target those with the greatest needs. He cited a report from the Brookings Institute that stated 30% of small businesses may not make it through the COVID-19 Pandemic. He went on to say that "government is not intended to be a charity, rather to collect fees and taxes from citizens" – however, Town Staff has determined a legal way in which to implement an economic recovery plan. He explained that many other localities are using their Economic Development Authority (EDA) to roll out similar programs, which could be an option since the Town has been approved to start an EDA at the beginning of the new fiscal year.

Mr. Tederick noted that the timing of the relief plan is also important. He questioned whether Council would prefer to roll it out as soon as possible or wait until there is less federal assistance. Councilman Holloway stated the importance of starting to provide relief as soon as possible. He explained that if the Town waits until businesses can open back up, it will be too late for some.

Mr. Tederick outlined a possible plan to separate businesses into tiers based on gross income and overall impact of Executive Order 53. He explained that the Town's business licensing process provides Town Staff with gross receipt figures and could assist in creating a formula that targets those businesses that have been most affected.

Councilman Cockrell asked if Warren County is working on an Economic Recovery Plan. Mr. Tederick explained that while he had no indication from Warren County of their plans, his hope was to see them match the relief given by the Town.

Councilman Meza questioned how the Town plans to allocate the \$1.5 million. Mr. Tederick suggested using \$1 Million for small businesses and \$500,000 for unemployed citizens. He

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proposed rolling the funds out in \$250,000 increments, explaining that Town Staff will continue to work on the logistics of the relief program and “fine tune” it as they go. Mayor Tewalt requested that Mr. Tederick finalize recommendations from staff and add the relief program to an upcoming agenda.

2. **Continued Discussion of Setting Fiscal Year 2020-2021 Tax Rates** – Mr. Tederick noted that contrary to previous discussions about possibly lowering real estate and personal property taxes further, Town Staff recommends Council keep taxes at the advertised rate. He explained that per the Commissioner of Revenues Office, Council would need to vote on tax rates by Wednesday, April 22nd.

Councilman Thompson inquired about Tourism. Mr. Tederick noted that Tourism has ultimately stopped due to the current business closings, however, the Tourism Committee would be meeting the following week. He explained that Town Staff has not looked significantly at the Tourism budget, other than current year budget reductions that were recommended by the Town’s Manager of Tourism, Tim Smith.

Councilman Meza asked for clarification on whether tax rates would be reduced further. He stated that Councils original ceiling for real estate taxes was a \$.13 per \$100 assessed value rate. Mr. Tederick verified that the recommendation was to keep rates as they were previously advertised. He explained that Town Staff is estimating a significant loss of revenue for the next fiscal year and lowering tax rates further would require more budget cuts. He reiterated that Town Staff recommends an Economic Recovery Plan come from the General Unrestricted Fund rather than in the form of lowered taxes.

3. **FY 2020-2021 Budget Discussion** – Mr. Wilson began by explaining that many surrounding localities are decreasing their proposed budgets by 5%-10%. He also noted that during the 2006-2010 recession there was a 6% reduction in incoming revenues. Town Staff identified a list of budget cuts for the FY 2020-2021 budget for Council to review which represented a 6% revenue shortfall, or \$3.1 million. Mr. Tederick suggested either reducing revenue projections and making appropriate budget cuts now or continuing to monitor revenues and make cuts later.

Councilman Meza expressed his belief that a 6% reduction in revenue projections was optimistic. Mr. Wilson explained that the 2006-2010 recession was the closest available comparison, but that Town Staff would continue to monitor revenues and make adjustments. He explained that the suggested budget items could be moved into a contingency fund, which could be increased or decreased depending on the severity of revenue shortfalls. Councilman Sealock suggested Council review the budget on a monthly basis in order to help direct Town Staff.

Councilman Meza inquired about the plan for overages and shortages in each fund balance. Mr. Wilson stated that the budget presentation represents “bare bone” without having to resort to staffing changes.

Councilman Meza asked if furloughs were being considered. Mr. Tederick clarified that if revenue shortfalls are as high as 10%, the next significant level of budget cuts would have to be personnel. Councilman Thompson expressed concern for employees that would learn of potential furloughs from a Work Session. Councilman Meza noted his understanding of Councilman Thompsons

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concern, but explained that everyone is currently affected, not just the Town's government. He stated his belief that the Town should not take a stance that furloughs are not an option. Councilman Sealock pointed out several open positions that will not be filled right away. Mr. Tederick explained that all open positions are included in the proposed budget. He met with Town Staff to identify critical hires, but the other vacant positions could remain unfilled to help reduce the staffing budget.

Mr. Tederick suggested taking another 2 to 3 work sessions to discuss options before officially adopting a FY 2020-2021 budget. Mr. Wilson asked Council what budget number they felt should be projected. He explained that he will have a better idea of what revenue shortfalls will look like as he monitors them over the next few weeks. Mr. Tederick added that if Council chooses to forecast a 6% revenue reduction, they will need to have budget cuts in place before the budget is adopted. He also suggested possibly adopting the budget "as is" and making modifications on a monthly basis. Mayor Tewalt commended Town Staff and stated they are "off to a good start."

Mayor adjourned the work session at 8:15 P.M. and Council began their Special Meeting.

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

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council
Minutes Written by Mary Ellen Lynn Deputy Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Work Session Meeting minutes of April 20, 2020 on May 11, 2020.

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The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 27, 2020, via WebEx. Public comments were received via email by Clerk of Council Tina L. Presley by 4:00pm on Monday, April 27, 2020. All comments received were forwarded to Town Council before the meeting.

ROLL CALL for MAYOR/TOWN COUNCIL

PRESENT (via WebEx): 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 Tina L. Presley

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

APPROVAL OF MINUTES

Councilman Holloway moved, seconded by Councilman Meza to approve Work Session Minutes of April 9, 2020 and Regular Council Meeting Minutes of April 13, 2020, as presented

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

REPORTS

a. Report of special committees or Town Officials and Interim Town Manager

Interim Town Manager Tederick advised Council that all Town operation were up and running at 100%. He gave a “shout out” to Axalta Coating Systems here in Front Royal for donating 250 gallons of hand sanitizer to the County of Warren with the Town receiving 100 gallons.

b. Requests and inquiries of Council members.

Councilman Sealock advised that Bakertilly (search firm for the next Town Manager) advised Council that they have received 35 applications with a possibility of 40 by the end of the week. He gave a timeline of first and second round interviews, weekly updates and a possible 90-day turn around from the beginning of the process which would be June 1, 2020.

c. Report of the Mayor

Mayor Tewalt thanked the citizens for following the Governor’s order.

d. Proposals for addition/deletion of items to the Agenda – N/A

CONSENT AGENDA ITEMS – NONE

PUBLIC HEARING – An Ordinance Amendment to Chapter 160 Pertaining to Licensing Vehicles, particularly the display of vehicle decals/stickers *(1st Reading)*

Mayor Tewalt opened the public hearing. There were no comments received by the Clerk for this item and Mr. Tewalt closed the public hearing.

Councilman Holloway moved seconded by Councilman Meza that Council affirm on its first reading an ordinance amendment to Chapter 160 to remove the requirement for Town vehicle decals/stickers to be displayed on vehicles, but allow the decal/sticker to be provided upon request, as presented.

There were not comments from Council.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

PUBLIC HEARING – An Ordinance Amendment to Chapter 134 pertaining to new state requirements issued by the Department of Environmental Quality (DEQ) *(1st Reading)*

Mayor Tewalt opened the public hearing. There were no comments received by the Clerk for this item and Mr. Tewalt closed the public hearing.

Councilman Gillispie moved seconded by Councilman Holloway that Council affirm on its first reading an ordinance amendment to Chapter 134 pertaining to new state requirements issued by the Department of Environmental Quality (DEQ) and pertaining to more stringent standards for sewer and procurement of waste, as presented.

There were not comments from Council.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

PUBLIC HEARING – An Ordinance Amendment to Chapter 85 Pertaining to the removal of a recycling collection fee *(1st Reading)*

Mayor Tewalt opened the public hearing. There were no comments received by the Clerk for this item and Mr. Tewalt closed the public hearing.

Councilman Cockrell moved seconded by Councilman that Council affirm on its first reading an ordinance amendment to Chapter 85 to remove a recycling collection fee of \$10.00 and changing the name “Environmental Services” to “Public Works” throughout the Chapter, as presented.

Councilman Cockrell questioned who enforces the violations that may occur if citizens did not comply. Town Attorney Napier and Public Works Director advised Council of the procedures to notify citizens of their violations. Councilman Holloway confirmed that trash must be set out at curbside by 7:00am.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

PUBLIC HEARING – To consider an amendment to the FY2020 Budget in the amount of \$1,313,000, for engineering design services related to the Rt 522 N. Corridor Redundant Water Line Project. Clerk of Council Presley read the summary for the record:

Council is requested to approve a Budget Amendment in the amount of \$1,313,000 to utilize funds from the Water Fund Balance Reserves and to approve the award of \$1,313,000 to CHA Consulting for Engineering Design Services, Construction Contract Administration, and Project Closeout/Operation and Maintenance Manuals for the Route 522 North Corridor Redundant Waterline Project. This budget amendment and award will allow for engineering services for the project. The Town will procure services for a Clerk of the Works separately for this project.

Mayor Tewalt opened the public hearing. There were five comments received by the Clerk for this item. Clerk of Council Presley read the comments into the record.

PUBLIC HEARING CONCERNS FOR APRIL 27, 2020 MEETING
#8 Redundant Water Line

Linda Allen, 15 Massie Street

1) Get engineering drawings done for the redundant waterline to 522N and Dominion Power by making an amendment to the 2020 budget; cost \$1,313,000 coming from the Water Treatment Plant, professional services budget line. 9601-3510110 Appropriated Funds

I object to this amendment of the budget by asking that Town Council consider both the timing or framework of covid-19 expenses and other high demand needs being considered by Council at this time.

The second objection to this request to fund engineering drawings is based upon the cost of the project itself having gone from \$5.5 million dollars originally to about \$12.5 million dollars now. Obviously previous Councils put off doing the work involved with the redundant waterline which increased the cost significantly.

The third concern is that instead of having engineering drawings done now, I would ask that the Council look at its list of projects, prioritize them, review the budget carefully knowing that we will have reduced revenue in 2021 and quite likely in the following few years. It would be prudent to schedule the projects according to the priority listing and as the financial situation improves to the point where we can afford to do each project or add in more projects.

Fourth there has been a failure to plan for this project, as follows:

Once the priority listing is completed, the new Town Manager should attempt to re-negotiate the cost of the waterline with Dominion and seek advice about funding sources that would lower the cost to the town itself. Perhaps, too, the staff and Council can find some expert help from its past consultants for this project—such questions as the age of the current pipeline, the lifespan of the materiel, the conditions under which it exists are all important to know before making a decision about the redundant line. Equally important, different scenarios with possible breaks for length of time to repair, projected costs, what companies do the repairs. In effect, the matter has not been completely studied at any time beyond a few proponents of the project and many more who object to the project. The town has never given any indication that it would know what to do or how to do were there a break. If the Council is so concerned that it has a member who loses sleep over this project, wouldn't you think that it would want a knowledge base to guide its decisions whenever and if ever a break occurs.

Kenneth Dameron

Please vote to table the proposal to award a \$1,313,000 contract for engineering services to CHA Consulting. Be aware that going forward with this contract is but a pre-cursor to approving the remainder of what is projected to be an \$11,800,000 project to run a redundant water and sewer line to the so-called 522 Corridor, albeit with Dominion Energy having pledged to pay \$3,500,000.

We (the Town citizens) are NOT, to my knowledge, contractually obligated to do that project. Way back in 2011, Dominion, through its subsidiary, VEPCO, acknowledged that it would be desirable to have such a back-up for their critical water needs and offered to pay 75% of the cost thereof, to a maximum of \$3,500,000. That would imply that the total cost would have been \$4,666,667, but the projected cost now is something on the order of \$11,800,000. In that same agreement with Dominion, it was agreed that breakages might occur and that Dominion would hold the Town harmless in such event.

I urge the Council to table the going forward with the contract to CHA Consulting, which, coincidentally wrote the proposed Time and Materials contract, which would almost certainly make the hiring of a Clerk of the Works to monitor same.

Perhaps this issue could be re-visited after the effects of the COVID-19 matter become clearer.

Bruce Rappaport, 300 E Main Street

This is not the time to move forward with these projects as the town does not have the revenue to cover these expenses as so eloquently stated by your finance director. Use some due diligence and heed his advice. There will be a day when we can address these issues in a transparent open public hearing in a more normal environment. There isn't any reason to try to ramrod these projects through during these unsettled times.

Between now and then, think about how to raise revenue without robbing from peter to pay paul.

We all know the answer....the chickens will come home to roost.

Elaine Miller

In my opinion, the Town should forget the expense for the water line to the corridor-----the Town should not be spending ANY money unless it is absolutely necessary-----At a time like this, revenues are likely to be much lower than even expected-----Thank You

Anne Earle, 400 Grand Ave

I just read with dismay the proposal before the Town Council to spend \$1.3 million for an engineering contract to build a redundant water line out the Winchester Road corridor. I STRONGLY disapprove of this, and any other expenditures related to this project, especially since the water/sewer infrastructure within the TOWN needs major replacement and help. If Dominion Power wants these redundant water/sewer lines, then let THEM pay for it in full. It is also my understanding that extending these water/sewer lines may increase the cost of water/sewer to taxpaying residents in the town. Assuming this may be true, it is totally unacceptable!

I live in the "Hoffman Heights" area of town. Daily, we have significantly reduced water pressure, and have had blockages with the sewer lines, which plumbers indicate may not be in the lines on our property (implying there are issues with the town's portion of the sewer lines). My parents also lived in this area from 1981-2002, and even back then, they had significant issues with low water pressure and sewer back-ups. Sherwood Ave., Oak St. and other areas in this neighborhood have had numerous "patch jobs" because of the old, failing water/sewer lines. The repair issues for water/sewer lines throughout town are an on-going issue. It seems to me it's past time to do a major replacement of the water/sewer lines within the town limits, rather than meet the demands of properties outside of town.

It is still understand how the Town of Front Royal becomes responsible for the water/sewer out at the shopping centers, for Dominion Power and that entire corridor since they are not within the Town.

Please convey to the Town Council my strong disapproval of any further water/sewer connections outside of the defined Town limits.

Thank you!

Mr. Tewalt closed the public hearing.

Councilman Gillispie moved seconded by Councilman Holloway that Council approve a Budget Amendment in the amount of \$1,313,000 to utilize funds from the Water Fund Balance Reserves and to approve the award of \$1,313,000 to CHA Consulting for Engineering Design Services, Construction Contract Administration, and Project Closeout/Operation and Maintenance Manuals for the Route 522 North Corridor Redundant Waterline Project.

Councilman Gillispie noted that he would be voting to move ahead with this item. He explained that this project had been delayed too long and the costs have and will continue to climb. He noted that the line is not only "Dominion Water Line", noting Dominion Energy has agreed to help pay for the redundant water line. Mr. Gillispie reminded the public of the water break that just happened at the Fairgrounds Road and Rt. 522 intersection that left the Rappahannock, Shenandoah, Warren County (RSW) Jail without water for many hours losing their cooking, bathing and sanitary services. He explained that the Town has the ability to isolate water breaks in the Town limits but does not in the Rt. 522 Corridor. Mr. Gillispie further explained that the Town could be held liable for any damage done in the Rt 522 corridor businesses because of loss of water.

Councilman Holloway agreed with Councilman Gillispie. He confirmed that putting it off for many years has raised the costs of the project, noting these costs were cheaper when the negotiations with Dominion Energy were finalized. Councilman Holloway agreed that the Town is not contractually obligated, however, we are obligated to provide water and sewer to businesses in the corridor.

Interim Town Manager noted this project was introduced in 2011 and he and Director of Finance Wilson went over the timeline and bond repayment through VRA at 2.85% subject to change.

Councilman Sealock advised he would vote yes on this item. He agreed with what Councilman Meza and Gillispie has said. He cautioned about “kicking the can down the road”. He reiterated the liability issue and being sued for loss of water. Councilman Sealock urged this project to move forward.

Councilman Cockrell agreed with the other councilmembers, noting the costs were only going to escalate. She mentioned the letter the Town received from the Superintendent of the RSW Jail. Interim Town Manager Tederick read the letter into the record:

Mr. Matt Tederick Town Manager
P.O. Box 1560
Front Royal, VA 22630 Mr. Tederick,
April 6, 2020

Re: Water Service Interruption

On Thursday, April 2, 2020, at approximately 3:30 PM, RSW Regional Jail experienced a complete interruption to our water service caused by a water main break at the intersection of 340/522 and Fairgrounds Road. The town staff did a fantastic job responding, repairing the break, and restoring service to the building by 8:00 PM. In a very short time period, this interruption in service caused a significant impact on the operation of the facility. RSW has a vacuum waste system instead of gravity flow for our sewage and greywater evacuation. The vacuum waste system requires water at all times, or we run the risk of damage to the costly components of the system, and the system will lose vacuum and cause greywater and sewage to back up in the floor drains and toilets. While we were without water service, the vacuum waste system was shut down to preserve the integrity of the components. Still, it did cause the system to lose vacuum, resulting in backups in the floor drains, toilets, and sinks in the facility. Of course, this happened while we are currently fighting COVID-19.

RSW houses, on average, 400 to 500 inmates plus staff that require water for drinking, washing, toilets, heating, cooling, and food preparation. We do not have, nor is there the ability for us to store enough water to meet our needs. This incident brought to light that without redundancy of the municipal water service to our facility, we run the risk of causing a public health problem and the inability to remain open and operational if a service interruption were to last more than a few hours. We are working to see what options could be designed and put in place to minimize the impact of the vacuum waste system, but this is only a temporary and partial solution to this problem.

I appreciate your time and attention in this matter and felt it was essential to provide this information to you and the Town of Front Royal Board of Supervisors when considering a redundant water service line for this area.

Regards

Russell Gilkison
Superintendent, RSW Regional Jail

Councilman Sealock requested that Town Staff to look at water pressure issues as mentioned in the comment letter from Ms. Earle in Hoffman Heights and report back to Council. Mr. Tederick acknowledged this request.

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

No – Councilman Thompson

Abstain – N/A

Absent – N/A

ROLL CALL

PUBLIC HEARING – To consider an amendment to the FY2020 Budget in the amount of \$990,674.00 to utilize funds from the Sewer Fund Balance Reserve and to award Sanitary Sewer Closed-Circuit Television (CCTV) investigation for I & I Abatement.

Clerk of Council Presley read the summary for the record:

Council is requested to approve a Budget Amendment in the amount of \$990,674 to utilize funds from the sewer fund balance reserve to award the bid of Sanitary Sewer Closed-Circuit Television (CCTV) to Hydrostructures, LLC for the completion of FR-1,5,6,7 (Phase 1) and FR-3,8,9 (Alternate A: Phase 2). The use of sewer fund balance was incorporated into Stantec's modeling system. Completion of the Phase 1 and 2 complies with the Department of Environmental Quality's (DEQ) Consent Order and moves the Town forward with correcting inflow and infiltration (I & I) abatement.

Mayor Tewalt opened the public hearing. There were no comments received by the Clerk for this item and Mr. Tewalt closed the public hearing.

Councilman Meza moved, seconded by Councilman Holloway that Council approve a Budget Amendment in the amount of \$990,674 to utilize funds from the sewer fund balance reserve and to award the bid of Sanitary Sewer Closed-Circuit Television (CCTV) to Hydrostructures, LLC for the completion of FR-1,5,6,7 (Phase 1) and FR-3,8,9 (Alternate A: Phase 2) that complies with the Department of Environmental Quality's (DEQ) Consent Order and moves the Town forward with correcting inflow and infiltration (I & I) abatement.

Purchasing Manager Alisa Scott explained to Council the bidding response and the qualifier used to determine the award.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

COUNCIL APPROVAL – Quarterly Write Off for Bad Debt

Clerk of Council Presley read the summary into the record:

Council approved a revision to the Bad Debt Policy in March 2019 and requested to review and approve write-off of bad debt quarterly. Council is requested to approve the removal of 5 years or older of outstanding accounts receivable (bad debts) on the Town's ledger for the first quarter of 2020 totaling \$19,379.72 which is comprised of 48 utility accounts. All possible recourse of attempting to collect these amounts has been completed and the accounts have no activity for at least 5 years. Staff has determined that the accounts presented meet the criteria for uncollectible as determined by the Town's bad debt write off policy:

- 1) No activity on closed account for at least 5 years
- 2) All other methods of collection have been exhausted

Mayor Initial _____

Councilman Gillispie moved, seconded by Councilman Holloway that Council approve the removal of 5 years or older of outstanding accounts receivable (bad debts) on the Town's ledger for the first quarter of 2020 totaling \$19,379.72 which is comprised of 48 utility accounts. All possible recourse of attempting to collect these amounts has been completed and the accounts have no activity for at least 5 years.

Councilman Cockrell questioned whether the Town could have those written off for bad debt pay before having service with the Town again. Finance Director Wilson advised that once they are written off they could not be enforced to pay.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

COUNCIL APPROVAL – FY20 Budget Amendment & Transfers for Contingency Funds

Councilman Meza moved seconded by Councilman Cockrell that Council approve a budget amendment and budget transfers for the FY20 Budget to provide contingency funds for potential shortfalls related to the COVID-19 pandemic as follows:

<i>General/Street Fund</i>	<i>\$753,723.07</i>
<i>Water Fund</i>	<i>\$620,866.00</i>
<i>Sewer Fund</i>	<i>\$256,404.46</i>
<i>Solid Waste Fund</i>	<i>\$26,618.70</i>

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

CLOSED MEETING - Personnel

Due to issues related to the on-going pandemic, Councilman Cockrell moved seconded by Councilman Thompson that Town Council move to go into Closed Meeting to discuss the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

Councilman Cockrell moved, seconded by Councilman Thompson recognized by each Mayor and 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,

Mayor Initial ____

discussed or considered in the Closed Meeting by the Mayor and Council, and that the vote of each individual member of Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman _____ moved, seconded by _____ approved the Regular Council Meeting minutes of April 27, 2020 on May 11, 2020.

Mayor Initial _____

TOWN COUNCIL WORK SESSION MINUTES

Monday, April 27, 2020

via WebEx and following Regular Council Meeting

1. Options for Local Economic Recovery for Individuals and Businesses

Interim Town Manager Tederick went over the DRAFT Business Economic Recovery/Assistance Preliminary Framework

BUSINESS ECONOMIC RECOVERY/ASSISTANCE PRELIMINARY FRAMEWORK

Intent of Program

Provide grant program for financial assistance to businesses demonstrating economic hardship from effects of Governor Northam's Executive Order 53 on March 12, 2020 and Executive Order 55 on March 30, 2020 related to the COVID-19 pandemic. Funds to be used first to pay outstanding Town of Front Royal utility bills, business occupational licensing, and real estate taxes; remaining assistance to be used by applicant for other business expenses.

Administration

The Town of Front Royal will enter into an agreement with a non-profit organization, for example, the Front Royal - Warren County Chamber of Commerce per VA Code Section 15.2- 953. Terms of the agreement will outline process for non-profit to administer a grant program of up to \$1 million for Front Royal business economic recovery/assistance.

The non-profit organization will work in conjunction with the Town of Front Royal Finance Department and a Blue-Ribbon Committee to administer the grant.

Eligibility

1. Business must have a valid Town of Front Royal Business License and been in operation prior to Governor Northam's Executive Order on March 12, 2020.
2. Business must be located within the Town of Front Royal corporate limits.
3. Business must demonstrate economic hardship of at least a 20% reduction in gross revenues, when compared to prior year; . Business in the following sectors directly impacted by Governor Northam's Executive Order 53 are exempt from demonstrating economic hardship:
 - Theaters, performing arts centers, concert venues, museums, & other indoor entertainments centers
 - Fitness centers, gymnasiums, recreation centers, indoor sports facilities, & indoor exercise facilities
 - Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with social distancing guidelines to remain six feet apart
 - Bowling alleys, fairs, arts and craft facilities, public and private clubs, and all other places of indoor public amusement.
4. A deadline will be set to receive applications.

Tiers of Assistance

2019 Gross Receipts	Amount of Assistance	Additional Assistance for having Town Utility Account or Town Real Estate Taxes	Total Potential Assistance
\$15,080-\$50,000	\$500	\$500	\$1,000
\$50,000.01-\$200,000	\$2,000	\$1,000	\$3,000
\$200,000.01-\$500,000	\$4,000	\$2,000	\$6,000
>\$500,000	\$9,000	\$4,000	\$13,000

Priority for Grant Assistance

1. Priority will be given to those businesses forced to temporarily close on March 12, 2020 as a result of the Governor Northam's Executive Order 53; including:
 - Theaters, performing arts centers, concert venues, museums, & other indoor entertainments centers
 - Fitness centers, gymnasiums, recreation centers, indoor sports facilities, & indoor exercise facilities
 - Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with social distancing guidelines to remain six feet apart
 - Bowling alleys, fairs, arts and craft facilities, public and private clubs, and all other places of indoor public amusement.
2. Businesses having a Town of Front Royal Utility Account or Real Estate Tax Account will be provided additional funds as illustrated in the third column in the chart above. Additional funds will be sent from the non-profit to the Town of Front Royal and will reference the associated business. In the event all business accounts (utility, real estate tax and business license tax) are not in arrears, the Town will apply and show as a credit balance the funds received by the non-profit towards the business accounts (either utility, real estate tax and business license tax).
3. Preference will be given to businesses that have provided a strategic plan (no more than 2 pages) for conducting business once the Governor eases or lifts restrictions related to the COVID-19 pandemic. For example: how business will be performed upon reopening, such as social distancing, additional options for customer/employee interactions, additional methods of payment to minimize contact; number of employees to be retained; etc.

Outline of Process

- I. Application Process - Possibly submitted online to Non-profit organization
 - A. General Application
 - 1. Personal Name
 - 2. Business Name
 - 3. Address
 - 4. Type of Business
 - 5. Telephone Number
 - 6. Email
 - 7. Number of Employees
 - 8. Statement/signature on document to allow utility account information to be discussed between Town of Front Royal & Non-profit.
 - B. Certified Income Statement/Impact Statement
 - 1. Not required for businesses closed pursuant to Executive Order#53
 - 2. Certified by Accountant/CPA
 - 3. Used to provide proof of economic hardship as described above
 - C. Optional Strategic Plan demonstrating change in operation for COVID-19
- II. Review Process
 - A. Town will verify business license, utility account & real estate tax account.
 - 1. Outstanding balances for utilities, BPOL, and real estate taxes will be paid first
 - 2. Additional Assistance for having Town Utility Account or Town Real Estate Taxes will be credited as pre-payment towards utility account or taxes
 - 3. Any remaining funds will be sent to the applicant.
 - B. Blue Ribbon Committee will review applications and recommend approval of assistance based upon available funds. Funding decisions received within 14 days of submitted application. Grants funded within 14 days of approval.
- III. Non-profit Organization to Issue Payment to Town of Front Royal (if applicable) & Business

All aforementioned provisions are subject to modification(s).

Mayor Initial _____

**POTENTIAL DISTRIBUTION OF \$1MILLION TO BUSINESSES FOR
ECONOMIC RECOVER**

Tier	# Businesses	% of Businesses in Tier Based on BPOL	Allocation \$'s	Avg Assistance Per Applicant	# of Businesses Able to be Served by Allocation & Avg Assistance	% of Businesses in Tier Receivin g Assistanc e
\$15,080- \$50,000	187	25%	\$ 56,100.00	\$ 1,000.00	56	30%
\$50,000- \$200,000	130	17%	\$ 117,000.00	\$ 3,000.00	39	30%
\$200,000- \$500,000	81	11%	\$ 145,800.00	\$ 6,000.00	24	30%
> \$500,000	170	23%	\$ 663,000.00	\$ 13,000.00	51	30%
	568		\$ 981,900.00		170	
		76%				

Tier - levels of gross sales. \$15,080 represents annual income for minimum wage; thought process is that businesses with gross income of less than \$15,080 could be considered a supplemental business and not necessarily primary income.

of Businesses - Number of Town of Front Royal active 2020 business licenses with gross sales range listed in tier

% of Businesses in Tier Based on BPOL- percentage of businesses for each tier based on total number of 2020 business licenses with gross sales within tier Allocation \$'s - dollar value associated with potential assistance provided to businesses within tier (total based on providing \$1 million for assistance)

Avg Assistance Per Applicant- potential dollar value of assistance provided to each applicant

of Businesses able to be served by allocation & avg. assistance- number of potential businesses that could receive average assistance in tier based on dollar value allocated to tier.

% of Businesses in Tier Receiving Assistance - if the Town were to provide \$1 million, use the average assistance per applicant; the Town would be able to provide assistance to approximately 30% of businesses in each tier.

Mayor Initial _____

Councilman Cockrell applauded the effort of Staff; however, she requested that the Town slow down and see what is available at the State and Federal levels. Interim Town Manager advised that they [State and Federal] were providing loans. Councilman Sealock advised that loans were the standard practice for the Economic Development Authority (EDA).

Councilman Sealock noted that one restaurant has closed downtown with possibly two to three others throughout Town. The recovery plan is based on gross receipts with a cap limit of \$1 million.

Councilman Meza congratulated Staff on a job well done and thanked them for their time putting it together. He noted that Councilmen Cockrell and Thompson bring up good points on when to implement. Councilman Thompson agreed to do something sooner than later.

Councilman Sealock reminded Council that majority of Town funds could have a shortfall. He suggested that businesses could apply now and implement in June 2020. Councilman Meza voiced concern if implemented in June 2020, 90 days would have passed already.

Interim Town Manager strongly encouraged Council to give Town Staff direction on whether they want to implement the Plan and if so, how much and how should the general process work.

Interim Town Manager advised Council that this would require a public hearing before implementation due to the amount.

Mayor Tewalt advised Council that the County of Warren was not looking at implementing anything at this time, since they are waiting to see how the Federal Government works toward this goal. Councilman Sealock noted he was not in favor of waiting for the County.

Interim Town Manager questioned whether \$1,000 was really going to help a business grossing \$50,000. Councilman Gillispie voiced his desire to help the businesses and understood their hardship but agreed that what the Town was trying to implement may not help them. Councilman Cockrell agreed that \$1,000 would not pull anyone out of a lack of receipts. She questioned how many businesses were interested in the program and whether it would be supported by the public.

Mayor Tewalt asked for a consensus on whether to hold a public hearing on the Business Economic Recovery/Assistance Program. There was consensus to move forward on the public hearing to hear public input.

Interim Town Manager Tederick advised Council that Staff had prepared an outline for Residential/Utility Economic Recovery/Assistance. Council was not interested in this program and Staff was to focus on the program for the businesses.

Open Discussion: Interim Town Manager Tederick advised Council that the FY21 Budget would be on the next work session to decide whether to advertise the proposed budget as presented or a modified one.

Meeting was adjourned at 9:51pm

Mayor Initial ____

PRESENT: Mayor Tewalt, Councilman Meza, Councilman Thompson, Councilman Gillispie, Councilman Holloway, Vice Mayor Sealock, Councilman Cockrell, Interim Town Manager Tederick, Town Attorney Napier, Clerk of Council Presley, Director of Finance Wilson, Purchasing Manager Alisa Scot, Public Works Direction Boyer and members of Town Staff, the public and the press who were online.

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APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Work Session Meeting minutes of April 27, 2020 on May 11, 2020.

Mayor Initial _____

JOINT WORK SESSION WITH BOARD OF SUPERVISORS

Monday, May 4, 2020

Online via WebEx

ROLL CALL for MAYOR/TOWN COUNCIL

PRESENT: Mayor Eugene R. Tewalt
Vice Mayor William A. Sealock
Councilman Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Chris W. Holloway
Councilman Jacob L. Meza
Councilman Letasha T. Thompson
Interim Town Manager Matthew A. Tederick
Town Attorney Douglas W. Napier
Deputy Clerk of Council Mary E. Lynn

ROLL CALL for WARREN COUNTY BOARD OF SUPERVISORS

PRESENT: Chairman Walter J. Mabe (Shenandoah District)
Vice Chair Cheryl L. Cullers (South River District)
Archie A. Fox (Fork District)
Delores R. Oates (North River District)
County Administrator Douglas P. Stanley
Deputy Clerk of the Board Emily Ciarrocchi

-
1. **SwagIT Production Systems, LLC for Video Recording Services presented by Natascha Ross –**
Ms. Ross from SwagIT Production Systems, LLC presented the proposed video recording solution by giving an overview of the included hardware and services. SwagIT recommended the Avior system which includes multiple cameras and a streaming encoder that would allow for live streaming. She explained that SwagIT employees would watch the video, time stamp it to match meeting agendas and have it available for upload within four hours of filming. Ms. Ross explained that that all video content is stored by SwagIT for the life of the contract. There is also a transcription service available. At this time, the Town has opted to include transcription while the County has not. She also noted that the Town and County would be locked into the agreed upon rate for the life of the contract.

Interim Town Manager Tederick requested elaboration on the transcription service. Ms. Ross explained that the transcripts represent the spoken word and unless speakers introduce themselves, they may not be usable as minutes. She explained that many SwagIT clients use meeting transcripts as a rough draft and then clean them up and add missing information. (names of speakers, etc.) She also noted that the transcripts are not considered legal documents.

Mayor Initial _____

Delores Oates of the North River District asked about security, storage limits and what is included in the annual service fees. Ms. Ross suggested she check with a SwagIT Network Professional to gather the correct information and would email the exact security metrics to Town and County Officials. She added that annual fees include an index of meetings, 24/7 support, live streaming, unlimited storage & bandwidth, and optional google analytic reports. She explained that all hardware included in the Avior Solution has a 3-year warranty and that most issues can be fixed remotely. If not, SwagIT usually ships a replacement to the customer. Ms. Oates also asked how often SwagIT puts out upgrades. Ms. Ross noted that upgrades are typically offered each quarter.

Councilman Gillispie asked for clarification on the cost per additional meeting and if the transcription service is included. Ms. Ross explained that the transcription service is a flat fee. She stated that SwagIT does not “nickel and dime” their clients. Noting that they typically do not keep track of billing for additional meetings. Instead they will reevaluate the number of meetings included in the contract at the start of the next year. She also explained that meetings are not identified per date rather per agenda.

Councilman Meza asked Town Staff if this would represent a new cost to the Town. The Towns Information Technology Director, Todd Jones, explained that the startup cost, which includes the new hardware and the first year of service fees, would be covered by a franchise agreement that the Town has with Comcast and SHENTEL. He stated that after the first year the Town would need to include the funds in the budget. Ms. Oates asked if the Town and County would have separate contracts. Mr. Jones explained that the Town and County would split the cost of the hardware. Mr. Tederick and Mr. Stanley agreed that separate service contracts would be best.

Ms. Oates questioned whether the microphones and other audio equipment would be replaced. Mr. Jones explained that the existing audio equipment would be integrated into the SwagIT system.

Mayor Tewalt asked if there was a time limit to decide. Mr. Tederick stated that Staff was hoping to get the hardware installed as soon as possible since the room is currently vacant. Mayor Tewalt noted the importance of the Town and County being in agreeance on how to proceed. Chairman Mabe stated that the Board of Supervisors could add a SwagIT discussion to their next agenda and make a decision fairly quickly. Mr. Tederick suggested the Town and County both make their motions contingent on the others approval. Mayor Tewalt suggested any additional questions from Council be directed to the IT Department.

Chairman Mabe asked Deputy Clerk of the Board, Emily Ciarrocchi, if the SwagIT system would be helpful to her. Ms. Ciarrocchi stated that while she did not believe the transcription service would be necessary the video capabilities would offer huge time savings. She noted that Channel 16 has high definition capabilities, however the current equipment does not support it. Mr. Mabe stated that SwagIT helps all staff, not just the Council and Board.

Mayor adjourned the joint work session at 7:32 p.m. and Council began their regular work session.

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Mayor Initial _____

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council
Written by Mary Ellen Lynn, Deputy Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Joint Work Session with the Board of Supervisors minutes of May 4, 2020 on May 11, 2020.

Mayor Initial _____

TOWN COUNCIL WORK SESSION

Monday, May 4, 2020

Online via WebEx

1. **CDBG Pavilion and Streetscape Update** – Interim Town Manager Tederick asked Council for direction on how to proceed with the Community Development Block Grant (CDBG) Pavillion Project. Councilman Gillispie stated that while he is a ‘big fan’ of the Pavillion, he believes Council should ‘pull back for right now’ due to COVID-19 budget shortfalls. He questioned if Council would be able to come back to it later. Mr. Tederick explained that while there is no time constraint due to a CDBG extension, Town Staff would need to make sure the current bid would stay locked in.

Councilman Sealock noted that the CDBG budget can be modified at anytime and the money allocated for façade improvements could possibly be shifted. He stated his approval of delaying the pavilion project but questioned if there would be any ramifications. Mr. Tederick explained that many jurisdictions are not currently moving forward with CDBG projects especially if they require joint funding from businesses.

Mr. Tederick then reviewed the CDBG Streetscape Project. He explained that the first installment of \$11,223.18 had already been paid and the engineer agreed to offer a discount of 15% for the remainder of the project.

Councilman Thompson expressed that she would rather use the Streetscape funding for the Pavillion Project. She asked if Streetscape construction would have a negative impact on local businesses. Councilman Meza asked if the Streetscape proposal included any construction or just a recommendation. Interim Planning and Zoning Director, Chris Brock, noted his belief that the Streetscape portion is a CDBG requirement.

Mr. Tederick assured Council that he would find out if the Streetscape Project was required. All members of Council agreed that, if possible, they would prefer to remove the Streetscape Project in order to move forward with the Pavillion Project.

Mayor Tewalt suggested postponing a decision on both the Pavillion and Streetscape Projects until the first work session in June to give Council and Town Staff more time to assess budget shortfalls and have all their questions answered.

2. **6th Street/Commerce Avenue Turn Lane Extension** – Mr. Tederick expressed to Council that Town Staff is prepared to move forward with the 6th Street/Commerce Avenue Turn Lane Extension at an estimated cost of \$18,000. Councilman Meza noted that he had originally presented the idea due to the installation of Leach Run Parkway. He explained that the amount of traffic using the turn lane has increased significantly and extending it would be a ‘good idea.’ Mayor Tewalt and Councilman Gillispie agreed and the Mayor added that he would like to see an extension on the other side of the intersection as well.

Mayor Initial _____

3. **“Pride in Our Town” Presentation** – Mr. Tederick reviewed the Pride in Our Town initiative with Council, noting that there are several properties with an abundance of trash, debris, unkept brush, etc. The project would allow Town Staff to identify and enforce the clean-up of properties by partnering with volunteer organizations who would assist in the clean-up process.

Councilman Cockrell asked if any volunteer organizations have already shown interest. Mr. Tederick stated that while Town Staff is still building a list, they have received interest from 6 organizations. The different organizations would complete clean-up jobs on rotating Saturdays.

4. **FY20-21 Proposed Budget Advertisement** – Town Staff explained that the FY20-21 Proposed Budget must be provided to newspapers for advertisement by May 13, 2020 in order to advertise and hold a public hearing at Town Council’s May 26, 2020 Meeting. Staff also suggested advertising the FY21 Proposed Budget as presented and for Council to approve an accompanying budget amendment to transfer line items previously discussed to contingency. All member of Council agreed with the Proposed Budget Advertisement timeline.

5. **Visitor Center/Tourism Presentation** – Meghan Campbell, Customer Service Specialist for the Front Royal Visitors Center gave a presentation on Tourism at the request of Councilman Thompson. Ms. Campbell outlined the roles, accomplishments, and goals of Visitor Center Staff.

Councilman Meza questioned where the funding for the Joint Tourism Committee comes from. He also asked for further clarification on the goals Visitor Center Staff has for Trip Advisor and Google Reviews. Councilman Thompson asked what the goals for Facebook were as well. While Ms. Campbell was unsure where Joint Tourism funding comes from, she explained that Visitor Center Staff attempts to obtain quality reviews over a certain quantity. She also noted several successful Facebook posts, citing one “Throwback Thursday” post that has reached nearly 47,000 Facebook users.

Mr. Tederick made some clarifications to information given in the presentation. He explained the difference between net income verses total income from Visitor Center Merchandise. He noted that while the Discover Front Royal website is managed in house, there is still a cost such as monthly hosting and annual subscription fees.

6. **Open Discussion** – Mr. Tederick updated Council on the Governors new ‘Phase 1’ plan that could allow certain businesses to open as soon as May 15th. He explained that if it does in fact happen, he would like to reopen Town Hall to the public on Monday, May 18th. He also asked Council when they would like to begin assessing late fees and proceed with nonpayment disconnects. He suggested that Town Staff start adding inserts to utility bills to notify citizens when they decide. He stressed that, at this point, some delinquent utility bills will be very large. Mr. Wilson noted that if Council decides to waive credit card fees indefinitely, they will need to do an ordinance amendment. Mayor Tewalt requested Town Staff send Council a list of these items to review.

Councilman Gillispie expressed his concern for small business in Front Royal. He stated that he had already contacted the Town Attorney to find out about options to help businesses reopen. Councilman Meza agreed and added that with the Governors phased approach, there will still be restrictions, and businesses will be limited for months. He noted that in Warren County there have

only been 4 Covid-19 hospitalizations and 0 deaths, yet all businesses are closed. He suggested that Council work to find a resolution to send to Richmond. Councilman Thompson agreed and added that citizens should continue to do what is best for their families. Mayor Tewalt requested the Town Attorney put together a resolution to add to the agenda for the next Council Meeting.

Mayor Tewalt also mentioned that there are 3 different delegates in Front Royal, where he believes there should be 1. He noted that he had already spoken to the Warren County Board of Supervisor's Chairman, Walter Mabe, who agreed and would be speaking to the Board. He requested the Town Attorney work up a possible joint resolution. Councilman Sealock and Councilman Meza Agreed.

Mayor adjourned the work session at 9:09 p.m.

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

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley Clerk of Council
Written by Mary Ellen Lynn, Deputy Clerk of Council

Councilman _____ moved, seconded by Councilman _____ approved the Work Session Meeting minutes of May 4, 2020 on May 11, 2020.

Mayor Initial _____



Town of Front Royal, Virginia Council Agenda Statement

Item # 5

Meeting Date: May 11, 2020

Agenda Item: COUNCIL APPROVAL - Budget Amendment to Provide Economic Recovery Assistance

Summary: Town Council is requested to approve a budget amendment in the amount of \$1,000,000 to utilize funds from unrestricted general fund reserves to be donated to a non-profit third party organization that will distribute funds to eligible affected businesses and residents from the COVID-19 pandemic.

Note: This item requires only one reading

Budget/Funding:

1000-3510110	General Fund – Appropriated Funds Forward -	\$1,000,000.00
1206-43002	Community Development – Professional Services -	\$1,000,000.00

Meetings: Work Session held April 27, 2020

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council approve a budget amendment in the amount of \$1,000,000 to utilize funds from unrestricted general fund reserves to be donated to a non-profit third party organization that will distribute funds to eligible affected businesses and residents from the COVID-19 pandemic.

*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

BUSINESS ECONOMIC RECOVERY/ASSISTANCE PRELIMINARY FRAMEWORK

Intent of Program

Provide grant program for financial assistance to businesses demonstrating economic hardship from effects of Governor Northam's Executive Order 53 on March 12, 2020 and Executive Order 55 on March 30, 2020 related to the COVID-19 pandemic. Funds to be used first to pay outstanding Town of Front Royal utility bills, business occupational licensing, and real estate taxes; remaining assistance to be used by applicant for other business expenses.

Administration

The Town of Front Royal will enter into an agreement with a non-profit organization, for example, the Front Royal - Warren County Chamber of Commerce per VA Code Section 15.2-953. Terms of the agreement will outline process for non-profit to administer a grant program of up to \$1 million for Front Royal business economic recovery/assistance.

The non-profit organization will work in conjunction with the Town of Front Royal Finance Department and a Blue-Ribbon Committee to administer the grant.

Eligibility

1. Business must have a valid Town of Front Royal Business License and been in operation prior to Governor Northam's Executive Order on March 12, 2020.
2. Business must be located within the Town of Front Royal corporate limits.
3. Business must demonstrate economic hardship of at least a 20% reduction in gross revenues, when compared to prior year; . Business in the following sectors directly impacted by Governor Northam's Executive Order 53 are exempt from demonstrating economic hardship:
 - Theaters, performing arts centers, concert venues, museums, & other indoor entertainments centers
 - Fitness centers, gymnasiums, recreation centers, indoor sports facilities, & indoor exercise facilities
 - Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with social distancing guidelines to remain six feet apart
 - Bowling alleys, fairs, arts and craft facilities, public and private clubs, and all other places of indoor public amusement.
4. A deadline will be set to receive applications.

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Tiers of Assistance

2019 Gross Receipts	Amount of Assistance	Additional Assistance for having Town Utility Account or Town Real Estate Taxes	Total Potential Assistance
\$15,080-\$50,000	\$500	\$500	\$1,000
\$50,000.01-\$200,000	\$2,000	\$1,000	\$3,000
\$200,000.01-\$500,000	\$4,000	\$2,000	\$6,000
>\$500,000	\$9,000	\$4,000	\$13,000

Priority for Grant Assistance

1. Priority will be given to those businesses forced to temporarily close on March 12, 2020 as a result of the Governor Northam's Executive Order 53; including:
 - Theaters, performing arts centers, concert venues, museums, & other indoor entertainments centers
 - Fitness centers, gymnasiums, recreation centers, indoor sports facilities, & indoor exercise facilities
 - Beauty salons, barbershops, spas, massage parlors, tanning salons, tattoo shops, and any other location where personal care or personal grooming services are performed that would not allow compliance with social distancing guidelines to remain six feet apart
 - Bowling alleys, fairs, arts and craft facilities, public and private clubs, and all other places of indoor public amusement.
2. Businesses having a Town of Front Royal Utility Account or Real Estate Tax Account will be provided additional funds as illustrated in the third column in the chart above. Additional funds will be sent from the non-profit to the Town of Front Royal and will reference the associated business. In the event all business accounts (utility, real estate tax and business license tax) are not in arrears, the Town will apply and show as a credit balance the funds received by the non-profit towards the business accounts (either utility, real estate tax and business license tax).
3. Preference will be given to businesses that have provided a strategic plan (no more than 2 pages) for conducting business once the Governor eases or lifts restrictions related to the COVID-19 pandemic. For example: how business will be performed upon reopening, such as social distancing, additional options for customer/employee interactions, additional methods of payment to minimize contact; number of employees to be retained; etc.

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Outline of Process

I. Application Process – Possibly submitted online to Non-profit organization

A. General Application

1. Personal Name
2. Business Name
3. Address
4. Type of Business
5. Telephone Number
6. Email
7. Number of Employees
8. Statement/signature on document to allow utility account information to be discussed between Town of Front Royal & Non-profit.

B. Certified Income Statement/Impact Statement

1. Not required for businesses closed pursuant to Executive Order#53
2. Certified by Accountant/CPA
3. Used to provide proof of economic hardship as described above

C. Optional Strategic Plan demonstrating change in operation for COVID-19

II. Review Process

A. Town will verify business license, utility account & real estate tax account.

1. Outstanding balances for utilities, BPOL, and real estate taxes will be paid first
2. Additional Assistance for having Town Utility Account or Town Real Estate Taxes will be credited as pre-payment towards utility account or taxes
3. Any remaining funds will be sent to the applicant.

B. Blue Ribbon Committee will review applications and recommend approval of assistance based upon available funds. Funding decisions received within 14 days of submitted application. Grants funded within 14 days of approval.

III. Non-profit Organization to Issue Payment to Town of Front Royal (if applicable) & Business

All aforementioned provisions are subject to modification(s).

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POTENTIAL DISTRIBUTION OF \$1 MILLION TO BUSINESSES FOR ECONOMIC RECOVER

Tier	# Businesses	% of Businesses in Tier Based on BPOL	Allocation \$'s	Avg Assistance Per Applicant	# of Businesses Able to be Served by Allocation & Avg Assistance	% of Businesses in Tier Receiving Assistance
\$15,080- \$50,000	187	25%	\$ 56,100.00	\$ 1,000.00	56	30%
\$50,000-\$200,000	130	17%	\$ 117,000.00	\$ 3,000.00	39	30%
\$200,000-\$500,000	81	11%	\$ 145,800.00	\$ 6,000.00	24	30%
> \$500,000	170	23%	\$ 663,000.00	\$ 13,000.00	51	30%
	568	76%	\$ 981,900.00		170	

Tier – levels of gross sales. \$15,080 represents annual income for minimum wage; thought process is that businesses with gross income of less than \$15,080 could be considered a supplemental business and not necessarily primary income.

of Businesses – Number of Town of Front Royal active 2020 business licenses with gross sales range listed in tier

% of Businesses in Tier Based on BPOL – percentage of businesses for each tier based on total number of 2020 business licenses with gross sales within tier

Allocation \$'s – dollar value associated with potential assistance provided to businesses within tier (total based on providing \$1 million for assistance)

Avg Assistance Per Applicant – potential dollar value of assistance provided to each applicant

of Businesses - able to be served by allocation & avg. assistance – number of potential businesses that could receive average assistance in tier based on dollar value allocated to tier.

% of Businesses in Tier Receiving Assistance – if the Town were to provide \$1 million, use the average assistance per applicant; the Town would be able to provide assistance to approximately 30% of businesses in each tier.

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Town of Front Royal, Virginia Council Agenda Statement

Item # 6

Meeting Date: May 11, 2020

Agenda Item: COUNCIL APPROVAL– An Ordinance Amendment to Chapter 160 Pertaining to Licensing of Vehicles Particularly the Display of Vehicle Decals *(2nd Reading)*

Summary: Council is requested to adopt on its second and final reading an ordinance amendment to Chapter 160 pertaining to Licensing of Vehicles, particularly the display of vehicle decals/stickers as presented. If approved, the Town of Front Royal Vehicle decal/sticker will not be required to be displayed on vehicles; however, the decal/sticker may be provided upon request.

Budget/Funding: None

Attachments: Proposed Ordinance Amendment

Meetings: Work Session held March 2, 2020; Public Hearing held April 27, 2020

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council adopt on its second and final reading an ordinance amendment to Chapter 160 to remove the requirement for Town vehicle decals/stickers to be displayed on vehicles, but allow the decal/sticker to be provided upon request, 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: _____

**ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 160
PERTAINING TO LICENSING OF VEHICLES**

WHEREAS, the Front Royal Town Code is requested to be amended to remove the requirement for the display of motor vehicle stickers or decals; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia that Chapter 160 of the Front Royal Town Code hereby be amended as follows:

Chapter 160

VEHICLES, LICENSING OF

Sections:

160-1 REQUIRED LICENSE FEE

160-2 EXEMPTIONS

160-3 ANNUAL LICENSE FEES; PRORATION

**160-4 PAYMENT OF FEE TO MANAGER; PREREQUISITE PAYMENT OF PERSONAL
PROPERTY TAXES**

160-5 LICENSE YEAR

160-6 ISSUANCE AND ATTACHMENT OF LICENSE PLATE OR STICKER

160-7 DUPLICATE OR REPLACEMENT LICENSE PLATE OR STICKER; FEE

160-8 TRANSFERABILITY OF LICENSE PLATE OR STICKER

~~**160-9 DISPLAY OF EXPIRED LICENSE PLATE OR STICKER PROHIBITED**~~

~~**160-10 PROHIBITIONS**~~

~~**160-11 VIOLATIONS AND PENALTIES**~~

~~**160-12 EXEMPTIONS**~~

160-1 through 160-2 – NO CHANGES

160-3 ANNUAL LICENSE FEES; PRORATION

A. Annual fees. The annual license fee for motor vehicles, trailers or semitrailers are:

1. Upon each passenger automobile, station wagon, motor home, bus, truck or similar motor vehicle: twenty-five dollars (\$25.00).
2. Upon each motorcycle, motor scooter or other similar vehicle: fifteen dollars (\$15.00).
3. Upon each trailer, semitrailer or any vehicle without motive power, except mobile homes: fifteen dollars (\$15.00). Each such trailer, semitrailer or vehicle without motive power with a gross weight of one thousand five hundred (1,500) pounds or less shall be exempt from these requirements.
4. No fee of any kind shall be charged for any passenger vehicle, pickup or panel truck bearing lawful prisoner of war license plates issued by the Commonwealth of Virginia in accordance with the provisions of the Code of Virginia, Section 46.2-746.

5. Twelve dollars (\$12.00) for each motor vehicle bearing Virginia National Guard license plates issued by the Commonwealth of Virginia in accordance with the provisions of the Code of Virginia, Section 46.2-744.

6. In no event shall the fees described in subsections 1-5 be greater than the amount of the license tax imposed by the Commonwealth of Virginia on the motor vehicle, trailer or semitrailer.

B. Proration of fees. All motor vehicles registered as of the effective date of this subsection shall pay a registration licensing fee equal to one-twelfth (1/12) of all fees required by Subsection A of this section, computed to the nearest cent, multiplied by the number of months in the licensing period of such motor vehicle, trailer or semitrailer.

C. Refunds. In the event that the ~~display of a Town motor~~ vehicle ~~sticker~~ license fee is no longer required because of sale, destruction or other circumstances pertaining to the motor vehicle, the owner may ~~surrender the motor vehicle sticker~~ provide adequate documentation showing proof of sale, destruction, or other circumstance along with written request for refund to the Town of Front Royal and receive a refund. The refund will be the prorated cost of the sticker, based on the total number of unexpired months remaining divided by the total number of months for which the sticker was valid. The unexpired months shall be computed in whole numbers, and fractions of unexpired months shall not be counted. In order to qualify for a refund, if applicable, the motor vehicle sticker must be removed from display on the windshield and surrendered at the Town Hall. No refunds shall be paid on applications made after ~~November~~ May 15 of the license year.

~~D. Transitional Provisions. Vehicles licensed in the Town of Front Royal on January 15, 1997, with licenses valid through April 15, 1997, shall receive a pro-rata discount for the license period to expire February 15, 1998. Such pro-rata discount, representing the unexpired months remaining on the original license, shall be based upon the original license fee paid. The license fee for the license to expire February 15, 1998, for motor vehicles, trailers or semitrailers are:~~

~~1. Upon such passenger automobile, station wagon, motor home, bus, truck or similar motor vehicle: seventeen dollars and fifty cents (\$17.50).~~

~~2. Upon each motorcycle, motor scooter or other similar vehicle: ten dollars and thirty-three cents (\$10.33).~~

~~3. Upon each trailer, semitrailer or any vehicle without motive power, except mobile homes: ten dollars and thirty-three cents (\$10.33). Each such trailer, semitrailer and vehicle without motive power with a gross weight of one thousand five hundred (1,500) pounds or less shall be exempt from these requirements.~~

~~4. One dollar (\$1.00) for any passenger vehicle, pickup or panel truck bearing lawful prisoner of war license plates issued by the Commonwealth of Virginia in accordance with the provisions of the Code of Virginia, Section 46.2-746.~~

~~5. Eight dollars and thirty-three cents (\$8.33) for each motor vehicle bearing Virginia National Guard license plates issued by the Commonwealth of Virginia in accordance with the provisions of the Code of Virginia, Section 46.2-744.~~

~~6. In no event shall the fees described in subsections 1-5 be greater than the amount of the license tax imposed by the Commonwealth of Virginia on the motor vehicle, trailer or semitrailer.~~

160-4 PAYMENT OF FEE TO MANAGER; PREREQUISITE PAYMENT OF PERSONAL PROPERTY TAXES

A. License fees shall be paid to the Town Manager or his authorized agent upon application on the forms furnished for that purpose.

B. No motor vehicle, trailer or semitrailer shall be locally licensed unless and until the applicant shall have produced satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semitrailer to be licensed have been paid which have been properly assessed or are assessable against the applicant by the Town.

160-5 LICENSE YEAR

~~A. Any vehicle license issued under the provisions of this Chapter for the license year ending February 15, 2010, shall remain valid until June 5, 2010, at which time it shall expire absolutely.~~
B. After June 5, 2010, tThe phrase "license year" as used in this Section 160-10 of this Code shall mean the period from June 5th of each year to June 5th of the following year.

160-6 ISSUANCE AND ATTACHMENT OF ~~LICENSE PLATE OR~~ STICKER

Upon the payment of the prescribed fee, the Town Manager or his authorized agent ~~shall~~ may upon request, issue to the applicant one (1) ~~license plate~~ sticker which shall be securely fastened to the ~~rear or front~~ windshield of the vehicle for which it was issued in a position to be clearly visible and in a condition to be clearly legible. ~~In lieu of such license plate, the Town Manager or his agent may issue a sticker to the applicant, which is to be fastened to the front windshield of the vehicle for which it was issued in a position to be clearly visible and in a condition to be clearly legible.~~

160-7 DUPLICATE OR REPLACEMENT LICENSE PLATE OR STICKER; FEE

In the event that any ~~license plate or~~ sticker is lost or mutilated or becomes illegible, the person entitled thereto shall make application for and obtain a duplicate or substitute therefore, upon furnishing information which is satisfactory to the Town Manager or his agent and upon payment of a replacement fee of one dollar (\$1.) .

160-8 TRANSFERABILITY OF LICENSE PLATE OR STICKER

License plates or stickers shall not be transferable between owners.

~~160-9 DISPLAY OF EXPIRED LICENSE PLATE OR STICKER PROHIBITED~~

~~It shall be unlawful for any owner of a motor vehicle, trailer or semitrailer to display upon such vehicle any license plate or sticker after the expiration date of such plate or sticker.~~

~~169-10 PROHIBITIONS~~

~~It shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer, located and registered in Town, to:~~

~~A. Fail to obtain, or fail to display thereon after having been assigned thereto, a Town license plate or sticker for the current license year; or,~~
~~B. Display or allow to be displayed thereon a Town license plate or sticker after its expiration date, or while knowing the same to be fictitious, canceled, revoked, suspended or altered; or,~~
~~C. Park upon streets, alleys or grounds of the Town of Front Royal or in any other place open to the public such motor vehicle, trailer or semitrailer which does not have attached thereto and displayed thereon the Town license plate or sticker assigned thereto for the current license year.~~

160-110 VIOLATIONS AND PENALTIES

Any person who violates any of the provisions of this chapter shall be guilty of a Class 4 misdemeanor. ~~A violation of this chapter by the registered owner of the motor vehicle, trailer, or semitrailer may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required Town license plate or sticker has been obtained.~~ The police officers of the Town are authorized to enforce the prohibitions of this chapter by issuing citations, summonses, parking tickets (Notice of Violation) or uniform traffic summonses.

160-121 EXEMPTIONS

No annual registration fee prescribed in this chapter shall be required for any one (1) motor vehicle owned and used personally by any veteran who has either lost or lost the use of one (1) or both legs or an arm or a hand or who is blind or who is permanently and totally disabled, as certified by the Veterans Administration. Any such vehicle shall display special permit red, white and blue plates of a type approved by the Town Clerk. The Town Clerk shall prescribe application forms for such exemptions, and the application shall be accompanied by a statement that such veteran has been so designated or classified by the Veterans Administration as to meet the requirements of this section and that such disability is service-connected. For the purposes of this section, a person shall be considered blind if he has a permanent impairment of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual activity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees (20 °) in the better eye.

This ordinance shall become effective upon passage.

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted May 11, 2020, upon the following recorded vote:

Lori A. Cockrell	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Chris W. Holloway	Yes/No
Letasha Thompson	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on April 27, 2020, having been advertised in the Northern Virginia Daily on April 11, 2020, and April 18, 2020.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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

Item # 7

Meeting Date: May 11, 2020

Agenda Item: COUNCIL APPROVAL – An Ordinance Amendment to Chapter 134 Pertaining to State Requirements Issued by DEQ (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance amendment to Chapter 134 pertaining to new state requirements issued by the Department of Environmental Quality (DEQ) and pertaining to more stringent standards for sewer and procurement of waste, as presented.

Budget/Funding: None

Attachments: Proposed Ordinance Amendments

Meetings: Work Session held March 2, 2020; Public Hearing held April 27, 2020

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council adopt on its second and final reading an ordinance amendment to Chapter 134 pertaining to new state requirements issued by the Department of Environmental Quality (DEQ) and pertaining to more stringent standards for sewer and procurement of waste, 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: _____

**ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 134 AS
REQUESTED FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)**

WHEREAS, the Department of Environmental Quality (DEQ) recognized that the Town of Front Royal needed to update the Front Royal Town Code with significant changes; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia that Chapter 134 of the Front Royal Town Code hereby be amended as follows:

PROVISIONS APPLICABLE TO SEWERS AND PRETREATMENT OF WASTE

**134-2 PURPOSE & POLICY; OBJECTIVES; APPLICABILITY; ADMINISTRATION
AND ENFORCEMENT**

A. This Article sets forth uniform requirements for direct and indirect discharge of pollutants from domestic and industrial sources into the wastewater collection and treatment system for the Town of Front Royal, Virginia, and enables the Town to comply with all applicable state and federal laws, including the Federal Clean Water Act (33 U.S.C. Section 1251 et seq.), ~~and~~ the general Federal Pretreatment Regulations (40 CFR Part 403), **and the VPDES Permit Regulation (9VAC25-31-10 et seq.).**

B. The objectives of this Article are:

1. To prevent the introduction of pollutants into municipal wastewater system which will interfere with the operation of the system.
2. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters or the atmosphere or which otherwise will be incompatible with the system.
3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its marketability.
4. To protect municipal personnel who may come into contact with sewage, sludge and effluent in the course of their employment, as well as to protect the general public and the environment.
5. To preserve the hydraulic capacity of the municipal wastewater system.
6. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.
7. To provide for a fair assessment and recovery of the costs of operation, maintenance and improvements to the municipal wastewater system.
8. To ensure that the Town of Front Royal complies with National and Virginia Pollutant Discharge Elimination System (NPDES) / (VPDES) permit conditions, sludge use and

disposal requirements and any other federal or state laws to which the municipal wastewater system is subject.

C. This Article provides for the regulation of discharge into the municipal wastewater collection system through the issuance of permits to certain nondomestic users and through the enforcement of general requirements for other users. This Article authorizes monitoring and enforcement activities, establishes administrative review procedures, requires user reporting and provides for the setting of fees for the fair assessment of costs resulting from the program established herein.

D. This Article shall apply to users of the municipal wastewater system both within the Town of Front Royal and outside its corporate limits. By discharging wastewater into the municipal wastewater system, all users, industrial and otherwise, located beyond the Town limits agree to comply with the terms and conditions established in this Article, as well as any permits or orders issued hereunder.

E. Any industrial user located beyond the corporate limits of the Town of Front Royal, which would otherwise be subject to Categorical Pretreatment Standards as defined herein, shall as a condition of service enter into a written contract with the Town of Front Royal wherein said user shall agree to conform to the requirements of this Article.

F. Except as may otherwise be provided herein, the Administrator of the municipal wastewater system, or his designated agents, shall administer, implement and enforce the provisions of the Article.

134-3 DEFINITIONS; ABBREVIATIONS

A. The definitions as used in Chapter 134, Sewers and Water, pertaining to sewer and water shall be as follows for both domestic and industrial users, unless otherwise specifically indicated:

ACT or THE ACT - The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. Section 1251 et seq.

ADMINISTRATIVE OFFICER (ADMINISTRATOR) - The person designated by the Front Royal Town Manager, or his duly authorized deputy, to administer, implement and enforce the provisions of this Article.

APPROVAL AUTHORITY - The Virginia Department of Environmental Quality (Virginia DEQ).

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER:

1. Includes:

a. The President, Secretary, Treasurer or Vice President of a corporation in charge of a principal business function or any other person who performs similar policy-making or decision-making functions for the industrial user;

- b. The manager of one (1) or more manufacturing, production or operation facilities, if authority to sign documents has been assigned or delegated to that manager by binding written instrument;
- c. The general partner or proprietor of a partnership, association or sole proprietorship;
- d. The director or highest official appointed or designated to oversee the activities of a federal, state or local government entity or a political subdivision thereof; or
- e. The managing member or other member of a limited liability company.

2. The individuals described above may designate another authorized representative, if the authorization is in writing and the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates, or the authorization may specify the individual having overall responsibility for environmental matters for the user. All written authorizations must be submitted to the Town of Front Royal for inspection prior to any action being taken by an authorized representative.

BEST MANAGEMENT PRACTICE (BMP) - Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sec. 134-4 [40 CFR 403.5(a)(1) and (b); 9VAC25-31-77A and 770.B]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) - As determined by Standard Methods, the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure during a period of five (5) days expressed in terms of weight and concentration (milligrams per liter).

BUILDING SEWER - That part of the lowest horizontal piping of a drainage system that receives the discharge from wastewater pipes and other drainage pipes inside the walls of the building and conveys it to the lateral sewer.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which applies to a specific category of users and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405 - 471.

CFR - Code of Federal Regulations.

COD (chemical oxygen demand) - The measure, expressed in mg/L of the oxygen consuming capacity of inorganic and organic matter present in water or wastewater, expressing the amount of oxygen consumed from a chemical oxidant in a specific approved test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

COLLECTOR SEWER - A sewer designed and constructed to receive sewage from the building connections or laterals and other "collector sewers" and carry it to an interceptor sewer or the point of disposal. A "collector sewer" normally serves only a portion of one (1) drainage area or basin.

COLOR - The optical density at the visual wavelength of maximum absorption, relative to distilled water. One-hundred-percent transmittance is equivalent to zero (0) optical density.

COMPOSITE SAMPLE - The sample resulting from the combination of individual wastewater samples taken at selected intervals (within a 24-hour period) based either on an increment of flow or time.

CONTROL AUTHORITY - Refers to the Town of Front Royal (Town), the Administrator of the municipal wastewater system.

CONTROL MANHOLE - A manhole giving access to a building sewer at some point before the sewer discharge mixes with other discharges in the public sewer.

CONTROL POINT - A point of access to a source of discharge before the discharge mixes with other discharges in the public sewer.

COOLING WATERS - The water discharge from any use, such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

DOMESTIC SEWAGE - Waterborne wastes normally discharging from the sanitary conveniences of dwellings and all other buildings and facilities, free from stormwater, surface water or industrial waste. "Domestic sewage" shall contain fewer than two hundred fifty (250) parts per million of BOD and three hundred (300) parts per million suspended solids and shall originate from the normal bathing, washing, cooking and toilet activities of individuals.

DOMESTIC USER - A user of the Front Royal municipal wastewater system who discharges non-industrial, domestic wastes into said system.

EXISTING SOURCE - Any source of discharge, the construction or operation of which commences prior to the publication of public Categorical Pretreatment Standards under Sections 307(b) and (c) (33 U.S.C. Section 1317) of the Act which would be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE - A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

GARBAGE - Animal and vegetable waste and residue from the preparation, cooking and dispensing of food and from the handling, processing, storage and sale of food products and produce.

HAZARDOUS WASTE PHARMACEUTICAL - A pharmaceutical that is a solid waste, as defined in 40 CFR Part 261.2, and exhibits one or more characteristics identified in Part 261 Subpart C or is listed in Part 261 Subpart D.

HEALTHCARE FACILITY - Any person that is lawfully authorized to (1) provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or (2) distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals.

HOLDING TANK WASTE - Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

INCOMPATIBLE WASTE - A waste which is not susceptible to adequate treatment by the wastewater treatment plant.

INDIRECT DISCHARGE or DISCHARGE. The introduction of pollutants into the POTW from any nondomestic source.

INDUSTRIAL USER - A user of the Front Royal municipal wastewater system which discharges nondomestic, industrial wastes into said system, as regulated by Sections 307(b), (c) and (d) of the EPA Clean Water Act.

INDUSTRIAL WASTE - All waterborne solids, liquids or gaseous wastes resulting from any industrial manufacturing or commercial or food-processing operation or process or from the development of any natural resource, or any mixture of these wastes with domestic sewage or water. Any sewage which does not meet the definition of domestic sewage shall be considered "industrial waste," regardless of the source.

INSTANTANEOUS LIMIT. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERCEPTOR SEWER - A sewer designed and constructed to intercept or receive sewage from all collector sewers and laterals within one (1) or more drainage areas and carry it to a larger "interceptor sewer" or to the point of disposal.

INTERFERENCE - A discharge which, alone or in conjunction with a discharge or discharges from other sources either: (1) inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes, use or disposal: or (2) therefore is a cause of a violation of any requirement of the POTWs NPDES/VPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with all applicable

statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations), including but not limited to the following: Section 405 of the EPA Clean Water Act, the Solid Waste Disposal Act (Including Title II, more commonly referred to as the Resource Conservation and Recovery Act, and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act), the Clean Air Act, the Toxic Substances Control Act and the Marine Protection Research and Sanctuaries Act.

LATERAL SEWER - See Sewer Lateral definition.

MEDICAL WASTE - Isolation waste, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, etiologic agents, potentially contaminated laboratory waste and dialysis waste.

MILLIGRAM PER LITER (mg/L) - The same as parts per million when the specific gravity of the liquid is 1.0 and is a weight-to-volume ratio; the milligram per Liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

MUNICIPAL WASTEWATER SYSTEM - A treatment works as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the Town of Front Royal, including any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic sewage or industrial waste and any conveyances which convey wastewater to a treatment plant.

NEW SOURCE:

1. Any source of a discharge, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) of the Act [33 U.S.C. Section 1317(c)] which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307(c), provided that:

- a. No other source is located at that site;
- b. The source completely replaces the process or production equipment of an existing source at that site; or
- c. The new wastewater generating process of the source is substantially independent of an existing source at that site; and the construction of the source creates a new facility rather than modifying an existing source at that site.

2. For purposes of this definition, construction or operation has commenced if the owner or operator has:

- a. Begun or caused to begin as part of a continuous on-site construction program:

- [1] Any placement, assembly or installment of facilities or equipment; or
- [2] Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities, which is necessary for the placement, assembly or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

NORMAL USE - Any user discharging waste of a strength less than or equal to that of normal wastewater and at a flow rate of less than twenty-five thousand (25,000) gallons per day.

NORMAL WASTEWATER - Wastewater discharged into the public sewer in which none of the following average concentrations and flows are exceeded:

1. BOD: Less than or equal to two hundred fifty (250) mg/L;
2. Suspended solids: Less than or equal to three hundred (300) mg/L;
3. Flow: Less than twenty-five thousand (25,000) gallons per day;
4. No toxic or harmful substances are present.

NPDES PERMIT - National Pollutant Discharge Elimination System Permit.

PASS-THROUGH - A discharge which exits the treatment plant then enters waters of the United States in quantities or concentrations which, alone or in conjunction with an indirect discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's VPDES permit (including an increase in the magnitude or duration of a violation).

PERSON - Any individual, partnership, corporation, firm, company, association, joint-stock company, trust, estate or any other legal entity, and his or its representatives, agents or assigns, specifically to include all federal, state or local governmental entities.

PHARMACEUTICAL - Any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials.)

PLANT - The Town of front Royal Wastewater Treatment Facility.

POLLUTANT - Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and agricultural waste and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

PRETREATMENT OR TREATMENT - The reduction of the amount of the pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater, thereby rendering the pollutants less harmful to the municipal wastewater system prior to introducing pollutants into said system. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, but not by diluting the

concentration of pollutants, unless allowed by an applicable "pretreatment" standard.

PRETREATMENT STANDARD AND REQUIREMENTS - All applicable federal rules and regulations (including specifically those regulations found in 40 CFR, Chapter 1, Subchapter N, Parts 405-471) implementing Section 307 of the Federal Water Pollution Control Act and the Clean Water Act of 1977, including prohibited standards, as amended, as well as nonconflicting state standards (9VAC25-31-10 et seq.) and local standards. In case of conflict or regulations, the most stringent thereof shall be applied.

PROHIBITIVE DISCHARGE STANDARDS OR PROHIBITIVE DISCHARGE - Absolute prohibitions against the discharge of certain types of industrial wastewater as specifically set forth in this Article.

PUBLICLY OWNED TREATMENT WORKS or POTW - A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

RECEIVING STREAM OR WATER OF THE STATE - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial or public or private, which are contained within, flow through or border upon the state or any portion thereof.

REVERSE DISTRIBUTOR - Any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit.

SANITARY SEWER - A pipe or conduit which carries domestic sewage and/or industrial waste and to which stormwater, surface water and groundwater and other unpolluted waters are not intentionally admitted.

SEWER LATERAL - A pipe which receives sewage from a building and carries it to the collector or interceptor sewer.

SIGNIFICANT INDUSTRIAL USER - This term means:

1. All Categorical Users; and
2. Non-Categorical Users that:
 - a. Discharge twenty-five (25,000) gallons or more of process wastewater per day; or
 - b. Discharge process wastewater which makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the treatment works; or

- c. Have in the Town's opinion, a reasonable potential to adversely affect the treatment works (causing pass-through, interference, sludge contamination or danger to the POTW).

SIGNIFICANT NON-COMPLIANCE - Industrial user violations meeting one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined herein as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month period exceed (by any magnitude) the discharge limit for the same pollutant parameter by any amount a numeric pretreatment standard or requirement, including instantaneous limits.

2. Technical Review Criteria (TRC) violations, defined herein as those in which thirty-three percent (33%) or more of wastewater measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria [one and four-tenths (1.4) for BOD, TSS, fats, oils and grease, and one and two-tenths (1.2) for all other pollutants except pH].

3. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Town personnel or the general public).

4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the Town's exercise of its emergency authority to halt or prevent such a discharge.

5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction or attaining final compliance.

6. Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

7. Failure to accurately report noncompliance.

8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Town determines will adversely affect the operation or implementation of the pretreatment program.

SLUG LOAD OR SLUG DISCHARGE - Any pollutants (including BOD) released in a discharge flow rate or concentration which would cause a violation of specific discharge prohibitions. discharge at a flow rate or concentration, which could cause a violation of the pretreatment discharge standards of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any

other way violate the POTW's regulations, Local Limits or Permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States or the Federal Office of Management and Budget (OMB).

STANDARD METHODS - The examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

STORMWATER - Any flow occurring during or following any form of natural precipitation or resulting therefrom, including snowmelt.

SUSPENDED SOLIDS - Solids measured in mg/L. The total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid and which is removable by laboratory filtering.

TOWN - The Town of Front Royal, Virginia, which may act through its Town Manager or his or her duly authorized agents.

TO DISCHARGE - Includes to deposit, conduct, drain, emit, throw, run, allow to seep or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

TOXIC POLLUTANT - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provisions of Section 307 of the Act (33 U.S.C. Section 1317).

TREATMENT PLANT EFFLUENT - Any discharge of pollutants from the municipal wastewater system designed to provide treatment of domestic sewage and industrial waste.

UNPOLLUTED WASTEWATER - Water containing:

1. No free or emulsified grease or oil.
2. No acids or alkalis.
3. No phenols or other substances producing taste or odor in the receiving water.
4. No toxic or poisonous substances in suspension, colloidal state or solution.
5. No noxious or otherwise obnoxious or odorous gases.
6. Not more than ten (10) mg/L each of suspended solids and BOD.
7. Color not exceeding fifty (50) units, as measured by the platinum-cobalt method or determination as specified in Standard Methods.

USEPA (or EPA) - The United States Environmental Protection Agency, or a duly authorized official of said agency. **(Ord. No. 2-05 Added 12-20-04-Effective Upon Passage)**

USER - Any person who contributes or causes or allows the contribution of sewage or industrial wastewater into the municipal wastewater system, including persons who contribute such wastes

from mobile sources.

WASTEWATER - The liquid in water-carried industrial waste or domestic sewage, whether treated or untreated, which is contributed to the municipal wastewater system.

Abbreviations. The following abbreviations shall have the designated meanings:

BMP - Best Management Practice
BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
COD - Chemical Oxygen Demand
EPA - United States Environmental Protection Agency
gpd - Gallons per day
L - Liter
mg - Milligrams
mg/L - Milligrams per liter
O & M - Operation and Maintenance
pCi - Common Unit of Radioactivity
pH - Measure of Acidity or Alkalinity of a Substance
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIC - Standard Industrial Classification
SWDA - Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.)
TSS - Total Suspended Solids
USC - United States Code
VPDES- Virginia Pollutant Discharge Elimination System

134-4 PROHIBITED DISCHARGE STANDARDS

A. No user, except as set forth in subparagraph no. 14. below, industrial or domestic, shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause interference pass-through or violation of water quality standards. These general prohibitions apply to all users of the municipal wastewater system whether or not the use is subject to the Categorical Pretreatment Standards or to any other national, state or local pretreatment standards or requirements. Furthermore, no use may contribute any of the following substances to the municipal wastewater system:

1. Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any way to the municipal wastewater system. Included in this prohibition are waste streams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F.) [sixty degrees Celsius (60° C.)]. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system or at any point in the system be more than five percent (5%) nor any single reading be over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

2. Solid or viscous substances in amounts which will cause interference with the flow in a sewer, but in no case solids greater than one-half (1/2) inch [one and twenty-seven hundredths (1.27) centimeters] in any dimension.

3. Any water or waste which contains wax, grease, oil, plastic or other substances that will solidify or become discernibly viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (32° and 150° F.).

a. When it has been determined by the Director of Public Works, or his authorized agent, that any restaurant is discharging grease into the sewer system which results in interference to the sewer line, including backup or maintenance work not otherwise necessary, then a sewer surcharge shall be added to the utility bill for that restaurant. The sewer surcharge shall be equal to the amount of the maintenance costs incurred by the town in eliminating the grease deposits from the sewer system, but in any event shall not be less than two hundred fifty dollars (\$250).

b. Prior to the initial assessment of the sewer surcharge, the owner or operator of such restaurant shall be notified, in writing, of the Director of Public Work's determination. The owner or operator of said restaurant shall then be granted thirty (30) days in which to permanently correct and abate the condition causing the grease to be discharged into the sewer system. Unless the discharge of grease is then permanently eliminated, the initial sewer surcharge shall be assessed ten (10) days thereafter. No restaurant shall be entitled to more than one (1) such notice and grace period in which to correct the condition. The change in management or ownership shall not operate to give an existing restaurant facility an additional grace period in which to correct the condition.

c. Thereafter, any further discharge of grease into the sewer system by the restaurant facility which, in the determination of the Director of Public Works, creates a condition requiring maintenance to eliminate the grease deposit shall result in the assessment of a sewer surcharge without further notice or grace. Sewer surcharge shall continue to be assessed until the grease discharge condition has been permanently corrected to the satisfaction of the Town.

4. Any wastewater having a pH less than six point zero (6.0) or more than nine point zero (9.0) or which otherwise causes corrosive structural damage to the system, Town personnel or equipment.

5. Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the municipal wastewater system or any wastewater treatment or sludge process or constitute a hazard to humans or animals.

6. Any pollutant which will cause interference or pass through, including any toxic substances in amounts exceeding standards promulgated by the United States Environmental Protection Agency pursuant to Section 307(a) (33 U.S.C. Section 1317(a) and chemical elements or compounds, phenols or other taste or odor-producing substances or other substances which are

not susceptible to treatment or which may interfere with the biological processes or efficiency of the wastewater treatment system, or that will pass through the system.

7. Any noxious or malodorous liquids, gases or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

8. Any substance which may cause the treatment plant effluent or any other residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the system cause the Town to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or other state requirements applicable to the sludge use and disposal practices being used by the Town.

9. Any wastewater which imparts color which cannot be removed by the treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

10. Any wastewater having a temperature greater than one hundred fifty degrees Fahrenheit (150°) [sixty-five degrees Celsius (65°C.)], or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (104° F.) [forty degrees Celsius (40° C.)].

11. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Administrator in compliance with applicable state or federal regulations.

12. Any pollutants which result in the presence of toxic gases, vapors or fumes within the system in a quantity that may cause worker health and safety problems.

13. Any trucked or hauled pollutants, except at discharge points designated by the Town in accordance with Section 134-12.

14. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the Administrator, except that governmentally owned, operated, and appropriately licensed and credentialed correctional facilities may utilize a local central rain collection and distribution system only for purposes of flushing toilets, operating HVAC cooling and heating systems, and/or operating laundry facilities, provided that the system is approved by the Administrator, or designee, as meeting or exceeding the Leadership in Energy and Environmental Design ("LEED") initiative or comparable or better environmental standards. Town procedures and ordinances relating to water and sanitary sewer facilities, and other applicable policies, regulations, and laws; and

further provided the system is approved by the Administrator as meeting or exceeding the Pre-treatment protocols and standards set forth in the Virginia Department of Health's "Virginia Rainwater Harvesting & Use Guidelines".

15. Any industrial wastes containing floatable fats, waxes, grease or oils or which become floatable at the wastewater temperature at the introduction to the treatment plant during the winter season; but in no case industrial wastewater containing more than one hundred (100) mg/L of emulsified oil or grease.

16. The discharge of a petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that cause interference or pass through.

17. Any sludges, screenings or other residues from the pretreatment of industrial wastes.

18. Any medical wastes, except as specifically authorized by the Administrator in a wastewater permit.

19. Any material identified as hazardous waste according to 40 CFR 261 except as may be specifically authorized by the Administrator, and in accordance with Section 134-18N.

20. Any wastewater causing the treatment plant effluent to show acute or chronic toxicity in excess of that allowed by Virginia State Water Control Law, using a percentage of the discharge and aquatic test species chosen by the Administrator.

21. Recognizable portions of the human or animal anatomy.

22. Any wastes containing detergents, surface-active agents or other substances which may cause excessive foaming in the municipal wastewater system.

23. All discharges of storm water, surface water, groundwater, roof runoff, subsurface drainage, or other waters not intended to be treated in the treatment facility, except as authorized by the Town.

24. Bulk, expired, outdated or concentrated prescription or non-prescription pharmaceuticals.

25. Hazardous waste pharmaceuticals or DEA controlled substances by a healthcare facility or reverse distributor.

B. Wastes prohibited by this section shall not be processed or stored in such a manner that these wastes could be discharged to the municipal wastewater systems. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

C. Wastewater survey. Upon request of the Administrator, all industrial users shall submit information as to the nature and characteristics of their wastewater. The Administrator shall prepare a form for this wastewater survey and may periodically require industrial users to update the wastewater survey, or update thereof, within thirty (30) days from receipt of the

Administrator's request. Failure to complete the wastewater survey, or any update thereon, shall constitute a violation of this Article.

134-5 SPECIFIC POLLUTANT LIMITATIONS

A. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater into the municipal treatment system containing an excess of the following instantaneous maximum allowable discharge limits:

1. Any arsenic greater than 0.13 mg/L
2. Any barium greater than 1.0 mg/L
3. Any beryllium greater than 3.5 mg/L
4. Any cadmium greater than 0.08 mg/L
5. Any Chemical Oxygen Demand (COD) greater than 1,500 mg/L
6. Any chlorides greater than 1,000 mg/L
7. Any chromium greater than 5.6 mg/L
8. Any copper greater than 0.93 mg/L
9. Any cyanide greater than 1.3 mg/L
10. Any iron greater than 2.0 mg/L
11. Any lead greater than 0.53 mg/L
12. Any manganese greater than 1.0 mg/L
13. Any mercury greater than 0.014 mg/L
14. Any molybdenum greater than 1.16 mg/L
15. Any nickel greater than 0.72 mg/L
16. Any oil and grease greater than 100.0 mg/L
17. Any phenols greater than 0.20 mg/L
18. Any radioactivity as radium - 225 and strontium - 90 greater than 3 pCi and 10 pCi per liter, respectively. In the known absence of strontium - 90 and alpha emitters, the part per million concentrations shall not be greater than 1,000 pCi per liter.
19. Any selenium greater than 0.08 mg/L
20. Any silver greater than 0.52 mg/L
21. Any Total Toxic Organics (TTO's) greater than 2.13 mg/L
22. Any zinc greater than 5.4 mg/L

B. Concentrations apply at the point where the wastewater is discharged into the municipal wastewater system. All concentration from metallic substances are for total metal. Compliance with all parameters may be determined from a single grab sample. The Administrator may impose mass limitations in addition to or in place of the concentration-based limitations above.

C. The Town may develop best management practices (BMPs), by regulation or in individual wastewater discharge permits to implement local limits and the requirements of Sec. 134-4.

134-6 through 134-14 – NO CHANGES

134-15 PERMIT PROVISIONS

A. Industrial wastewater permits shall be issued for a specified time period, not to exceed five

(5) years from the effective date of the permit. Each permit will indicate a specific expiration date. Existing industrial wastewater permits shall be deemed void upon cessation of operations by the user or upon the issuance of a new wastewater permit. The terms and conditions of a permit are automatically continued past its expiration date and remain fully enforceable pending issuance of a new permit if:

1. The permittee has submitted a timely and sufficient application for renewal; or
2. The Town is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit; and
3. The permittee is not in significant noncompliance with the terms and conditions of the previous permit on its expiration date.
4. A wastewater permit for a domestic user shall be issued for an indefinite period without an expiration date.

B. All wastewater permits shall include any such conditions deemed necessary by the Administrator to prevent pass-through or interference, to protect the quality of the water body receiving the treatment plant effluent, to protect worker health and safety, to facilitate sludge management and disposal, to protect the ambient air quality and to protect against damage to the municipal wastewater system and treatment plant. Industrial wastewater permits shall be nontransferable without prior notification to and approval by the Town of Front Royal. Industrial permits shall contain the effluent limits, including BMPs, based on pretreatment standards applicable to the user and shall include self-monitoring, sampling, reporting, notification and record-keeping requirements pertaining to the user. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State, and local law. In addition, the permit will contain a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law. The permit must include requirements to control slug discharge, if determined by the Town to be necessary.

C. Wastewater discharge permits may contain, but need not be limited to the following conditions:

1. Limits on the average or maximum rate of discharge, time of discharge, and/or requirements for flow regulation name equalization;
2. Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for development of and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the system;
5. The unit charge or schedule or user charges and fees for the management of the wastewater discharged to the system;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
8. Other conditions as deemed appropriate by the Town to ensure compliance with this ordinance and State and Federal laws, rules and regulations.

134-16 – 134-17 – NO CHANGES

134-18 SIGNIFICANT INDUSTRIAL USER REPORTING REQUIREMENTS

A. **BASELINE MONITORING REPORTS** - Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or one hundred eighty (180) days after the final administrative decision on a category determination under 40 CFR 403.6(a)(4) and 9VAC25-31-780(A)(4), whichever is later, existing significant industrial users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the municipal system shall be required to submit to the Town a report which contains the information listed in Subsection A(1) through (8) below. At least ninety (90) days prior to commencement of their discharge, new sources, including existing significant industrial users which have changed their operation or processes so as to become new sources, shall be required to submit to the Town a report which contains the information listed in Subsection A (1) through (8). A new source shall also be required to report the method of pretreatment it intends to use to meet applicable categorical standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged. The information required in this section includes:

1. **Identifying Information**: The user shall submit the name and address of the facility, including the name of the operator and owners.
2. **Permits**: The user shall submit a list of any environmental control permits held by or for the facility.
3. **Description of Operations**: The user shall submit a brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the system from the regulated process.
4. **Flow Measurement**: The user shall submit information showing the measured average

daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams as necessary to allow use of the combined waste stream formula set out in 40 CFR 403.6(e) and 9VAC25-31-780(E).

5. Measurement of Pollutants:

- a. The industrial user shall identify the Categorical Pretreatment Standard applicable to each regulated process.
- b. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or Town) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be performed in accordance with procedures set out in 40 CFR 136.
- c. A minimum of four (4) grab samples must be used for pH temperature, cyanide, total phenols, oil and grease, sulfide and volatile organics. All other pollutants will be measured by composite samples obtained through flow- proportional sampling techniques. If flow-proportional composite sampling is infeasible, samples may be obtained through time-proportional sampling techniques or through four (4) grab samples if the user proves such a sample will be representative of the discharge. See Section 134-5A for specific Pollutant Limitations.

6. Special Certification: The user shall submit a statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required in order to meet the pretreatment standards and requirements.

7. Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall submit the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. All compliance schedules must meet the following requirements:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) months;
- c. The user shall submit a progress report to the Town no later than fourteen days following each date in the schedule and the final date of compliance including, as a minimum,

whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule; and

d. In no event shall nine (9) months elapse between such progress reports to the Town.

8. Signature and Certification. All baseline monitoring reports must be signed and certified.

B. COMPLIANCE DEADLINE REPORTS - Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the municipal wastewater system, any industrial user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in Section 134-18A (5) and (6). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c) and 9VAC25-31-780(C), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified.

C. PERIODIC COMPLIANCE REPORTS

1. Any significant categorical or non-categorical industrial user subject to a pretreatment standard shall, at a frequency determined by the Administrator but in no case less than quarterly submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Town or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified.

2. All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

3. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Administrator, using the procedures described in Section 134-13 (C) of this ordinance, the results of this monitoring shall be included in this report.

4. In the event that an industrial user's monitoring results indicate a violation has occurred, the industrial user must immediately notify the Town (within 24 hours) and resample its discharge. The industrial user must report the results of the repeated sampling within thirty (30) days of discovering the first violation. The industrial user is not required to resample if the Town monitors at the user's facility at least once a month, or if the Town samples

between the user's initial sampling and when the user receives the results of this sampling.

D. REPORTS OF CHANGED CONDITIONS - Each industrial user is required to notify the Administrator of any planned significant changes, as defined in Section 134-18 (D)(4) to the industrial user's operations or pretreatment systems which might alter the nature, quality or volume of its wastewater, including any changes which affect the potential for a slug discharge.

1. The Administrator may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater permit application, if necessary.
2. The Administrator may issue a wastewater permit or may modify an existing wastewater permit in response to changed conditions or anticipated changed conditions.
3. No industrial user shall implement the planned changed condition(s) until and unless the Administrator has responded to the industrial user's notice.
4. For purposes of this requirement, flow increases of ten percent (10%) or greater and the discharge of any previously unreported pollutant shall be deemed significant.

E. REPORTS OF POTENTIAL PROBLEMS - Each industrial user shall provide protection from accidental or intentional discharges of prohibited materials or other substances regulated by this Article. Facilities to prevent the discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Town for review and shall be approved by the Town before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Article.

1. No industrial user which commences contribution to the system after the effective date of this Article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Town.
2. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify [the Superintendent] of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
3. Within five (5) days following an accidental discharge, the user shall, unless waived by the Administrator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the system, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties

or other liability which may be imposed by this Article.

4. Failure to notify the Town of potential problem discharges shall be deemed a separate violation of this Article.

5. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection E (2) above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

F. REPORTS FROM NONCATEGORICAL USER - All industrial users not subject to Categorical Pretreatment Standards and not required to obtain a wastewater permit shall provide appropriate reports to the Town as the Administrator may require.

G. SAMPLE COLLECTION

1. Except as indicated in Subsection G (2) below, wastewater samples collected for purposes of determining industrial user compliance with pretreatment standards and requirements must be obtained using flow-proportional composite collection techniques. In the event that flow-proportional sampling is not feasible, the Administrator may authorize the use of time-proportional sampling.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

H. ANALYTICAL REQUIREMENTS - All pollutant analyses, including sampling techniques, to be submitted as part of a permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136 or, if 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA and the Town.

I. MONITORING CHARGES - The Administrator may recover the Town's expenses incurred in collecting and analyzing samples of the industrial user's discharge by adding the costs to the industrial user's sewer charges.

J. TIMING - Written reports will be deemed transmitted at the time of deposit, for mailing postage prepaid, into a mail facility of the United States Postal Service.

K. RECORDKEEPING - Industrial users shall retain and make available for inspection and copying all records and information required to be retained under 40 CFR 403.12(o) and 9VAC25-31-840(0) including all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 134-5.C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at

least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Article or where the industrial user has been specifically notified of a longer retention period by the Administrator.

L. INSPECTION AND SAMPLING - The Town, and/or its duly authorized agents, bearing credentials and identification, shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Industrial users shall allow the Administrator, or his representatives, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

1. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the Town, state and USEPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

2. The Town, state and USEPA shall have the right to set up or require installation of, on the industrial user's property, such devices as are necessary to conduct sampling and/or metering of the user's operations.

3. The Town may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

4. Unreasonable delays in allowing Town personnel access to the industrial user's premises shall be a violation of this Article.

5. The Town and/or its agents may randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent from information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. The Town and/or control authority must evaluate at least once a year whether a significant industrial user needs a plan to control slug discharges. For the purpose of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge. If the Town and/or approval authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- a. Description of discharge practices, including non-routine batch discharges;

- b. Description of stored chemicals;

- c. Procedures for immediately notifying the Town of slug discharges, including any discharge that would violate a prohibition under 40 CFR Part 403.5(b) and 9VAC25-31-770(A), with procedures for follow up written notification within five (5) days;

d. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structure or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency responses.

M. CONFIDENTIAL INFORMATION - Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 will not be recognized as confidential information and will be available to the public without restriction.

N. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include:

- a. the name of the hazardous waste as set forth in 40 CFR Part 261,
- b. the EPA hazardous waste number, and
- c. the type of discharge (continuous, batch, or other).

2. If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user:

- a. An identification of the hazardous constituents contained in the wastes;
- b. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and
- c. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

3. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be

submitted under Section 134-18(D) of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 134-18(A), 134- 18(B) and 134-18(C) of this ordinance.

4. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR Part 261.30(d) and Part 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Part 261.30(d) and Part 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

5. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Town, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

6. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

7. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued there under, or any applicable Federal or State law.

134-19 ADMINISTRATIVE ENFORCEMENT REMEDIES

A. NOTIFICATION OF VIOLATION - Whenever the Administrator finds that any domestic user or any industrial user has violated or is violating this Article, a wastewater permit or order issued hereunder or any other pretreatment requirement, the Administrator, or his agent, may serve upon said user a written notice of violation. Within five (5) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Administrator. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Town to take emergency action without first issuing a notice of violation.

B. CONSENT AGREEMENTS - The Administrator is hereby empowered to enter into consent agreements, assurances of voluntary compliance or other similar documents establishing an agreement with any domestic or industrial user responsible for the noncompliance. Such agreements will include specific action taken by the industrial user to correct the noncompliance within a time period also specified by the agreement. Consent agreement shall be judicially enforceable.

C. SHOW CAUSE HEARING

1. The Administrator may order any domestic or industrial user which causes or contributes to violation(s) of this Article, wastewater permits or agreements hereunder or any other pretreatment requirement to appear before the Administrator and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be mailed by first class mail to the last known address of the user as stated on the permit application. Such notice may be mailed to any authorized representative of an industrial user. Immediate enforcement action may be taken by the Administrator following the hearing, whether or not the user appears. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
2. An administrative appeal of any show cause hearing may be made to the Town Manager in accordance with the same terms and conditions set forth herein for appeals of wastewater permit application decisions. An appeal from the Town Manager's decision on a show cause hearing may be made to the Circuit Court of Warren County in accordance with the same terms and conditions set forth for appeals from the Town Manager's decisions on wastewater permit application appeals.

D. JUDICIAL REMEDIES

1. The Town may enforce violation of or deviation from the standards of this Article by suit for injunction or other appropriate legal action or suit.
2. The Town may seek to recover by legal action or suit from any industrial user monetary compensation for damages to its public sanitary sewage system, and the POTW's treatment system, caused by the industrial user's violation of or deviation from the standards of this Article.
3. A person who violates the provisions of this Article shall be guilty of a Class 1 misdemeanor and upon conviction is punishable by a maximum fine up to two thousand five hundred (\$2,500) dollars per violation per day and confinement in jail for not more than twelve (12) months, either or both. In the event of a violation, the Town shall also have the right to terminate the sewer and water connections.
4. In addition to the proceedings under the authority of subsection (c) of this section the Town is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of state statutes or other ordinances of the Town against a person conducting a prohibited discharge or violating a pretreatment standard or requirement, including, without limitation, injunctive relief.
5. Any person who knowingly makes and false statements, representations, or certifications in any application, record, report, plan or other document files required to be maintained pursuant to this Article, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring devices or method required under this article shall, upon

conviction, be punishable by a maximum fine up to two thousand five hundred (\$2,500) dollars per violation per day and confinement in jail for not more than twelve (12) months, either or both.

6. The Town has the authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the system which presents or may presents an endangerment to the environment or which threatens to interfere with the operation of the system. The Director of the Department of Environmental Quality or an authorized representative shall have authority to seek judicial relief and may also use administrative penalty authority when the Town has sought a monetary penalty which the Director believes to be insufficient.

E. OTHER ACTIONS

1. The Town shall be authorized to implement such other program and enforcement mechanisms as are consistent with regulatory guidelines and are deemed appropriate.

2. The Town shall publish annually, in any daily newspaper published in the municipality where the POTW is located, a list of users which, during the previous twelve (12) months were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

a. Chronic violations of wastewater discharge limits defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six-month period exceed ~~the daily minimum limit or average limit for the same pollutant parameter by any amount~~ (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.

b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements for each pollutant parameter taken during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, multiplied by the applicable criteria [one and four tenths (1.4) for BOD, TSS, fats, oils and grease, and one and two tenths (1.2) for all other parameters except pH];

c. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Town determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

d. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Town's exercise of its emergency authority to halt or prevent such discharge;

e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide within ~~ninety (90)~~ **forty-five (45)** days after the due date, any required reports, including baseline monitoring reports, ~~reports on compliance with categorical pretreatment standard deadlines,~~ ninety-day compliance reports, , periodic self-monitoring reports, and reports on compliance with the compliance schedules;

g. Failure to accurately report noncompliance; or

h. Any other violation or group of violations which the Town determines will adversely affect the operation or implementation of the pretreatment program.

3. Supplemental Enforcement Action

a. Performance Bonds - The Administrator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Article, a previous wastewater discharge permit, or other issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond payable to the Town, in a sum not to exceed a value determined by the Administrator to be necessary to achieve consistent compliance.

b. Liability insurance - The Administrator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Article, a previous wastewater discharge permit, or other issued hereunder, or any other pretreatment standard or requirement, unless such user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

c. Water supply severance - Whenever a user has violated or continues to violate any provisions of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

4. Availability of Records - Effluent data provided to the DEQ or to the Town shall be available to the public without restriction. Industrial users shall comply with all public access requirements of 40 CFR Part 403.14 and 9VAC25-31-860, incorporated by reference.

F. REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Town may take other action against any user when the circumstances warrant. Further, the Town is empowered to take more than one enforcement action against any noncompliant user.

134- 20 – 134-28 – NO CHANGES

This ordinance shall become effective upon passage.

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted May 11, 2020, upon the following recorded vote:

Lori A. Cockrell	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Chris W. Holloway	Yes/No
Letasha Thompson	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on April 27, 2020, having been advertised in the Northern Virginia Daily on April 11, 2020 and April 18, 2020.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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

Item # 8

Meeting Date: May 11, 2020

Agenda Item: COUNCIL APPROVAL – An Ordinance Amendment to Chapter 85 Pertaining to the Removal of a Recycling Collection Fee and Other Amendments (*2nd Reading*)

Summary: Council is requested to adopt on its second and final reading an ordinance amendment to Chapter 85 to remove a recycling collection fee of \$10.00 and change the name “Environmental Services” to “Public Works” throughout the Chapter. If approved, the *“Failure to separate recyclable materials is \$10.00 per occurrence after third violation notice”* will be removed from the Town Code due to the separation of recyclables no longer being required.

Budget/Funding: None

Attachments: Proposed Ordinance Amendments

Meetings: Work Session held March 2, 2020; Public Hearing held April 27, 2020

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council adopt on its second and final reading an ordinance amendment to Chapter 85 to remove a recycling collection fee of \$10.00 and changing the name “Environmental Services” to “Public Works” throughout the Chapter, 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: _____

AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 85-3 AND 85-11 PERTAINING TO DEPARTMENT NAME CHANGES AND REMOVAL OF RECYCLING CHARGE

WHEREAS, Town Staff requests that the Town Code to reflect the correct name of the Public Works Department by removing reference to Environmental Services; and,

WHEREAS, Town Staff requests that the charge for “failure to separate recyclable materials” be removed from the Town Code, due to no longer having to separate recyclables; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 85-3 and 85-11 of the Front Royal Town Code hereby be amended as follows:

85-3 COLLECTION CHARGES

E. The Town shall provide "On-Call Collection" of large items or large quantities of items to existing residential customers as follows:

1. Individuals shall establish a work order for collection and schedule collection with the Department of ~~Environmental Services~~ **Public Works** prior to placing material.
2. Individuals shall identify the type and quantity of items to be collected, so that the Town may dedicate the necessary forces for collection. Items not acceptable for disposal, such as those identified in Section 85-10(E), or other items, such as, but not limited to, computer monitors, items containing mercury such as thermometers, sofas containing hideaway beds, recliners, items not readily crushable by the Town's mechanical refuse crushers, railroad ties, bricks, rocks, wooden or metal fencing, yard waste including tree limbs, roots, root balls, and stumps, air or propane tanks, swing sets, porch swings, picnic tables, and other items (however, yard waste items may be collected on a not on-call basis in accordance with the procedures established in Section 85-4 of the Town Code) determined by the Director of ~~Environmental Services~~ **Public Works** to be unacceptable shall not be collected as part of this program. All items to be collected, except furniture and appliances, shall be bagged in plastic or cloth bags, not to exceed fifty-five (55) gallons. All items to be collected shall be placed within the Right-of-Way, but items shall not be placed on the street or sidewalk. The Town shall not enter private property for On-Call Collection.
3. There will be no fee for the first collection work order per customer per calendar year containing twenty (20) or fewer bags, not exceeding fifty-five (55) gallons per bag, of bagged items to be collected, plus five (5) pieces of furniture determined by the Department of ~~Environmental Services~~ **Public Works**, as readily crushable by the Town's mechanical refuse crusher, or household appliances not containing Freon or mercury. For a second collection work order per customer per calendar year, the fee is \$25.00. For a third and all subsequent collection work orders per customer per calendar year, the fee is \$50.00.

4. For the first collection of unbagged items, and/or for collection of more than twenty (20) bags or five (5) furniture items of other acceptable items for collection, not otherwise eligible for collection pursuant to (3.) above, per customer per calendar year, there shall be a fee of Four Hundred Dollars (\$400.00) per hour. For a second collection of unbagged items and/or second collection of more than twenty (20) bags or five (5) furniture items or other acceptable items for collection, not otherwise eligible for collection pursuant to (3.) above, per customer per calendar year, there shall be a fee of Six Hundred Dollars (\$600.00) per hour. For a third or subsequent collection of unbagged items and/or a third or subsequent collection of more than twenty (20) bags or five (5) furniture items of other acceptable items for collection, not otherwise eligible for collection pursuant to (3.) above, per customer per calendar year, there shall be a fee of Eight Hundred Dollars (\$800.00) per hour.
5. Items containing Freon or other refrigerants, such as refrigerators, freezers, air conditioners, and dehumidifiers shall be subject to an additional fee of \$15.00 per item for the recovery of such refrigerants from the device.
6. Tires without rims shall be subject to a collection fee of \$2.00 per tire; tires with rims shall be subject to an additional fee of \$4.00 per tire for the Town's additional time and labor involved in separating the tires from the rims.
7. For purpose of §85-3(E) only, placement of bagged material or furniture compliant with this Code Section shall not constitute a violation of Town Code §142-4 for residential customers with an established, open On-Call Collection work order obtained through the Department of ~~Environmental Services~~ **Public Works** to place items for collection within the Town Right-of-Way so long as no such items placed obstruct the traveled portion of any street or sidewalk, and so long as access by the Town is not blocked or impeded. Placement of any material intended for collection through the On-Call Collection Program prior to establishing a work order shall constitute a violation of Town Code §142-4 and shall be subject to enforcement action and punishment as permitted by the Town Code.

85-11 SEPARATION; VIOLATIONS AND PENALTIES

G. Penalties for misdemeanor violation of this Chapter shall be as follows:

1. Failure to remove solid waste containers from Town right-of-way: \$10.00 per day of non-compliance after third violation notice.
- ~~2. Failure to separate recyclable materials: \$10.00 per occurrence after third violation notice.~~
3. Failure to maintain containers in a clean and sanitary condition, free from odor, flies or vermin: \$25.00 per occurrence after third violation notice.
4. Failure to bag solid waste placed in containers: \$25.00 per occurrence after third violation notice.

5. Late placement of solid waste materials at curbside: \$25.00 per occurrence after third violation notice.
6. Inclusion of hazardous, infectious or medical wastes in household solid waste containers: \$500.00 per occurrence.
7. Other violations of this Chapter: \$25.00 per occurrence after third violation notice.

This ordinance shall become effective upon passage.

APPROVED:

Eugene R. Tewalt, Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted May 11, 2020, upon the following recorded vote:

Lori A. Cockrell	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Chris W. Holloway	Yes/No
Letasha Thompson	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on April 27, 2020, having been advertised in the Northern Virginia Daily on April 11, 2020 and April 18, 2020.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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

Item # 9

Meeting Date: May 11, 2020

Agenda Item: COUNCIL AUTHORIZATION TO ADVERTISE for FY20-21 Annual Appropriation Ordinance

Summary: Council is requested to authorize staff to advertise the FY2020-2021 Annual Appropriation Ordinance (budget) for Tuesday, May 26, 2020 as presented.

Budget/Funding:

Meetings: Work Session held May 4, 2020

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council authorize staff to advertise the FY2020-2021 Annual Appropriation Ordinance (budget) for Tuesday, May 26, 2020 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:  _____

APPROPRIATION ORDINANCE
ANNUAL APPROPRIATION ORDINANCE
OF THE
TOWN OF FRONT ROYAL, VIRGINIA

FOR THE FISCAL YEAR ENDING JUNE 30, 2021
AN ORDINANCE MAKING APPROPRIATIONS OF SUMS OF MONEY FOR ALL
NECESSARY EXPENDITURES OF THE TOWN OF FRONT ROYAL, VIRGINIA FOR THE
FISCAL YEAR ENDING JUNE 30, 2021 TO PRESCRIBE THE PROVISOS, TERMS,
CONDITIONS, AND PROVISIONS WITH RESPECT TO THE TERMS OF
APPROPRIATION AND THEIR PAYMENTS, AND TO REPEAL ALL ORDINANCES
WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ALL
ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH
INCONSISTENCY.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA:

SECTION I

That the following sums of money are hereby appropriated for the general government purposes herein specified for the fiscal year ending June 30, 2021

GENERAL FUND EXPENDITURES

General Government	1,015,630
Financial Administration	925,265
Legal	568,805
Law Enforcement Services	5,301,250
General Property Maintenance	1,367,764
Planning & Zoning Administration	442,295
Risk Management/Insurance	911,665
Economic Development	9,365
Information Technology	733,301
Transfers	715,425
TOTAL GENERAL FUND EXPENDITURES	11,990,765

STREET FUND EXPENDITURES

Public Works	390,630
State Highway Maintenance System	2,315,675
TOTAL STREET FUND EXPENDITURES	2,706,305

ECONOMIC DEVELOPMENT FUNDS

Principal on Debt	-
TOTAL DEBT SERVICE FUND EXPENDITURES	-

SPECIAL REVENUE FUND

Community Development Projects	669,450
Asset Forfeiture	12,000
TOTAL SPECIAL REVENUE FUND EXPENDITURES	681,450

and the following sums of money are hereby appropriated for the enterprise operations specified for the year ending June 30, 2021.

ELECTRIC FUND EXPENDITURES

Operations	3,176,554
Purchase of Bulk Electricity	14,754,346
Transfer to General Fund	2,002,000
TOTAL ELECTRIC FUND EXPENDITURES	19,932,900

WATER FUND EXPENDITURES

Administrative Office	120,910
Water Plant Operations	1,755,210
Maintenance of Lines	1,529,760
Meter Reading	97,230
Debt Service	1,469,505
Transfers to Other Funds	510,000
TOTAL WATER FUND EXPENDITURES	5,482,615

SEWER FUND EXPENDITURES

Administrative Office	115,950
Wastewater Treatment Plant Operations	2,825,700
Maintenance of Lines	961,040
Debt Service	2,198,880
Transfers to Other Funds	610,000
TOTAL SEWER FUND EXPENDITURES	6,711,570

REFUSE FUND EXPENDITURES

Operations	998,735
Transfer to General Fund	100,000
TOTAL REFUSE FUND EXPENDITURES	1,098,735

TOTAL ALL FUNDS EXPENDITURES	48,604,340
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REVENUES

TO BE PROVIDED AS FOLLOWS

GENERAL FUND

Real Estate Property Tax	1,025,275
Public Service Property Tax & Tax Penalties	62,000
Personal Property Tax	601,350
Other Local Taxes	5,931,200
Permits and Fees	34,000
Fines and Forfeitures	202,000
Revenue from Use of Money and Property	92,045
Public Rights-of-Way Use Fee	1,100
Intergovernmental	648,745
Interfund Transfers:	
Electric Fund	2,002,000
Water Fund	510,000
Sewer Fund	610,000
Refuse Fund	100,000
Miscellaneous Receipts	171,050
TOTAL GENERAL FUND REVENUE	11,990,765

STREET FUND

State Highway Maintenance Funds	1,971,380
Revenue from Use of Money and Property	42,500
Street , Curb, & Gutter Assessments	127,000
Transfers from General Fund	565,425
TOTAL STREET FUND REVENUE	2,706,305

ECONOMIC DEVELOPMENT FUND

Real Estate Property Tax	-
TOTAL DEBT SERVICE FUND REVENUE	-

SPECIAL REVENUE FUND

Asset Forfeiture Grant Funding	12,000
Community Development	669,450
TOTAL SPECIAL REVENUE FUND	681,450

ELECTRIC FUND

Revenue from Use of Money & Property	190,000
Connection Fees	60,000
Internal Loan	150,000
Sale of Service	19,347,900
Miscellaneous Receipts	185,000
TOTAL ELECTRIC FUND REVENUE	19,932,900

WATER FUND

Revenue from Use of Money and Property	120,000
Antenna Rentals	100,480
Sale of Service and Commodities	5,064,250
Connection Fees	160,000
Internal Loan	34,885
Miscellaneous Receipts	3,000
TOTAL WATER FUND REVENUE	5,482,615

SEWER FUND

Revenue from Use of Money and Property	145,000
Sale of Service and Commodities	6,105,430
Connection Fees	332,140
Miscellaneous Receipts	129,000
TOTAL SEWER FUND REVENUE	6,711,570

REFUSE FUND

Revenue from Use of Money and Property	42,000
Sale of Services/Bags/Other	1,054,735
Sale of Recyclable Materials	2,000
TOTAL REFUSE FUNDS REVENUES	1,098,735

TOTAL ALL FUNDS REVENUES **48,604,340**

This ordinance is proposed to become effective on July 1, 2020. The water & sewer fund figures are based upon approval of rate adjustments to be done at a later date. A true copy of the complete text of the ordinance is available by request at the Town Manager's Office, 102 E Main Street, Front Royal, Virginia during normal business hours.

A Public Hearing on this ordinance will be held at Town Council Meeting of May 26th, 2020, beginning at 7:00pm via WebEx at www.frontroyalva.com/meeting. Citizens who wish to comment please email your comments to Clerk of Council Tina L Presley at tpresley@frontroyalva.com by 4:00pm on Tuesday, May 26, 2020

BY AUTHORITY OF THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA

Tina Presley, Clerk of Council

Publish: Northern Virginia Daily (classified) - May 16, 2020

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Town of Front Royal, Virginia Council Agenda Statement

Item # 10

Meeting Date: May 11, 2020

Agenda Item: COUNCIL APPROVAL – SwagIT Production Systems LLC for Video Recording Services

Summary: The video recording equipment in the Warren County Government Center Board Room is outdated and malfunctioning. A Joint Work Session was held with the County of Warren on May 4, 2020 to discuss replacing the aging equipment. Council is requested to approve a contract with Swagit Production Systems LLC at a cost not to exceed \$48,267.50 to replace the video recording equipment in the Warren County Government Center Board Room and install new equipment in the Town Hall Conference Room contingent upon the County of Warren approving their shared cost of \$39,717.50 for the Board Room. All costs include annual support, hardware, and service.

Note: See attached breakdown

Budget/Funding: 1204-47007 Office of Information Technology – Hardware/Software
(PEG FUNDS = \$51,000)

Meetings: Joint Work Session with the County of Warren held May 4, 2020

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council approve a contract with Swagit Production Systems LLC at a cost not to exceed \$48,267.50 to replace the video recording equipment in the Warren County Government Center Board Room and install new equipment in the Town Hall East Conference Room contingent upon the County of Warren approving their shared cost of \$39,717.50 for the Board Room. All costs include annual support, hardware, and service.

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

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

Approved By: _____



Town of Front Royal, Virginia

Purchasing, Department of Finance

MEMORANDUM

Date: May 6, 2020
To: Tina Presley, Senior Executive Assistant
From: Alisa Scott, Purchasing Manager
RE: Request to add item to Town Council Agenda

The Purchasing and IT Department worked together in finding a procurement solution to replace the broadcast video equipment at the Warren County Government Center. This procurement method will be Cooperative Contracting through TIPS. TIPS is an acronym for The Interlocal Purchasing System and a national purchasing cooperative that offers access to competitively procured purchasing contracts to its (free) membership. The Town is able to be a member as a governmental agency.

Swagit Production Systems LLC's has proposed a solution that supports the upgrades and annual support that Town Staff (IT) needs to replace (4) HD cameras, record, live stream, and index video.

The Town and County previously considered upgrade options for this broadcast equipment. Attached to this Memo is the Warren County Government Center Boardroom Upgrade from 2017. The highlighted items are also part of the 2020 upgrade proposal.

Points to keep in mind when comparing this 2017 list to the 2020 list:

- 3-year age difference of the technical equipment
- Labor cost is not included in the 2017 cost estimate, but is in the 2020 proposal
- Additional items included in the 2020 proposal:
 - Encoding hardware for transmission over the internet, graphics hardware
 - Video hosting, archive, indexing, and basic computerized transcription services
 - Annual technical support services

Staff recommends Council move forward with awarding Swagit Production System LLC for the successful upgrades of the Warren County broadcast system. Please add this recommendation to Council's next Regular Meeting agenda.

Funding for this service is available in the line item 1204-47007 which has received PEG funds from the franchise agreements with both Comcast and Shentel.

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

Warren County Government Center Boardroom Upgrade 2017

Equipment	QTY	Price Per	Total
Tricaster 410	1	\$14,995.00	\$14,995.00
Panasonic AW-HE 40HK PTZ camera (SW/SK)	4	\$2,275.00	\$16,600.00
Panasonic AW-RP50 Sub compact Remote Controller	1	\$2,275.00	\$2,275.00
Viaddo thin profile camera wall mount	4	\$180.00	\$720.00
Shure MX393/C microphone	12	\$232.00	\$2,784.00
Shure MX393/0	1	\$219.00	\$219.00
Cat 6 Shielded Twisted Pair Cable	2	\$300.00	\$600.00
60" HDTV	2	\$2,000.00	\$4,000.00
X Large Tilt Mount 55-90"	2	\$100.00	\$200.00
HD Video projector 3k-5k Lumens	1	\$3,500.00	\$3,500.00
Power conditioner 2 outlet	3	\$35.00	\$105.00
Multimedia podium w/cabinet, drawer, wheels	1	\$800.00	\$800.00
4 ZONE LIGHTING CTROL SYSTEM w/dimming	1	\$3,000.00	\$3,000.00
Remote Station Wall Remote (5 button)	1	\$500.00	\$500.00
Multi conductor control cable (500')	1	\$100.00	\$100.00
Total Upgrade Cost			\$50,398.00

SwagIT Final Cost Breakdown

Available PEG Funds: \$51,000

<u>Town Costs:</u>	Year 1	Year 2 and beyond
Annual Support:	\$2,100	\$2,100
Hardware:	\$21,477.50	\$0.00
Service:	\$9,900	\$9,900
Total Town Costs:	\$33,477.50	\$12,000/yr.

Optional Town Council East Conference Room Video Storage and Indexing Services and Related Hardware:

Annual Support: \$0.00

Hardware: One Camera Set-up with Streaming Appliance - \$11,790 (one-time Fee)

Service (Estimated): \$3,000

Combined Costs:

Annual Support:	\$2,100	\$2,100
Hardware:	\$33,267.50	\$0.00
Service:	\$12,900	\$12,900
Total Town Costs:	\$48,267.50	\$15,000

Summary of Included Services

- Video Capturing and upload service
- Archiving and Storage Service
- Video Indexing
- Sound Search Service (hearing impaired)
- Basic Transcription Services for all Town Council, Planning Commission, BZA, BAR meetings

County Costs:

Annual Support:	\$2,100
Hardware:	\$21,477.50
Service:	\$16,140.00 (Includes school board meetings)
Total County Costs:	\$39,717.50

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Town of Front Royal, Virginia Council Agenda Statement

Item # 11

Meeting Date: May 11, 2020

Agenda Item: COUNCIL APROVAL – Resolution to Request General Assembly to Determine the Town Shall be Represented by One Delegate in the House of Delegates

Summary: Council is requested to approve a Resolution to request the General Assembly to determine that the Town of Front Royal shall be represented by one delegate in the Virginia House of Delegates, as presented.

Budget/Funding: None

Meetings: Requested at Work Session held May 4, 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 request the General Assembly to determine that the Town of Front Royal shall be represented by one delegate in the Virginia House of Delegates, 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

Of the Town Council of the Town of Front Royal, Virginia Requesting the General Assembly to Determine that the Town of Front Royal Shall Be Represented by One Delegate in the Virginia House of Delegates

WHEREAS, Article 2 of the Constitution of Virginia [1971], states: ***Section 6. Apportionment.** — Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established by the General Assembly. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.*

WHEREAS, the Town of Front Royal (the Town) is a relatively small municipality with a population of approximately 15,240.

WHEREAS, for quite a number of years the Town has been divided between among three (3) Electoral Districts and represented in the General Assembly by three (3) different Delegates simultaneously.

WHEREAS, while the representation the Town has received from its representatives in the General Assembly has been responsive and effective, especially in recent years, having three different Delegate members in such a small Town over such a small geographic area is confusing to the citizens of the Town, making it difficult for many citizens to determine which Delegate is theirs, which Delegate to contact when having business to conduct with the General Assembly, or where each Delegate stands on any particular issue that may be of interest to Town citizens.

WHEREAS, having the Town divided between three (3) Electoral Districts and represented in the General Assembly by three (3) different Delegates simultaneously in such a small geographic area and among such a small population grouping with such a commonality of interests means that should not all three Delegates representing the Town agree amongst themselves on proposals submitted by Town citizens or Town Council to the General Assembly to be enacted into law, the effective result that the representation the Town and its citizens directly receive thereby in the General Assembly, and thus ultimately with the Governor, is at a minimum seriously diluted, and even more onerously in some cases could be completely eliminated. This could create not only an unconscionable practical problem for Town citizens with its representation in the General Assembly, but effectively could have the effect of legally and unconstitutionally depriving the Town citizens the right to uniform representation in the General Assembly compared to other Virginia citizens. Article 1 of the Constitution of Virginia [1971], Bill of Rights, provides: ***Section 14. Government should be uniform.** — That the people have a right to uniform government....;*

and Section 3. Government instituted for common benefit. — That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community.... If the Town's citizenry in effect end up not having real representation in the General Assembly because the views of its very own advocates, in the form of its own Delegates, negate and nullify each other, then the Town's citizens do not have uniform representation representing them for their common benefit, protection, and security on a par with other local jurisdictions which do not have conflicting and divided Delegates, on matters of vital concern to the Town citizenry.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the General Assembly, at the next possible opportunity, so reconstitute the Electoral District in which the Town of Front Royal will be situated to that the entire corporate limits of the Town and all the Town's citizenry and will thereafter be in one Electoral District, to be represented by one Delegate, just as the Town of Front Royal is currently so ably represented by one Senator in the Virginia State Senate.

BE IF FURTHER RESOLVED by the Town Council of the Town of Front Royal that the Town Manager and Town Attorney of the Town file with the General Assembly and the Town's appropriate Delegates and Senator a true copy of this adopted Resolution and take such further and lawful action and execute such further and lawful documents in furtherance of the intent of this Resolution as may be necessary and or appropriate to effectuate this Resolution.

ADOPTED this 11th day of May, 2020,

[SIGNATURES NEXT PAGE FOLLOWING; REST OF PAGE DELIBERATELY BLANK]

This Resolution Of the Town Council of the Town of Front Royal, Virginia Requesting the General Assembly to Determine that the Town of Front Royal Shall Be Represented by One Delegate in the Virginia House of Delegates was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on May 11, 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 Presley, Clerk of Council

Approved as to form and legality:

Douglas W. Napier, Town Attorney

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Town of Front Royal, Virginia Council Agenda Statement

Item # 12

Meeting Date: May 11, 2020

Agenda Item: COUNCIL APPROVAL – Resolution to Request Governor to Allow Town Council to Determine When to Open Local Businesses

Summary: Council is requested to approve a Resolution to request Governor Northam to allow Town Council to determine when to open local businesses.

Budget/Funding: None

Meetings: Requested at Work Session held May 4, 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 request Governor Northam to allow Town Council to determine when to open local businesses, 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

Of the Town Council of the Town of Front Royal, Virginia Requesting Governor Northam To Allow Town Council to Determine When to Open Up Local Businesses

WHEREAS, the Commonwealth of Virginia is a diverse State composed of many local jurisdictions which vary in size from large, densely populated metropolitan areas, to small towns and villages, to rural, sparsely populated rural areas.

WHEREAS, the Town of Front Royal (the Town) and its surrounding jurisdiction, the County of Warren (the County), are both smaller, more rural, less densely populated parts of the Commonwealth than many of the other parts of Virginia; 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, in response to the Governor Northam's Orders and the Declarations so mentioned, Town Council of the Town of Front Royal (Town Council) was satisfied shortly thereafter in March, 2020, that the public health threat posed by COVID-19 constituted a real and substantial threat to health and safety of persons and property in the Town, and that a declaration of local emergency was necessary and essential to the Town.

WHEREAS, according to the latest available numbers from the Lord Fairfax Health District of confirmed cases of COVID-19 in the County, of which the Town is a part, there are but four hospitalizations and no deaths (no figures are available for the Town itself, but the Town has a population of approximately 15,240, while the County as a whole has a population of approximately 40,164). These numbers of hospitalization appear to have stabilized and have remained consistent for some time now; and

WHEREAS, there is located in the Town an excellent hospital, Warren Memorial Hospital, a member of the Valley Health system of hospitals and other top-of-the-line health care facilities and health care professionals serving the northern Shenandoah Valley, including the County, as well as parts of West Virginia; and

WHEREAS, as the Town Council's declaration of local emergency in March, 2020, shortly after Governor Northam's and the State Health Commissioner's Declaration of Public Health Emergency were issued, Town Council has taken the COVID-19 outbreak seriously, and has reacted seriously to it ever since, urging social distancing, urging citizens to stay and work from home whenever and wherever possible (including its own Town staff); and

WHEREAS, most commercial businesses within the corporate limits of the Town are small ones, independently owned and operated, not franchises or affiliated with large national or international chains. Most of these business are owned and operated by people who do not have large financial resources and do not have the resources to stay closed indefinitely. Many, if not most, of these businesses are of the type which depend on being physically open to customers in order to survive; and

WHEREAS, these businesses have done everything in their power to comply with all Orders, Declarations, and recommendations so mentioned, whether or not they have the force of law, simply because the owners and operators are good citizens; however, many, if not most, are facing permanent closure if they are not able to open very quickly for some sort of business. Permanent closure for the owners and operators of these small businesses would mean financial ruin for them and their families; and

WHEREAS, the Town in 1989 lost its biggest employer, Avtex, which employed thousands of workers, causing the local unemployment rate to rise to very high levels, which in turn devastated the local business economy in Town. The physical site on which Avtex was located was highly polluted, and after it was cleaned up, it was designated a Superfund site by the Environmental Protection Agency, which has left the Town with a certain lasting economic stigma. It has taken the Town many years to rebuild its local economy, which has still not been fully accomplished: in fact, beginning in 2017, Town Council approved and embarked upon a Downtown Revitalization Plan, a part of which was applying for and being granted a Community Development Block Grant by the Virginia Department of Community Development, which was just started when the COVID-19 outbreak began; and

WHEREAS, just as the Town seemed to be turning the corner on its economic business future, the local Economic Development Authority, of which Town Council and Town staff is not a part, has become embroiled in legal and financial scandal, further jeopardizing the Town's economic future. This scandal is still on-going and is the subject of multiple lawsuits and criminal investigations; and

WHEREAS, Town Council is comprised of local men and women who take their Town, their larger community, their Commonwealth, and the health and welfare, physical, mental, and economic, of the Town's residents and citizens, seriously, and the Town Council members are quite able to assess local conditions carefully and in the best interests of their citizenry, as demonstrated by Town Council's declaration of a local emergency almost as soon as Governor Northam and State Health Commissioner issued a State-wide Declaration of Public Health Emergency. Likewise the citizens and residents of the Town have demonstrated remarkably good

judgment and concern for their fellow citizens and resident by following said declarations to a “T”; and

WHEREAS, Town Council is of the opinion that State-wide public health pronouncements concerning COVID-19 as to what might be important and appropriate to large, more urban areas where large outbreaks of COVID-19 have occurred, and where the local economies might be more robust, are less appropriate and meaningful as they are to a small, more rural, less economic robust jurisdiction such as the Town; and

WHEREAS, Town Council is further of the opinion that in this day and age, with wall-to-wall news coverage on smart phones, computers, televisions, and radios, and based on the citizens and residents of the Town having conducted themselves in an exemplary and responsible fashion to the declarations with respect to the COVID-19 outbreak to date, the citizens and residents of the Town will continue to use discretion and good judgment going forward if restrictions are relaxed and local businesses in Town are allowed by Governor Northam and Town Council to reopen on a local basis; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Front Royal that the Town Council respectfully requests the Honorable Ralph Northam, Governor of the Commonwealth of Virginia, a limited exemption from Executive Order Numbers Fifty-One, Fifty-Three, and Fifty-Five, and further Executive Orders and Declarations of the Commonwealth as they may relate to COVID-19 closing of businesses, social distancing, and social gatherings, only to the extent as they may relate to commercial businesses and enterprises within the corporate limits within the Town of Front Royal, so as to allow Town Council to determine when and how local business in the Town limits can safely reopen; and

BE IT FURTHER RESOLVED by the Town Council that if this Resolution is looked upon favorably by Governor Northam and Governor Northam grants said request, and if the number of COVID-19 hospitalizations or deaths in Warren County trend significantly upward while this limited exemption is in place, that Town Council will of its own accord take such action to restrict Town business activity as appropriate under the circumstances, and if necessary, request Governor Northam to impose such lawful actions to secure the public health as appropriate under the circumstances; and

FURTHER, BE IT RESOLVED that the Town Manger and Town Attorney are hereby directed to take all lawful, necessary, and appropriate actions to effectuate this Resolution.

ADOPTED this 11th day of May, 2020,

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on May 11, 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 Presley, Clerk of Council

Approved as to form and legality:

Douglas W. Napier, Town Attorney

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

Item # 13

Meeting Date: May 11, 2020

Agenda Item: Closed Meeting – Expansion of Business and FDR Services

Summary: Council is requested to go into Closed Meeting.

Budget/Funding: N/A

Attachments: N/A

Meetings: N/A

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion:

MOTIONS TO GO INTO CLOSED MEETING:

I move that Town Council go into Closed Meeting for the following purposes:

- (1) To discuss the location or expansion of an energy-related business or industry in Town where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the Town, pursuant to Section 2.2-3711. A. 5. of the Code of Virginia.
- (2) To discuss the award of a public contract with FDR Services Corporation of Virginia, Inc involving the expenditure of public funds, 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 the public body, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia.
- (3) Consultation with legal counsel employed by Town Council regarding specific legal matters, specifically, modification or renegotiation of the contractual provisions of FDR Services Corporation of Virginia, Inc., requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

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

I move that the Mayor and Town Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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

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

Approved By: _____