



TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING

Monday, November 9, 2015 @ 7:00pm

Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of October 26, 2015
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 - 1) **Financial Quarterly Report – Director of Finance**
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS – ROLL CALL VOTED REQUIRED**
 - A. COUNCIL APPROVAL – Liaison Committee Meeting Items
 - B. COUNCIL APPROVAL – Waiver of License Fee for Christmas Tree Vendor – Boy Scouts
 - C. COUNCIL APPROVAL – Bid for Waterline Upgrade Along W. 15th Street
 - D. COUNCIL APPROVAL – Bid for Storm Drain Improvements at 1602 Commonwealth Dr
8. **PUBLIC HEARING** – Special Use Permit for 102 W Prospect Street – Martin McMahon
9. **PUBLIC HEARING** – Ordinance to Amend Town Code Chapters 175 and 66 Pertaining to Urban Agriculture (*1st Reading*)
10. **COUNCIL APPROVAL** – Ordinance Amendment to Chapter 170 “Weed and Debris” (*2nd R*)
11. **COUNCIL APPROVAL** – FY2015-2016 Budget Amendment for Unpaid Balances on Purchase Orders and a Short Term Loan to EDA (*2nd Reading*)

7A



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

Page 1
Item No. 7(A)

Meeting Date: November 9, 2015

Agenda Item: COUNCIL APPROVAL – Liaison Committee Meeting Items

Summary: Council is requested to approve the continued discussion of Liaison Committee Meeting Items from the September 17, 2015 Liaison Committee Meeting to the Liaison Committee Meeting scheduled for November 19, 2015.

Budget/Funding: None

Attachments: Liaison Committee Meeting Agenda from September 17, 2015

Meetings: Work Session held October 26, 2015

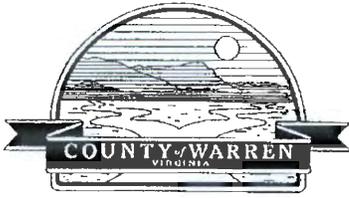
Staff Recommendation: Approval X Denial

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

Proposed Motion: I move that Council approve the continued discussion of Liaison Committee Meeting Items from the September 17, 2015 Liaison Committee Meeting to the Liaison Committee Meeting scheduled for November 19, 2015.

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

Approved By: SB



AGENDA
TOWN/COUNTY LIAISON
COMMITTEE MEETING
Warren County Government Center

September 17, 2015
6:00 P. M.



- A. **Call to Order – Richard Traczyk, Board of Supervisors Chairman**

- B. **Approval of Minutes – July 16, 2015/Preparation of Minutes**

- C. **Leach Run Parkway – Doug Stanley**

- D. **Waste Water Treatment Plant/Septage Receiving Facility**

- E. **Building Inspections Software – Doug Stanley**

- F. **Development Review Committee – Doug Stanley**

- G. **McKay Property**

- H. **Warren County's in-Town Projects – Doug Stanley**

- I. **Avtex Property – Main Street Extension**

- J. **Adjournment**

7B



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

Page 1
Item No. 7(B)

Meeting Date: November 9, 2015

Agenda Item: COUNCIL APPROVAL – Waiver of Christmas Tree License Tax – Boy Scout Troop 52

Summary: Council has received a request from Pamela Thompson, Troop Committee Member for Boy Scout Troop 52, seeking a waiver of the \$100.00 license tax associated with the selling of Christmas trees during the 2015 holiday season as permitted by Front Royal Town Code Section 98-61(A)(5)(b).

Budget/Funding: None

Attachments: Letter from Ms. Thompson and Ordinance regarding selling of Christmas Trees

Meetings: None

Staff Recommendation: Approval X 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 waiver of the \$100.00 license tax associated with the selling of Christmas trees during the 2015 holiday season to Boy Scout Troop 52 as permitted by Front Royal Town Code Section 98-61(A)(5)(b).

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

Approved By: SB

**Boy Scout Troop 52
59 S Charles Street
Front Royal, VA 22630**

October 1, 2015

Town Council, Town of Front Royal
P.O. Box 1560
Front Royal, VA 22630-1560

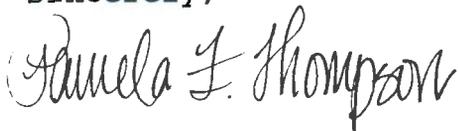
Your Honors,

Boy Scout Troop 52 of Front Royal hereby petitions the Town Council of Front Royal, Virginia for a waiver of the license tax applied to fireworks and Christmas tree vendors, Front Royal Town Code, Section 98-61, Subsection A(5).

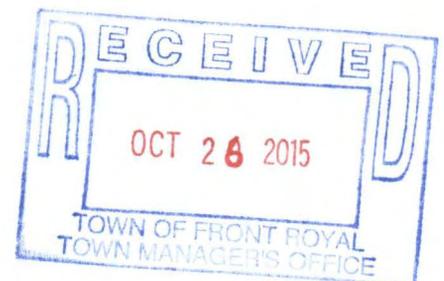
Boy Scout Troop 52 is a non-profit civic organization whose annual Christmas tree sales provide in large part the funds necessary to sustain the group through the following year. Boy Scout Troop 52 has been engaged in selling locally grown fresh cut Christmas trees and wreaths in Front Royal for well over a quarter century. All of the proceeds from this sale goes to the benefit of the youth of our community in the scouting programs of the Boys Scouts of America.

The Town Council's attention to this request for a waiver of the license tax is once again greatly appreciated by all of us in the Troop 52 scouting family.

Sincerely,



Pamela F. Thompson
Troop Committee Member
For the Scoutmaster and Troop Committee
Boy Scout Troop 52



EXCERPT FROM ORDINANCE CHAPTER 98-61

98-61 PEDDLERS

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

7C



Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 7(C)

Meeting Date: November 9, 2015

Agenda Item: COUNCIL APPROVAL – Bid for Waterline Upgrade along W 15th Street

Summary: Council is requested to approve a bid in the amount of \$45,210.00 from Lantz Construction Company for a waterline upgrade along W. 15th Street that includes the installation of approximately 350 linear feet of 6” ductile iron water main, various 6” fittings, a new fire hydrant, 35 linear feet of 2” copper line, a 2” shut off valve and capping off the old line.

Budget/Funding: Department of Environmental Services Water and Sewer Maintenance FY16 budget line item 9602-R47513 “Water Line Upgrade”.
Funding is carried forward from FY15 for on-going upgrade projects

Attachments: Memorandum from Purchasing Agent and Quotation Tabulation

Meetings: None

Staff Recommendation: Approval X 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 bid in the amount of \$45,210.00 from Lantz Construction Company for a waterline upgrade along W. 15th Street that includes the installation of approximately 350 linear feet of 6” ductile iron water main, various 6” fittings, a new fire hydrant, 35 linear feet of 2” copper line, a 2” shut off valve and capping off the old line.

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

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

Approved By: SB



MEMORANDUM

Date: November 2, 2015
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

Cindy Hartman

On Thursday, October 29, 2015, I held a bid opening for a waterline upgrade along West 15th Street. This project includes the installation of approximately 350 linear feet of 6" ductile iron water main, various 6" fittings, a new fire hydrant, 35 linear feet of 2" copper line, a 2" shut off valve, and capping off the old line. I received four (4) responses to this Invitation for Bid (see attached tabulation sheet). Due to the cost of this project, I will need Council approval before continuing with the award. Please add this to the November 9, 2015 Town Council agenda for their action.

Staff recommends the award for the W. 15th Street waterline upgrade project be made to Lantz Construction Company of Winchester in the amount of \$45,210.00.

Funding is available within the Department of Environmental Services Water and Sewer Maintenance FY16 budget line item 9602-R47513, "Water Line Upgrade". This is funding carried forward from FY15 for on-going upgrade projects.

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: 15TH STREET WATERLINE UPGRADE

Quotation #29

Date: OCTOBER 29, 2015

Mailed 6

Replied 4

QUANTITY	Vendor Quotation			
	A-TEAM CONSTRUCTION	BUSHONG CONTRACTING CORPORATION	LANTZ CONSTRUCTION COMPANY (LCW)	G.B. FOLTZ CONTRACTING
	STANLEY QUOTATION	WOODSTOCK QUOTATION	WINCHESTER QUOTATION	MT. JACKSON QUOTATION
15TH STREET WATERLINE PROJECT	\$91,286.12	\$46,665.00	\$45,210.00	\$ 79,005.00
CONTINGENCY ITEM: <u>HYDRANT EXTENSION</u>	\$1,028.00	\$2,400.00	\$350.00	N/A
Total				
Discount				
Net Quotation				
Terms				

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


 Purchasing Agent

7D



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

Page 1
Item No. 7(D)

Meeting Date: November 9, 2015

Agenda Item: COUNCIL APPROVAL – Bid for storm Drain Improvements at 1602 Commonwealth Drive

Summary: Council is requested to approve a bid in the amount of \$29,970.00 from Racey Paving & Excavating for storm drain improvements at 1602 Commonwealth Drive that includes approximately 265 linear feet of 30” HDPE pipe and a drop inlet

Budget/Funding: Department of Environmental Services Highway Maintenance FY16 budget line item 4500-R45471 “Storm Drainage Maintenance” in the amount \$15,113.75. This is funding carried forward from FY15 for on-going projects. The balance of the funding in the amount of \$14,856.25 will be drawn from the current year FY16 budget line item 4500-45471.

Attachments: Memorandums from Purchasing Agent and Director of Environmental Services, and Quotation Tabulation

Meetings: None

Staff

Recommendation: Approval X 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 bid in the amount of \$29,970.00 from Racey Paving & Excavating for storm drain improvements at 1602 Commonwealth Drive that includes approximately 265 linear feet of 30” HDPE pipe and a drop inlet.

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

Approved By: SB



MEMORANDUM

Date: November 2, 2015
To: Tina Presley, Senior Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item

A handwritten signature in purple ink, appearing to be "Cindy", is written over the "From:" line of the memorandum.

On Wednesday, October 28, 2015, I held a bid opening for storm drain improvements at 1602 Commonwealth Drive. This project includes the installation of approximately 265 linear feet of 30" HDPE pipe and a drop inlet. I received six (6) responses to this Invitation for Bid (see attached tabulation sheet). Due to the cost of this project, I will need Council approval before continuing with the award. Please add this to the November 9, 2015 Town Council agenda for their action.

Staff recommends the award for the Commonwealth Drive storm drain project be made to Racey Paving & Excavating, Strasburg, in the amount of \$29,970.00.

Funding is available within the Department of Environmental Services Highway Maintenance FY16 budget line item 4500-R45471, "Storm Drainage Maintenance" in the amount \$15,113.75. This is funding carried forward from FY15 for on-going projects. The balance of the funding in the amount of \$14,856.25 will be drawn from the current year FY16 budget line item 4500-45471.

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: COMONWEALTH DRIVE STORM DRAIN

Quotation #27

Date: OCTOBER 28, 2015

Mailed : 8

Replied 6

Vendor Quotation

	W-L CONSTRUCTION & PAVING	BUSHONG CONTRACTING CORPORATION	RACEY PAVING & EXCAVATING	LANTZ CONSTRUCTION OF WINCHESTER (LCW)	G.B. FOLTZ CONTRACTING	A-TEAM CONSTRUCTION
QUANTITY	STEPHENSON QUOTATION	WOODSTOCK QUOTATION	STRASBURG QUOTATION	WINCHESTER QUOTATION	MT. JACKSON QUOTATION	STANLEY QUOTATION
COMMONWEALTH DRIVE STORM DRAIN IMPROVEMENTS	\$51,000.00	\$39,875.00	\$29,970.00	\$67,700.00	\$52,146.25	\$78,507.79
CONTINGENCY: EXCAVATION OF UNSUITABLE MATERIAL	\$100.00/CY	\$200.00/CY	\$25.00/CY	\$50.00/CY	\$100.00/CY	\$25.70/CY
TOTAL QUOTATION						

The above proposals verified to specifications and compliance with terms and conditions.

Witness

Witness


Purchasing Agent



Town of Front Royal
Department of Environmental Services

MEMORANDUM

TO: The Honorable Timothy Darr, Mayor and Members of Town Council
Steve Burke, Town Manager

FROM: Jimmy Hannigan, Director of Environmental Services

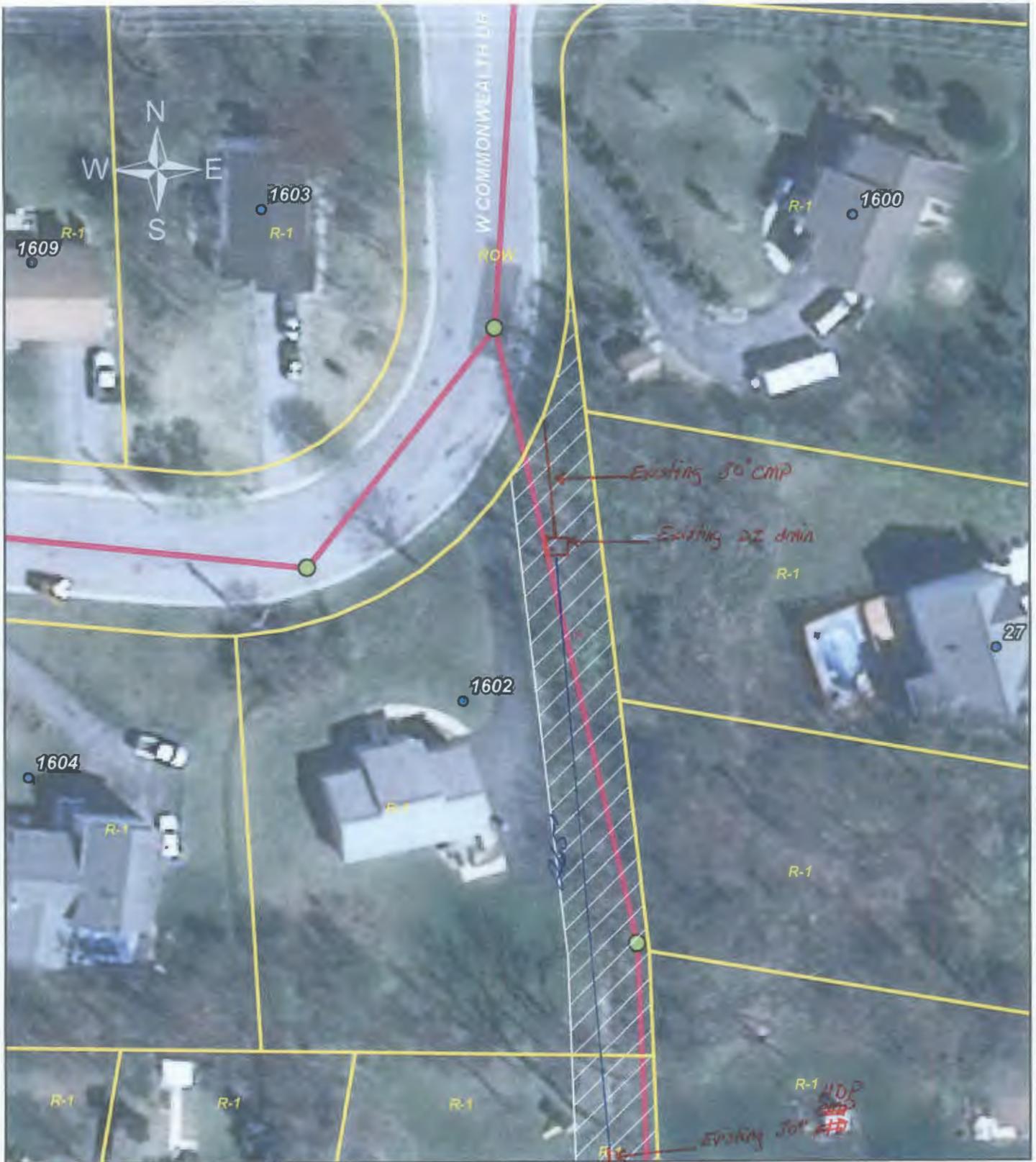
DATE: November 4, 2015

RE: Commonwealth Dr storm pipe installation

In 2014, the Department of Environmental Services installed storm drain pipe from the upper side of Commonwealth Dr down approximately 80 ft due to erosion and flooding concerns. The area is still experiencing these issues and to alleviate the problems, DES will connect into the existing pipe installed in 2014 and continue to the lower end to tie in to the existing storm drain pipe. The existing storm drain at the lower end will be replaced with a precast storm structure. Due to the erosion of the drainage ditch line, the entire ditch will be re-dug and holes filled. This new storm drain pipe and storm box installation will eliminate maintenance issues, erosion, and flooding concerns.

If you have any further questions or comments regarding this information, please call the office at 635-7819 or e-mail jhannigan@frontroyalva.com.

Thank you.



D.G. Merchant, Cartographer

AERIAL MAP

1602 Commonwealth Dr.

TOWN OF FRONT ROYAL, VIRGINIA

50 25 0 50 Feet



Legend

- San Sewer Structures
- Sanitary Sewer Lines
- 20' Strm Dm & San Sewer Easmt

8



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

Page 1
Item No. 8

Meeting Date: November 9, 2015

Agenda Item: PUBLIC HEARING – Special Use Permit for 102 W Prospect Street – Martin McMahon

Summary: Council is requested to approve a Special Use Permit Application submitted by Martin McMahon (Cornerstone Construction of Front Royal, Inc.) for the proposed conversion of the single-family dwelling at 102 W Prospect Street into a multi-family dwelling building with three (3) dwelling units (two 1-bedroom units and one 2-bedroom unit). Town Code Section 175-30 authorizes the proposed use if a Special Use Permit is approved by the Town. The property is zoned within the R-3 (Residential) District and the Front Royal Historical District. The property is identified by Tax Map 20A7-7-B, Lot 17. The Planning Commission recommended approval of this application during their meeting held on September 16, 2015. The Planning Commission’s recommendation includes six (6) conditions that are included in the attached Staff Report. The BAR recommended approval of the associated renovation work during a special meeting held on September 1, 2015. *(SUP #15-08-263)*

Budget/Funding: None

Attachments: Staff Report and Memorandum from Director Planning/Zoning

Meetings: Work Session held October 19, 2015

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council approve a Special Use Permit submitted by Martin McMahon (Cornerstone Construction of Front Royal, Inc.) for the proposed conversion of the single-family dwelling at 102 W Prospect Street into a multi-family dwelling building with three (3) dwelling units (two 1-bedroom units and one 2-bedroom unit) with the six (6) conditions recommended by the Front Royal Planning Commission as presented in the Staff Report. *(SUP #15-08-263-Tax Map 20A7-7-B, Lot 17)*

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

Approved By: SB

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



**STAFF REPORT FOR THE SEPTEMBER 16, 2015 PLANNING COMMISSION MEETING
UPDATED FOR TOWN COUNCIL 9/28/15**

APPLICATION #:

SUP15-08-263 (DEV15-08-223)

APPLICANT:

Cornerstone Construction

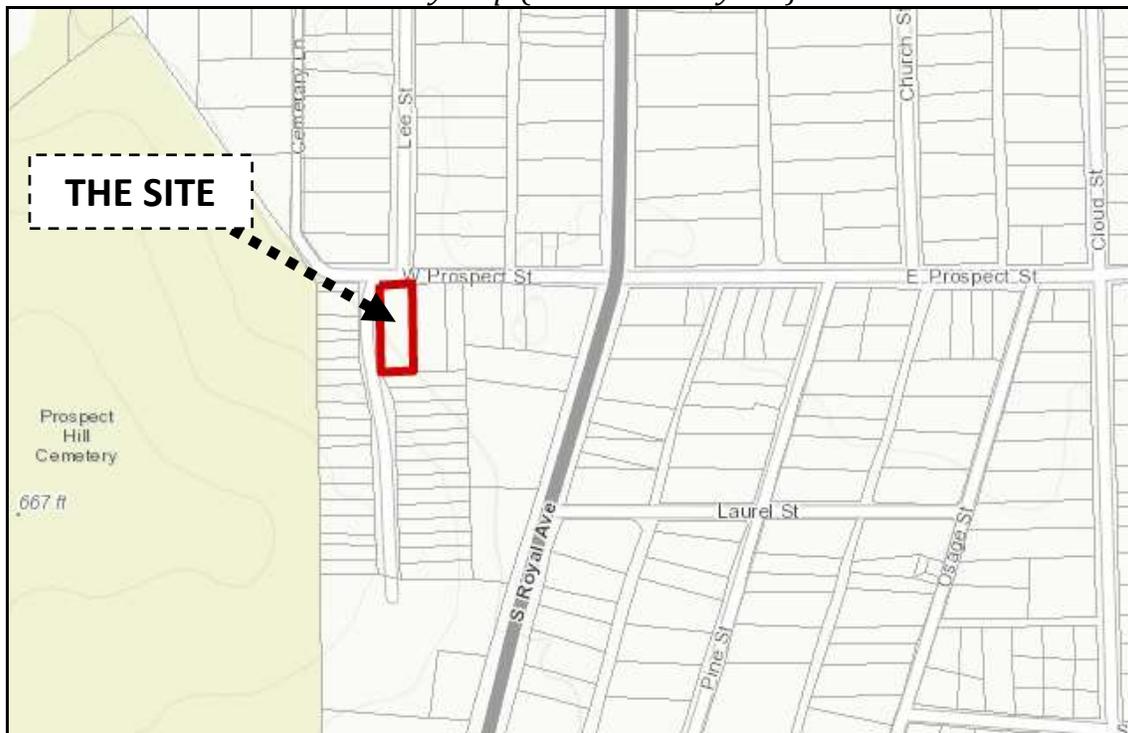
SUMMARY OF REQUESTS:

Special Use Permit and Minor Site Development Plan Applications. Pursuant to Section 175-30, the applicant proposes the “conversion of a structure originally designed and intended for occupancy as a single-family dwelling into a structure with more than one (1) dwelling.” Three (3) dwelling units are proposed at the site.
(See **Attachment 1 - Applications**)

GENERAL INFORMATION:

<i>Site Addresses</i>	102 W. Prospect Street
<i>Property Owner(s)</i>	Cornerstone Construction (Martin McMahan)
<i>Zoning District</i>	R-3 (Residential) District & Historic Overlay District
<i>Tax Identification</i>	20A7-7-B-17
<i>Location</i>	The property is located in the southeast corner of the intersection of Lee Street and W. Prospect Street.

Vicinity Map (Warren County GIS)



ILLUSTRATIONS

Aerial Map (Warren County GIS)



Photo (Vamanet, 2006)



Photos (Site Inspection 8/24/15)



SUPPLEMENTAL INFORMATION:

Background	<p>On March 28, 2011, Town Council denied a special use permit application submitted by a different applicant (Kathleen M. Walsh & Touraj Khalepari) to use the house for 4 dwelling units. Both the Board of Architectural Review and Planning Commission had recommended approval of the application in 2011. However, due to concerns about the shortage of parking, the application was denied by Town Council.</p> <p>As stated in the Staff report for the 2011 application, <i>“This house had been used as apartments for many years without an SUP, and there are (4) separate electric meters on the side of the house..., so the use was considered to be “grandfathered.” However, the apartments have not been rented since January, 2008, and any grandfathering is lost when a non-conforming use is discontinued for a period of two (2) years.”</i> Section 175-126 specifies that <i>“If any legally nonconforming use is discontinued for a period exceeding two (2) years after the enactment of this chapter, it shall be deemed abandoned, and any use thereafter shall conform to the use requirements of this chapter.”</i></p>
Legal Review	<p>The Town is authorized to require a special use permit for certain uses within any zoning district under Virginia Code §15.2-2286. Some specific uses are granted protection from regulation from localities by the Virginia Code, including agriculture uses, small scale conversion of biomass to alternative fuel, certain residential uses, private tents, farm wineries, assisted living facilities, and group homes.</p> <p>Section 175-81.2 only allows encroachments into the floodway upon approval of a Special Use Permit. No new encroachments are proposed in the floodplain by this application.</p> <p>The issuance of a special use permit is subject to such conditions as are deemed necessary by the Front Royal Town Council after recommendations of the Front Royal Planning Commission. Prior to an action by Town Council or a recommendation by the Planning Commission, a public hearing is required for special use permits.</p>

Parking

Town Code Section 148-870.A.2. requires two (2) off-street parking spaces per residential dwelling unit. However, Town Code 148-870.A.19. allows the off-street parking requirements to be waived in the Historic District as noted below:

Off-street parking requirements shall be waived by the Zoning Administrator for expansion of an existing use for any property located within the Historic Front Royal District where the following criteria are met:

- a. The development activity proposed includes the retention and/or the substantial renovation of a contributing structure in the district.
- b. The square footage of additions or new construction shall not be more than twice that of the original structure.
- c. The proposed project has been found by the Board of Architectural Review to be in keeping with the scale of development in the surrounding area and with the character of the district as a whole.
- d. All efforts have been made to provide parking whenever possible.

Review

The proposed apartments would include one (1) two-bedroom apartment and two (2) one-bedroom apartments.

The application and sketch plan was reviewed by the Town Department of Environmental Services, Town Planning & Zoning, Town Manager, Town Energy Services, the EDA, Town Police, Town Finance, Warren County Fire Marshal, and Warren County Building Inspections. The following comments were provided.

Town Department of Environmental Services.

- 1) Will the water and sewer be split?
- 2) Will submeters be installed?
- 3) Will any changes to the current water and sewer lines need to be made?

Town Department of Energy Services.

- Staff has reviewed the plans and there is no conflict with the proposed use. The work will be completed on a time and material basis.

Warren County Building Inspections.

- Erosion and Sediment Control (ESC) Items:
 - The provided documentation does not indicate that the work will disturb more than 10,000 square feet and will not require a permit or review.
- Building Inspections Items:
 - The work described will require a Change of Use from a Single Family Dwelling (R-5) to an Apartment House (R-2). Full application and plans will need to be submitted with Town approval for review. The information that is provided is not sufficient to perform any type of plan review.
 - The Uniform Statewide Building Code requires the following be reviewed for this change per Section 103.2: **103.2 Change of occupancy.** No change of occupancy shall be made in any structure when the current USBC requires a greater degree of accessibility, structural strength, fire protection, means of egress, ventilation, or sanitation.

These items will need to be provided on the submitted plans.

If anything should change in the scope additional requirements may be required.

Town Planning & Zoning:

- 1) Town Staff has requested that the applicant consider relocating parking space #2, as shown on the applicant's sketch plan, so that it is beside parking space #1 on the lot. Staff has also recommended that the applicant add the optional space shown in the rear of the property. These changes would establish 3 off-street spaces to accompany the 3 on-street spaces proposed.
- 2) The sketch plan submitted with the special use permit application is adequate for review at this time, but prior to final approval the sketch plan will need to be upgraded to meet Town specifications, including, but not limited to, preparation by a licensed surveyor, engineer, architect or landscape architect.
- 3) Steps should be added to connect the private sidewalk with the public sidewalk.
- 4) The special use permit must be approved before site plan approval. A public hearing with the Planning Commission is scheduled for September 16th at 7PM at 220 N Commerce Avenue. A work session and public hearing with Town Council will take place after review and recommendation by the Planning Commission.

Warren County Fire Marshal:

- The facility shall meet all required fire and safety standards as determined by the County of Warren Building Department and maintained in accordance with the Virginia Statewide Fire Prevention Code.

The BAR conditionally approved renovations to the building in association with this project during a special meeting held on September 1, 2015. Their approval was conditioned on the following in regards to the window replacements: *1) 2-over-2 windows with SDL for all windows, and 2) flat trim, that may be pvc to match existing wood, but not vinyl, and no wrapped material.* The BAR approved the project unanimously.

CONCLUSIONS:

Renovation of the building would remove a blighted structure from the Town and preserve a historic building. Town Staff advises that approval of the special use permit application and site plan application be accompanied with the following conditions:

- 1) The special use permit is only valid for the conversion of the building at 102 W Prospect Street into a structure with no more than three (3) dwelling units. Two of the dwelling units shall be 1-bedroom apartments and one shall be a 2-bedroom apartment.
- 2) At least 3 off-street parking spaces shall be provided. Spaces shall be maintained in good condition.

- 3) At least 3 on-street parking spaces shall be provided along Lee Street extended. Construction within the Public Right-of-Way requires a Right-of-Way Utilization Permit.
- 4) Steps shall be added to connect the public sidewalk along W Prospect Street with the private sidewalk that presently ends abruptly prior to the public sidewalk.
- 5) The sketch plan shall be amended to include all required site improvements, including, but not limited to, the proposed parking spaces. The final site plan shall be prepared by a surveyor, engineer, landscape architect or architect, licensed in the Commonwealth of Virginia. Approval of the final site plan may be granted by Town Staff after all review comments are adequately addressed.
- 6) Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this special use permit. Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

UPDATE - Planning Commission Meeting September 16, 2015:

A public hearing was held. No members of the public spoke. The Applicant addressed the Planning Commission and answered questions about the project and agreed to Staff's recommended conditions.

The Planning Commission approved the Special Use Permit Application with the conditions noted above in this staff report and authorized Town Staff to approve the site plan once all review comments are adequately addressed. This included amending the plan to account for at least three (3) off-street parking spaces in addition to the three (3) on-street parking spaces on Lee Street extended. It would also include the connection of the private sidewalk with the public sidewalk.

A public hearing is required with Town Council. Town Council only needs to take action on the special use permit application.

Attachments to Staff Report:
Attachment 1 – SUP Application



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
Memorandum

To: Steve Burke, Town Manager

From: Jeremy F. Camp, Planning & Zoning Director

Date: November 3, 2015

Re: 102 W Prospect Street

During the Town Council Work Session on October 19, 2015, Town Council identified additional information they needed in regards to their consideration of Special Use Permit Application # SUP15-08-263, for the conversion of 102 W Prospect Street into a house with three dwelling units. Below is a list of Town Council's concerns with follow-up information provided for their consideration.

- 1) **Size of Water Line Connection.** *Concerns were raised whether or not the existing water line was adequate for the three proposed apartment units.*

Staff investigated the water service at 102 W Prospect and verified that it is currently serviced by a 1" water meter. Contact to both the Health Department and Building Department indicates that they have no cause to adjust the meter size. Based upon AWWA standards, a 1" meter should be sufficient to service a 3 unit apartment.

- 2) **Parking Concerns.** *Concerns were raised if there is adequate parking, and in particular, if the neighbors had concerns about on-street parking.*

Town Staff sent a notification letter to adjoining property owners for the Planning Commission Public Hearing. A second notice letter is being sent for the Town Council Public Hearing. In addition, Staff went door-to-door and inquired with nearby properties about any concerns about the project and parking. Below is a list of the survey input received.

227 Lee Street (Andrea White) – In favor of it being renovated, but has parking concerns on W. Prospect Street primarily. Glad that 4 units are not proposed. Prospect Street is too narrow. Suggested no parking at the choke point on Prospect Street. Mentioned that tour buses visit the cemetery and have maneuvering problems at the intersection of Lee Street and Prospect Street.

232 Lee Street (Paula Landsberger) – Would like to see it fixed up, but prefers to have 2 units. Parking is a concern especially on Prospect Street where it is too narrow.

311 Lee Street (Mr. Smith) – No concerns. Not concerned with parking.

239 Lee Street (Ms. Stockton) – No concerns. It would be nice to have it fixed up.

233 Lee Street (Ms. Rankin) – No concerns. Glad that the house will not be demolished and is being fixed up.

233 Lee Street (Web Davis) – Not a resident, visiting Ms. Rankin. Recalled that the building had structural problems in the past and thought it should be torn down.

320 Lee Street (Melissa) - No concerns.

312 Lee Street (Mr. & Mrs. Beissel) – In favor of it, but concerned about parking blocking the driveway and would like to see the Walnut Tree removed because it creates a mess. Said that Prospect Street is too narrow and causes problems when there is snow plowing being done with parking on the street.

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

Page 1
Item No. 9

Meeting Date: November 9, 2015

Agenda Item: PUBLIC HEARING – Ordinance to Amend Town Code Chapters 175 and 66 and Enact 175-110.5 Pertaining to Urban Agriculture (*1st Reading*)

Summary: Council is requested to affirm on its first reading an ordinance to amend Town Code Chapter §175-3 Zoning-Definitions; Chapter §66-12 Dogs and Other Animals-Definitions; §66-13 Dogs and Other Animals-Prohibitions; §66-14 Dogs and Other Animals-Exemptions pertaining to Urban Agriculture; and, to enact §175-110.5 Zoning-Performance Standards for Urban Agriculture. The draft amendments require a zoning permit for the keeping of livestock and management plan that must be endorsed by the Virginia Cooperative Extension Office or other qualified expert, nonprofit organization or government entity. Residents of single-family, duplex and two-family homes could obtain a permit to keep up to six (6) hens, honeybee hives and rabbits. Other residential uses, such as townhouses and apartments would not be allowed to keep animals except if approved by Town Council with a Special Use Permit or proffer. The draft amendment would only allow larger lots (1 acre +) to keep animals such as cows, goats, roosters, sheep and other types of livestock and only with a Special Use Permit approved by Town Council. The draft amendment only allows zoning permits for the keeping of livestock for one year at a time.

Budget/Funding: None

Attachments: Proposed Ordinance Amendment

Meetings: Work Sessions held September 8 and September 21, 2015.

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council affirm on its first reading an ordinance to amend Town Code Chapter §175-3 Zoning-Definitions; Chapter §66-12 Dogs and Other Animals-Definitions; §66-13 Dogs and Other Animals-Prohibitions; §66-14 Dogs and Other Animals-Exemptions pertaining to Urban Agriculture; and, to enact §175-110.5 Zoning-Performance Standards for Urban Agriculture, as presented.

ROLL CALL VOTE REQUIRED

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

Approved By: SB

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER §175-3,
CHAPTER §66-12, §66-13, §66-14 AND ENACT CHAPTER §175-110.5 PERTAINING
TO URBAN AGRICULTURE**

WHEREAS, the purpose of this ordinance is to enhance the general welfare and health of the public by allowing limited agricultural practices in the Town when conducted as an accessory use, as well as proposing performance standards and permitting requirements; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter §175-3, §175-110.5, Chapter §66-12, §66-13, §66-14 of the Front Royal Town Code is hereby amended and enacted as follows:

175-3 DEFINITIONS

ACCESSORY USE - A use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal permitted use of the main building or lot. Accessory uses shall include the use of accessory buildings as a separate accessory dwelling unit, provided that the lot is at least 12,000 square feet in size, the accessory building complies with the minimum setback and yard area requirements that are required for main buildings within the applicable zoning district, no more than one accessory dwelling is located on the property, and the accessory dwelling unit does not utilize more than 500 square feet. *Urban agriculture is considered an accessory use when the requirements of Section 175-110.5 are complied with.*

AGRICULTURE/AGRICULTURAL PURSUITS – The tilling of soil, the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, livestock and fowl keeping and breeding, farm wineries, roadside stands, tenant houses necessary for the operation of a farm, and the production of natural products with resources primarily derived from the land upon which it is produced. Yard maintenance, landscaping, noncommercial gardening and other customary incidental accessory uses shall not be deemed as "agriculture." Where agricultural uses are permitted under Chapter 175 of the Town Code, the provisions of Section 66-5 pertaining to slaughtering of stock shall not apply, provided that this exemption only applies to small scale slaughtering activities on a farm, and does not apply to slaughterhouses.

AGRICULTURE, URBAN (Urban Agriculture) – An umbrella term that describes a range of food growing practices conducted as an accessory use that may include the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, and both livestock and fowl keeping, subject to compliance with the regulations of Section 175-110.5.

175-110.5 PERFORMANCE STANDARDS FOR URBAN AGRICULTURE

Urban Agriculture, as defined under Section 175-3 of this Chapter, shall comply with the following performance standards.

- A. *A zoning permit shall be required for the keeping of animals kept in association with urban agriculture. Such a zoning permit application shall include a management plan that adequately addresses waste disposal, site suitability, setbacks, animal density, biosecurity and health measures, odor control, noise control, appearance, and maintenance. The management plan shall be reviewed*

by the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. Conditions of approval or recommendations may be required as part of the zoning permit based on the management plan or other recommendations of the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. The zoning permit shall only be valid for one (1) year; except that, the Zoning Administrator may successively renew the permit in additional one (1) year increments upon expiration; provide that, the use remains in compliance with the management plan and otherwise remains lawful.

- B. Single family, duplex or two-family dwellings shall be permitted to keep up to six (6) female chickens (non-crowing hens only), six (6) bee hives, and/or six (6) rabbits.
- C. Other types of residential uses, such as townhouses, condominiums, multi-family (apartments), are prohibited from keeping livestock, fowl or bees, except when authorized with a Special Use Permit or Proffer.
- D. Commercial and industrial uses, excluding schools, are prohibited from keeping livestock, fowl or bees, except when authorized with a Special Use Permit or Proffer.
- E. Roosters, livestock (excluding rabbits), and fowl (excluding hens) are prohibited on lots less than one (1) acre in land area.
- F. On lots consisting of at least one (1) acre, such animals listed under subsection E shall be permitted by a Special Use Permit. The quantity of animals shall be determined based on the management plan required under subsection A.
- G. Pigs are restricted, regardless of lot size, unless a Special Use Permit or Proffer is submitted and approved.
- H. Chickens, bees, and rabbits are restricted from the front yard and corner side yard on corner lots.
- I. Chickens and rabbits shall be kept within an enclosed area that includes a chicken coop or rabbit hutch. Such facilities shall be kept clean and maintained in good condition.
- J. Chickens coops shall be setback at least ten (10) feet from side and rear property lines. Additional setbacks may be required by the Zoning Administrator if recommended as part of the submitted management plan or review agency recommendation.
- K. Any permit issued for Urban Agriculture may be revoked by the Zoning Administrator if such use significantly deviates from the approved zoning permit and/or management plan; or if such use creates a violation of the Town Code, including, but not limited to, an unpermitted expansion, noise violation, unpermitted development activity, or nuisance.
- L. The sale of goods or services related to Urban Agriculture is not authorized, except where such sale or services is allowed as a principal use of the property. This restriction shall not include the incidental selling or trading with neighbors, family or friends; nor shall it exclude selling produce off-site at farm markets or other venues.
- M. The above requirements are considered in addition to all other requirements of the Town Code that may apply.

- N. Urban agriculture is not permitted as a principal use of a property; except that, this restriction shall not apply to outdoor gardens.
- O. Bee hives must be setback at least ten (10) feet from side and rear property lines, and shall be enclosed on all sides by a fence at least 4 feet in height. A sign between two (2) and four (4) square feet shall be clearly located on the fence to communicate that bees are being kept within the enclosure.
- P. Harvesting of honey shall take place within an enclosed building.

KEEPING CERTAIN ANIMALS PROHIBITED WITHIN TOWN LIMITS

66-12 DEFINITIONS

As used in this Article, the following terms shall have the meaning indicated:

DOMESTICATED HOUSEHOLD PETS - Animals kept for companionship, rather than as consumable commodity or producer thereof, which are tame, non-venomous or non-predatory, and shall include but, not be limited to dogs, house cats, caged birds, rabbits, hamsters and gerbils.

EXOTIC ANIMALS - Those animals, other than dogs, house cats, caged birds and other domesticated household pets, which because of a predatory nature, venomous bite or sting, size or disposition present a potential danger to town residents, including but not limited to lions and tigers, mountain lions and other large cats, bears, poisonous snakes and lizards, elephants, monkeys and apes, foxes, wolves, coyotes, alligators and crocodiles.

FOWL - Those birds raised for the purpose of meat, egg or feather production, and shall include but not be limited to, chickens, ducks, geese, turkeys, peacocks, guinea hens and pigeons, including homing pigeons.

LIVESTOCK - Those animals raised for the purpose of meat and dairy production, hide or fur production or as draft animals, and shall include but not be limited to cows, horses, donkeys, mules, pigs, sheep,

66-13 PROHIBITION

Except for duly authorized parades, processions, zoos, circuses, rides, fairs and exhibitions, licensed pet shops, animal shelters and veterinary offices and hospitals, it shall be unlawful to raise, house, or otherwise keep livestock, fowl or exotic animals within the limits of the Town of Front Royal.

66-14 EXEMPTIONS

A. This Article shall not apply to domesticated household pets, as defined herein, nor to livestock, fowl and exotic animals in transit through the Town of Front Royal by a carrier.

B. ~~This Article shall not apply to livestock or fowl on any operating farm of one (1) acre in size or more located within the town limits.~~ *Animals authorized as Urban Agriculture under Chapter 175 shall be exempt of the restrictions of this Article.*

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____, 2015, upon the following recorded vote:

John P. Connolly	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
Bébhinn C. Egger	Yes/No	Daryl L. Funk	Yes/No

A public hearing on the above was held on _____, 2015 having been advertised in the Northern Virginia Daily on _____, 2015 and _____, 2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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

Page 1
Item No. 10

Meeting Date: November 9, 2015

Agenda Item: COUNCIL APPROVAL – Ordinance to Amend Town Code Chapter 170
“Weeds and Debris” (2nd Reading)

Summary: Council is requested to adopt on its second and final reading and Ordinance to amend Chapter 170 “Weeds and Debris”. If approved the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner. On October 13, 2015, Council affirmed the first reading for ordinance to amend Chapter 170 with the following amendment: “The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period.”

The Assistant Town Attorney suggests the following additional amendment: 170-3 B. Any owner aggrieved by the decision of the Town Manager, under paragraph A above, may appeal the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, or foreign growth to be cut by the Town shall cease until the appeal has been decided by Town Council.

Budget/Funding: None

Attachments: Ordinance with new amendments and excerpt of minutes of October 13, 2015

Meetings: Work Sessions held September 21 and October 26, 2015. Public Hearing held October 13, 2015.

Staff Recommendation: Approval X Denial

Proposed Motion: I move that Council adopt on its second and final reading an Ordinance to amend Chapter 170 “Weeds and Debris” with the amendment approved by Town council on October 13, 2015 and the additional amendment by Assistant Town Attorney as presented.

ROLL CALL VOTE REQUIRED

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

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

Approved By: SB

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 170
“WEEDS AND DEBRIS”**

WHEREAS, the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter 170 of the Front Royal Town Code is hereby amended as follows:

Section 170-1 DEFINITIONS

For the purposes of this Chapter, the following words shall have the meanings respectively ascribed to them by this Section:

DEBRIS - Includes cuttings of weeds, trees or bushes, trash, junk, ~~discarded motor vehicles~~ or any other material which may provide a hiding place for snakes or rats, or anything or any condition which may be a fire ~~menace~~ **hazard**, breeding place for mosquitoes or which gives off obnoxious or offensive odors.

~~**GRASS, WEEDS AND OTHER FOREIGN GROWTH** – Plants other than grass and weeds that the provisions of this Chapter also require property owners to cut, including poison ivy, poison oak, poison sumac, and invasive alien plants that are identified by the Virginia Department of Conservation and Recreation; however, the following are specifically excluded as being classified as foreign growth when they are routinely maintained and kept in reasonably good health: shrubs and flowers that are customarily used for ornamental purposes, common garden vegetables, fruit, trees, and underbrush within a forest or woodland area. Includes grass, weeds, brush, poison ivy, poison oak, honeysuckle or any other vegetable growth other than trees, ornamental shrubbery, flowers and garden vegetables.~~

Section 170-2 REMOVAL OF HIGH GRASS, WEEDS AND FOREIGN GROWTH

A. ~~Between May 1st and September 1st of each year, t~~The owner of any vacant **developed** or undeveloped property **located** within the Town, ~~including such property upon which buildings or other improvements are located,~~ shall **whenever any such growth exceeds a height of ten inches (10”),** cut the grass, weeds and ~~other~~ foreign growth on such property ~~or any part thereof~~, excluding areas that are farther than one hundred (100) feet from the principal building on such property, and from any building situated on an adjacent property. Nothing herein shall apply to property zoned for or in active farming operation. Any such owner failing, ~~refusing or neglecting to cut or remove such grass, weeds and other foreign growth, after ten (10) days notice,~~ shall be in violation of this Section and, ~~upon conviction,~~ shall be subject to a civil penalty **of not to exceed fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of \$100 for subsequent violations not arising from the same set of operative facts occurring within 12 months of the first violation. Each business day during which the same violation is found to have existed shall constitute a separate offense, however, the total amount of civil penalties arising from the same set of operative facts in a 12-month period shall not exceed \$3,000. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties**

exceeding \$3,000 in a twelve (12) month period. Alternatively, the Town Manager, should he deem it necessary, may, after ten (10) days' written notice to the owner of record, with one such notice being sufficient notice for the entire growing season, have such grass weeds or foreign growth cut by the Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property, and any such charges may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

- B. ~~Whenever the grass, weeds or other foreign growth attains the height of fifteen (15) inches or more, whether such property is vacant or occupied, it shall be presumed to threaten the health, safety and general welfare of the residents of the Town. Under such circumstances, the Town Manager may after ten (10) days notice to the owners or occupants thereof, have such grass, weeds, and other foreign growth cut by its agents, contractors or employees, and the costs and expenses thereof shall be charged to and paid by the owner of such property, and may be collected as taxes and levies are collected, and shall constitute a lien upon such property until such charges are paid. Any owner of property who is aggrieved by the decision of the Town Manager, under paragraph A above, this provision~~ Subsection may note an appeal of the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, or foreign growth etc., to be cut by the Town shall cease until the appeal has been decided by the Town Council.

Section 170-3 REMOVAL OF TRASH; TOWN ACTION ON FAILURE OF OWNER TO REMOVE.

~~Whenever the Town Council deems it necessary, because of unsightly, unsanitary or hazardous conditions, the owner of any property in the town shall, after reasonable notice, remove therefrom any and all trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, and should the owner fail, refuse or neglect to comply with the notice, he shall be subject to a fine not to exceed fifty dollars (\$50.), or, if the Town Council deems it necessary, it may, after reasonable notice, have such trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, removed by its agents or employees, and the costs and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the town as taxes and levies are collected, and such charge shall constitute a lien upon such property until paid.~~

- A. The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. Each business

day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period. The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, refuse, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances to comply with such notice within ten (10) days of receipt by disposing of such trash, garbage, refuse, litter, debris, or other substance in a manner authorized by law, shall be guilty of a Class IV misdemeanor. Alternatively, the Town Manager, should he deem it necessary, may, after ten (10) days' notice, have such trash, garbage, refuse, litter, debris and other substances, which might endanger the health of other residents of the Town, removed by Town's agents or employees, in which event the costs and expenses thereof shall be chargeable to and paid by the owner of such property and any such charges may be collected by the Town as taxes are collected. Every charge authorized by this Section with which the owner of such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§58.1-3940 et seq.) and 4 (§58.1-3965 et seq.) of Chapter 39 of Title 58.1.

B. Any owner aggrieved by the decision of the Town Manager, under paragraph A above, may appeal the herein described notice within ten (10) days of the date of its receipt, in which case, all efforts to cause said grass, weeds, or foreign growth to be cut by the Town shall cease until the appeal has been decided by Town Council.

Section 170-4 NOTICE TO OWNER WHEN UNKNOWN.

If the owner of the land property or lot is unknown or cannot be found, the notice mentioned in Sections 170-2 and 170-3 may be given to his the owner's agent and tenant or, if none, then such notice may be given by publication of the same once in a newspaper published one (1) of the newspapers published or circulated in the Town.

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____2015, upon the following recorded vote:

John P. Connolly	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
Bébhinn C. Egger	Yes/No	Daryl L. Funk	Yes/No

A public hearing on the above was held on _____,2015 having been advertised in the Northern Virginia Daily on _____,2015 and _____,2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

EXCERPT OF MINUTES OF OCTOBER 13, 2015 REGULAR COUNCIL MEETING

PUBLIC HEARING – Ordinance to Amend Town Code Chapter 170 “Weeds and Debris” *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend Chapter 170 “Weeds and Debris”. If approved the proposed modifications will improve the Town’s ability to effectively enforce regulations governing high grass and trash removal in a timely manner, as presented.

Councilman Connolly moved seconded by Vice Mayor Tharpe that Council affirm on its first reading and Ordinance to amend Chapter 170 “Weeds and Debris”, as presented.

Councilman Egger seconded by Councilman Funk that Council amend the first paragraph of Section 170-3 (A), by replacing the beginning of the current paragraph with this text:

“The owner of property located within the Town shall, when the Town Manager, acting as agent for the Town Council, determines that trash, garbage, litter, debris and/or other substances exist on the property, which might endanger the health or safety of other residents of the Town, after ten (10) days' notice, remove therefrom any and all such trash, garbage, refuse, litter, debris and other substances in a manner authorized by law. Any such owner failing to comply with the notice shall be subject to a civil penalty of fifty dollars (\$50) for the first such violation or violations arising from the same set of operative facts, and a civil penalty of one hundred dollars (\$100) for subsequent violations not arising from the same set of operative facts occurring within twelve (12) months of the first violation. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of violations arising from the same set of operative facts result in civil penalties exceeding three thousand dollars (\$3,000) in a twelve (12) month period.”

Vice Mayor Tharpe noted that he would like the matter discussed at the next worksession. Mr. Connolly voiced support of more discussion on the amendment text, noting that those in a short sale situation may be charged \$100 per day during the change of address time period, which concerns him.

Vote: Yes – Connolly, Egger, Funk, Hrbek and Tharpe
No – N/A
Abstain – N/A
Absent – Tewalt
(Mayor Darr did not vote as there was no tie to require his vote)
(On the Amendment)

Councilman Funk noted that he had some concerns with not punishing the landlords of the property, but rather the elderly and those in poor health. He stated that he would be voting against the matter as presented.

Vote: Yes – Egger, Hrbek and Tharpe
No – Connolly and Funk
Abstain – N/A
Absent – Tewalt
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call; On Motion as Amended)

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Town of Front Royal, Virginia
Council Agenda Statement

Page 1
Item No. 11

Meeting Date: November 9, 2015

Agenda Item: COUNCIL APPROVAL – FY2015-2016 Budget Amendment for Unpaid Balances on Purchase Orders and a Short Term Loan to EDA (*2nd Reading*)

Summary: Council is requested to approve and adopt on its second and final reading a FY2015-2016 Budget Amendment in the amount of \$62,550,789.15 to carry forward to the FY16 budget cycle, unpaid balances on purchase orders not completed at the end of June 2015 for fiscal year 2015 in the amount of 52,550.789.15 and a short term loan to the Economic Development Authority (EDA) for IT Federal Project in the amount of \$10,000,000.00.

Budget/Funding:

General Fund	\$ 468,329.88
General Fund [EDA]	\$10,000.000.00
Special Projects	761,808.30
Electric Fund	512,321.93
Sewer Fund	47,565,738.34
Water Fund	2,677,761.50
Solid Waste Fund	20,000.00
Street Fund	<u>544,829.20</u>
TOTAL	\$62,550,789.15

Attachments: None

Meetings: Work Session held October 19, 2015; Public Hearing held October 26, 2015

Staff

Recommendation: Approval X Denial

Proposed Motion: I move that Council approve and adopt on its second and final reading a FY2015-2016 Budget Amendment in the amount of \$62,550,789.15 to carry forward to the FY16 budget cycle, unpaid balances on purchase orders not completed at the end of June 2015 for fiscal year 2015 in the amount of 52,550.789.15 and a short term loan to the Economic Development Authority (EDA) for IT Federal Project in the amount of \$10,000,000.00.

ROLL CALL VOTE REQUIRED

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

Approved By: SB

	PO #	Vendor		amount	Year reserved	Description
Council	28237A	Community Development	1101-R43002	\$ 126,200.00	FY13-14-15	Council will move forward with program Sept 2015
HR	28281	American Red Cross	1202-R45515	\$ 4,000.00	FY15	CPR classes for employess - program in progress
AutoShop	28331	MSE Companies	1203-R45407	2,317.64	FY15	Side cover for Blower fan ordered not delivered
	28242	Greenbrier of VA [caravan]	1203-R47005	21,626.65	FY15	ordered not delivered
	28303	Artic Air [HVAC shop area]	1203-R47009	10,000.00	FY15	funding to be included with FY16
				\$ 33,944.29		
IT	28336	Signet Screen Printing	1204 & 8101	650.00	FY15	Uniforms ordered not delivered
	27925	Syntax Communications	1204-R43002	5,700.00	FY14	Data services transition - ongoing project
	28324	SHI Corp	1204-R43053	19,647.75	FY15	Office 365 software - ordered not delivered
	28339	Apple Inc	1204-R45504	3,900.00	FY15	Conference registration
	28322	SHI Corp	1204-R47001	669.19	FY15	Projector and Carrying case - ordered - delivered not invoiced
	28334	SHI Corp	1204-R47007	2,628.27	FY15	Macbook Pro 2.8 GHZ ordered - delivered not invoiced
	28338	Sungard PEI - server upgrade	1204-R47007	62,000.00	FY15	Server upgrade - funding to be included with FY16 funds
				\$ 95,195.21		
Visitor Center	27968	Pitney Bowes Global	1205-R43005	837.00	FY15	waiting on invoice - system has been removed
	28321A	Commercial Press	1205-R43006	7,500.00	FY15	Front Royal Visitor Guide
	28257	Virginia Regional Transit	1205-R43007	356.00	FY15	Wagons for Dragons - invoice paid Aug 2015
	26929	Va Main Street Program	1205-R43018	10,000.00	FY12	Promotion of Downtown
	28285	4Imprint	1205-R43018	6,000.00	FY15	Visitor Center Promotion supplies ordered not deliverd
				\$ 24,693.00		
Legal	28290	Troutman Sanders [522]	2201-R43002	23,000.00	FY15	legal services
	27555	BK Office Supply	2201-R47001	5,000.00	FY14	Rotary File system for Legal dept year 1 of 3
				\$ 28,000.00		
Asset Forfeiture	28106	Haley Automotive	1610-R47001	8,822.55	FY15	Police cruiser ordered not delivered
	27924A	Town Police Supply of Richmond	1610-R47001	87,879.05	FY14	Asset Funding - Police department
				\$ 96,701.60		
Police	28243	Front Royal Communications	3101-R46011	2,387.20	FY15	Grant and local match - portable radios
	28278	Taser International	3102-R45409	1,122.15	FY15	Police supplies ordered - not delivered
	28106	Haley Automotive	3102-R47005	8,822.55	FY15	Police cruiser ordered not delivered
	28280	Atlantic Signal	3108-R47003	1,890.00	FY15	Police supplies ordered - not delivered
				\$ 14,221.90		
Sreets	27752	Arthur Construction	4102-R45470	9,028.09	FY14	alley paving and milling
	28301	Stuart M Perry [alleyway paving]	4102-R45470	22,930.00	FY15	Paving projects - contract
	28325	Signet Screen Printing	4107-R5410	587.00	FY15	Uniforms ordered not delivered
	28302	Carmeuse Line & Stone	4500-R45407	75,000.00	FY15	Various grades of stone - contract
	28298	Signet Screen Printing	4500-R45410	2,000.00	FY15	Uniforms ordered not delivered
	28300	Bushong Contracting [Markham St]	4500-R45471	13,000.00	FY15	Markham Street Storm Drainage project
	27509A	East Jordan Iron Works -Commonwealth Dr	4500-R45471	2,113.75	FY13	Estimated completion date November 2015
	28299	Mattern & Craig	4500-R45472	11,494.00	FY14-15	Bridge inspections and repairs
	28297	RJ Merkel Inc	4500-R45473	25,000.00	FY15	Street line painting - contract
	28282	Atlantic Machinery [Skid Steerer]	4500-R47005	63,500.00	FY15	ordered not delivered
	28283	Treasurer of Va - VDOT [Southfork Bridge]	4500-R47926	268,939.00	FY13-14-15	Estimated completion date 2017
	28090	Arthur Construction	4500-R47927	51,237.36	FY15	ongoing contract - paving plan
				\$ 544,829.20		

	PO #	Vendor		amount	Year reserved	Description
Refuse	28188	MSW Consultants	4203-R43002	\$ 20,000.00	FY15	Solid waste study - project has started
General	28259	Triple J Painting [Visitor Center]	4302-R43002	4,350.00	FY15	Exterior painting project - waiting on invoice
Properties	28296	D & H Heating [HVAC replacement]	4302-R47001	15,000.00	FY15	ongoing project
				\$ 19,350.00		
Horticulture	27927	Skyview Tree Experts	4305-R47031	7,030.00	FY14	Main StreetTree Removal
	28284	Springtime Garden Center	4305-R47031	2,400.00	FY15	Tree replacement program
	27926	Skyview Tree Experts	4305-R47974	6,000.00	FY14	Main StreetTree Removal
				\$ 15,430.00		
Planning	28342	Renaissance Planning group	8101-R43026	29,809.49	FY14-15	Comprehensive Plan Update
	28313	Caron East Inc	8101-R47001	525.00	FY15	Items ordered not delivered
	27698	Energov	8101-R47007	14,510.99	FY14	ongoing project
	28295	Geodigital Mapping	8101-R47014	11,000.00	FY15	ongoing project
	27531A	Air Survey Corp	8101-R47014	51,450.00	FY14	updating Aerial Imagery data - ongoing project
				\$ 107,295.48		
Special	28341	Facility Study	9130-R47013	370,626.70	FY12-13-14-15	Police headquarters design services
Projects	28340	Lantz construction - local connector rd	9130-R47982	294,480.00	FY12-13-14-15	Local Connector Road project - designs are being completed
				\$ 665,106.70		
Electric	28305	Southeasterns Consulting [work study]	9401-R43002	24,900.00	FY15	ongoing project
	28307	GHD Associates [Service rate study]	9401-R43002	69,900.00	FY15	RFP completed interviewing consulting groups
	27940A	GDS Associates	9401-R43002	6,340.74	FY14	Review of wholesale power bills
	28029	Pittman' Tree & Landscaping	9401-R43004	12,955.40	FY15	ongoing contract -tree trimming services
	28346	Safety Smart Gear	9401-R43023	2,000.00	FY15	Uniforms ordered not delivered
	28131	Baughan & Baukhages	9401-R47009	3,975.00	FY15	Architectural services for remodeling Electric dept
	28223	Baughan & Baukhages	9401-R47009	4,200.00	FY15	Architectural services El Dept 2nd floor options
	27156	Econolite Control Prodcuts	9401-R47025	47,156.60	FY12	Crosswalk Signalization program
	28151	Southeastern Transformer	9401-R47502	4,901.00	FY15	Transformer repairs
	28347	Centurylink	9401-R47502	6,821.33	FY15	Circuit line installed Riverton Substation
	28304	Traffic Systems	9401-R47910	21,215.00	FY15	ongoing project
	27941A	Traffic Systems	9401-R47910	5,108.67	FY14	Traffic signal equipment
	27501AB	Treasurer of Va - VDOT [Southfork Bridge]	9401-R47926	52,848.19	FY13	Estimated completion date 2017
	28306	Southeastern Consulting [Manassas sub]	9401-R47937	120,000.00	FY15	upgrades to Manassas Substation
	28311	Utilitworks consulting [AMI case study]	9417-R43002	20,000.00	FY15	project has started July 2015
	27543A	Sungard PEI - AMI	9417-R47001	110,000.00	FY14	Project in study stage
				\$ 512,321.93		
Water	28325	Signet Screen Printing	9501/9602-R45410	1,120.00	FY15	Uniforms ordered not delivered
	27011	Arcados US, Inc	9501-R43002	1,965.50	FY12	McKay Springs buffer area
	28322	MC Dean Inc [generator 4-H station]	9601-47009	20,000.00	FY15	Waiting RFP completion by department
	28287	CHA Consulting Inc [Plant reservoir]	9601-R43002	25,000.00	FY15	Department to complete RFP 2015
	28288	CHA Consulting [LT2 & DDBP upgrade]	9601-R43002	20,000.00	FY15	Department to complete RFP 2015
	28314	CHA Consulting [Dam inspection]	9601-R43002	7,500.00	FY15	ongoing project
	27545A	Troutman Sanders [522]	9601-R43002	4,142.85	FY14	ongoing project
	28286	S & S roofing [4-h Pump roof repairs]	9601-R43004	3,000.00	FY15	Department to complete RFP 2015
	27128	ABB, Inc - 16" Water meter	9601-R43005	20,000.00	FY12	Estimated completion date November 2015
	27936	Bushong Contracting	9601-R45407	5,000.00	FY14	Estimated completion date summer 2015

	PO #	Vendor		amount	Year reserved	Description
	28273	Univar USA	9601-R45413	12,878.00	FY15	invoice paid Aug 2015
	28254	AWWA - Water Jam [Mike Kisner]	9601-R45504	148.00	FY15	Travel - waiting on invoices
	28289	Gerber Pumps	9601-R47001	25,000.00	FY15	Ultrasonic equipment ordered not delivered
	27546	CHA Consulting - Water plant reservoir	9601-R47009	100,000.00	FY14	Estimated completion date Spring 2016
	28327	CHA Consulting [Jamestown Upgrade]	9601-R47009	75,000.00	FY15	Waiting RFP completion by department
	28119A	CHA Consulting [Fairground tanks]	9601-R47009	260,000.00	FY13-14-15	Department to complete RFP 2015
	27522	CHA Consulting - Water plant	9601-R47507	63,666.06	FY13	ongoing project
	27919	CHA Consulting	9601-R47507	1,595,416.60	FY14	Water plant upgrades - work in progress
	28316	Caldwell & Santmyers	9601-R47507	5,262.70	FY15	Install panel board and circuit breaker - water plant
	28291	Bushong Contracting	9601-R47513	175,300.00	FY15	water line upgrades [15th st/Kerfoot/Belair]
	27521A	CHA Consulting - Loop Study	9601-R47519	1,548.29	FY13	Project still being reviewed
	27494A	McGrane Fence Co	9601-R47903	36,700.00	FY13	Security improvements to Guard Hill
	28276	AWWA - Water Jam [Ramada]	9602 & 9802	1,000.00	FY15	Travel - waiting on invoices
	27499A	Carter Machinery Co	9602 & 9802	10,534.00	FY13	Equipment ordered waiting delivery
	28293	American Water Works Associations	9602-R45504	1,700.00	FY15	Travel
	28337	Fluid Pinpointing Services	9602-R47001	45,000.00	FY15	Leak detection program -funding to be included with FY16 funds
	28292	Captial GMC [Dump Truck]	9602-R47005	70,000.00	FY15	funding to be included with FY16
	28015	Bushong Contracting	9602-R47513	26,321.00	FY15	Happy Creek & Braxton [water line upgrade]
	28111	Bushong Contracting	9602-R47513	40,248.50	FY15	Water line upgrades
	28310	Sungard PEI - AMI	9617-R47001	24,310.00	FY15	Radio read water meters ordered/delivered waiting on invoice
				\$ 2,677,761.50		
Sewer	28325	Signet Screen Printing	9502/9802-R45410	1,120.00	FY15	Uniforms ordered not delivered
	27545A	Troutman Sanders [522]	9801-R43002	4,142.85	FY14	ongoing project
	28317	Inboden Environmental	9801-R43077	10,000.00	FY15	Effluent testing
	27930	GHC Inc [Fan Press]	9801-R45407	25,000.00	FY14	WWTP upgrades
	28227	GA Industries	9801-R45407	2,168.86	FY15	8" cushion swing check valve - WWTP
	28320	Prime Solution Inc	9801-R45407	10,000.00	FY15	update #1 rotary fan press
	28267	Winschel Environmental LLC	9801-R45413	3,740.00	FY15	Chemicals - received waiting on invoice
	28269	Winschel Environmental LLC	9801-R45413	3,740.00	FY15	Chemicals - received waiting on invoice
	28270	JCI Jones Chemicals	9801-R45413	6,600.00	FY15	Chemicals - received waiting on invoice
	28318	Winschel Environmental LLC	9801-R45413	7,480.00	FY15	Chemicals - received waiting on invoice
	28315	WW Grainger	9801-R45420	1,000.00	FY15	Cabinet ordered not delivered
	27929A	Colonial Ford Truck Sales	9801-R47005	26,457.50	FY14	Truck #618 replacement - ordered not delivered
	27549B	Lantz Construction [vendor to change]	9801-R47009	70,000.00	FY14	Crooked Run pump station - dept to complete RFP
	28187	Adams Robinson	9801-R47015	42,562,529.58	FY15	WWTP upgrades - contractor
	28375	GHD - constrution Admin	9801-R47015	3,636,663.28	FY15	WWTP upgrades - Clerk of the works
	27521A	CHA Consulting - Loop Study	9801-R47519	4,367.71	FY13	Project still being reviewed
	28293	American Water Works Associations	9802-R45504	1,000.00	FY15	Travel
	28292	Captial GMC [Dump Truck]	9802-R47005	70,000.00	FY15	funding to be included with FY16
	28183	Waller Properties LLC	9802-R47998	750.00	FY15	Council approval Sewer backup prevention 2.3.15
	28309	D & S contractors [I&I]	9802-R47998	1,118,978.56	FY15	ongoing project - new RFP will be done Fall 2015
				\$ 47,565,738.34		
Council decision 9.14.15		EDA - IT Federal	8105-7959	\$ 10,000,000.00	Fund Balance	short term loan to EDA
				\$ 62,550,789.15		
	27943	Pioneer Pole Buildings	9401-R47009	93,000.00		Council approved 8.24.15
	28397	Victor Motorcycle	1610-R47005	25,872.95		Council approved 7.27.15
	28308	Lantz Construction [building renovations]	9401-R47009	226,000.00		Council approved 7.13.15
	28305	Southeasterns Consulting [work study]	9401-R43002	45,000.00		Council approved 7.13.15
				\$ 389,872.95		