



TOWN COUNCIL WORK SESSION

Monday, November 21, 2016 @ **6:30pm**

Town Hall Conference Room

1. CLOSED MEETING – Board of Architectural Review (BAR) Interviews

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the following purposes: the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, pursuant to Section 2.2 3711. A. 1., of the Code of Virginia.

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

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

Town/Staff Related Issues:

2. HEPTAD Request to Extend Deadline to Prepare/Submit an Engineered Development Plan
– *Director of Planning/Zoning*
3. Budget Amendment for Outstanding Purchase Orders – *Director of Finance*
4. Budget Amendment for Sewer User Surcharges – *Director of Finance*
5. Lease Agreement Renewal for Use of Carnival Grounds – *Town Manager*
6. Request for Town to Sponsor Memorial Day Event – *Town Manager*
7. Ordinance for Electronic Meeting Participation by Council – *Town Attorney*

Council/Mayor Related Items

8. Greg Coons Lot 77 Pickett Court Connection Fees – *Councilman Hrbek*
9. Criser Road Trail Funding – *Councilman Hrbek*
10. Council Discussion/Goals (*time permitting*)

2

Town of Front Royal, Virginia Work Session Agenda Form

Date: November 21, 2016

Agenda Item: HEPTAD, LLC – Request for One-Year Extension to Submit Development Plan.
Director of Planning & Zoning

Summary: HEPTAD, LLC has submitted a request to Town Council for an extension of time to submit their required development plan. Specifically, HEPTAD, LLC requests Town Council to grant a one-year extension. This would give HEPTAD, LLC until December 3, 2017 to submit their required development plan. Town Council has previously approved one-year extensions based on the reason that Leach Run Parkway was incomplete at the time. In the Applicant’s letter of request, as submitted by their attorney, Lawson and Silek, P.L.C., states the following: *“While there have been discussions, no one has yet put forward a contract. Indeed, the feedback which my client has received during their discussions was that a contract proposal would have to wait until the Leach Run Parkway construction was completed in order to determine the most feasible and marketable development configuration.”*

The requirement to submit a development plan is found under Town Code 175-37.18, and is applicable to developments within the Planned Neighborhood Development (PND) District. It states that *“(w)ithin one year of approval of a Master Land Use Plan for development of a Planned Neighborhood, prior to the approval of building permits, the applicant shall prepare and submit for review and approval an engineered Development Plan, along with the fee as established in the approved schedule of fees. The applicant may petition the Town Council for an extension of time for submission of a development plan, provided such extension is requested at least 20 days prior to the expiration of the one-year period. The Town Council may grant an extension upon demonstration of good cause for up to one year.”*

HEPTAD, LLC is the owner of the proposed development referred to as Swan Estates, or simply as HEPTAD. Leach Run Parkway (LRP) is necessary to serve as the primary access to the proposed development. LRP will traverse HEPTAD’s property. A concept plan (Master Land Use Plan) of the proposed development was approved in 2012, along with detailed proffers. The proffers include a limit of 450 dwellings on the 98.25 acre property. The portion of the property on the east side of LRP is designated for commercial uses and adjoins the property owned by Valley Health. Cash proffers are included to the Town for construction of LRP and to the County for impact to the public school system. A future road connection to Westminster Drive is also included in the proffers.

Council Discussion: This agenda item is scheduled for a work session review on 11/21/16.

Staff Evaluation: Staff does not object to an additional 1-year extension. However, additional future extensions may not be appropriate since LRP is scheduled to be completed by Spring of 2017.

Budget/Funding: None.

Legal Evaluation: The Town Attorney will be available at the work session for questions.

Town Manager: The acting Town Manager will be available at the work session for questions.

Council Recommendation:

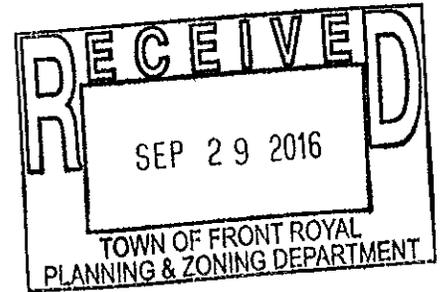
Additional Work Session Regular Meeting No Action
Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session



LAWSON AND SILEK, P.L.C.

43 CHESTER STREET
POST OFFICE BOX 602
FRONT ROYAL, VIRGINIA 22630
TELEPHONE: (540) 635-9415
FACSIMILE: (540) 635-9421
E-MAIL: RLIGHT@LAWSONANDSILEK.COM



September 29, 2016

Jeremy F. Camp, Director
Department of Planning & Zoning
Town of Front Royal
102 East Main Street
Front Royal, Virginia 22630

Re: Heptad, LLC – Renewed Request for One-Year Extension

DELIVERED BY HAND DELIVERY

Dear Jeremy:

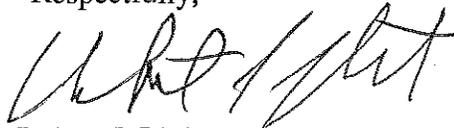
As you know, last year the Town Council granted Heptad's request for a one year extension of the requirement to file a Development Plan pursuant to Town Code §175-37.18. In the subsequent months, our client has made diligent efforts to market the property to interested parties. While there have been discussions, no one has yet put forward a contract. Indeed, the feedback which my client has received during their discussions was that a contract proposal would have to wait until the Leach Run Parkway construction was completed in order to determine the most feasible and marketable development configuration. In light of these circumstances, my client hereby makes a request to the Town Council for an additional one-year extension of the filing requirement for a Development Plan until December 3, 2017. Please treat this letter as a statement of justification for such a request.

We respectfully request that this matter be placed on the earliest Town work session agenda possible for discussion and eventual placement on the agenda of a regular meeting of the Town Council. We also ask that you copy us with any Town communications, notices, or meeting agendas referencing this request.

Jeremy F. Camp, Director
September 29, 2016
Page Two (2)

Thank you in advance for your assistance, and please contact Joe or me with any additional questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert J. Light", written in a cursive style.

Robert J. Light

Cc: Heptad, LLC

3



Town of Front Royal, Virginia Work Session Agenda Form

Date: November 21, 2016

Agenda Item: Budget Amendment – Outstanding Purchase Orders

Summary: Council needs to approve a budget amendment to carry forward unpaid balances on purchase orders not completed at the end of June 2016 for fiscal year 2016.

Council Discussion:

Staff Evaluation: The Finance department has compiled a list of outstanding purchase orders, totaling \$39,439,320.80, based on the final audit results that need to be carried forward to the FY17 budget cycle to complete unfinished projects.

Budget/Funding: Funding will be offset from the appropriate fund balance reserves for each fund indicated, the revenue for these projects have been connected in previous budget cycle.

General Fund	\$ 514,832.05
Special Projects	662,810.03
Electric Fund	894,353.75
Sewer Fund	25,468,400.75
Water Fund	2,997,502.48
Solid Waste Fund	18,366.05
Street Fund	<u>8,883,055.69</u>
TOTAL	\$39,439,320.80

Legal Evaluation:

Staff Recommendations: Staff recommends Council move forward with a public hearing on this item, an increase of greater than 1% of the original budget requires a public hearing. Staff furthers would recommendation of approval of these funds as this is a yearly housekeeping item.

Town Manager Recommendation:

Council Recommendation:

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

Work Session

	<u>PO#</u> <u>sort</u>	<u>Vendor</u>	<u>Act#</u>	<u>Amount</u>	<u>Year Resc</u>	<u>Description</u>
Council	28462	Lord Fairfax Small Business	1101-43002	\$ 16,000.00	FY16	Contract Renewal
	28237	Community Development	1101-R43002	\$ 152,460.87	FY13-16	Program continues to move forward
				<u>\$ 168,460.87</u>		
Auto Shop	28571	Artic Air	1203-47009	\$ 38,335.00	FY16	HVAC Replacement Shop (1 of 4 years)
	28303	Artic Air	1203-R47009	\$ 20,000.00	FY15-16	Air Conditioner Shop Area
				<u>\$ 58,335.00</u>		
IT	28654	SHI Corp	1204-43005	\$ 10,000.00	FY16	Citrix Xendesktop maintenance
	28658	SHI Corp	1204-43005	\$ 10,000.00	FY16	Dell Warranty
	28361	Pitney Bowes Global	1204-43005	\$ 4,546.71	FY16	Mailing System/Folder
	28656	SHI Corp	1204-43053	\$ 9,105.30	FY16	Windows Data Center
	28657	SHI Corp	1204-43053	\$ 5,000.00	FY16	Anti Virus
	28549	SHI Corp	1204-47001	\$ 1,096.34	FY16	VMWare Support & Subscription
	28540	Syntax Communications	1204-47007	\$ 780.00	FY16	Networking
	28655	SHI Corp	1204-47007	\$ 20,813.90	FY16	Computer Upgrades
	28689	SHI Corp	1204-47007	\$ 7,656.60	FY16	Desktop & Warranty
	28338	Sungard Public Sector	1204-R47007	\$ 27,058.00	FY15	Financial Server Upgrade
				<u>\$ 96,056.85</u>		
Visitor Center	28645	Commercial Press	1205-43006	\$ 3,000.00	FY16	Printing Services
	28694	National Media Services	1205-43040	\$ 10,000.00	FY16	Drive Tourism
	27968	Pitney Bowes Global	1205-R43005	\$ 837.00	FY14	Visitor Center Mailing System Lease
	26929	Virginia Main St Program	1205-R43018	\$ 10,000.00	FY12	Promotion Downtown
	28285	4Imprint	1205-R43018	\$ 4,958.72	FY15	Visitor Center Promotional Supplies
			<u>\$ 28,795.72</u>			
Asset Forfeiture	27924	Town Police Supply of Richmo	1610-R47001	\$ 17,210.85	FY14	Asset Forfieture PO
			<u>\$ 17,210.85</u>			
Police	28688	Visa	3101-45425	\$ 114.95	FY16	AR15 Bolt Component Repair Kit
			<u>\$ 114.95</u>			
Streets	28695	Visa	4102-45407	\$ 254.32	FY16	Name on Admin Building to Town Hall
	27752	Arthur Construction	4102-R45470	\$ 9,028.09	FY14	Alley Paving Paver & Miller Rental
	28301	Stuart Perry	4102-R45470	\$ 19,693.99	FY15	Asphalt for alleyways
	28661	Signet Screen Printing	4107-45410	\$ 142.31	FY16	Uniforms
	28665	HD Supply Waterworks	4107-45413	\$ 750.00	FY16	Water & Sewer materials
	28613	Treasurer of Virginia - VDOT	4107-45504	\$ 1,000.00	FY16	Concrete Field Certification Class
	28664	Martin's Food	4107-45504	\$ 480.00	FY16	In-house 8 hour educational course refreshments
	28685	Clatterbuck Pavement	4500-45473	\$ 3,876.84	FY16	Street Line Painting
	28461	Arthur Construction	4500-47909	\$ 124,025.00	FY16	Westminster Sidewalk
	28489	Mattern & Craig	4500-47962	\$ 348,700.00	FY16	Criser Road Bridge Engineering
	28631	Korman Signs	4500-45407	\$ 733.00	FY16	Alpolic Blanks
	28302	Carmeuse Lime & Stone	4500-R45407	\$ 43,609.89	FY15	Various Stone
	28283	Treasurer of Virginia - VDOT	4500-R47926	\$ 268,939.00	FY13-15	South Fork Bridge Project
	28478	Leach Run Parkway	4500-47957	\$ 8,061,823.25	FY16	Leach Run Construction
				<u>\$ 8,883,055.69</u>		
Refuse	28638	Toter	4203-45407	\$ 320.00	FY16	Trash Cart Bars
	28618	Government Finance & Lease	4203-47005	\$ 18,046.05	FY16	Refuse Truck Lease Payment
				<u>\$ 18,366.05</u>		
General Properties	28698	Nicholson Painting	4302-43004	\$ 2,300.00	FY16	Painting Project
	28570	Lowes	4302-47009	\$ 4,000.00	FY16	Roof Replacement
	28576	Virginia Municipal League	4302-47009	\$ 31,414.63	FY16	Replacement Building (collapsed under snow)
	28296	D & H Heating & Cooling	4302-R47001	\$ 15,000.00	FY15	HVAC Replacement Program (On going project)
	28662	Reading Landscapes	4305-45437	\$ 300.00	FY16	Crimson oak tree
	28663	Springtime Garden	4305-45437	\$ 500.00	FY16	Perennials & shrubs
			<u>\$ 53,514.63</u>			

Planning	28693 Sabra	8101-43002	\$	3,995.00	FY16	Traffic Impact Study
	28569 Surveyor Equipment	8101-47001	\$	4,100.00	FY16	Surveyor Equipment
	28342 Renaissance Planning Group	8101-R43026	\$	29,809.49	FY15-16	Comprehensive Plan Update
	27698 Energov	8101-R47007	\$	2,325.65	FY14	Energov Software
	27531 Air Survey Corporation	8101-R47014	\$	50,555.00	FY14	Updated Aerial Imagery Data
	28545 Planning Commission	8104-45504	\$	1,558.04	FY16	Education for New Planning Commission Members or Other Members
			\$	92,343.18		
Special Projects	28567 Leach Run Parkway	9130-47957	\$	76,210.69	FY16	Debt Service Leach Run Parkway
	28341 Facility Study	9130-R47013	\$	295,917.95	FY15-16	Police Dept Design & Structure
	28340 Lantz Construction	9130-R47982	\$	290,681.39	FY15-16	Local Connector Road
			\$	662,810.03		
Electric	28390 Engineering Techniques	9401-43002	\$	5,400.00	FY16	Main Street Canopy Lights Engineering
	28648 Lee Inspection	9401-43003	\$	24,500.00	FY16	Pole Inspection Service
	28541 Moretz Consulting	9401-43004	\$	4,000.00	FY16	DC Fast Charger Repairs
	28628 Map Enterprises	9401-47005	\$	170,993.00	FY16	Bucket Truck
	28672 Painter-Lewis PLC	9401-47009	\$	2,243.75	FY16	DEQ permit process
	28423 Traffic Systems & Technology	9401-47025	\$	873.06	FY16	Assorted Material for Crosswalks
	28671 Econolite Control Products	9401-47025	\$	145,000.00	FY16	Crosswalk Project
	28670 Econolite Control Products	9401-47910	\$	8,200.00	FY16	Traffic Signalization
	28669 Southeastern Consulting	9401-47929	\$	19,000.00	FY16	Happy Creek Substation Project
	28682 Southeastern Consulting	9401-47937	\$	120,000.00	FY16	Transformer Replacement 2 of 3 years
	28683 Kidwell Fencing	9401-47937	\$	10,875.00	FY16	Manassas Ave Substation Fence
	28305 Southeastern Consulting	9401-R43002	\$	24,900.00	FY15	Work Plan Study
	28307 Burton & Associates	9401-R43002	\$	26,524.00	FY15	Electric Rate Study
	27501 Treasurer of Virginia - VDOT	9401-R47926	\$	52,848.19	FY13	South Fork Bridge Reconstruction Project
	28306 Southeastern Consulting	9401-R47937	\$	118,483.81	FY15	Manassas Ave Substation Upgrade
	27543 Sungard Public Sector	9417-R47001	\$	160,512.94	FY14-16	Automatic Meter Reading Program
			\$	894,353.75		
Water	27011 Arcadis US Inc	9501-R43002	\$	1,965.50	FY12	Mckay Springs Evaluation
	28661 Signet Screen Printing	9501-45410	\$	156.37	FY16	Uniforms
	28673 Northern Virginia Daily	9601-43007	\$	1,239.60	FY16	Water Quality Report
	28678 Scientific Methods	9601-43077	\$	10,000.00	FY16	Testing Service
	28627 Commonwealth Controls Corp	9601-45407	\$	7,525.00	FY16	Guard Hill Control Pump Output
	28639 Calgon Carbon	9601-45407	\$	2,408.38	FY16	UV Insert
	28641 Flomec	9601-45407	\$	7,657.37	FY16	Butterfly Valve
	28612 USALCO	9601-45413	\$	7,945.92	FY16	Delpac 2020
	28635 Calgon Carbon	9601-45515	\$	1,500.00	FY16	Factory Training Class
	28561 Kubota of Culpeper	9601-47001	\$	16,166.25	FY16	Mower with Transport Trailer
	28289 Gerber Pumps International	9601-R47001	\$	25,000.00	FY15	Ultrasonic Equipment to Control Algae
	28559 Carter Machinery Co	9601-47009	\$	15,000.00	FY16	Replacement Control for Guard Hill Pump Station
	28560 Lantz Construction	9601-47009	\$	25,000.00	FY16	Raw Water Reservoir Pier Replacement
	28676 Utility Service Co Inc	9601-47009	\$	100,000.00	FY16	Repair Fairground Water Tower
	27546 CHA Consulting	9601-R47009	\$	100,000.00	FY14	Water Plant Reservoir Repairs
	28119 CHA Consulting	9601-R47009	\$	360,000.00	FY13-16	Repairs & Painting Water Tower
	28322 M C Dean Inc	9601-R47009	\$	20,000.00	FY15	4-H Pump Generator Water Plant
	28327 CHA Consulting	9601-R47009	\$	150,000.00	FY15-16	Jamestown Pump Control Upgrade
	28287 CHA Consulting	9601-R43002	\$	25,000.00	FY15	Water Treatment Plant Reservoir Engineering Services
	28288 CHA Consulting	9601-R43002	\$	2,171.42	FY15	Completion of LT2 and DDBP Upgrade Inspections
	28314 CHA Consulting	9601-R43002	\$	500.00	FY15	Dam Safety Inspection
	27128 ABB Inc	9601-R43005	\$	20,000.00	FY12	16" Finished Water Meter for Compliance with the VDH
	27522 CHA Consulting	9601-R47507	\$	28,483.86	FY13	Water Treatment Plant Improvement
	27919 CHA Consulting	9601-R47507	\$	415,872.82	FY14	Mandated Water Treatment Plant Upgrades
	28316 Caldwell & Santmyer	9601-R47507	\$	5,262.70	FY15	Install Panel Board & Circuit breaker at Water Treatment Plant
	27521 CHA Consulting	9601-R47519	\$	1,548.29	FY13	Loop Study
	27494 Mcfrane Fence Company	9601-R47903	\$	36,700.00	FY13	Security Improvement Guard Hill Rd
	28589 Fluid Pinpointing Services	9602-43002	\$	60,000.00	FY16	Leak Detection Survey
	28589 Fluid Pinpointing Services	9602-R47001	\$	45,000.00	FY15	Leak Detection Survey
	28668 Capital GMC	9602-47005	\$	31,302.00	FY16	Vehicles & equipment
	28292 Capital GMC	9602-R47005	\$	74,212.50	FY15-16	Dumptruck
	28015 Bushong	9602-R47513	\$	26,321.00	FY15	Water Line Upgrade Happy Creek & Braxton Ave
	28554 Bushong Contracting Corp	9602-47513	\$	219,395.00	FY16	Kerfoot Ave Waterline Upgrade
	28667 Bushong	9602-47513	\$	115,605.00	FY16	Waterline Upgrades
	28479 Leach Run Parkway	9602-47513	\$	868,225.00	FY16	Leach Run Waterlines
	28111 Bushong	9602-R47513	\$	40,248.50	FY15	Water Line Upgrades
28291 Bushong	9602-R47513	\$	130,090.00	FY15	Ongoing Project - Upgrade Water Lines W15th, Kerfoot, & Belair	
		\$	2,997,502.48			

Sewer

28661	Signet Screen Printing	9502-45410	\$	156.37	FY16	Uniforms
28684	Inboden Environmental	9801-43077	\$	8,561.10	FY16	Laboratory testing
28650	Commonwealth Engineering	9801-45407	\$	6,770.65	FY16	Spare Motor
28674	Lloyd Electric	9801-45407	\$	25,000.00	FY16	Misc Repairs
27930	GHD	9801-R45407	\$	25,000.00	FY14	Secondary Rotary Fan Press
28320	Prime Solution	9801-R45407	\$	10,000.00	FY15	Update the #1 Rotary Fan Press
28601	Winschel Environmental	9801-45413	\$	3,740.00	FY16	Brenntag Winfloc 7BC1 Polymer
28652	Winschel Environmental	9801-45413	\$	3,740.00	FY16	Brenntag Winfloc 7BC1 Polymer
28565	Home Depot	9801-47001	\$	20,387.00	FY16	Replacement Lawn Tractor
28563	Lantz Construction	9801-47009	\$	45,000.00	FY16	Blower Building Roof Replacement
27549	Lantz Construction	9801-R47009	\$	70,000.00	FY14	Crooked Run Pump Station
28292	Capital GMC	9802-R47005	\$	74,212.50	FY15-16	Dumptruck
28668	Capital GMC	9602-47005	\$	31,302.00	FY16	Vehicles & equipment
28187	Adams Robinson Enterprises	9801-R47015	\$	21,684,853.50	FY15	Wastewater Treatment Plant Upgrade/Expansion
28375	GHD Inc	9801-R47015	\$	2,246,612.65	FY16	Upgrade WWTP
27521	CHA Consulting	9801-R47519	\$	4,367.71	FY13	Loop Study
28517	CHA Consulting	9802-47998	\$	26,569.55	FY16	Inflow & Infiltration Engineering
28536	Bushong	9802-47998	\$	7,330.00	FY16	I & I Abatement - 70 Feet Sewer - 1418 Virginia Ave
28666	CHA Consulting	9802-47998	\$	284,161.48	FY16	I & I Abatement -
28183	Waller Properties	9802-R47998	\$	750.00	FY15	425 Hill Street Sewer Backup Protection
28309	D & S Contractors	9802-R47998	\$	889,886.24	FY15	Manhole Rehabilitation
			\$	25,468,400.75		

GRAND TOTAL \$ 39,439,320.80

General Fund	\$	514,832.05
Special Projects	\$	662,810.03
Electric Fund	\$	894,353.75
Sewer Fund	\$	25,468,400.75
Water Fund	\$	2,997,502.48
Solid Waste Fund	\$	18,366.05
Street Fund	\$	8,883,055.69
	\$	39,439,320.80

4

Town of Front Royal, Virginia Worksession Agenda Form

Date: November 21, 2016

Agenda Item: Budget Amendment for Sewer User Surcharge

Summary: An industrial user of the Town of Front Royal's waste water has submitted two monthly discharge reports revealing their waste stream exceeded their industrial user permit. In accordance Municipal Code 134-4 the Town will collect a surcharge totaling \$2,675 to offset expense incurred.

Council Discussion: Council is requested to approve the budget amendment to increase revenue for the surcharge money to be received & increase associated expense.

Staff Evaluation: Collection of the surcharge allows the Town to help recover expense incurred for the additional waste.

Budget/Funding: Revenue \$2,675.00 - 9801 3410206 – WWTP Reimbursements
Expense \$1,337.50 – 9801 45413 – WWTP Other Operating Supplies
Expense \$1,337.50 – 9802 45413–Sewer Line Maintenance Other Operating Supplies

Legal Evaluation: Town Attorney will be present for questions.

Staff Recommendations: Staff recommends for council to approve as presented.

Planning Commission Recommendation: N/A

Town Manager Recommendation: (The Town Manager will provide input on the issue and make his recommendations to council.)

Council Recommendation:

- Additional Worksession Regular Meeting No Action

WORKSESSION



5



Town of Front Royal, Virginia Work Session Agenda Form

Date: December 7, 2015

Agenda Item: Lease Agreement Renewal for Use of Carnival Grounds

Summary: The Front Royal Volunteer Fire and Rescue Department is requesting to renew their Lease Agreement for the use of the carnival grounds located at Crosby Lane and 8th Street. The lease will commence on January 1, 2017 and ends on December 31, 2022.

Council Discussion: Council takes desired action

Staff Evaluation: None

Budget/Funding: Director of Finance will be available

Legal Evaluation: Town Attorney will be available

Staff Recommendations: None

Town Manager Recommendation: Town Manager will be available.

Council Recommendation:

Additional Work Session Regular Meeting No Action

Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session

**Front Royal Vol. Fire & Rescue Dept.
221 N. Commerce Ave.,
P.O. Box 567
Front Royal, Va. 22630
(540) 635-2540**

October 12, 2016

Front Royal Town Council Members

Steven Burke,
Town Manager

Tim Darr,
Mayor

Front Royal, Va. 22630

Subject: Lease agreement/Carnival Lot
Front Royal Vol. Fire Dept. & Town of Front Royal

Dear Council Members,

The Front Royal Vol. Fire & Rescue Department, Inc. would like to formally request for a renewal of the lease agreement between the Town of Front Royal and themselves, involving the Carnival Lot, Crosby Rd. & 8th St., Front Royal, Va. 22630.

If it is at all possible we would like for the Town Council to approve another 5 year lease.

We want to thank you for your past support and hope that you will continue with future support in all of our fundraising efforts.

Respectfully,

Harry Kisner, Jr.
Vice President
Front Royal Vol. Fire & Rescue Dept.

LEASE

THIS LEASE AGREEMENT is made and entered into this ____ day of _____, 2016, by and between the **TOWN OF FRONT ROYAL, VIRGINIA**, a municipal corporation, hereinafter referred to as the “Town”, and the **FRONT ROYAL VOLUNTEER FIRE & RESCUE DEPARTMENT, INCORPORATED**, a Virginia non-stock corporation, referred to as the “Lessee”.

WITNESSETH:

That for and in consideration of the sum on **ONE DOLLAR (\$1.00) per annum**, paid by the Lessee to the Town of Front Royal, the parties do hereby agree as follows:

1. PREMISES - The Town agrees to lease to Lessee, 1.803 acres of land shown and designated as “Parcel C” on a plat entitled, “**PLAT OF DIVISION OF THE LAND OF THE TOWN OF FRONT ROYAL (FRONT ROYAL MUNICIPAL PARK) Deed Book 66, Page 181, Town of Front Royal - Warren County, Virginia**”, dated September 8, 2000, prepared by Darryl G. Merchant, Land Surveyor, which parcel is also more familiarly known as “the Carnival Site” (the “Premises”) located on the southeasterly side of Crosby Lane and 8th Street, Town of Front Royal, for the exclusive use of Lessee.

2. TERM OF LEASE - The term of the Lease is for a period of FIVE (5) years, commencing on the 1st day of January, 2017, and ending on the 31st day of December, 2022.

3. PAYMENT OF RENT - Lessee shall pay to the Town of Front Royal an annual rental payment of \$1.00. The rental payment shall be paid in advance beginning on the 1st day of January, 2017, and on an annual basis thereafter for the term of this Lease and any extensions hereunder.

4. UTILITIES - Lessee shall be responsible for all utility expenses which may be used by him at or on the Premises.

5. HOLD HARMLESS - Lessee agrees to hold the Town harmless from any liability for injury, damages, damage or harm to persons or property, however caused or incurred, pertaining to its use and/or occupancy of the Premises.

6. USE OF PREMISES - The use of the Premises shall be limited to fund-raising activities for Lessee and its assigns, such as carnivals, and other public safety and fire prevention related pursuits. Lessee shall not assign this Lease or sublet the Premises except to other non-profit organizations. Lessee shall not permit or allow any dangerous practice or hazardous condition to occur on the Premises, shall not violate any State, Federal, or local law concerning the use of the Premises, or permit any illegal activity to occur thereon. Lessee shall not create or allow any nuisance to be or remain upon the Premises.

7. ALTERATIONS OR IMPROVEMENTS - The installation and operation of carnival equipment and support structures is permitted. Any other alterations, additions, or improvements to the Premises shall not be permitted without the written consent of the Town. Any permitted alterations, additions, or improvements shall be performed at the sole expense of the Lessee by reputable workmen and contractors approved by the Town. All alterations, additions, or improvements to the Premises shall be and remain the sole property of the Town of Front Royal.

8. MAINTENANCE - Lessee shall keep the Premises mowed and/or cultivated, and shall maintain the Premises in an appropriate and proper condition. Lessee shall surrender the Premises to the Town at the conclusion of the Lease in the same condition and repair as existed at the commencement of the Lease. Lessee accepts the property "AS IS". It is specifically understood the Town has no obligation to Lessee to make any repairs, improvements, or replacement whatsoever to the Premises during the period of the Lease. The Town does not warrant or guarantee as to the suitability of the site for any particular purposes.

9. TERMINATION - This Lease may be terminated by either party for any reason thirty (30) day from the date of mailing or hand-delivered notice of termination to the other party. For the purposes of this Lease, all notices shall be

made in writing and shall be delivered by first class mail to the parties at the addresses stated herein, to-wit:

**TOWN OF FRONT ROYAL
c/o Front Royal Town Manager
16 North Royal Avenue
Front Royal, Virginia 22630
540-635-8007**

**FRONT ROYAL VOLUNTEER FIRE
& RESCUE DEPARTMENT, INC.
c/o Then-Current President
221 Commerce Avenue
P.O. Box 567
Front Royal, Virginia 22630
540-635-2540**

In the event of termination by the Town of Front Royal prior to the scheduled expiration of the Lease, Lessee shall be given a reasonable time to remove any of its personal property left upon the Premises. In the event that public necessity requires an immediate recovery of the Premises by the Town, and Lessee is unable to remove its personal property from the Premises, the parties shall agree as to reasonable compensation to be paid to the Lessee for any loss.

Except as provided herein, any personal property which remains upon the Premises upon termination or expiration of the Lease shall become the sole property of the Town of Front Royal.

10. INTERPRETATION - The interpretation of the provisions of this Lease Agreement shall be in accordance with the laws of the State of Virginia.

11. MODIFICATION AND EXTENSIONS - Modification of the terms and conditions of this Lease Agreement and extensions or renewals of this Lease Agreement shall not be permitted, unless agreed to in writing and executed with the same formality as this Agreement.

GIVEN under our hands this ____ day of _____, 2016.

TOWN OF FRONT ROYAL, VIRGINIA

BY: _____

TIMOTHY W. DARR, MAYOR

ATTEST:

JENNIFER E. BERRY, TOWN CLERK

**FRONT ROYAL VOLUNTEER FIRE
& RESCUE DEPARTMENT, INC.**

BY:

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

I, _____, a Notary Public in and for the State of Virginia At Large, do hereby certify that **TIMOTHY W. DARR, MAYOR**, and **JENNIFER E. BERRY, Town Clerk**, whose names are signed on behalf of the **TOWN OF FRONT ROYAL, VIRGINIA**, to the foregoing Lease Agreement bearing the date of the ____ day of _____, _____, have each this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this ____ day of _____, 2016.

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

NOTARY PUBLIC

Registration No: _____

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

I, _____, a Notary Public in and for the State of Virginia At Large, do hereby certify that _____ (Office), as _____ whose name is signed on behalf of the **FRONT ROYAL VOLUNTEER FIRE & RESCUE DEPARTMENT, INC.**, to the foregoing Lease Agreement bearing the date of the ____ day of _____, _____, have each this day personally appeared and acknowledged the same before me in my State and in the County aforesaid.

Given under my hand this ____ day of _____, 2016.

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

NOTARY PUBLIC

Registration No: _____

APPROVED AS TO FORM:

Douglas W. Napier, Town Attorney

Date: _____

6



Town of Front Royal, Virginia Work Session Agenda Form

Date: November 21, 2016

Agenda Item: Request for Town to Sponsor Memorial Day Event

Summary: Malcolm Barr, Sr. is requesting that Council consider sponsoring the Memorial Day event that he has sponsored the last five years. He has underwritten the expenses at about \$400.00 annually.

Council Discussion: Council takes desired action

Staff Evaluation: Staff will be available.

Budget/Funding:

Legal Evaluation: The Town Attorney will be available.

Staff Recommendations:

Town Manager Recommendation: Town Manager will be available.

Council Recommendation:

Additional Work Session Regular Meeting No Action

Consensus Poll on Action: ___(Aye) ___(Nay)

Work Session

From: Malcolm Barr <barr127@yahoo.com>
Reply-To: Malcolm Barr <barr127@yahoo.com>
Date: Saturday, June 4, 2016 at 8:41 PM
To: Steve Burke <sburke@frontroyalva.com>
Subject: Memorial Day

TO: STEVE BURKE

FROM: MALCOLM BARR, SR

DATE: JUNE 4, 2016

SUBJECT: MEMORIAL DAY CEREMONY

Please convey to Mayor Darr and members of Town Council my thanks for their participation and attendance in the 2016 Memorial Day ceremony at the gazebo last Monday, and my thanks to you for setting up the Town-owned public address system which added to the unqualified success of the event. It was hard to estimate, but based on my journalistic experience in these things, I would say that roughly 200-300 people (and about 30 dogs!) attended this annual memorial to our fallen veterans and to the "dogs of war."

This was the fifth time I had the opportunity to organize this Memorial Day event (the third at the gazebo) and to assure its continuation for years to come I this year had the assistance of a co-chair, Robert MacDougall, a U.S. Marine Corps reservist and local business man, who, with me, is already planning for next year's observance.

So far, I have underwritten the expenses, about \$400 annually, with nominal help from the Air Force Association (AFA) and the contribution of a wreath by Betty Showers of Fussell Florist.

In this regard, I understand from local press reports that the Town is encouraging various activities in downtown Front Royal and I would appreciate your bringing Memorial Day activities to the attention of all council members with a view to offering a sponsorship for this annual event.

If any further explanation is required, Mr. MacDougall and I would be pleased to brief Council on events of the past and our plans for the future.

Malcolm Barr, Sr.

7



Meeting Date: November 21, 2016

Agenda Item: PUBLIC HEARING – Ordinance to Approve Section 4-1.1 of Town Code, Individual Member Remote Attendance by Electronic Means at Town Council Meetings (*1st Reading*)

Summary: Council is requested to affirm on its first reading an Ordinance to approve on its first reading, Section 4-1.1 of Town Code, Individual Member Remote Attendance by Electronic Means at Town Council Meetings. Code § 2.2-3708.1 of the Freedom of Information Act allows for electronic participation, such as by telephone, in public meetings, such as Town Council Meetings and Work Sessions, for certain specific, limited circumstances, provided the public body has previously adopted a written policy allowing for such electronic participation. This State Code provides very specific parameters on how such a policy may be allowed by localities. Town Council informally discussed this policy at its Work Session on September 19, 2016, and directed staff to draft such a policy, as permitted by State Code, in the form of a proposed ordinance to bring back to Town Council for its review and approval.

Budget/Funding: None

Attachments: Proposed Ordinance, Section 4-1.1, Individual Member Remote Attendance by Electronic Means.

Meetings: Work Session held September 19, 2016.

Staff

Recommendation: Approval_____ Denial_____

Proposed Motion: I move that Council affirm on its first reading an Ordinance to approve Section 4-1.1 of the Town Code, Individual Member Remote Attendance by Electronic Means.

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: _____

4-1.1 INDIVIDUAL MEMBER REMOTE PARTICIPATION BY ELECTRONIC MEANS

- A. Individual members of Town Council may participate in meetings of Town Council by electronic communication means from a remote location that is not open to the public, as permitted by Virginia Code § 2.2-3708.1., as that Section may from time to time be amended, or by other future applicable law. This policy shall apply to the entire membership of Town Council and without regard to the identity of the Town Council Member requesting remote participation or the matters that will be considered or voted on at the meeting.
- B. Whenever an individual Town Council Member wishes to participate from a remote location, a quorum of Town Council shall be physically assembled at the primary or central Town Council Meeting location, and arrangements will be made for the voice of the remote Town Council Member to be heard by all persons at the primary or central Town Council Meeting location. The reason that the remote Town Council Member is unable to attend the Town Council Meeting and the remote location from which the Town Council Member participates will be recorded in the Town Council Meeting Minutes.
- C. When such remote individual Town Council participation is due to an emergency or personal matter, such participation is limited by the Code of Virginia to two (2) meetings or 25 percent of the meetings of the Town Council per Town Council Member each calendar year, whichever is fewer.
- D. Individual Town Council Member participation from a remote location shall be approved unless such participation would violate this ordinance or other applicable provisions of the Virginia Freedom of Information Act.
- E. If a Town Council Member's participation from a remote location is challenged, then the Council shall vote whether to allow such participation. If Town Council votes to disapprove of the Town Council Member's remote participation because such participation would violate this ordinance or the provisions of the Virginia Freedom of Information Act, such disapproval will be recorded in the Town Council Meeting Minutes with specificity.
- F. This policy applies to all Meetings, Work Sessions, and committees of Town Council.

8

Greg Coons
131 Buckingham Court
Front Royal, VA 22630
540-771-8624

November 11, 2016

Town of Front Royal

B.J. Wilson, Finance Manager

102 E. Main Street

Front Royal, VA 22630

Dear Manager:

I have received your letter dated October 31, 2016 concerning the paid water and sewer tap fees for a lot that I own known as Lot #77 located on Pickett Court in Front Royal. I did submit an application for, which was approved, and I paid the water and sewer tap fees on November 1, 2004. (letter is attached)

Your letter references the town code 134-71.1 and the purchase of water and sewer taps and highlights subsection C which states "If the water and sewer connection is not installed within twelve (12) months from the date of purchase because the purchaser is not ready for actual installation, the purchase shall be voided and the purchase price alone shall be refunded without interest."

Throughout the process of applying for, being approved and paying for these tap fees I was never told there was any time limit on when the connection needed to be made. I had conversations and interactions with the building and finance departments during this process and it was never mentioned. It's also apparent that these departments themselves were unaware of any time limit based on the fact that the timeliness of the connection was clearly not being tracked by either of these departments. This lack of tracking reaffirms my contention that a time limit was never conveyed to me.

I respectfully request that my purchase of the water and sewer connection be reinstated.

Sincerely,

Greg Coons



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE
102 E. MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630-1560
www.frontroyalva.com

B. J. WILSON
Manager of Finance
bwilson@frontroyalva.com

(540) 635-7799
(540) 635-2298 fax

October 31st, 2016

Greg Coons
P.O. Box 596
Front Royal, VA 22630

Dear Mr. Coons,

Our records indicate that the water/sewer tap fees for the property of 1408 Pickett Ct Lot# 77 were paid by you on November 1st, 2004. Our records also indicate that no connection has been established to the Town water/sewer systems. Please see below highlighted section of Town Code:

134-71.1 PURCHASE OF WATER AND SEWER TAPS

- A. A water and sewer connection can be purchased from the Town of Front Royal only for a specific, designated building site or lot. Chapter 134 TOWN OF FRONT ROYAL MUNICIPAL CODE Chapter 134 134-69
- B. Once an application to purchase a water and sewer connection has been received, the connection shall not be transferrable to another site.
- C. If the water and sewer connection is not installed within twelve (12) months from the date of purchase because the purchaser is not ready for actual installation, the purchase shall be voided and the purchase price alone shall be refunded without interest.
- D. Water and sewer connection fees shall be paid upon application. However, when a single developer in a single application requests the purchase of six (6) or more water and sewer taps for six (6) or more building units, the connection fee for each tap may be paid upon actual installation of each respective tap. (Ord. No. 2-86 Added Entire Section 2-10-86-Effective Upon Passage)

Please be advised that pursuant to Town Code, your purchase of water and sewer connection is now void. Please contact the Finance Department within **15 days** of receipt of this letter, to provide instructions regarding the refunding of connection fees.

Sincerely,

The Town of Front Royal Finance Department

9

10