



TOWN COUNCIL WORK SESSION
Tuesday, January 19, 2021 @ 7:00pm
Town Hall Conference Room

Due to Executive Order #72 and Order of Public Health Emergency Nine, Common Senses Surge Restrictions, Certain Temporary Restrictions due to COVID-19, from Governor Northam, seating inside the conference room is reserved for Town Council and specific members of staff. This meeting may be viewed live via the Town's website www.frontroyalva.com. For those who wish to attend, a monitor streaming the meeting live is placed in the hallway outside the conference room. There is no public comment at work sessions.

1. Overview of the Process When a Freedom of Information (FOIA) Request is Received – *Attorney Doug Napier*
2. Review of FY21 Revenues & Contingencies – *Director of Finance BJ Wilson*
3. Zoning Ordinance – Apartment Use and Development Regulations – *Director of Planning/Comm Dev Tim Wilson*
4. Continued Discussion for Ordinance Amendment to Chapter 4-19 – Order of Business for Regular Council Meetings – *Mayor Holloway*
5. Open Discussion
6. CLOSED MEETING – Consultation with Legal Counsel and Litigation

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Work Session Agenda Statement

Item # 1

Meeting Date: January 19, 2021

Agenda Item: Overview of the Process When a Freedom of Information (FOIA) Request is Received

Summary: Town Attorney Napier will give an overview of how the process works when the Town receives a Freedom of Information (FOIA) requests.

Budget/Funding: N/A

Staff Recommendation: N/A

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Work Session Agenda Statement

Item # 2

Meeting Date: January 19, 2021

Agenda Item: Review of FY21 Revenues and Contingencies

Summary: Town Council approved a FY21 budget transfer/amendment upon adopting the FY21 budget, which provides contingency funds for the general fund, street fund, water fund, sewer fund, and solid waste fund due to the COVID-19 pandemic. Council requested staff to periodically review revenues and contingency amounts during work sessions to address accordingly.

Staff is providing Town Council with updated information related to key revenues as of December 31, 2020.

Budget/Funding: see attachment for key revenue status update

Staff Recommendation: Staff recommends releasing street fund contingencies totaling \$187,365.00 and continuing monitoring revenues for additional releasing of contingencies.

KEY REVENUE & CONTINGENCY REVIEW

as of December 31, 2020

General	FY21 Budgeted	Year to Date	Budget Expired	Above/Below Expired
	Amount	Receipts	Budget Expired	FY21 Budget
Sales Tax - Warren County	\$ 1,084,340.00	\$ 611,144.84	\$ 542,170.00	\$ 68,974.84
Lodging Tax	\$ 316,000.00	\$ 127,770.60	\$ 158,000.00	\$ (30,229.40)
Meals Tax	\$ 1,994,000.00	\$ 966,584.84	\$ 997,000.00	\$ (30,415.16)
PILOT - Utility Bills	\$ 530,480.00	\$ 294,286.59	\$ 265,240.00	\$ 29,046.59
Fines & Forfeitures	\$ 202,000.00	\$ 70,429.37	\$ 101,000.00	\$ (30,570.63)
Rental Vehicle Tax	\$ 99,000.00	\$ 30,820.76	\$ 49,500.00	\$ (18,679.24)
Communication Tax	\$ 135,890.00	\$ 66,552.11	\$ 67,945.00	\$ (1,392.89)
599 Funding Police Dept (Received Quarterly)	\$ 376,295.00	\$ 94,074.00	\$ 188,148.00	\$ (94,074.00)
			Subtotal	\$ (13,265.89)
General Fund Contingency Less Difference in Revenues				\$ 1,316,821.00
G/F Difference After Contingency				\$ 1,303,555.11
				Police Department Attrition Position \$ (55,915.00)
				Merit & Comp Study \$ (233,731.00)
				General Fund Difference After Deductions \$ 1,013,909.11

Streets	FY21 Budgeted	Year to Date	Budget Expired	Above/Below FY21
	Amount	Receipts	Budget Expired	Budget
Street Construction & Maintenance (V-DOT)	\$ 1,971,380.00	\$ 1,015,042.41	\$ 492,845.00	\$ 29,352.41
Street Fund Contingency				\$ 204,145.00
Street Fund Difference Contingency				\$ 204,145.00
				Merit & Comp Study \$ (16,780.00)
				Street Difference After Deductions \$ 187,365.00

Electric	FY21 Budgeted	Year to Date	Budget Expired	Above/Below Expired
	Amount	Receipts	Budget Expired	FY21 Budget
Electric Sales	\$ 19,154,800.00	\$ 9,295,554.68	\$ 9,577,400.00	\$ (281,845.32)
Electric Fund Contingency				\$ 674,979.00
Electric Fund Contingency Plus Revenue Difference				\$ 393,133.68
				Merit & Comp Study \$ (31,195.00)
				Electric Difference After Deductions \$ 361,938.68

Water		FY21 Budgeted	Year to Date	Budget Expired	Above/Below Expired
		Amount	Receipts		FY21 Budget
	Water Sales	\$ 5,064,250.00	\$ 2,498,841.52	\$ 2,532,125.00	\$ (33,283.48)
	Water Connections	\$ 160,000.00	\$ 158,151.00	\$ 80,000.00	\$ 78,151.00
				Subtotal	\$ 44,867.52
	Water Contingency				\$ 458,325.00
	Water Contingency Plus Revenue Difference				\$ 503,192.52
Merit & Comp Study					\$ (34,250.00)
Water Difference After Deductions					\$ 468,942.52

Sewer		FY21 Budgeted	Year to Date	Budget Expired	Above/Below Expired
		Amount	Receipts		FY21 Budget
	Sewer Sales	\$ 6,057,430.00	\$ 2,756,275.35	\$ 3,028,715.00	\$ (272,439.65)
	Sewer Connections	\$ 332,140.00	\$ 431,842.00	\$ 166,070.00	\$ 265,772.00
				Subtotal	\$ (6,667.65)
	Sewer Contingency				\$ 359,525.00
	Sewer Contingency Plus Revenue Difference				\$ 352,857.35
Merit & Comp Study					\$ (20,515.00)
Sewer Difference After Deductions					\$ 332,342.35

Solid Waste		FY21 Budgeted	Year to Date	Budget Expired	Above/Below Expired
		Amount	Receipts		FY21 Budget
	Solid Waste Sales	\$ 1,020,935.00	\$ 504,424.97	\$ 510,467.50	\$ (6,042.53)
	Tipping Fees Collected from Utility Billing	\$ 26,000.00	\$ 9,280.00	\$ 13,000.00	\$ (3,720.00)
				Subtotal	\$ (9,762.53)
	Solid Waste Contingency				\$ 38,465.00
	Solid Waste Contingency Less Revenue Difference				\$ 28,702.47
Merit & Comp Study					\$ (11,290.00)
Solid Waste Difference After Deduction					\$ 17,412.47

OVERALL DIFFERENCE AFTER DEDUCTIONS	\$ 2,381,910.13
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DELINQUENT UTILITY ACCOUNTS

Number of Delinquent Active Utility Accounts May 2020	2,022
Number of Delinquent Active Utility Accounts June 2020	1,151
Number of Delinquent Active Utility Accounts July 2020	899
Number of Delinquent Active Utility Accounts August 2020	856
Number of Delinquent Active Utility Accounts Sept 2020	936
Number of Delinquent Active Utility Accounts Oct 2020	822
Number of Delinquent Active Utility Accounts Nov 2020	1,083
Number of Delinquent Active Utility Accounts Dec 2020	722
May 2020 Delinquent Utility Account \$	\$841,441.54
June 2020 Delinquent Utility Account \$	\$658,438.88
July 2020 Delinquent Utility Account \$	\$581,514.60
August 2020 Delinquent Utility Account \$	\$513,404.35
September 2020 Delinquent Utility Account \$	\$464,688.73
October 2020 Delinquent Utility Account \$	\$513,527.86
November 2020 Delinquent Utility Account \$	\$576,594.27
December 2020 Delinquent Utility Account \$	\$482,659.62

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Work Session Agenda Statement

Item # 3

Meeting Date: January 19, 2021

Agenda Item: Front Royal Zoning Ordinance – Apartment Use and Development Regulations, C-2 Downtown Business District.

Summary: There have been former inquiries and proposals related to the reuse and/or redevelopment of property for apartment uses in the C-2 Downtown Business District. Apartments are a defined multi-family use permitted in both select residential and commercial based zoning districts, both by right and by special use permit. Presently all Apartment Use is subject to a single set of Supplementary Provisions of the Zoning Ordinance found under Section 175-113 *APARTMENTS*. This is a “one size fits all” approach to this use which is permitted in several different zoning Districts, each with its own unique and pre-existing development, physical characteristics, and growth patterns. One size fitting all may not be the best approach in regulation when applied to dynamic and different Districts, especially the historic Downtown Business District with its own unique features and development constraints.

The following proposed ordinance amendment would take this singular and rigid set of Apartment use development standards in large part from the C-2 District and substitute them with the discretion of Town Council to review this type of use of any apartment building greater than 6 units in deciding the appropriateness of the size, scale, and intensity, appearance, and other aspects of individual projects proposed in the historic downtown district.

Budget/Funding: N/A.

Staff Recommendation: Staff recommends amending the ordinance that would take this singular and rigid set of Apartment use development standards in large part from the C-2 District and substitute them with the discretion of Town Council to review this type of use of any apartment building greater than 6 units in deciding the appropriateness of the size, scale, and intensity, appearance, and other aspects of individual projects proposed in the historic downtown district.

PROPOSED ZONING REGULATION CHANGES, C-2 DISTRICT: APARTMENTS

DOWNTOWN BUSINESS DISTRICT (C-2)
(Amended 2-22-99 formerly known as Commercial District C-2)

Sec. 175-46 STATEMENT OF INTENT (C-2)

The Downtown Business District C-2 is intended to encompass the major downtown retailing center and to provide for the orderly expansion of the central business district. The Downtown Business District C-2 should provide a framework for a strong nucleus of the business community, where all the amenities and services of downtown can be provided. In addition, certain high-density residential uses whose proximity to the downtown area would tend to strengthen the retail core shall be permitted. Mobile homes for all purposes are prohibited.

Sec. 175-47 USES PERMITTED BY RIGHT (C-2)

A. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-2 District, the following uses of land and buildings are permitted by-right in the C-2 District:

RESIDENTIAL:

Conversion of existing residential and/or commercial structures into buildings with a greater number of dwelling units not exceeding six (6) total existing and new dwelling units combined. Single-family and two-family dwellings.

Sec. 175-48 USES PERMITTED BY SPECIAL PERMIT (C-2)

A. The following uses are permitted within the C-2 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-2 District:

RESIDENTIAL:

Apartments in accordance with the area requirements in Section 175-49.

Sec. 175-49 AREA REGULATIONS (C-2)

A. Minimum Lot Size: There are no area requirements except in the case of new apartment structures, whereby the lot must be three thousand (3,000) square feet,

B. Minimum Unit Size: The minimum average unit size (floor area) in any structure containing dwellings shall be three (300) hundred square feet. No dwelling unit shall have less than two hundred

and fifty (250) square feet of floor area. This floor area shall not include bathroom, closet and storage space.

C. Minimum District Size: Ten (10) acres.

Sec. 175-113 APARTMENTS

All apartment developments, except for apartment development occurring in the Downtown Business District C-2, shall comply with the following regulations:

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Work Session Agenda Statement

Item # 4

Meeting Date: January 19, 2021

Agenda Item: Continued Discussion for Ordinance Amendment to Chapter 4-19 for Regular Meeting Agendas

Summary: Mayor Holloway had requested that Council review Chapter 4-19 "Order of Business" at the January 4, 2021 work session. Council agreed at that time to continue discussions at the next work session. The amendment would allow each incoming Council to have flexibility to set the order of business for the regular agenda for that year. Town Attorney Doug Napier had drafted an amendment for Council's review at the January 4, 2021 work session.

Staff has reviewed the amendment and further suggests removing, "*work sessions and*" due to #4 of the same section addressing work sessions.

Any amendments are required to be advertised for a public hearing.

Budget/Funding: N/A

Staff Recommendation: It is recommended that Council direct staff to advertise the suggested ordinance amendments for a public hearing.

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

A. ORDER OF BUSINESS

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

~~Pledge of Allegiance~~

~~Moment of Silence~~

~~Roll Call~~

~~Approval of the Minutes of previous meetings~~

~~Receipt of Petitions and/or correspondence from the public~~

~~Reports~~

~~— a. Report of Special Committees or Town Officials and Town Manager.~~

~~— b. Requests and Inquiries of Council members.~~

~~— c. Report of the Mayor~~

~~— d. Proposals for addition/deletion of items to the Agenda.~~

~~Consent Agenda Items:~~

~~Items for Approval.~~

~~Closed Meeting items (if applicable)~~

1. At the first regular meeting of Town Council, Town Council, by majority vote of a quorum of all members of Council, shall decide upon the order of business for all work sessions and regular meetings of Town Council for that upcoming calendar year. The order of business shall be reduced to writing and certified by the Mayor and Clerk of Town Council.

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

3. Items which appear under the heading “Consent Agenda items” are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the “Items for Approval” portion of the order of business.

4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

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Work Session Agenda Statement

Item # 6

Meeting Date: January 19, 2021

Agenda Item: CLOSED MEETING – Disposition of Publicly Held Property and Consultation with Legal Counsel

Motion to Go Into Closed Meeting

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

- (1) Regarding a letter of intent as to Town-owned property, pursuant to Sections 2.2-3811. A.3 and A.5 of the Code of Virginia, the discussion of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; and concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- (2) Pursuant to Sections 2.2-3711. A. 7 and A. 8 of the Code of Virginia, regarding the Afton Inn, the Town's lawsuit against the Economic Development Authority and Jennifer McDonald, Jennifer McDonald's Bankruptcy, consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel

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

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