



TOWN COUNCIL WORK SESSION
Monday, September 18, 2017 @ 7:00pm
Town Hall Conference Room

Town/Staff Related Issues:

1. Proposed Amendment to Town Code 142-20 - Banner Poles – *Town Manager*
2. Budget Amendment for Leach Run Parkway - *Director of Finance*

Council/Mayor Related Items

3. Review of Curb/Gutter Assessment – *Vice Mayor Tewalt*
4. Discussion of Possible Use of Funds Collected from Sale of Former Police Dept – *Mayor Thorpe*
5. Council Discussion/Goals (*time permitting*)
6. CLOSED MEETING – Contract Discussion

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the purpose of discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms of scope of such contract, where discussion in an Open Session would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711.A.29. of the Code of Virginia.

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.

1



Town of Front Royal, Virginia Work Session Agenda Form

Date: September 18, 2017

Work Session

Agenda Item: Proposed Amendments to Town Code 142-20 – Town Banner Poles

Summary: The Town offers local (Front Royal/Warren County) non-profit civic, religious and educational organizations or groups the ability to advertise their event(s) free of charge through the display of a banner across N. Royal Avenue or John Marshall Highway. The banner poles on N. Royal Avenue and a Banner Policy have been in existence since before 1987. In 2009 a second location was added on John Marshall Highway with two wires so that two banners could be hung at the same time; and, another wire was added to the N. Royal Avenue location. Therefore, 4 banners can be displayed at the same time. In 2012, Council added **142-20-Town Banner Poles** to the Town Code to codify regulations. Since 2012 Staff has noticed a significant increase in reservations prompting proposed revisions to the regulations to ensure equal opportunity for all organizations and groups to advertise their events. Staff is requesting to revise the Code as presented. The highlights of these revisions include:

- 1) Allowing the Town Manager to designate staff to approve applications to streamline the process
- 2) Removing application information so they may be updated as needed without revising Code
- 3) Adding Town-sponsored events to display priority since the Town currently either sponsors or co-sponsors approximately several community events.
- 4) Keeping the requested display of a banner at one location only. Several organizations have two banners for the same event to hang at both locations during the same timeframe; therefore, taking up space that other organizations could reserve.
- 5) Not moving banners from one location to another without a week lapse. This allows Town Staff to manage their weekly schedules in a more efficient manner.
- 6) Other additions are what has been included on the current application for several years.

Council Discussion: Council is requested to consider the proposed amendments to the Town Code as presented.

Staff Evaluation: Staff will be available

Budget/Funding: Director of Finance will be available

Legal Evaluation: Town Attorney will be available

Staff Recommendations: Staff will be available

Town Manager Recommendation: Town Manager will be available

Council Recommendation:

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

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 142-20
PERTAINING TO TOWN BANNER POLES**

WHEREAS, the Town offers local (Front Royal/Warren County) non-profit civic, religious or educational organizations or groups the ability to advertise their local events(s) at no cost through the display of a banner across N. Royal Avenue or John Marshall Highway; and,

WHEREAS, Town Staff has realized a significant increase in reservations warranting revisions to the Town Code to ensure equal opportunity for all organizations or groups to advertise their events; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that 142-20 of the Front Royal Town Code is hereby amended as follows and is effective January 1, 2018:

142-20 TOWN BANNER POLES

The Town has installed banner poles at various locations on arterial roads to inform citizens and visitors of **local (Town of Front Royal/County of Warren) non-profit civic, religious or educational** events **at no cost**. Reservation of space is **required** to display a banner **and** shall be regulated as follows:

1. Applications shall be submitted to the Town Manager **or his designee for approval. Once approved, banners are delivered to the Energy Services Department by the applicant at least one (1) business day before display.** Applications shall be accepted beginning January 1 for placement of that year. ~~and shall include the following information:~~

- ~~a. Name of Requesting Organization~~
- ~~b. Contact Name~~
- ~~c. Contact Phone Number~~
- ~~d. Requested Dates for Display~~
- ~~e. Banner Message and Description of Display~~

~~2. Applications shall be accepted beginning January 1 for placement that year.~~

~~2. 3.~~ Priority of display shall be granted to the Chamber of Commerce Wine & Craft Festival, the Warren County Heritage Society Festival of Leaves **and Town-sponsored events**. Subject to requests being received within the first five (5) business days of January, similar priority shall be granted to organizations ~~requests~~ for events conducted at the same time period for a least five (5) consecutive years. **After this time, priority of display will be on a first-come-first serve basis.**

~~3. 4.~~ Display shall be for up to fourteen (14) calendar days. **Requests for banners to be displayed at both locations for the same event and during the same timeframe will not be accepted. Banners shall not be moved from one location to another unless there is one week lapse in between.** Extensions of up to fourteen (14) calendar days may be requested ~~thirty (30) days prior to the approved date for display~~ if no other display requests have been approved.

~~4. 5.~~ Banners size shall be a maximum of thirty (30) feet long by three (3) feet tall. ~~Organizations requesting banner display shall be responsible to ensure banner can be connected to the existing~~

~~hardware installed by the Town. Banners~~ **and** shall be constructed of heavy-duty canvas, plastic tarpaulin material, or netting. Metal grommets shall be imbedded near each of the four (4) corners and along the top and bottom edges with two (2) feet intervals. The banner shall also have wind-relief flaps that are six (6) inch diameter half-circles and at least one (1) for every four (4) square foot of total area.

5. Applicants are responsible for inspection of their banners before being delivered for display. The Town reserves the right to deny installation of a banner if it does not meet the specifications mentioned in 142-20.5.

6. The Town reserves the right to remove banners during periods of extreme weather or under circumstances that could endanger the safety of motorists and pedestrians.

7. The Town shall not be responsible for storing banners after display. The Town Manager or his designee shall determine the disposition of banners not collected in a reasonable manner.

8. In the event that anything in Chapter 142-20 ~~display date~~ requests conflict, the Town Manager ~~or designee~~ shall determine resolution of conflict. ~~Display requests~~ **Resolutions** determined by the Town Manager ~~or designee~~ can be appealed to Town Council a minimum of forty-five (45) days **from Resolution** ~~prior to the requested date for display.~~

This ordinance shall become effective January 1, 2018

APPROVED:

Hollis L. Tharpe, 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 _____ 2017, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Christopher S. Morrison	Yes/No
John P. Connolly	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2017, having been advertised in the Northern Virginia Daily on _____, 2017, and _____, 2017. The Ordinance was enacted at the Regular Meeting of the Town Council held _____2017, to become effective immediately.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



**BANNER RESERVATION
APPLICATION**
(regulations attached)

NEW
DRAFT

Organization/Group _____

Event _____

Date of Event: _____

Person to Contact: _____

Phone#: _____

Email: _____

REQUESTED DISPLAY LOCATION *(select one)* N. Royal Avenue John Marshall Highway

DATES FOR DISPLAY *(14 calendar days)*

MESSAGE ON BANNER *(no business advertising allowed)*

Signed: _____ Date: _____

Printed: _____

Approved: _____ Date: _____

2017 Banner Reservations

(highlighted are Town sponsored or co-sponsored)

	Date of Event	# of Banners	Requested weeks and location	Message
4-H Center (Thomas Benjamin)	July 1	1	June 19 – July 3(JMH)	July 1 Celebration
Adventure Enablers (Margo Harris)	May 13 – 14 October 15 October 15	1	Mar 27-April 10(Royal) Aug 28- Sept 11(Royal) Oct 9-16 (JMH)	Join us at Shenanduro! Run with us on October 15 Run with us on October 15
Air Show (Ken Thurman)	August 26	2	Aug 14 – 28 (Both locations)	Virginia Air Show
American Legion (Larissa West) (Gloria Fries)	June 2 & 16 June 12 & 19 July 2	2	May 22-June 5 June 12-19 June 26-July 3 (Both locations)	Gazebo Concert Gazebo Concert 4—H Center Concert
Appaloosa Festival (Ken Thurman)	Sept 2 – 3	1	Aug 21-Sept 4(Royal)	Appaloosa Festival
Blue Ridge Singers (Pat Spory)	April 21 December 9	1	April 10-17(Royal) Dec. 5 -11(Royal)	Choral Concert Choral Concert
Boy Scouts (Dan Lenz)	Christmas Season	1	Nov 20 – Dec 4(JMH) December 11-18(Royal)	Boy Scout Christmas Tree Sales
Brew/Blues (Chamber)	Sept 23	1	Sept 11-23(JMH)	Brew/Blues Festival
Chelsea Academy (Sally Nicholson)	Enrollment Season and Summer Camp October 21	1 1 1	Mar 20-April 3(Royal) April 10-17(JMH) May 1-15(Royal) June 5-12 (JMH) Oct 2 – 9 (JMH)	Now Enrolling - CANCELLED Now Enrolling - CANCELLED Summer Camp Summer Camp Renaissance by the River

Christkindlmarkt (Maggie Sill)	Dec 2	1	Nov 6- 20 (Royal)	CKM Front Royal
Click It or Ticket (PD)	Campaign Season	1	May 15 – 22 (JMH)	CLICK IT OR TICKET, BUCKLE UP NOW
Community Prayer (Cherie Ray)	May 4	2	April 24-May 8(JMH) May 1-8 (Royal)	National Day of Prayer – Community Prayer Service
Diabetic Walk - JDFR (Carol Dodson)	Sept 23	1	July 24-31 (JMH) Aug 14-21 (JMH) Sept 11-25 (Royal)	JDRF Walk
Elizabeth Sherman Child Dev Center (Joan Caldwell)	March 20	1	March 20 -27 (Royal)	Open House for Preschool
Farmers Market (Destiny Sargent)	Season (May – October)	1	Various times	Farmers Market
Festival of Leaves (Heritage Society)	October 11	1	Oct 2-16 (Royal)	Festival of Leaves
Fire Dept Bingo (Terry Smith)	Dec 31	1	Dec 5-11 (Royal) Dec 18-Jan 1 (JMH)	New Year’s Eve - All Night Bingo
Flag Day Event (F.R. Elks) (Dennis Henline)	June 17	1	June 5-12 (JMH)	Flag Day Ceremony
FR Christian School (Roxanne Miller)	Enrollment Season	1	Feb 27-Mar 6(JMH) March 13-20 (Royal)	Open Enrollment
Humane Society (Lavenda Denny)	August 12	2	June 12-26 (JMH) June 19-July 3(Royal) July 31-Aug 14 (JMH)	Waggin for Dragons Waggin for Dragons Waggin for Dragons
Izaak Walton (Janice Weatherholtz)	June 14	1	May 30-June 4(JMH)	Fundraiser Chicken Dinner
Jack Evans (Lauren Miller)	August 13	1	July 24-31 (Royal)	Annual Car Show

John XXIII MMC (Christine Chapman)	April 29	2	April 17-May1(JMH) April 24-May 1(Royal)	Slowfood Vast Wine Event Slowfood Vast Wine Event
Kiwanis (Lisa Parker)	December 2	2	Nov. 20 – Dec 4 (both locations)	Pancake Day
LFCC GED (Sharon Hetland)	Registration Dates	1	Aug 28-Sept 4(JMH)	GED Registration
Memorial Day Event (Malcolm Barr)	May 29	1	May 15-29(Royal)	Memorial Day Ceremony
Mt. Laurel School (Meg DeMato)	Open House Season	1	Jan 23-30 (Royal)	Open House
National Night Out (PD)	August 1	1	July 17 – 31 (Royal)	National Night Out
Oratorio Society (David Freese)	April 23 Singers Wanted December 3	1 1 1	April 10-17 (JMH) Aug 28 – Sep 10(JMH) Nov 20-Dec 3 (Royal)	Spring Concert SING WITH US Christmas Concert
Phoenix Project (Melanie Stull)	Domestic Violence Message	1	July 3-17 (Royal)	Honoring Victims Celebrating Survivors
Relay for Life (Maria Bolton)	June 10	1	May 29-June 12(Royal)	Relay for Life
River Valley Festival (Clairvaux Inst) (Daniel Schiller)	September 30	1	Sept 25-Oct 2(Royal)	River Valley Festival
RMA (Celeste Brooks)	Open House Season Founders Day Celebration Open House Season	1	Jan 9-16 (Royal) Feb 13-20 (Royal) March 13-20(Royal) Mar 27-Apr 10(JMH) April 17-May 1(Royal) May 22-29(JMH) June 5-12(Royal) July 3-10(Royal)	Open House Founders Day Open House

			Oct 2-9 (JMH)	
Safety/Wellness Expo (Hospital – Brenda Atkins)	April 24	1	April 10-24 (Royal)	Safety & Wellness Expo 2017
Samuels Library (Kitti McKean)	September?	1	Sept 4 – 18 (JMH)	Samicon
Schools (Mary Henry)	Challenge 5	1	August 14 – 21 (Royal) Oct 23 – 30 (both locations)	Challenge Students to Miss less than 5 days
Taste of Town (Craig Laird)	April 28	1	April 17-24 (JMH)	Taste of Town
Town (Town Manager)	When available	1	May 8 – 22 (JMH) June 19 – 26 (Royal) July 3 -10 (JMH) July 10 – 24 (Royal)	S.T.O.P.S. Campaign
Town (Town Manager)	When Available	1	Jan 30-Feb13 (Royal) Feb 27-13 (Royal) March 13-27(JMH) April 10-17 (JMH) July 3 – 10 (JMH)	Welcome
United Way (Kat Sheetz)	May 5	1	May 1-8 (JMH)	Day of Caring
Warren Coalition (Denise Hackney)	September?? October	1	Sept 18-Oct 2 (Royal) Oct 16-30 (Royal)	Celebrate Kids Day Red Ribbon Week
Warren County Fair (Kandi Lamb)	Aug 7-12	2	July 31-Aug 14 (both locations)	Come See us at the Fair
Wine/Craft Festival (Chamber)	May 20	1	May 8-22 (Royal)	Wine/Craft Festival

TOWN OF FRONT ROYAL BANNER SPACE RESERVATION APPLICATION

(Applications accepted beginning January 1 for placement in that year)

An application is required to reserve space to hang a banner at the Town sites located on North Royal Avenue and John Marshall Highway. Banners are to inform citizens and visitors of local civic events. *Chapter 142-20 of the Front Royal Town Code*

Regulations

Must be constructed of heavy-duty canvas, plastic tarpaulin material or netting. Metal grommets shall be imbedded near each of the (4) corners and along the top and bottom edges at two (2) foot intervals. Banners shall also have wind relief flaps that are six (6) inch diameter half circles with at least one (1) wind relief flap for every four (4) square feet of total banner area. Maximum of (30) feet long by (3) feet tall allowed. **It is the applicants' responsibility to insure that all regulations are adhered to BEFORE it is scheduled to be displayed.** For public safety all banners will be removed during periods of high winds.

Location of Banner: North Royal Avenue John Marshall Highway *(check one)*

Dates for Display: _____
(Reserved for 14 calendar days at a time (if space allows)--Displayed/Removed on Mondays, except for holiday weeks)

Name of Organization: _____

Message on Banner: _____

Contact Name: _____

Contact Address: _____

Contact Phone: _____

Contact E-Mail: _____

Applicants' Signature _____ Date _____

Town Manager's Signature _____ Date _____

Once approved, banners MUST BE DELIVERED AT LEAST (1) BUSINESS DAY BEFORE DISPLAY to the Energy Services Department located at 1101 Manassas Avenue, Front Royal, Monday – Friday, 7:00am – 3:30pm. The Town is not responsible for storing banners, they MUST BE PICKED UP AFTER DISPLAY.

*Once Application is Completed Return by E-mail, Mail or Delivery to:
Tina Presley – tpresley@frontroyalva.com
Town Hall, 102 E. Main Street, P.O. Box 1560, Front Royal, VA 22630*

2



Town of Front Royal, Virginia Work Session Agenda Form

Date: 9/18/17

Agenda Item: Budget Amendment for Leach Run Parkway

Summary: Council is requested to approve a budget amendment for additional revenue and expense for the Leach Run Parkway Project in the amount of \$586,613.39.

Council Discussion: Council is requested to approve the budget amendment as presented to allow the Town to pay the vendors and receive applicable revenue sharing for the project.

Staff Evaluation: In 2015 council approved a budget amendment in the amount of \$12.3 million for the project that included construction expense associated with Branch Highways. The \$12.3 million did not include expense associated with vendors outside of Branch Highways such as Triad Engineering, Pennoni & Associates, and other expenses. This budget amendment will take all remaining expenses into account and is subject to increase before the actual approval of the budget amendment.

The Town will be fully reimbursed for the expense by Warren County/EDA and the Virginia Department of Motor Vehicle Revenue Sharing Program. The expense must be paid by the Town in order to qualify for the revenue sharing program.

Budget/Funding: 4500-3410206 Highway Maintenance Reimbursements - \$586,613.39
4500-47957 Highway Maintenance Leach Run Parkway - \$586,613.39

Legal Evaluation: Town Attorney will be available for any questions.

Staff Recommendations: Staff recommends to approve as presented.

Town Manager Recommendation: Recommends as presented

Council Recommendation:

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

Work Session

3



Town of Front Royal, Virginia Work Session Agenda Form

Date: September 18, 2017

Agenda Item: Review of Curb and Gutter Assessments – *Vice Mayor Tewalt*

Summary: Vice Mayor Tewalt has requested that Council review the Curb and Gutter Assessment Policy. Research was conducted by Staff and is attached.

Council Discussion: Council takes desired action

Staff Evaluation: N/A

Budget/Funding: Director of Finance will be available.

Legal Evaluation: Town Attorney will be available.

Staff Recommendations: N/A

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

POLICY FOR ASSESSMENT FOR INSTALLATION OF LOCAL IMPROVEMENTS

5/11/98

- Landowners who voluntarily agree to assessment for installation of curb, gutter and sidewalk may enter into a written agreement prepared by Town Attorney and subject to terms of Chapter 48
- Not exceed \$1.50 per square foot for sidewalks and other walkways
- Not exceed \$6.00 per linear foot for curb and gutter
- May pay the entire amount at time application is approved
- Secure a lien – payment in (9) equal installments over a period of (8) years. Lien will be recorded at court house. Interest charged on the unpaid balance at rate of one-year US Treasury Bill from time the improvement is completed.
- \$25.00 charge for those choosing installment payments. Shall be paid at time of application. Fee credited to cost of any amount assessed and deducted from amount of first installment.
- Town Manager responsible for implementing this policy

2/26/01

- Not to exceed \$2.50 per square foot for sidewalks and other walkways
- Not to exceed \$9.00 per linear foot for curb and gutter
- Director of Public Works & Utilities certifies the work is completed in writing to the Director of Finance
- Director of Finance shall bill the landowner
- All other information same as above in 1998

12/17/01

- Not to exceed \$3.00 per square foot for sidewalks and other walkways
- Not to exceed \$12.00 per linear foot for curb and gutter
- All other information same as above in 2/26/01

9/13/04

- Terminate any new enrollments in the voluntary curb and gutter improvement program after 9/13/04 and the Town shall not accept additional voluntary agreements for curb and gutter after 9/13/04 until current policy is further amended (12/17/01) at a later date.

5/11/98

COUNCIL APPROVAL - Resolution pertaining to voluntary assessments for curb/gutter/sidewalk

Councilman Tennett moved, seconded by Councilman Athey, that Council adopt resolution #R-8-98 establishing a policy for voluntary assessment for the installation of sidewalk and/or curb and gutter.

Councilman McIntosh questioned whether it was necessary to have a \$25 administrative fee. He noted that the resolution is intended to encourage property owners to improve their properties through the voluntary installation of curb/gutter/sidewalk.

Town Attorney Arledge explained that the resolution contains a provision to deduct this fee from the first installment payment. He further explained that the property owner will only pay the administrative fee if he requests that the Town begin the process and then changes his mind before the improvements are installed but after the staff begins its work.

Vote: Yes - Councilmen Athey, Tennett, Duncan, Carter, Foulds and McIntosh

No - N/A

Absent - N/A

Abstain - N/A

(Mayor Banks did not vote as there was no tie to require his vote)

2/26/01

COUNCIL APPROVAL – Resolution to increase price for curb, gutter & sidewalk installation (voluntary)

Councilman Tennett moved, seconded by Councilman Lauder, that Council adopt resolution #R-9-2001 increasing the price for the voluntary installation of curb and gutter and/or sidewalk to \$9 per foot, effective July 1, 2001.

Councilman Tharpe questioned whether the price increase would apply to the installation of sidewalk. He inquired as to who a citizen would contact if they were interested in the installation of curb, gutter and/or sidewalk and how the program works.

Director of Public Works & Utilities George Shadman advised Council that the price increase affects curb and gutter installation only; and, does not address sidewalk installations. He explained that if a citizen was interested in the installation of curb and gutter, they could call the Public Works Department for an explanation of the program.

Town Manager Anzolut clarified that the proposed resolution does affect the price for the installation of sidewalk. He explained that the same multiplier affect was used for sidewalks, as was used for curb and gutter, which would increase the price to \$2.25 per square foot. Mr. Anzolut noted that the price of curb and gutter has been the more high profile item.

Mayor Athey inquired as to the current price for voluntary sidewalk installation. Town Manager Anzolut expressed his feelings that it was \$1.50 per square foot. Clerk of Council North explained that generally sidewalks are four feet in width, thus the price was currently \$6 per linear foot.

Vice Mayor Carter inquired as to the price for involuntary installations. Town Manager Anzolut advised Council that, under the Town Code, the property owner pays 50% of the Town's costs for an involuntary assessment. He noted that the staff would encourage property owners to use the voluntary assessment process.

Vote: Yes – Councilmen Tewalt, Tharpe, Tennett, Carter, McIntosh and Lauder

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Athey did not vote as there was no tie to require his vote)

12/17/01

COUNCIL APPROVAL – Resolution to increase the fees for curb & gutter and sidewalk installation

Councilman McIntosh moved, seconded by Councilman Tennett, that Council adopt resolution #R-28-01 increasing the fee for the voluntary installation of curb & gutter and sidewalk to \$12 per linear foot and \$3 per square foot respectively, said resolution to be effective March 1, 2002.

Councilman Tewalt advised Council that he was not in favor of increasing the price for curb & gutter and sidewalk installations; and, reminded them that the Town has been a proponent of beautification of the Town. He expressed his feelings that increasing the price would be detrimental to the beautification program; and, suggested that the price be left at \$9 until the Town must raise it.

Vote: Yes – Councilmen Tharpe, Tennett, Carter, McIntosh and Lauder

No – Councilman Tewalt

Abstain – N/A

Absent – N/A

(Mayor Athey did not vote as there was no tie to require his vote)

9/13/04

PUBLIC HEARING – Resolution to suspend the acceptance of additional voluntary curb/gutter/sidewalk agreements

Sterling L. Ammons, 109 W. 15th Street, advised Council that he has been living at his present address since 1961; and, noted that, during that time, the Town has not been willing to voluntarily install curb and gutter adjacent to his property. He noted that, two years ago, he offered to put \$30,000 into the construction of a brick retaining wall around his property; however, the Town Council advised that it would not spend the Town's money (reimbursement) to benefit one individual. Mr. Ammons reminded the Council that the Town dug out for Virginia Avenue; and, suggested that, in doing so, it created an illegal drop in the hillside. He reiterated that the Town has not done a thing to address this situation. Mr. Ammons expressed his feelings that a voluntary agreement to install curb and gutter was a means of upgrading ones property. He advised that he was opposed to the resolution to suspend the program. Mr. Ammons further advised that instead of charging a fee to install the curb and gutter, the Town should do so for free. He suggested that the Town require contractors to install curb, gutter and sidewalk when they build a house so the costs were not passed on to the property owners.

No one else spoke and the public hearing was closed.

Councilman Darr moved, seconded by Councilwoman Grady, that Council adopt resolution #R-10-2004 suspending the acceptance of voluntary agreements for the installation of curb, gutter and sidewalk.

Vice Mayor Pond expressed his feelings that the Council did not agree to suspend the program, but rather simply agreed to cut off registration at a certain point so that the contractor could work on those properties that were on the list. He explained that he thought that individuals would still be able to get on the list, with Town crews making the installations. Mr. Pond expressed his feelings that the only job of the concrete crew was to install curb and gutter.

Town Manager Anzolut reminded Council that the concrete crew has other responsibilities and work beyond the installation of curb and gutter. He suggested that the question was one of whether the Council wanted to close the list temporarily. Mr. Anzolut reminded Council that they could always reopen the list; and, reiterated that the question was one of temporarily closing it to allow a contractor to clear the list. He expressed his feelings that the Council said that it wished for the list to be closed in the near term so that bids could be sought for a contractor to do the work. Mr. Anzolut reiterated that the Council could reopen the list in the future.

Vice Mayor Pond suggested that the Council could do the same thing by saying that this was the last day to get on the list. Town Manager Anzolut expressed his feelings that this was what the resolution was doing. He explained that the resolution was stating that the Council was cutting off access to the list.

Vice Mayor Pond noted that, as the result of this action, a property owner could not get on the list for a future installation. Town Manager Anzolut explained that to do otherwise would make the

contract to clear the list a moving target. He further explained that the intent was to not make the list a moving target, clear the list and then let Council determine where it wanted to go.

Vice Mayor Pond advised Council that he did not like the idea of turning off access to the list. He suggested that a cut-off date be established in order for citizens to get on the list that the contractor would complete. Mr. Pond further suggested that if the citizen did not make the contractor's list that the Town crews make the installation. He expressed his feelings that the Town had the staff to make the installations; and, advised that he was not in favor of terminating the program.

Councilman Darr expressed his feelings that the staff's proposal was necessary in order to stop the growth of the list. He suggested that before the Council considered reopening access to a new list, they needed to look at the prices charged for the program. Mr. Darr advised that he had no objection to re-establishing the list if the Council completed a cost review and addressed the issues associated with the program. He suggested, however, that this needed to be done before the list could be re-established. Mr. Darr advised Council that he was in favor of the motion as presented.

Councilman Brooks noted that he understood Vice Mayor Pond's concerns. He questioned whether the list would become a moving target. Mr. Brooks further questioned the number of property owners on the list as it currently stood. Town Manager Anzolut advised Council that there were more than eighty people remaining on the list. Deputy Director of Public Works Keith Will confirmed that there were eighty-two.

Councilman Brooks inquired as to the number of properties that Town could do per month with the existing crew. Town Manager Anzolut reminded Council that the Town operates a four-man crew, including the crew supervisor. He advised that, during the cold weather months, the Town does between 0-2 properties per month. Mr. Anzolut reminded Council that this same crew handled snow removal, as well as other activities. He advised that during the warmer months, the crew could do as many as eight on the list. Mr. Anzolut reiterated that the concrete crew performed other duties.

Councilman Brooks expressed his feelings that the Town needed to clear the list; and, noted that the people on the list have been waiting a long time to get their curb and gutter. He advised Council that he understood the reason for suspending access to the list. Mr. Brooks agreed that, once the Council reviewed the program, it could consider reopening the list. He expressed his feelings that it was important to maintain the Town's streets through the installation of curb and gutter. Mr. Brooks advised Council that they would soon consider an ordinance that would require curb and gutter installations whenever there was new home construction. He noted that he would vote to clear the existing list; and, reiterated that the Council could consider reopening the list at a later time.

Councilman Foster agreed with the need to clear the list. He further agreed that the question of reopening the list could be brought back to an agenda at a later time. Mr. Foster advised that he would vote against keeping the list open at this time; however, he noted that he would vote in favor of reopening it when the matter came back for Council's consideration.

Vote: Yes – Councilmen Foster, Darr, McDaniel, Grady and Brooks

No – Vice Mayor Pond

Abstain – N/A

Absent – N/A

(Mayor Eastham did not vote as there was no tie to require his vote)

May 11, 1998

R-8-98

**RESOLUTION TO ESTABLISH A "POLICY
FOR ASSESSMENT FOR THE INSTALLATION
OF LOCAL IMPROVEMENTS"**

WHEREAS, the Town of Front Royal wishes to provide a process whereby landowners/property owners may enter into agreements with the Town for voluntary assessments to install or construct curbs, gutters and/or sidewalks in areas abutting public streets maintained by the Town; and

WHEREAS, the Town encourages the installation or construction of curb, gutter and/or sidewalk finding it to benefit the citizens of the Town through improved pedestrian access, improved storm water drainage, and prolonged street life; and

WHEREAS, the voluntary installation or construction of curb, gutter and/or sidewalk has become more prevalent; and

WHEREAS, the Town Council desires consistency and uniformity in the exercise of the Council's assessment authority.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the following policy is adopted pertaining to the voluntary assessment for the installation or construction of certain local improvements: sidewalks, curb & gutter, by agreement which may be amended or modified from time to time to better serve the needs of the Town of Front Royal. The Town Council having made the above findings, it is ordered that: curb, gutter and/or sidewalk abutting public streets maintained by the Town be installed or constructed where the abutting landowner/property owner has agreed to voluntary assessment for such improvement at the amount and terms set forth herein, in Chapter 48 of the Town Code, in §15.2-104 and Article II (§§ 15.2-2404, et seq.) of Chapter 24 of Title 15.2 of the Code of Virginia, and such further administrative provisions as the Town Manager may deem necessary to implement the policy expressed therein.

The Town Manager may refuse the request of any landowner to install or construct any particular improvement or agree to an assessment by agreement and refer the matter to the Town Council for decision if he determines that the particular installation or construction is not an appropriate use of Town funds or is contrary to the infrastructure needs of the Town.

I. Landowners wishing to voluntarily agree to assessment for the installation or construction of curb, gutter and sidewalk abutting their property along public streets maintained by the Town, may enter into a written agreement, prepared by the Town Attorney, with the Town of Front Royal for said installation or construction. Any voluntary agreement for the installation of a local improvement

shall be subject to any terms of Chapter 48 of the Code of the Town Front Royal applicable to voluntary agreements. As a part of any agreement, the landowner must pay for the installation or construction of the following improvements at the rate and terms as set out below, where applicable:

- A. For the installation, construction, improvement, replacement, use or enlargement of sidewalks or other walkways by agreement between the Town and the landowner, the assessment to landowners shall not exceed one dollar and fifty cents (\$1.50) per square foot of walkway improved.
- B. For the installation, construction, improvement, replacement, use or enlargement of curbs & gutters by agreement between the Town and the property owner, the assessment to landowners shall not exceed six dollars (\$6.00) per linear foot of curb and gutter improved.

II. Landowners may pay for the improvements as follows:

- A. The landowner pays the entire amount of voluntary assessment for the improvement, as set out above, at the time when the application is approved and the agreement ratified and no lien on the abutting property shall be recorded.
- B. The landowner may enter into an agreement, secured by a lien on the abutting property, with the Town allowing for payment in nine (9) equal installments over a period of eight (8) years. The first installment shall be due after substantial completion of the improvement, which date of completion shall be determined by the Director of the Department of Public Works, having oversight of the improvement, to which he shall certify in writing to the Director of Finance who shall then bill the landowner forthwith. The first installment payment will be due and payable 30 days after the billing date. A lien will be recorded in the Warren County Courthouse against the affected property immediately after the agreement is ratified. Interest will be charged on the unpaid balance at the rate of a one-year U.S. Treasury Bill from the time the improvement is substantially completed. An administrative fee of \$25 will be charged to all landowners applying for improvements by installment payments which shall be paid at the time the application is approved and the agreement ratified, which fee shall be credited to the cost of any amount assessed against the landowner for the improvement and deducted from the amount of the first installment. The landowner may pay the entire amount of the assessment at any time. If the first installment or any other annual installment is not paid within thirty (30) days after the

due date, then the entire unpaid balance shall be declared due and payable and collected in any manner permitted by law.

The Town Manager shall be responsible for implementing this policy and establishing such further procedure or terms for the administration of this policy as he may find appropriate and not in conflict with Federal or State law, the Town Code, or this policy, now or as amended.

APPROVED:



Hon. George E. Banks, MAYOR

ATTEST:



Rhonda S. North, CMC/AE
CLERK OF COUNCIL

This resolution was adopted by the Town Council of the Town of Front Royal, Virginia on the 11th day of May, 1998.

This resolution has been approved as to form and legality.



John B. Arledge, TOWN ATTORNEY

May 11, 1998
Date

2-26-01
R-9-2001

RESOLUTION

WHEREAS, on May 11, 1998, the Town Council adopted a "Policy for Assessment for the Installation of Local Improvements" setting forth voluntary assessment procedures in a consistent and uniform manner; and,

WHEREAS, the Council wishes to amend this Policy to increase the rates and terms outlined therein; and

WHEREAS, for ease in research and clarity, it is preferable that the 1998 Policy be rescinded and that Council adopt a new Policy, which would include the increased rates;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia that the Policy contained in resolution # R-8-98 is hereby rescinded and that the following Policy be approved in its place.

**"POLICY FOR ASSESSMENT FOR THE
INSTALLATION OF LOCAL IMPROVEMENTS"**

WHEREAS, the Town of Front Royal wishes to provide a process whereby landowners/property owners may enter into agreement with the Town for voluntary assessments to install or construct curbs, gutters and/or sidewalks in areas abutting public streets maintained by the Town; and

WHEREAS, the Town encourages the installation or construction of curb, gutter and/or sidewalk finding it to benefit the citizens of the Town through improved pedestrian access, improved storm water drainage, and prolonged street life; and

WHEREAS, the voluntary installation or construction of curb, gutter and/or sidewalk has become more prevalent; and

WHEREAS, the Town Council desires consistency and uniformity in the exercise of the Council's assessment authority.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the following policy is adopted pertaining to the voluntary assessment for the installation or construction of certain local improvements: sidewalks, curb & gutter, by agreement which may be amended or modified from time to time to better serve the needs of the Town of Front Royal. The Town Council having made the above findings, it is ordered that: curb, gutter and/or sidewalk abutting public streets maintained by the Town be installed or constructed where the abutting landowner/property owner has agreed to voluntary assessment for such improvement at the amount and terms setforth herein, in Chapter 48 of the Town Code, in § 15.2-104 and Article II (§ 15.2-2404, et seq.) of Chapter 24 of Title 15.2 of the Code of Virginia, and such further administrative provisions as the Town Manager may deem necessary to implement the policy expressed therein.

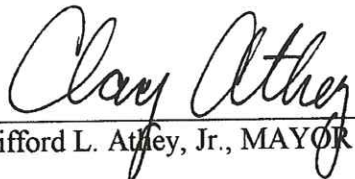
The Town Manager may refuse the request of any landowner to install or construct any particular improvement or agree to an assessment by agreement and refer the matter to Town Council for decision if he determines that the particular installation or construction is not an appropriate use of Town funds or is contrary to the infrastructure needs of the Town.

- I. Landowners wishing to voluntarily agree to assessment for the installation or construction of curb, gutter and sidewalk abutting their property along public streets maintained by the Town, may enter into a written agreement, prepared by the Town Attorney, with the Town of Front Royal for said installation or construction. Any voluntary agreement for the installation of a local improvement shall be subject to any terms of Chapter 48 of the Code of the Town of Front Royal applicable to voluntary agreements. As a part of any agreement, the landowner must pay for the installation or construction of the following improvements at the rate and terms as set out below, where applicable:
 - A. For the installation, construction, improvement, replacement, use or enlargement of sidewalks or other walkways by agreement between the Town of Front Royal and the landowner, the assessment to landowners shall not exceed two dollars and twenty-five cents (\$2.25) per square foot of walkway improved.
 - B. For the installation, construction, improvement, replacement, use or enlargement of curbs & gutters by agreement between the Town and the property owner, the assessment to landowners shall not exceed nine dollars (\$9.00) per linear foot of curb and gutter improved.
- II. Landowners may pay for the improvements as follows:
 - A. The landowner pays the entire amount of voluntary assessment for the improvement, as set out above, at the time when the application is approved and the agreement ratified and no lien on the abutting property shall be recorded.
 - B. The landowner may enter into an agreement, secured by a lien on the abutting property, with the Town allowing for payment in nine (9) equal installments over a period of eight (8) years. The first installment shall be due after substantial completion of the improvement, which date of completion shall be determined by the Director of Public Works & Utilities, having oversight of the improvement, to which he shall certify in writing to the Director of Finance who shall then bill the landowner forthwith. The first installment payment will be due and payable 30 days after the billing date. A lien will be recorded in the Warren County Courthouse against the affected property immediately after the agreement is ratified. Interest will be charged on the unpaid balance at the rate of a one-year U.S. Treasury Bill from the time the improvement is substantially completed. An administrative fee of \$25 will be charged to all landowners applying for improvements by installment payments which


shall be paid at the time the application is approved and the agreement ratified, which fee shall be credited to the cost of any amount assessed against the landowner for the improvement and deducted from the amount of the first installment. The landowner may pay the entire amount of the assessment at any time. If the first installment or any other annual installment is not paid within thirty (30) days after the due date, then the entire unpaid balance shall be declared due and payable and collected in any manner permitted by law.

The Town Manager shall be responsible for implementing this policy and establishing such further procedures or terms for the administration of this policy as he may find appropriate and not in conflict with Federal or State law, the Town Code, or this policy, now or as amended.

APPROVED:


Clifford L. Atley, Jr., MAYOR

ATTEST:


Rhonda S. North, CMC/AAE
Clerk of Council

This resolution was adopted by the Town Council of the Town of Front Royal, Virginia on the 26th day of February, 2001.

This resolution has been approved as to form and legality.


Blair D. Mitchell, Town Attorney

Date: March 1, 2001

12-27-01

R-28-01

RESOLUTION

WHEREAS, on February 26, 2001, the Town Council adopted a revised "Policy for Assessment for the Installation of Local Improvements" setting forth voluntary assessment procedures in a consistent and uniform manner; and,

WHEREAS, the Council wishes to amend this Policy to increase the rates and terms outlined therein to more closely reflect actual costs of construction; and

WHEREAS, for ease in research and clarity, it is preferable that the February 26, 2001 Policy be rescinded and that Council adopt a new Policy, which would include the increased rates;

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia that the Policy contained in resolution # R-9-01 is rescinded effective March 1, 2002 and that the following Policy be approved in its place.

**"POLICY FOR ASSESSMENT FOR THE
INSTALLATION OF LOCAL IMPROVEMENTS"**

WHEREAS, the Town of Front Royal wishes to provide a process whereby landowners/property owners may enter into agreement with the Town for voluntary assessments to install or construct curbs, gutters and/or sidewalks in areas abutting public streets maintained by the Town; and

WHEREAS, the Town encourages the installation or construction of curb, gutter and/or sidewalk finding it to benefit the citizens of the Town through improved pedestrian access, improved storm water drainage, and prolonged street life; and

WHEREAS, the voluntary installation or construction of curb, gutter and/or sidewalk has become more prevalent; and

WHEREAS, the Town Council desires consistency and uniformity in the exercise of the Council's assessment authority.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the following policy is adopted pertaining to the voluntary assessment for the installation or construction of certain local improvements: sidewalks, curb & gutter, by agreement which may be amended or modified from time to time to better serve the needs of the Town of Front Royal. The Town Council having made the above findings, it is ordered that: curb, gutter and/or sidewalk abutting public streets maintained by the Town be installed or constructed where the abutting landowner/property owner has agreed to voluntary assessment for such improvement at the amount and terms set forth herein, in Chapter 48 of the Town Code, in § 15.2-104 and Article II (§ 15.2-2404, et seq.) of Chapter 24 of Title 15.2 of the Code of Virginia, and such further administrative provisions as the Town Manager may deem necessary to implement the policy expressed therein.

The Town Manager may refuse the request of any landowner to install or construct any particular improvement or agree to an assessment by agreement and refer the matter to Town Council for decision if he determines that the particular installation or construction is not an appropriate use of Town funds or is contrary to the infrastructure needs of the Town.

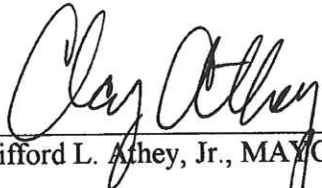
- I. Landowners wishing to voluntarily agree to assessment for the installation or construction of curb, gutter and sidewalk abutting their property along public streets maintained by the Town, may enter into a written agreement, prepared by the Town Attorney, with the Town of Front Royal for said installation or construction. Any voluntary agreement for the installation of a local improvement shall be subject to any terms of Chapter 48 of the Code of the Town of Front Royal applicable to voluntary agreements. As a part of any agreement, the landowner must pay for the installation or construction of the following improvements at the rate and terms as set out below, where applicable:
 - A. For the installation, construction, improvement, replacement, use or enlargement of sidewalks or other walkways by agreement between the Town of Front Royal and the landowner, the assessment to landowners shall not exceed three dollars (\$3) per square foot of walkway improved.
 - B. For the installation, construction, improvement, replacement, use or enlargement of curbs & gutters by agreement between the Town and the property owner, the assessment to landowners shall not exceed twelve dollars (\$12.00) per linear foot of curb and gutter improved.
- II. Landowners may pay for the improvements as follows:
 - A. The landowner pays the entire amount of voluntary assessment for the improvement, as set out above, at the time when the application is approved and the agreement ratified and no lien on the abutting property shall be recorded.
 - B. The landowner may enter into an agreement, secured by a lien on the abutting property, with the Town allowing for payment in nine (9) equal installments over a period of eight (8) years. The first installment shall be due after substantial completion of the improvement, which date of completion shall be determined by the Director of Public Works & Utilities, having oversight of the improvement, to which he shall certify in writing to the Director of Finance who shall then bill the landowner forthwith. The first installment payment will be due and payable 30 days after the billing date. A lien will be recorded in the Warren County Courthouse against the affected property immediately after the agreement is ratified. Interest will be charged on the unpaid balance at the rate of a one-year U.S. Treasury Bill from the time the improvement is substantially completed. An administrative fee of \$25 will be charged to all landowners applying for improvements by installment payments which shall be paid at the time the application is approved and the agreement

ratified, which fee shall be credited to the cost of any amount assessed against the landowner for the improvement and deducted from the amount of the first installment. The landowner may pay the entire amount of the assessment at any time. If the first installment or any other annual installment is not paid within thirty (30) days after the due date, then the entire unpaid balance shall be declared due and payable and collected in any manner permitted by law.

The Town Manager shall be responsible for implementing this policy and establishing such further procedures or terms for the administration of this policy as he may find appropriate and not in conflict with Federal or State law, the Town Code, or this policy, now or as amended.

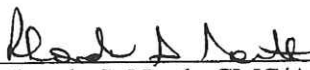
This resolution shall be effective March 1, 2002.

APPROVED:



Clifford L. Athey, Jr., MAYOR


ATTEST:



Rhonda S. North, CMC/AAE
Clerk of Council

This resolution was adopted by the Town Council of the Town of Front Royal, Virginia on the 17th day of December, 2001.

This resolution has been approved as to form and legality.



Blair D. Mitchell, Town Attorney

Date: Dec. 28, 2001

RESOLUTION

WHEREAS, ~~on February 26, 2001~~, the Town Council adopted a revised "Policy for Assessment for the Installation of Local Improvements" setting forth voluntary assessment procedures in a consistent and uniform manner and setting the rates for voluntary participation at \$3 per foot of walkway improvements and \$12 per lineal foot of curb and gutter improvements; and,

WHEREAS, the Council wishes to amend this Policy to ~~increase the rates and terms outlined therein to more closely reflect actual costs of construction~~ terminate any new enrollments in the voluntary curb and gutter improvement program after September 13, 2004; and

~~**WHEREAS**, for ease in research and clarity, it is preferable that the February 26, 2001 Policy be rescinded and that Council adopt a new Policy, which would include the increased rates;~~

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia that the Policy ~~contained in resolution # R-9-01 is rescinded effective March 1, 2002 and that the following Policy be approved in its place~~ is amended to read as follows:

**"POLICY FOR ASSESSMENT FOR THE
INSTALLATION OF LOCAL IMPROVEMENTS"**

WHEREAS, the Town of Front Royal wishes to provide a process whereby landowners/property owners may enter into agreement with the Town for voluntary assessments to install or construct curbs, gutters and/or sidewalks in areas abutting public streets maintained by the Town; and

WHEREAS, the Town encourages the installation or construction of curb, gutter and/or sidewalk finding it to benefit the citizens of the Town through improved pedestrian access, improved storm water drainage, and prolonged street life; and

WHEREAS, the voluntary installation or construction of curb, gutter and/or sidewalk has become more prevalent; and

WHEREAS, the Town Council desires consistency and uniformity in the exercise of the Council's assessment authority.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the following policy is adopted pertaining to the voluntary assessment for the installation or construction of certain local improvements: sidewalks, curb & gutter, by agreement which may be amended or modified from time to time to better serve the needs of the Town of Front Royal. The Town Council having made the above findings, it is ordered that: curb, gutter and/or sidewalk abutting public streets maintained by the Town be installed or constructed where the abutting

landowner/property owner has agreed to voluntary assessment for such improvement at the amount and terms set forth herein, in Chapter 48 of the Town Code, in § 15.2-104 and Article II (§ 15.2-2404, et seq.) of Chapter 24 of Title 15.2 of the Code of Virginia, and such further administrative provisions as the Town Manager may deem necessary to implement the policy expressed therein.

The Town Manager may refuse the request of any landowner to install or construct any particular improvement or agree to an assessment by agreement and refer the matter to Town Council for decision if he determines that the particular installation or construction is not an appropriate use of Town funds or is contrary to the infrastructure needs of the Town.

1. Landowners wishing to voluntarily agree to assessment for the installation or construction of curb, gutter and sidewalk abutting their property along public streets maintained by the Town, may enter into a written agreement, prepared by the Town Attorney, with the Town of Front Royal for said installation or construction. Any voluntary agreement for the installation of a local improvement shall be subject to any terms of Chapter 48 of the Code of the Town of Front Royal applicable to voluntary agreements. As a part of any agreement, the landowner must pay for the installation or construction of the following improvements at the rate and terms as set out below, where applicable:
 - A. For the installation, construction, improvement, replacement, use or enlargement of sidewalks or other walkways by agreement between the Town of Front Royal and the landowner, the assessment to landowners shall not exceed three dollars (\$3) per square foot of walkway improved.
 - B. For the installation, construction, improvement, replacement, use or enlargement of curbs & gutters by agreement between the Town and the property owner, the assessment to landowners shall not exceed twelve dollars (\$12.00) per linear foot of curb and gutter improved.
- II. Landowners may pay for the improvements as follows:
 - A. The landowner pays the entire amount of voluntary assessment for the improvement, as set out above, at the time when the application is approved and the agreement ratified and no lien on the abutting property shall be recorded.
 - B. The landowner may enter into an agreement, secured by a lien on the abutting property, with the Town allowing for payment in nine (9) equal installments over a period of eight (8) years. The first installment shall be due after substantial completion of the improvement, which date of completion shall be determined by the Director of Public Works & Utilities, having oversight of the improvement, to which he shall certify in writing to the Director of Finance who shall then bill the landowner forthwith. The first installment payment will be due and payable 30 days after the billing date. A lien will be recorded in the Warren County Courthouse against the affected property immediately after the agreement

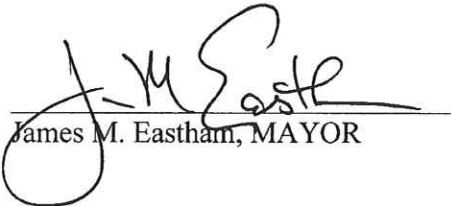
is ratified. Interest will be charged on the unpaid balance at the rate of a one-year U.S. Treasury Bill from the time the improvement is substantially completed. An administrative fee of \$25 will be charged to all landowners applying for improvements by installment payments which shall be paid at the time the application is approved and the agreement ratified, which fee shall be credited to the cost of any amount assessed against the landowner for the improvement and deducted from the amount of the first installment. The landowner may pay the entire amount of the assessment at any time. If the first installment or any other annual installment is not paid within thirty (30) days after the due date, then the entire unpaid balance shall be declared due and payable and collected in any manner permitted by law.

The Town Manager shall be responsible for implementing this policy and establishing such further procedures or terms for the administration of this policy as he may find appropriate and not in conflict with Federal or State law, the Town Code, or this policy, now or as amended.


The Town shall not accept additional voluntary agreements for curb and gutter after September 13, 2004, until this policy is further amended at a later date.

This resolution shall be effective upon passage.

APPROVED:


James M. Eastham, MAYOR

ATTEST:


Rhonda S. North, MMC
Clerk of Council

This resolution was adopted by the Town Council of the Town of Front Royal, Virginia on the 13th day of September, 2004.

This resolution has been approved as to form and legality.


Blair D. Mitchell, Town Attorney

Date: Sept 23, 2004

Chapter 48PROCEDURE FOR TAXES OR ASSESSMENT FOR LOCAL IMPROVEMENTS

Sections:

- 48-1 AUTHORITY TO IMPOSE TAXES OR ASSESSMENTS FOR LOCAL IMPROVEMENTS; PURPOSES
- 48-2 (RESERVED)
- 48-3 HOW IMPOSED
- 48-4 (RESERVED)
- 48-5 HOW COST ASSESSED OR APPORTIONED
- 48-6 (RESERVED)
- 48-7 VOLUNTARY AGREEMENTS
- 48-8 THROUGH 10 (RESERVED)
- 48-11 ASSESSMENTS TO BE REPORTED TO THE DIRECTOR
- 48-12 (RESERVED)
- 48-13 NOTICE TO LANDOWNER OF AMOUNT OF ASSESSMENT
- 48-14 HOW NOTICE GIVEN; OBJECTIONS
- 48-15 APPEAL TO COURT; DUTY OF CLERK OF GOVERNING BODY, ETC
- 48-16 HOW SUCH APPEAL TRIED; LIEN OF JUDGEMENT; WHEN TO TAKE EFFECT; HOW ENFORCED
- 48-17 DOCKETING OF ABSTRACTS OF RESOLUTIONS OR ORDINANCES
- 48-18 INSTALLMENT PAYMENT OF ASSESSMENTS
- 48-19 RELEASE OF LIENS DOCKETED
- 48-20 (RESERVED)

Adopted by Town Council 5-11-98 (*Repealed Section 134-56 – 134-63 and 142-8 – 142-16 at time of adoption*)

48-1 AUTHORITY TO IMPOSE TAXES OR ASSESSMENTS FOR LOCAL IMPROVEMENTS; PURPOSES

The Town may impose taxes or assessments upon the owners of abutting property for constructing, improving, replacing or enlarging the sidewalks upon existing streets, for improving and paving existing alleys, and for the construction or the use of sanitary or storm water management facilities, retaining walls, curbs and gutters. Such taxes or assessments may include the legal, financial or other directly attributable costs incurred by the Town in creating a district, if a district is created, and financing the payment of the improvements. The taxes or assessments shall not be in excess of the peculiar benefits resulting from the improvements to such abutting property owners. No tax or assessment for retaining walls shall be imposed upon any property owner who does not agree to such tax or assessment.

In addition to the foregoing, the Town Council may impose taxes or assessments upon the owners of abutting property for the construction, replacement or enlargement of waterlines; for the installation of street lights; for the construction or installation of canopies or other weather

protective devices; for the installation of lighting in connection with the foregoing; and for permanent amenities, including, but not limited to, benches or waste receptacles.

Other than by voluntary agreement, any tax or assessment imposed for a local improvement shall be set by the Town Council by ordinance as provided herein.

The Town's assessment ordinances and policies shall be construed and interpreted to comply with the laws of the United States and the Commonwealth of Virginia, granting no additional rights or interest to the landowner and no additional restrictions or limitations upon the assessment authority of the Town than imposed by Federal and State law.

48-2 (RESERVED)

48-3 HOW IMPOSED

Such improvements may be ordered by the Town Council and the cost thereof apportioned in pursuance of an agreement between the governing body and the abutting landowners, and, in the absence of such an agreement, the cost of improvements which is to be defrayed in whole or in part by such tax or assessment, may be ordered on a petition from not less than three-fourths (3/4) of the landowners to be affected thereby or by a two-thirds (2/3) vote of all the members elected to the Town Council. Notice shall be given to the abutting landowners, notifying them when and where they may appear before the Town Council, or such committee or administrative board or other similar board of the Town which the Town Council may appoint for that purpose and to whom the matter of assessment may be referred, to be heard in favor of or against such improvements.

48-4 (RESERVED)

48-5 HOW COST ASSESSED OR APPORTIONED

The cost of such improvement, when the same shall have been ascertained, shall be assessed or apportioned by the Town Council, or by some committee thereof, or by any officer or board authorized by resolution of the Town Council to make such assessment or apportionment, between the Town and the abutting property owners when less than the whole is assessed, provided that, except when it is otherwise agreed between the Town and the landowner, that portion assessed against the abutting property owner or owners shall not exceed one-half of the total cost.

Notwithstanding any other provision of this Chapter, any portion of the cost of such improvements not funded by such special assessment may be paid from federal or state funds received by the Town for such purpose.

48-6 (RESERVED)

48-7 VOLUNTARY AGREEMENTS

Assessments put on by agreement between the Town and a landowner for local improvements and associated facilities shall comply with the Town's "**POLICY FOR ASSESSMENT FOR THE INSTALLATION OF LOCAL IMPROVEMENTS**" as approved by the Town Council. A copy of the written policy is to be available to the public at the Town Hall during the normal business hours of the Town government.

*Resolution
adopted
2004*

48-8 THROUGH 10 (RESERVED)**48-11 ASSESSMENTS TO BE REPORTED TO THE DIRECTOR OF FINANCE;
POSTPONEMENT OF PAYMENT BY CERTAIN PROPERTY OWNERS**

The amount assessed against each landowner, or for which he is liable by agreement, shall be reported as soon as practicable to the Director of Finance, who is the collector of taxes for the Town of Front Royal, or his designee, who shall enter the same as provided for other taxes.

The Town Council may provide for the postponement of the payment of such assessment by certain elderly or permanently and totally disabled property owners meeting certain conditions until the sale of the property or the death of the last eligible owner. Eligibility for postponement shall be subject to the conditions set forth in Virginia Code § 58.1-3211 and Town of Front Royal Code § 75-17.1 for such elderly or permanently and totally disabled persons.

The Town Council may provide, in the specific assessment ordinance, for the postponement of the payment of such assessment until the property owner actually connects to the public utility system. However, if the property is conveyed between the time the assessment is made and the time the property owner actually connects to the public utility system, then the entire amount due under the assessment becomes due and payable on the day of the conveyance. In any event, the entire amount of assessment due shall be paid no later than ten years from the creation of the assessment or district.

Unless otherwise provided for in the specific assessment ordinance, the entire amount of the assessment, or the first installment if the landowner is permitted and elects to make payment in installments, shall be due 30 days after the billing date. Upon substantial completion of the improvement, the Town Department overseeing the improvement shall immediately certify in writing to the Department of Finance the date of substantial completion, the Department of Finance shall then immediately cause a bill to be mailed, which date of mailing shall be the billing date, to each abutting landowner stating the amount due, which shall include the amount of the assessment and filing fees, and indicate the date due. Failure of the landowner to receive the mailed bill shall not relieve the landowner of the obligation to make prompt payment.

The Director of Finance shall enter those assessments postponed by the Town Council in accordance with the conditions prescribed as provided for other taxes, but the eligible property owner shall have the option of payment or postponement.

48-12 (RESERVED)**48-13 NOTICE TO LANDOWNER OF AMOUNT OF ASSESSMENT**

When the assessment or apportionment is not fixed by agreement, notice thereof, and of the amount so assessed or apportioned, shall be given to each of the abutting owners who shall be cited to appear before Town Council, committee, officer or board having charge of the matter, not less than ten days thereafter, at the time and place designated, to show cause, if he can, against such assessment or apportionment.

48-14 HOW NOTICE GIVEN; OBJECTIONS

The notice may be given by personal service on all persons entitled to such notice, except (i) notice to an infant, a mentally incapacitated person or other person under a disability may be served on his guardian, conservator or committee; (ii) notice to a nonresident may be mailed to him at his place of residence or served on any agent of his having charge of the property or on the tenant of the property; or (iii) in any case when the owner is a nonresident or when the owner's residence is not known, such notice may be given by publication in a newspaper having general circulation in the Town once a week for four successive weeks. In lieu of such personal service on the parties or their agents and of such publication, the notice to 0 parties may be given by publishing the same in a newspaper having general circulation in the Town, once a week for two successive weeks; the second publication shall be made at least seven days before the parties are cited to appear. Any landowner wishing to make objections to an assessment or apportionment may appear in person or by counsel and state such objections.

48-15 APPEAL TO COURT; DUTY OF CLERK OF GOVERNING BODY, ETC

If a property owner's objections are overruled, he shall, within thirty days thereafter, but not afterwards, have an appeal as of right to the Circuit Court for the County of Warren. When an appeal is taken, the Clerk of the Town Council or the officer having charge of the matter, shall immediately deliver to the Clerk of the Court the original notice relating to the assessment, with the judgment of the governing body, committee, officer or board endorsed thereon, and the clerk of the court shall docket the same.

48-16 HOW SUCH APPEAL TRIED; LIEN OF JUDGEMENT; WHEN TO TAKE EFFECT; HOW ENFORCED

Such appeal shall be tried by the court in a summary way, without pleadings in writing and without a jury, after ten days' notice to the Town of Front Royal and the hearing shall be *de novo*. The amount finally assessed against or apportioned to each landowner, or fixed by agreement with him, as hereinbefore provided, shall be a lien enforceable in equity on his abutting land, from the time when the work of improvement has been completed, subject to his right of appeal and objections as aforesaid. Such lien shall be enforceable against any person deemed to have had notice of the proposed assessment under § 48-17, but if no abstract of the resolution or ordinance authorizing the improvement is docketed as provided in § 48-17, such lien shall be

void as to all purchasers for valuable consideration without notice and lien creditors until and except from the time it is duly admitted to record in the County of Warren.

48-17 DOCKETING OF ABSTRACTS OF RESOLUTIONS OR ORDINANCES

When any improvement is authorized for which assessments may be made against the abutting landowners, the Town Council may, before the amount to be finally assessed against or apportioned to each landowner or fixed by agreement is determined, and shall after such amount is finally determined, cause to be entered in the judgment lien book in the Circuit Court Clerk's office for the County of Warren, pursuant to Virginia Code § 15.2-104, an abstract of the resolution or ordinance authorizing such improvement showing the ownership and location of the property to be affected by the proposed improvement and the estimated amount or final amount that will be assessed against or apportioned to each landowner or fixed by agreement with him and the same shall be indexed in the name of the owner of the property. The Town Council may additionally, at the option of the Town Council, cause such abstract to be recorded in the deed book of the Circuit Court Clerk's office for the County of Warren, pursuant to Virginia Code § 15.2-2412. Such assessment shall be a lien solely on the abutting land as provided in § 48-16.

After the completion of the improvement, any estimated amount shall be amended, to show the amount finally assessed against or apportioned to each landowner or fixed by agreement with him, which final amount shall in no event exceed the estimated amount for the improvements as initially authorized. The amount finally assessed against or apportioned to each landowner may be greater than the initially assessed amount when the increased amount is for additional work being performed when the work was requested by the landowner and the additional work and its estimated amount is written into a separate agreement between the Town and the affected landowner. From the time of the docketing of such abstract, any purchaser of, or creditor acquiring a lien on, any of the property described therein shall be deemed to have had notice of the proposed assessment.

Any fee charged by the Clerk of the Circuit Court for recording an abstract of the assessment evidencing a lien for an assessment on an abutting property, shall be paid by the Town and be added to the amount of the lien.

48-18 INSTALLMENT PAYMENT OF ASSESSMENTS

Persons against whom the assessments have been made may pay such assessments in equal installments over a period of eight (8) years or if provided for within the specific assessment ordinance, up to 18 years. Such assessments may be paid in equal annual installments; provided, however, that one-ninth (1/9) of the assessment on an 8 year payment period, or the equivalent *pro rata* share if a longer installment period is provided, shall be paid on or before the due date, and the balance shall be paid in equal, proportional, annual installments thereafter together with interest on the unpaid balances at an annual interest rate, as set in the assessment ordinance, not to exceed the rate of one-year United States Treasury Bills at the time the assessment ordinance is adopted, which rate shall be determined by the Director of Finance. Such installments shall become due at the same time that real estate taxes become due and payable in the Town, and the amount of each installment, including principal and interest, shall be shown on a bill mailed not

later than fourteen days prior to the installment due date to each such person by the treasurer or his designee. If any annual installment is not paid within thirty (30) days after the due date, then the entire unpaid balance shall be declared due and payable and collected in any manner permitted by law.

48-19 RELEASE OF LIENS DOCKETED

The Director of Finance or his designee shall upon discharge of a lien docketed for an assessment as provided for herein by payment in full of the entire balance of the amount of any assessment and interest, deliver a certificate of payment to the property owner and shall execute any other certificate or release, partial or otherwise, as may be required by law. Upon presentation of the certificate, the clerk of the circuit court of Warren County shall mark the lien satisfied in the amount noted on the certificate.

48-20 (RESERVED)

(Ord. No. 6-98 Added Entire Chapter 5-11-98-Effective Upon Passage)

4



Town of Front Royal, Virginia Work Session Agenda Form

Date: September 18, 2017

Agenda Item: Discussion of Possible Use of Funds Collected from Sale of Former Police Dept.

Summary: Mayor Tharpe asked that Council discuss the possible uses of the funds collected from the recent sale of the former Police Department. Cost estimates for sidewalks and lights for Progress Drive is attached.

Council Discussion: Council takes desired action

Staff Evaluation: Staff will be available

Budget/Funding: Finance Director will be available

Legal Evaluation: Town Attorney will be available

Staff Recommendations: Staff will be available

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

Cost Estimate for Sidewalks and Lights - Progress Drive

Category	Items	Quantity	Estimated Cost	Actual Cost	Total Estimated	Total Actual
Curb & Gutter		1,940	\$30.00		\$58,200.00	\$0.00
Sidewalk	Survey	1	\$2,000.00		\$2,000.00	\$0.00
	Concrete	3524	\$33.00		\$116,292.00	\$0.00
	Handicap ramps	4	\$1,000.00		\$4,000.00	\$0.00
Lights	Light poles	13	\$2,000.00		\$26,000.00	\$0.00
	Wire and misc. material	1	\$4,000.00		\$4,000.00	\$0.00
Total			\$9,063.00	\$0.00	\$210,492.00	\$0.00

Cost estimate for sidewalks on both sides of Progress Drive, sidewalks completed by contractor and the installation of light poles will be done in-house.

Subtotal	\$210,492.00	\$0.00
Unexpected Costs - Add 15%	\$31,573.80	\$0.00
Total	\$242,065.80	\$0.00

5/4/17 Rev 1

5

6