



Office of the Town Manager

Christopher E. Martino

STAFF REPORT

Warrenton Town Council

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Heather Sutphin, Ward 1

William Semple, Ward 2

Brett Hamby, Ward 3

James Hartman, Ward 4 Vice Mayor

Jay Heroux, Ward 5

Paul Mooney, At Large

David McGuire, At Large

Council Meeting Date:	January 10, 2023
Agenda Title:	Making RollOutWarerenton! A Permanent Program
Requested Action:	Informational and Discussion for Direction
Department / Agency Lead:	Public Works and Utilities, Risk Management, and EOTW
Staff Lead:	Frank Cassidy

EXECUTIVE SUMMARY

The Town developed and implemented a successful economic development program at the onset of the pandemic called RollOutWarrenton! This program allowed businesses Town wide to create outdoor space for dining, community engagement, display of items for sale, and incorporated road closures on Main Street to further promote businesses. The program's objective was to encourage economic development while enhancing the overall experience for residents and visitors to the Town.

At the Town Council Meeting on March 8, 2022, the program was extended for the year. The end date was first week of November, in the same time frame as the prior year.

The program was implemented as directed with Town staff managing the parklet program as per the Parklet guide and placing the parklets along Main St. The street closures followed.

Staff removed the parklets, reopened the parking spaces and Second St., and added some amenities to First St. in line with the concept of First St. becoming a community space.

Since then, staff has been working with EOTW, reviewing the existing program guides and information, and assessing opportunities for making the program permanent, as directed by Council to provide information and recommendations.

BACKGROUND

RollOutWarrenton! is a Town-wide economic development initiative to assist all businesses in recovering from the economic impact of COVID-19. The program was based on the following:

1. Creating an environment that would encourage and promote recovery.
2. Finding ways to allow businesses to be creative.
3. Government as a partner to support the businesses during recovery.

RollOutWarrenton! is based on encouraging businesses to move outside and creating additional space

for their customers; providing opportunities for other temporary signage and enhancing the sense of community by promoting a walking atmosphere.

Town Council implemented the following:

- Adopted a resolution suspending zoning regulations that would hinder recovery efforts.
- Provided space for businesses to expand:
 - Closed Main Street to provide seating and display areas.
 - Allowed businesses to use parking areas for seating and display.
 - Allowed businesses to expand onto sidewalks but preserve safe access.
 - Created additional space for their customers to meet minimum State- mandated separation.
- Provided resources to assist businesses:
 - On-site consultations to discuss the business plan and layout of space.
 - Supplied PPE as needed during shortages.
 - Cones or other devices to be used as parameters to define outside spaces.
 - Provided additional directional signage.
 - Provided promotions via social media.
 - Provided fliers and handouts defining requirements and expectations.
- Continued monitoring and remaining flexible to adjust to any new orders or phased restrictions from the Governor serving as a resource on compliance questions.

The success of this program was the flexibility and collaboration throughout the community.

Council Actions on RollOutWarrenton!:

- May 12, 2020 – Regular Meeting - it was introduced and had Council support to move forward. The program was implemented Town-wide.
- August 6, 2020 – Work Session – Staff provided an update, and Council discussion continued with interest in how the program would move through fall and winter implications.
- December 8, 2020 – Regular Meeting – Staff provided an update. Some parklets were removed due to non-use during the winter months. A discussion was held to continue the program into Spring with reevaluation after understanding the VDOT Grant award.
- December 2020 WarmUpWarrenton! was established to assist businesses with changes for inclement weather. This is a grant program to complement existing provisions for the businesses.
- April 13, 2021 – Work Session – Staff provided an update of the program. Discussion included a survey conducted by Experience Old Town Warrenton (EOTW) illustrating the overall support of continuing the program, introduction of a parklet program, associated documents, and the recommendation to continue the program for another year. Council voted to continue the program and implement the parklet program.
- February 8, 2022, Town Council Work Session discussion to continue the program while working on a more permanent program. This was based on the overall economic and community-oriented success of the original program.
- March 8, 2022, Town Council Work approved continuation of the program with closing Main St. as outlined and discussed with the removal of the parklets to be determined by Public Works with the target of November, prior to Thanksgiving.
- December 13, 2022- Provided an update regarding the Second St. closing; directed to open Second St. with the understanding closing Second St. would be a part of the discussion for a permanent program.

- December 22, 2022- Met with EOTW and discussed details of the program which are incorporated into this report and discussion.

The Town Public Works and Utilities Department has been assessing the best time to remove the parklets and end the program for the year. The target removal time is the first week of November with an exact date to be determined based on weather and availability of staff. These decisions were reached by considering the following:

- **Weather-** Once the weather starts to reach frost and freezes, the parklets are not used as much.
- **Leaves-** An important part of this decision is based on safety. Currently the leaves are beginning to accumulate Town wide, and we are seeing accumulation around and under the parklets. This creates a fire hazard especially when considering the potential of a stray cigarette, or other heat source dropping underneath a parklet with dry leaves under it.
- **Staff availability-** The first week of November is two weeks after our Fall cleanup and the second week of our first series of leaf collection. This is the “lightest” leaf clean up period and coincides with the removal of the parklets to address safety concerns while providing access to Main St. for leaf removal. Also, given the workload and holidays, this is the best week for scheduling without interfering with our services.
- **Timing-** This week is in line with when the program ended last year and was the discussed time with those businesses who have approved parklets.
- **Condition of the Parklets-** The current parklets have reached their end of life as designed and provided. We do not recommend using them next year nor have the Town provide them. If the program is approved again, businesses will have to provide their own parklets as approved in the Town Parklet Guide.

Staff is working with EOTW and businesses to provide recommendations for a permanent program. The permanent program will establish effective dates; responsibilities and requirements for use of public right of ways and streets; design criteria for parklets; requirements for use of public spaces; establish a process for permitting; implement a fee structure; provide opportunities for additional road closures; and establish a plan for Second St. These are outlined below.

STAFF RECOMMENDATION

Staff recommends moving forward with establishing a permanent RollOutWarrenton! program as follows:

General Requirements: The minimum requirements for use of public space and installation of accessory structures (parklets) within the designated spaces will meet the criteria outlined in the “Parklet Program Guide.” Any space requested along First St. or Second St. must comply with maximum space requirements outlined in the guide- two parking spaces, 20ft by 8 ft: 160 sq. ft.

Effective Dates: Based on historical successes, concerns with weather related issues, accumulation of debris and overall use, we recommend the effective dates be April 1 through November 10.

Responsibilities and requirements for use of public right of ways and streets: Any business wishing to use any section or portion of the public right of way or street must assume responsibility for the use of the designated space to include: Insurance covering the space; maintenance of the space and all improvements there in throughout the entire agreement period; obtaining all required permits and/or licenses allowing the business to extend their operations into the public space; and monitoring of all safety related issues in the designated area. The space requested for use must be immediately adjacent to the business.

Design criteria for parklets: Parklets or any other improvements in the designated space will be the responsibility of the business to provide. Any structures or other improvements within the designated areas must comply with all provisions of safety, ADA, and provisions of State and Town Code. The design criteria outlined in the "Parklet Guide" is provided to provide an example of one type of parklet. Businesses can assemble or purchase a parklet based on the general requirements for safety and access and approval from the Town to ensure the design resembles the character of the location of the parklet.

Establish a process for permitting: A permit will be required for any business or person requesting the use of any right of way, public space, or street. Applications will be processed through Community Development permitting in similar fashion of a building permit. The permit application must include the following information to process:

- Applicant's name and contact information.
- Proof of ownership of the business making the request.
- Responsible person(s) if different than applicant.
- Site plan for the proposed area to be used.
- Design criteria to include materials, size, layout, accessibility, and other information needed to properly evaluate the use of space and all assemblages within the space.
- Proof of required insurance.
- All required fees.

Proposed fee structure: Staff considered several methods of developing a fee structure for the use of the public spaces. Staff also compared several other jurisdictions and their fee schedules. As Warrenton is unique in this program, we thought it best to create a fee structure we feel reflects the Town as closely as possible. With this, we recommend a fee schedule based on square footage, like a standard lease or rental agreement for commercial uses. The fee will be \$1.20 per square foot per month. The fee is required at time of application.

Additional requirements for road closures: Any associated road closures, be it throughout the designated time for the program or other events, will be handled the same way as a Special Event permit. Application must be made and approved by the Town with all associated Special Event fees.

Second Street: Closing of Second St. during the temporary program established an additional pedestrian zone and additional space for business use. The challenge with Second St. is the grade and the location of new businesses on Second St. Any permanent redesign of Second St. will need to incorporate changing the grade to more useable space(s), incorporating ADA standards, drainage, and safety. Regardless, staff recommends, if we are directed to have Second St. closed during the program period, any use of this space must comply with all the provisions set forth above with special consideration to safety of leveling the tables; stabilizing furniture or other improvements; providing a "hardened" barrier for safety; and ensuring ADA accessibility. If the space is not part of a business agreement for use, the space can be designated as open space for pedestrian access and additional community space. Staff will engage in a collaborative

process to find best uses if directed to do so. EOTW is recommending Second St. remain open in consideration of the three new businesses along Second St.

First Street: First St. has remained closed, and we have begun transitioning the space into a community space. The space has been well received by those attending the Farmers market, looking for a casual space to sit and socialize, and maintaining a comfortable pedestrian access way from parking to Main St. Staff has been working with EOTW and Parks and Rec. to continue to improve the space for this use with the short-term goals:

- Pavement Seal Coating
- Tic Tac Toe Ground Game & Other Passive Recreation Activities
- Outdoor Gazebo with Seating
- Various Benches and Picnic Tables
- Whiskey Barrel Planters with String Lighting
- Way Finding Sign at 1st & Main.

Service Level/Policy Impact

Developing and establishing a permanent program for RollOutWarrenton! will provide a consistent program for businesses and Town Staff. Other than any road closures, the staffing impacts for the program as outlined will be focusing on “hardening” vehicle/pedestrian conflict points; preparing the areas for use for businesses; clean up after the spaces are cleared; and maneuvering around any structures during day-to-day operations. The impact will be less with a permanent program.

Fiscal Impact

Some of the Town costs will be recovered through the permit fees and any related special events. All other costs will be absorbed through day-t-day operations.

Legal Impact

Review of rental or lease agreements and insurance policies as required.

ATTACHMENTS

1. Updated Parklet Guide and Parklet Design Guide
2. Right of Way Use Agreement
3. Email from EOTW