

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on May 23, 2016, in the Warren County Government Center's Board Meeting Room. Mayor Darr led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Timothy W. Darr
Councilman Bébhinn C. Egger
Councilman Bret W. Hrbek
Councilman Jacob L. Meza (*arrived at 7:10*)
Councilman Eugene R. Tewalt
Vice Mayor Hollis L. Tharpe
Town Attorney Douglas W. Napier
Town Manager Steven M. Burke, P.E.
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman John P. Connolly

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Councilman Tewalt moved, seconded by Councilman Vice Mayor Tharpe that Council approve the Regular Council Meeting minutes of May 9, 2016 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Augustus Lee, of 2 Crestview Drive, asked about the status of the potential traffic light he had spoken to Council about previously. Mr. Burke noted that the accident records did not reflect that a traffic signal was warranted at the intersection. He added that there had been a total of three accidents at said intersection and that would not meet the accident criteria for the required signalization. To further answer Mr. Lee's questions, Mr. Burke noted that the standards which would trigger the need for a traffic signal to be installed at other intersection nearby had been met and that the traffic volumes had also been met at the other intersections.

Mayor Darr noted that the Council would also be looking into the intersection and would contact Mr. Lee on the issue to bring him into the discussion at a later time. Mr. Lee asked about the volume of traffic past the intersection and how it played into the signal installation for other intersections. Mr. Burke noted that due to the limited amount of traffic at the location Mr. Lee is concerned about, a signal would not be warranted. Mr. Lee asked about the traffic light at the trash dump and about the number of accidents required before a signal is installed for safety measures. Mr. Burke explained that that particular intersection is in Warren County and handled by VDOT.

Mr. Lee noted that there was a bear concern in his neighborhood. Mayor Darr stated that the Department of Game & Inland Fisheries can be contacted in order address the bear matter. He noted that the Town does have bear proofing measures that can be added to Town refuse containers. Mr. Lee expressed concern for the safety and well-being of his family and those in his

neighborhood. Mr. Hrbek stated that the Town has no jurisdiction over the bear issues and the Department of Game & Inland Fisheries is the representative to contact.

Councilman Meza arrived at the meeting.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke noted that:

- The Town's Police Department has initiated the "Click It or Ticket" Campaign that runs May 23rd to June 5th to promote use of seat belts in vehicles on the road. Seat belts are the greatest defense from significant injury in a traffic crash
- The Town's contractor will begin line painting throughout the Town beginning Tuesday May 31st and should continue through June 10th. Please be aware of this work as you travel through the Town.
- The Town will continue installation of pedestrian signal equipment at Commerce Avenue intersections with Water Street and Laura Virginia Hall Drive. Night work is planned from Wednesday May 25th through Friday May 27th between 9:00 pm and 6:00 am. Please be aware of lane closures while traveling through the work zone.
- The Town's consultant will be conducting inspection and survey of the Criser Road Bridge on Thursday May 26 and Friday May 27th that will require a lane closure each day. Please be aware of this work as you plan your travel.
- The Town's contractor will begin replacement of the water line on Kerfoot Avenue from Salem Avenue to River Drive beginning May 31st. Kerfoot Avenue will be closed in the area of the work during this six week project. Intermittent water service will occur during the replacement of the water main.
- The Town Offices will be closed on Monday May 30th in observance of Memorial Day. Solid Waste collection for those with Monday collections will be Wednesday, June 1st.
- Our residents are invited to attend the Memorial Day Ceremony at the Gazebo on Monday May 30th from 11am until 2 pm
- Residents are also invited to the Gazebo on Tuesday, May 31st at 11 am to enjoy the Spring Concert by the Warren County Middle School.
- The Blue Ridge Arts Council will also begin the Gazebo Gatherings Friday, June 3rd at 7:00 pm at the Gazebo with performance by the American Legion.
- Thank you to the Front Royal Independent Business Alliance and the Chamber of Commerce for the Taste of the Town and the Wine & Craft Festivals this weekend.

Councilman Tewalt asked about Commerce Avenue issue. Mr. Burke stated that it would be a revenue sharing project shared expense and the paving contract would be scheduling the matter sometime after July 1st.

Jennifer McDonald, Executive Director of the Economic Development Authority, noted that the EDA continues to work on the application to VDOT for the W. Main Street extension revenue sharing project. She stated that IT Federal's revised site plan is being reviewed, noting that the geotechnical study was complete and all came back fine. Mrs. McDonald reported that the designation for the 501C for Avtex museum in order to receive donations moved forward and the FMC donation towards the museum had been granted.

Mrs. McDonald stated that they continued their work with commercial prospects. She noted that the engineer and environmental studies came back on the Afton Inn, though not in a positive light unfortunately. She added that they showed that it may be better to tear the building down and begin from scratch, though renovation costs will be examined. She commented that the progress meeting minutes for Leach Run Parkway are in Council's packet and May 25th is the next Development Review Committee Meeting and all are welcome to attend.

Mrs. McDonald stated that the EDA continues to receive phone calls on the McKay Springs site, though few are legitimate leads. Councilman Hrbek asked about a closed session with the Avtex developer if possible.

Councilman Hrbek noted that the Town/EDA/Planning Commission meeting recently was great and he hoped that many positives would be coming forward from the event.

Councilman Egger noted that a timeline on the ITFederal project would be helpful. Mrs. McDonald noted that it would depend on when the site plan was approved.

Meza Asked about the Afton Inn, and McDonald stated that the building was noted as structurally sound though it was 15 years ago. She stated that the updated numbers were very helpful and she wants to share the details with Council as soon as she hears from the developer.

Councilman Hrbek asked about the old Police Department structure. Mrs. McDonald noted that she would work on the numbers, and report back to Council.

Councilman Egger thanked everyone with FRIBA for allowing Council to judge the recent car show during Friday's Taste of the Town event.

Mayor Darr stated that the Taste of the Town event was very successful. He noted that the Wine & Craft event was well done and the weather only dampened the event slightly.

Mayor Darr noted that Council attended the new Energy Services Building ribbon cutting with Staff prior to this evening's meeting. He stated that it was a capital improvement project and it certainly turned out well. He commended Mr. Waltz for his efforts and Council for funding the project in the Town's budget.

Mayor Darr asked if there were any proposals for additions or deletions to the agenda.

CONSENT AGENDA

A. COUNCIL APPROVAL – Sewer Connection Fee Payment Plan for 1435 John Marshall Highway – Larry Figgins

B. COUNCIL APPROVAL – Bid for Pole Inspection, Treatment, Restoration Services

C. COUNCIL APPROVAL - Deed of Easement for Sewer Line located at 8498-8506 Winchester Road (Cedarville Corner)

~~D. COUNCIL APPROVAL – Resolution – Rotary Club of Front Royal's 90th Anniversary~~
(Removed for separate discussion and vote)

Councilman Tewalt moved, seconded by Councilman Egger that Council adopt the Consent Agenda as presented.

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

COUNCIL APPROVAL – Resolution – Rotary Club of Front Royal’s 90th Anniversary

Councilman Hrbek moved, seconded by Councilman Tewalt that Council approve a resolution celebrating Rotary Club of Front Royal’s 90th Anniversary on May 20, 2016.

Councilman Hrbek stated that being a member of Rotary over the years certainly shaped who he was, noting the positive aspects and contributions of such an organization. He spoke of the great advantages of such a grand group to the community, noting that the work that they contribute to Front Royal. Councilman Tewalt noted that Rotary noted that it was one of best organizations that he was ever a part of and he was proud to say he was member for so many years.

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

PUBLIC HEARING – Ordinance Amendment to R-1A District (1st Reading)

Summary: Council is requested to affirm on its first reading an ordinance to amend the R-1A District regulations that include Front Royal Town Code Sections 175-18.1 through 175-18.7, and the addition of Section 175-18.8. The amendment would add an optional set of performance standards known as “cluster development” standards. Over a series of work sessions the applicant (Front Royal Limited Partnership – FRLP) and the Front Royal Planning Commission drafted the attached ordinance amendments.

Mayor Darr opened the public hearing.

David Vazanna, applicant, noted that open space would be created with the change, and the amendment had changed a lot since one year earlier. He thanked Town Staff and the Planning Commission for determining the language that would be well suited for the community and noted that he would be available for any questions.

As no one else came forward to speak, the public hearing was closed.

Councilman Egger moved, seconded by Vice Mayor Tharpe that Council affirm on its first reading an ordinance to amend the R-1A District regulations that include Front Royal Town Code Section 175- 18.1 through 175-18.7, and the addition of Section 175-18.8, as presented.

Councilman Tewalt voiced his concern with the park language in the documents. He suggested striking the language from the text.

Councilman Egger asked if the park language would bind the County of Warren, as it was her understanding that it would not. Mr. Napier noted that Ms. Egger was correct, and the language would in no way bind the County of Warren.

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

PUBLIC HEARING – Amendment to the Comprehensive Plan *(1st Reading)*

Summary: Council is requested to consider a request submitted by Front Royal Limited Partnership (FRLP) to adopt a “Future Land Use Plan” as part of the Town’s Comprehensive Plan. The Plan is for FRLP’s 604-acre property that was annexed in 2014 and is currently zoned A-1. The “Future Land Use Plan” is the same as approved during the annexation of the property and is incorporated into the Voluntary Settlement Agreement as Exhibit A, and was approved by both the Town of Front Royal and the County of Warren.

Mayor Darr opened the public hearing.

Joe Duggan, on behalf of the FRLP, presented the following to Council, along with large maps for review:

Please bear in mind that Future Land Use Plan is a conceptual plan reflecting our initial planning efforts for the site – and is the result of:

- a. Exhaustive Site Analysis including numerous site visits or ‘walks’ where we really had a chance to get to know the sites most important natural features-assets and limitations
- b. Compilation and Review of Site Data-Slopes and Related Drainage, Hydrology, Soils, Historic, Circulation, etc.
- c. Current regulations governing development on the site
- d. Possible ‘tool kit’ of the options regarding development-latest information regarding best practices in land use planning.

Based on our research, we decided to use the same elements here as the “cluster design principle” – in other words, to put the development in certain areas while preserving the remainder of the site for open space, recreation, and SWM uses. In Fact the sites hydrology was the primary driving factor in the land use plan.

Some facts to note:

- Overall Site is 604 Acres
- Site of Communities 1-4 and Village Retail = 346 acres or 57% of site

- Community & Open Space, & SWM areas = 258 Acres or 43% of site
- In addition - Each of the individual Communities 1-4 will have internal open space.

Water Map

As mentioned previously, Water (the sites hydrology) was the primary driving factor in the land use plan.

- We laid out the communities based on the sites existing drainage ways and placed greenways in those areas.
- These 2 internal greenways, approximately 45 acres in size, dictate the location and define the boundaries of the separate neighborhoods (*this is the N-S and E-W internal greenway area*)
- By identifying and working with the sites natural drainage areas we are creating large open areas that can be used to not only accommodate drainage but could also potentially be used to improve the water quality through innovative storm water management best practices which would allow us to clean it “naturally”.
- This also creates wildlife corridors and gives each neighborhood a distinctive boundary – surrounded by preserved natural areas.
- This also creates opportunities for community circulation, and recreational spaces and facilities.

The Slopes Map

A major component of the Hydrology/Drainage patterns of any site is the slope

- As you can see the slopes complements the drainage-an overall pattern emerges-which is what we are working with. It would be unrealistic however, given the site conditions, not to expect some impact to the slopes.
- The predominant and most challenging slopes on the site are on the far eastern and far western portions of the site.
- We have preserved the ones on the far eastern portion of site by Marshall family cemetery.
- Although a portion of the slopes are shown in Communities 1+ 4 our intention is to preserve them as much as possible through the internal design of these Communities. The ‘footprint’ represents the neighborhood development area, not the intensity of the development.

CONCLUSION:

Please remember This Land Use Plan is conceptual and lays out the potential future development areas and the areas that might be best preserved as future open space, based on the considerations noted.

Things will come up as we get further into the planning/design process and related discussions with the Town.

For example a lot of regulation and innovation has occurred recently in regards to Land Development.

Dictates- from the EPA and State of Virginia regarding the Chesapeake Bay - which have to be followed - require both the Design team and the local authorities to rethink how things get done.

Cooperation and creativity will be required as we all work together, to do the right thing, and to achieve the vision provided by the Comprehensive Plan.

Stan Brooks, Jr., of 541 S. Royal Avenue, asked about whether agenda item was initiated by the developer or the Planning Commission. Mr. Camp noted that the Planning Commission recommended approval and the matter was initiated by the applicant from FRLP.

As no one came forward to speak, the public hearing was closed.

Councilman Hrbek moved, seconded by Councilman Meza moved that Council approve a request from Front Royal Limited Partnership (FRLP) to adopt the "Future Land Use Plan" for their 604-acre property annexed in 2014, as part of the Town's Comprehensive Plan, as proposed.

Vote: Yes – Egger, Hrbek, Meza, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – Connolly

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

(By Roll Call)

PUBLIC HEARING – Ordinance Amendment to Increase Rates for Solid Waste Management Services *(1st Reading)*

Summary: Council is requested to affirm on its first reading an ordinance to amend Front Royal Town Code Section 85-3 to increase rates for solid waste management services. If approved the rate increase would be incorporated on utility bills after July 1, 2016.

Mayor Darr opened the public hearing. As no one came forward to speak, the public hearing was closed.

Vice Mayor Tharpe moved, seconded by Vice Mayor Tharpe that Council affirm on its first reading an ordinance to amend Front Royal Town Code Section 85-3 to increase rates for solid waste management services to be incorporated on utility bills after July 1, 2016 as presented.

Councilman Tewalt noted that the Town could save money for both the residents and the Town as a whole if the process was privatized. He stated that the privatization should be pursued and pursued as quickly as possible.

Councilman Egger echoed Mr. Tewalt's comments, adding that she would vote for the increase as it was needed though the privatization should certainly be examined.

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

COUNCIL APPROVAL – Annual Appropriation Ordinance

Summary: Council is requested to affirm on its first reading the adoption of the Town's Annual Appropriation Ordinances for FY2016-2017 Budget. Appropriations would be effective July 1, 2016 through June 30, 2017.

Mayor Darr opened the public hearing.

Stan Brooks, of 541 S. Royal Avenue, noted that he no longer owner the Parkside Inn, though the room tax issue needed to be addressed. He stated that the Corridor Agreement could be amended, the County could adjust their rate, or the Town could adjust their lodging rate to balance the amounts. He proposed that the Town could adjust their rate by two cents and Warren County could adjust their rate by two cents next year.

Mr. Brooks asked that the Town perform a report card on themselves. He noted that questions should be answered and his gut feeling would be that the Town is regressing. Mr. Brooks stated that key questions around Town should be examined. He noted that in general the Town is in a recession and it does not make much sense to do a \$9 million building during a recession. He added that many infrastructure needs are present and should be addressed before a large expensive building is constructed.

Mike McCool, of 125 W. 8th Street, echoed some comments of Mr. Brooks, and noted of he views the status of the Town. He stated that the number of closing businesses has raised steadily in the past year and Council should take notice of that number. Mr. McCool noted that Front Royal is dying from the inside out in some ways and Council should take notice that they are expanding on the outskirts and the core businesses downtown are crumbling. He added that the economy is not growing and Town of Front Royal and wages and salaries are proposed to be increased and that was not prudent. Mr. McCool stated that people are in need of raises, though perhaps adding \$1 as a bonus this year would be better than an addition to everyone's salary.

Mr. McCool asked if all of the services provided by the Town is the way to go. He encouraged the Town to privatize their refuse collection. He noted that the Town should really consider excessive raises for Department Heads. Mr. McCool stated that there was an excessive amount of fat in the Town budget which could easily be cut.

As no one came forward to speak, the public hearing was closed.

Vice Mayor Tharpe moved, seconded by Councilman Egger that Council postpone the first reading of the Town's Annual Appropriation Ordinances for the FY2016-2017 Budget until the next regular Council Meeting on June 13, 2016.

Councilman Hrbek noted that United Way is doing a socio-economic standing on the area through the Alice Project. He stated that drugs, homelessness, etc., will be reviewed and the EDA and the Chamber could be reviewing other aspects.

Councilman Egger noted that the vote would be postponed at this time as Mr. Connolly was out of town.

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

There being no further business, the Mayor declared the meeting adjourned at 8:01 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council