

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on March 28, 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 John P. Connolly
Councilman Bébhinn C. Egger
Councilman Joseph L. Meza
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 Bret W. Hrbek
Councilman Eugene R. Tewalt

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

Councilman Egger moved, seconded by Councilman Connolly that Council approve the Regular Council Meeting minutes of March 14, 2016 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

William Sealock, of 1041 Wine Street, noted that he had personal concerns regarding the 14 cent tax rate that is proposed. He noted concerns with the Police Department building that is being planned for and he stated that there is apparently is no reserve set aside for said building. He stated that the one cent increase concerns him greatly. Mr. Sealock noted that years ago there was no increase for the wastewater treatment plant expansion. He stated that discussion took place for giving the in-town hotels a decrease perhaps, which would be \$55,000. Mr. Sealock stated that the hotel amount could be set aside and that concerns him as those funds have already been allocated.

Mr. Sealock asked Council to take a strong look at the 14 cents and hold the line and go forward as the Town Manager suggested and roll back if need be. He pleaded with Council to review the matter intently.

Steven Marut, of Young Life a Youth Organization, of 20 E. 4th Street, invited members of Council to the upcoming event on April 9th. He noted that they trained mentors in the community to work with students in both the high schools. He stated that the banquet would be catered by the Apple House and he would leave the invitation with the Clerk of Council to ensure Council would receive another copy. Mayor Darr thanked him for doing so.

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke noted the following:

- Yard waste collection resumes this Wednesday, March 30th. Grass clippings and leaves should be placed into reusable containers, biodegradable bags, or untied plastic bags. Tree root balls or bushes with their roots cannot be collected. Tree limbs less than 5' long should be bundled with string or twine and weigh less than 50 pounds. Limbs longer than 5' and less than 8" in diameter can be scheduled for the chipper by contacting the Department of Environmental Services at (540) 635-7819.
- The Town has free mulch for residents. Please visit the Manassas Avenue site to pick up your mulch. You can load as much as you'd like. You do have to cover the mulch to transport home.

- Hydrant flushing is scheduled to begin next Monday, April 4th and continue for the next two weeks. Our crews will be inspecting the hydrants for operation and measuring the hydrant flow rate. Flushing will result in temporary low water pressure and possible discoloration of water to your home. Please visit the Town's website at frontroyalva.com for additional information.
- Installation of the pedestrian equipment along Commerce Avenue and at the South Royal Avenue and Criser Road continues. Please be aware of the work in these areas as the Town continues to improve pedestrian safety throughout the Town.
- Shenandoah National Park visitor center has opened.
- Working with the Urban Forestry Advisory Commission, the Town has provided information about the appropriate way to trim trees and to fertilize your yard. Please visit the Town's website for more information; and
- Town Manager reviewed a presentation to Council and the public regarding the proposed Town fiscal year budget.

Mayor Darr announced that Joseph and Robert Rutherford were the recipients of the Town's two \$500 scholarships for 2016, and were the first recipients. He congratulated both boys, noting that they were the sons of Butch and Jill Rutherford and seniors at Warren County High School.

Mayor Darr shared the following with members of the public:

With the approval of this contract tonight, the Town will complete a process to select the Community Development Director. The Town of Front Royal is pleased to announce that Ms. Felicia Hart will begin her service to our community as the Community Development Director on April 1st.

Felicia Hart has a long career in communications and civic action. Ms. Hart has previously worked as a Marketing Communications Manager for American Woodmark Corporation and as a Marketing Assistant for First Bank. She served as the Executive Director for First Night Winchester where her duties included securing grants for the event, training volunteers, and coordination with local store operators. Ms. Hart has also served as the Marketing & Development Director for the Community foundation of the Northern Shenandoah Valley where she assisted in doubling the donated funding. Most recently, Ms. Hart served as the Downtown Coordinator for the Town of Strasburg where she implemented programs based upon the Main Street Four Point Approach.

The Town is looking forward to Ms. Hart working with our staff, local merchants, and the various community organizations to advance the business climate and community spirit.

This position is another positive step in working together to make Front Royal an even better community. Ms. Hart's office will be located on the first floor of the Town's Administration Building immediately on the left as you enter the building.

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

Vice Mayor Tharpe moved, seconded by Councilman Egger, to remove the Cable/Pullen Street curb and gutter item to a work session and remove the Finance Department reorganization item to a closed session at a later time.

Vote: Yes – Connolly, Egger, Meza and Tharpe

No – N/A

Abstain – N/A

Absent – Hrbek and Tewalt

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

(By Roll Call)

CONSENT AGENDA

A. COUNCIL APPROVAL – Bid for Transformers and Request to Make Payments for Spare Transformer from AG Laser Technology, LLC

B. COUNCIL APPROVAL – Proclamation – “National Service Recognition Day”

C. COUNCIL APPROVAL – Resolution to Veto Senate Bill 767

D. COUNCIL APPROVAL – Resolution to Veto Item 3-6.05#1c of State Appropriations Budget

E. COUNCIL APPROVAL – Bid for Replacement of Pole Building

Vice Mayor Tharpe moved, seconded by Councilman Egger that Council adopt the Consent Agenda as presented.

Vote: Yes – Connolly, Egger, Meza and Tharpe

No – N/A

Abstain – N/A

Absent – Hrbek and Tewalt

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

(By Roll Call)

☞ Mayor & Town Recognition Day for National Service ☞ **PROCLAMATION**

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with Town officials and mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, National Association of Counties, Cities of Service, and mayors and town officials across the country for the Mayor and Town Recognition Day for National Service on April 5, 2016.

THEREFORE, BE IT RESOLVED that I, *Mayor Timothy W. Darr*, of Front Royal, Virginia, do hereby proclaim April 5, 2016, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our Town; to thank those who serve; and to find ways to give back to their communities.

☞ RESOLUTION OF **TOWN OF FRONT ROYAL** **REQUESTING GOVERNOR TO VETO** **SENATE BILL 767 ☞**

WHEREAS, Senate Bill 767 is a bill that requires candidates for local office who are nominated by a political party to be identified on the ballot with a party designation; and

WHEREAS, Senate Bill 767 will inject partisanship into local elections. Filling potholes, responding to fires or a burglary call, appropriate zoning of local real estate, paying teachers' salaries, providing public water and sewer utilities, and trash collection are not partisan issues, yet those are the most important issues

that local governments across Virginia confront, and are the issues most important in the daily lives of Virginia's citizens.

WHEREAS, If Senate Bill 767 is enacted into law, federal employees, including federal law enforcement members, and members of the United States Army, Navy, Air Force, and Coast Guard, who are stationed and reside in Virginia, would be discouraged, and possibly prohibited, from running for and serving in local elected office pursuant to the Hatch Act and Department of Defense Directive 1344.10. These men and women serve their country, frequently at the risk of their lives, and should be allowed to serve the communities in which they live, pay taxes and send their children to school, and should not be disenfranchised from the local political process for raw partisan purposes which serve no demonstrable local purpose; and

WHEREAS, the Town of Front Royal is only 70 miles west of Washington, D.C., but has not qualified for exemption from the Hatch Act. Many residents of the Town of Front Royal are employed by the federal government, including the current Mayor of the Town of Front Royal.

WHEREAS, partisan politics is contrary to the spirit of local collaboration and community that is the fabric of our Town and other municipalities like ours; and

WHEREAS, partisan politics will not improve, but will hinder, the operation of local government; and

WHEREAS, in an effort to avoid partisan elections the Town of Front Royal enacted an ordinance that is part of its Town Code which prohibits partisan elections, which Senate Bill 767 would, if enacted into law, effectively void; and

WHEREAS, the Town Council of the Town of Front Royal has been reliably informed by the Virginia Municipal League that the practice of non-partisan elections evolved well over 100 years ago in reaction to corrupt local political machines as exemplified by Tammany Hall. Nationwide, about 70 percent of municipalities currently have nonpartisan elections; and

WHEREAS, close votes in both the House of Delegates (50 to 45) and the Senate (22 to 17) demonstrate that there are significant doubts in the Virginia legislature about the wisdom of this measure; and

WHEREAS, an analysis of the recent case of *Marcellus v. Virginia State Board of Elections*, decided March 4, 2016, in the United States District Court in the Eastern District of Virginia, causes the Constitutional validity of Senate Bill 767 to be in doubt.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Town Council of the Town of Front Royal, that the Governor of the Commonwealth of Virginia is respectfully requested to exercise the power vested in him by Article 5, Section 6 of the Constitution of Virginia, and veto Senate Bill 767.

*OR RESOLUTION OF
TOWN OF FRONT ROYAL
REQUESTING GOVERNOR TO VETO
ITEM 3-6.05#1c*

WHEREAS, Item 3-6.05#1c of the budget approved by the General Assembly continues the practice of the State's seizure of a portion of local fines and forfeitures, essentially amounting to a method of taxation of local government by the State government for which the State government provides nothing to localities in return; and

WHEREAS, removing Item 3-6.05#1c from the budget is a priority of the Town of Front Royal, which receives hundreds of thousands of dollars each year in fines from person who violate the traffic laws of the Town in violation of the Code of the Town of Front Royal. Enforcement of these laws by the Town's Police Department, keep the citizens of and visitors to Front Royal, which is a major tourist area, much safer. The money received from the fines and fees are used to help pay for the Town's Police Department and Court-appointed counsel of indigent defendants who cannot afford their own counsel when

they are charged with violations of the Town Code. Removing item 3-6.05#1c is also a top priority of the Governor's Tax Force for Local Government Mandate Review.; and

WHEREAS, a total of 33 localities statewide are currently affected. Large and small, all these localities share one common characteristic: they enforce traffic laws. Local enforcement of traffic laws reduces the burden on the State Police, thereby costing the Commonwealth of Virginia less tax money. Localities should not be penalized by the State for responsibly assisting the State by assuming some of the State's responsibility.

WHEREAS, the original impetus behind this seizure of local funds was a State Senator's ire with a particular locality's traffic enforcement efforts in 2012. Language was put into the Appropriations Act that year imposing a state wide "remedy" (read "state wide punishment of local government"). This initially affected six localities; in 2015, a formula change pushed it up to 33 localities, and language added to seize increasing amounts of these localities' funds. None of these changes improve public safety: on the contrary, these changes tend to work to cause localities to reduce spending on public safety, and cause the Commonwealth to have to spend more on the State Police, in a perverse type of logic by the General Assembly: and

WHEREAS, not once in the four years this policy has been in place has anyone in the General Assembly explained the policy rationale for continuing this practice, yet the practice remains in place. Numerous budget amendments have been introduced each year to eliminate the practice, accompanied by diligent efforts by local government calling for an end to this practice, which is harmful to localities, to the Commonwealth, to taxpayers, and to the safety of the public.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Town Council of the Town of Front Royal, that the Governor of the Commonwealth of Virginia is respectfully requested to exercise the power vested in him by Article 5, Section 6 of the Constitution of Virginia, and veto Item 3-6.05#1c, and put an end to this unjustified and harmful seizure of local fines and fees.

COUNCIL APPROVAL – An Amendment to the Town's Floodplain Ordinance Sections 175-74-175-81.3 (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an amendment to the Town's Floodplain Ordinance, including updates to sections 175-74 through 175-81.3 of the Town's Municipal Town Code. The changes, which are technical in nature, but do not make substantive changes to the current regulations, were requested by the Virginia Department of Conservation and Recreation as part of their review of the Town's Floodplain Ordinance using the FEMA Region III Ordinance Review Checklist (VA), as presented.

Councilman Connolly moved, seconded by Councilman Egger that Council adopt on its second and final reading an amendment to the Town's Floodplain Ordinance, including updates to sections 175-74 through 175-81.3 of the Town's Municipal Town Code, as presented.

Vote: Yes – Connolly, Egger, Meza and Tharpe

No – N/A

Abstain – N/A

Absent – Hrbek and Tewalt

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

(By Roll Call)

☞ AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER §175-74 THROUGH 175-81.3 (FLOODPLAIN ORDINANCE) ☞

WHEREAS, the amendments to the Town's Floodplain Ordinance were requested by the Virginia Department of Conservation and Recreation as part of their review of the Town's Floodplain Ordinance using the FEMA Region III Ordinance Review Checklist (VA); and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter **§175-74 through 175-81.3** of the Front Royal Town Code is hereby amended and enacted as

FLOODPLAIN ZONING

175-74 GENERAL PROVISIONS (Floodplain)

A. Statement of Intent: ~~Floodplains are a valuable resource that provide, in addition to flood passage, agricultural land, recreational land, and wildlife habitat. In addition, they provide groundwater recharge and pollution protection services. As such, the Town Plan calls for protecting currently undeveloped floodplains from incompatible development.~~ Statutory Authority: This ordinance is adopted pursuant to the authority granted to localities by Virginia Code § 15.2 – 2280.

B. Purpose: The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
2. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
3. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
4. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

C. Applicability: These provisions shall apply to all lands within the jurisdiction of the Town of Front Royal and identified as a being in the 1% annual chance of a flood (Special Flood Hazard Area), by the Federal Insurance Administration.

D. Compliance and Liability:

1. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

2. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods

may occur on rare occasions. Flood heights may be increased by man-made or natural causes,

such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the Floodplain District or that land uses permitted within such district will be free from flooding or flood damages.

3. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.

4. This ordinance shall not create liability on the part of the Town of Front Royal or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

E. Abrogation and Greater Restrictions: This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

F. Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

G. Administration:

1. *Designation of the Floodplain Administrator*. The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Zoning Administrator is hereby designated as the Floodplain Administrator for the Town of Front Royal. The Floodplain Administrator may:

- a. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Front Royal chief executive officer.
- b. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- c. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

2. *Duties and Responsibilities of the Floodplain Administrator*: The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- a. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- c. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- d. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- e. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- f. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).

g. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

h. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

i. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

j. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Front Royal within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.

k. Maintain and permanently keep records that are necessary for the administration of these regulations, including:

(1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and

(2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

l. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

m. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

n. Administer the requirements related to proposed work on existing buildings:

(1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

(2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

o. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

p. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Front Royal have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

r. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

3. *Use and Interpretation of FIRMs.* The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

a. Where field surveyed topography indicates that adjacent ground elevations:

(1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

b. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.

c. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

d. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

e. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 3.1.A.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing

flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

4. *Jurisdictional Boundary Changes.* In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v), the Town will notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the Town have been modified by annexation or the Town has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. A copy of a map of the Town, suitable for reproduction, and clearly delineating the new corporate limits or new area for which the Town has assumed or relinquished floodplain management regulatory authority must be included with the notification.
5. *District Boundary Changes.* The delineation of any of the Floodplain Districts may be revised by the Town where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed Letter of Map Revision (LOMR) is a record of this approval.
6. *Interpretation of District Boundaries.* Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
7. *Submitting Model Backed Technical Data.* A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.
8. *Letters of Map Revision.* When development in the floodplain will cause or causes a change in the base flood elevation, the Town shall require the applicant of the development to notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.
9. *Penalty for Violations.* Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the Town shall be guilty of the appropriate violation and subject to the penalties thereof. Violations and associated penalties related to the floodplain provisions are found under Section 175-145 of this Chapter. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of Sections 175-74 through 175-81.3. The imposition of a fine or penalty for any violation of, or noncompliance with, the provisions of Sections 175-74 through 175-81.3, shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

175-75 DEFINITIONS (Floodplain)

The following definitions apply to the floodplain regulations found within this chapter, specifically Sections 175-74 through 175-81.3:

A. ACCESSORY STRUCTURE or APPURTENANT STRUCTURE - For purposes of the floodplain regulations of this chapter, shall mean an accessory building not in excess of 200 square feet.

A.B. BASE FLOOD - The flood having a one percent chance of being equaled or exceeded in any given year.

B.C. BASE FLOOD ELEVATION - ~~The Federal Emergency Management Agency designated as the Special Flood Hazard Area.~~ The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

C.D. BASEMENT - Any area of the building having its floor sub-grade (below ground level) on all sides.

D.E. BOARD OF ZONING APPEALS - The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

E.F. BREAKAWAY WALL - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

F.G. DEVELOPMENT- Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

G.H. ELEVATED BUILDING - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

H.I. ENCROACHMENT - The advance or infringement of uses, plant growth, fills, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

J. EXISTING CONSTRUCTION – structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

I.K. FLOOD OR FLOODING -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal waters; or,

b. The unusual and rapid accumulation or run-off of surface waters from any source.

c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1) (a) of this definition.

L. FLOOD INSURANCE RATE MAP (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

M. **FLOOD INSURANCE STUDY (FIS)** – a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

J.N. **FLOODPLAIN OR FLOOD-PRONE AREA** - Any land area susceptible to being inundated by water from any source.

K.O. **FLOODWAY** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

L.P. **FREEBOARD** - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

M.Q. **FLOOD-PROOFING** - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

R. **HIGHEST ADJACENT GRADE** - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

S. HISTORIC STRUCTURE - Any structure that is

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.

T. **HYDROLIC AND HYDRAULIC ENGINEERING ANALYSIS** – Analyses performed by a *licensed* professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the *base flood*, other frequency floods, *flood* elevations, *floodway* information and boundaries, and *flood* profiles.

U. **LETTERS OF MAP CHANGE (LOMC)** - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

1. **LETTER OF MAP AMENDMENT (LOMA)** - An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA

amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.

2. **LETTER OF MAP REVISION (LOMR)** - A revision based on technical data that may show changes to *flood zones*, *flood* elevations, *floodplain* and *floodway* delineations,

and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

3. LETTER OF MAP REVISION, CONDITIONAL (CLOMR) - A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

V. LOWEST ADJACENT GRADE - the lowest natural elevation of the ground surface next to the walls of a structure.

N.W. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

X. MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Y. MANUFACTURED HOME PARK OR SUBDIVISION- a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Z. MEAN SEA LEVEL - is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.

O.aa. NEW CONSTRUCTION - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the initial Flood Insurance Rate Map July 15, 1988, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

bb. POST-FIRM STRUCTURES- A structure for which construction or substantial improvement occurred after July 15, 1988.

cc. PRE-FIRM STRUCTURES - A structure for which construction or substantial improvement occurred on or before July 15, 1988.

P.dd. RECREATIONAL VEHICLE - A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and,
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

ee. REPETITIVE LOSS STRUCTURE - A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the

time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

ff. **SEVERE REPETITIVE LOSS STRUCTURE** - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Q.gg. **SPECIAL FLOOD HAZARD AREA** - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, commonly known as the one- hundred (100) year floodplain.

R.hh. **START OF CONSTRUCTION** - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

ii. **STRUCTURE** - for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

S.jj. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

F.kk. **SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *repetitive loss* or *substantial damage* regardless of the actual repair work performed. ~~The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.~~ **The term does not, however, include either:**

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (ii) Any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*, or
- (iii) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

II. **VIOLATION** - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 175-74 through 175-81.3 of this Chapter is presumed to be in violation until such time as that documentation is provided.

U.mm. **WATERCOURSE** - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

175-76 ESTABLISHMENT OF FLOODPLAIN DISTRICTS

A. Basis of Districts - The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for the Town of Front Royal prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated June 3, 2008, as amended.

B. The Floodway District, also referred to as the AE zone, is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the Special Flood Hazard Area without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 4 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map. The following provisions shall apply within the Floodway District of an AE zone:

1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Town's endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of

the Federal Emergency Management Agency. If the requirements of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction standards.

2. The placement of manufactured homes (mobile homes) is prohibited, except when replacing an existing manufactured home in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

C. The Flood-Fringe District shall be that area of the Special Flood Hazard Area not included in the Floodway District. The basis for the outermost boundary of the District shall be the Special Flood Hazard Area elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

D. The Approximated Floodplain District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the Special Flood Hazard Area boundary has been approximated., also referred to as the A Zone, as illustrated on the FIRM accompanying the Flood Insurance Study (FIS) shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:

1. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

2. The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood plus twelve (12) inches. Additional elevation above 12 inches over the base flood is recommended if possible because it may reduce the cost of flood insurance.

3. During the permitting process, the Floodplain Administrator shall obtain:

- a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
- b. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

4. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed

development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

175-77 OVERLAY CONCEPT (Floodplain)

A. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

B. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

C. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

175-78 FLOODPLAIN DISTRICT BOUNDARIES

A. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Town of Front Royal Planning offices.

B. District Boundary Changes: The delineation of any of the Floodplain Districts may be revised by the Town of Front Royal where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

C. Interpretation of District Boundaries: Interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

175-79 DISTRICT PROVISIONS (Floodplain)

A. Permit Requirement: All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a Zoning Permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, as amended, and the Town of Front Royal Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws.

B. Site Plans and Permit Applications: All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. For structures to be elevated, the elevation of the lowest floor (including basement).
2. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
3. The elevation of the Base Flood at the site.
4. Topographic information showing existing and proposed ground elevations.

175-80 GENERAL STANDARDS (Floodplain)

In all special flood hazard areas the property owner is ultimately responsible for insuring the following provisions have been considered:

- A. New construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.
- B. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

I. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non- conformity is not furthered, extended, or replaced and does not constitute a substantial improvement.

J. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

K. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

L. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

175-81 SPECIFIC STANDARDS (Floodplain)

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Section 175-81.1(A), the following provisions shall apply:

A. Residential Construction: New construction or substantial improvement of any residential structure in any flood zone shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation.

B. Non-Residential Construction: New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Buildings located in all AE and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the Base Flood Elevation (BFE) plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Floodplain Administrator.

C. The space below the lowest floor ~~Elevated Buildings~~: Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A and AE measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.

e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles: All recreational vehicles placed on sites must be ~~fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions).~~ **either**

1. In all designated Special Flood Hazard Areas, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for the zone in which they are located for new construction, including the elevation and anchoring requirements in this ordinance; or,

2. All recreational vehicles placed on sites must either

a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or

b. Where allowed under the general zoning regulations of this Chapter, may be kept on the site for 180 days or more when all applicable floodplain standards for manufactured homes are complied with.

175-81.1 STANDARDS FOR APPROXIMATED FLOODPLAIN

A. When base flood elevation data or floodway data have not been provided, the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of Section. When such base flood elevation data is utilized, the Zoning Administrator shall obtain:

1. The elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,
2. If the structure has been flood-proofed in accordance with the requirements of Section 175-81(B) of this ordinance, the elevation in relation to the mean sea level to which the structure has been flood-proofed.

B. When the data is not available from any source as in Section 175-81.1(A), the lowest floor of the structure shall be elevated to no lower than one (1) foot above the highest adjacent grade.

C. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals that exceed fifty lots or five acres, whichever is the lesser.

D. Standards for Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and

4. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for all major subdivision proposals and major site development plans, as defined under Chapter 148 of the Town Code.

E. Existing Structures in the Floodplain Areas. Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved, unless one of the following exceptions is established before the change is made:

1. The floodplain manager has determined that

a. change is not a substantial repair or substantial improvement; and,

b. no new square footage is being built in the floodplain that is not compliant; and, c. no new square footage is being built in the floodway; and,

d. the change complies with this ordinance and the VA USBC; and,

e. the change, when added to all the changes made during a rolling 5 year period does not constitute 50% of the structure's value.

2. The changes are required to comply with a citation for a health or safety violation.

3. The structure is a historic structure and the change required would impair the historic nature of the structure.

175-81.2 STANDARDS FOR THE FLOODWAY DISTRICT

The following provisions shall apply within the Floodway District:

Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. The preceding uses, activities and development occurring within any floodway district shall be undertaken only upon the issuance of a Special Use Permit. Development activities in which an increase in the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Town of Front Royal endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency. However, other activities such as demolition in which there is not an increase in the water surface elevation, will require a zoning permit in lieu of a special use permit.

175-81.3 FLOODPLAIN VARIANCES: FACTORS TO BE CONSIDERED

~~In passing upon applications for Floodplain Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and consider the following additional factors:~~

A. Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

B. While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

C. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

A.1. The showing of good and sufficient cause.

B.2. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the Special Flood Hazard Area elevation.

C.3. The danger that materials may be swept on to other lands or downstream to the injury of others.

D.4. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

E.5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

F.6. The importance of the services provided by the proposed facility to the community.

G.7. The requirements of the facility for a waterfront location.

H.8. The availability of alternative locations not subject to flooding for the proposed use.

I.9. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

J.10. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

K.11. The safety of access by ordinary and emergency vehicles to the property in time of flood.

L.12. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

13. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

M.14. Such other factors which are relevant to the purposes of this ordinance.

E. The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

~~Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.~~

F. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

G. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the Special Flood Hazard Area elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

H. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

This ordinance effective upon passage.

COUNCIL APPROVAL – An Ordinance To Amend Town Code 175-65A and 175-65B Pertaining to I-2 Districts by Right Allowances (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend the Front Royal Municipal Town Code Sections 175-65A and 175-65B that would allow Business Offices, Professional Offices, Technology Businesses and Schools in the I-2 District by right without the need for a special use permit, as presented.

Councilman Connolly moved, seconded by Vice Mayor Tharpe that Council adopt on its second and final reading an ordinance to amend the Front Royal Municipal Town Code Sections 175-65A and 175-65B that would allow Business Offices, Professional Offices, Technology Businesses and Schools in the I-2 District by right without the need for a special use permit, as presented.

Councilman Connolly opined that this ordinance change was common sense and forward thinking, he added that there were already many of these businesses in this location. He stated that with this change, it would make it easier to move these businesses into such areas. Councilman Egger agreed with Mr. Connolly, noting that it was a step in the right direction.

Vote: Yes – Connolly, Egger, Meza and Tharpe

No – N/A

Abstain – N/A

Absent – Hrbek and Tewalt

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

(By Roll Call)

**☞ AN ORDINANCE TO AMEND FRONT ROYAL TOWN
CODE CHAPTER §175-65A and 75-65B PERTAINING TO I-2 DISTRICT ☞**

WHEREAS, the purpose of this ordinance is allow Business Offices, Professional Offices, Technology Businesses and Schools in the I-2 District by right without the need of special use permit; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Chapter **§175-65A and 175-65B** of the Front Royal Town Code is hereby amended and enacted as

175-65 USE REGULATIONS (I-2)

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

RESIDENTIAL: Caretaker quarters

COMMERCIAL:

Automobile and truck sales lots and leasing agencies, in accordance with 175-44.E Automobile garage (auto repair)

Automobile service stations (gas stations)

Business Offices

Coal and wood yards, lumberyards and feed/seed stores
Commuter parking facilities
Contractor's offices, display rooms and storage
Furniture stores
Lumber and building supply **Professional Offices Technology Business** Veterinary hospitals
INDUSTRIAL: Distribution facilities Light Manufacturing
Woodworking and upholstery shop. Wholesale

ORGANIZATIONAL:

Laboratory, pharmaceutical and/or medical

Schools

MISCELLANEOUS:

Accessory uses, structures and buildings

Home occupations

Open Space

Public facilities.

Public parks and playgrounds

Public utilities

Signs, as set forth in Section 175-106

Special childcare services

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator

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

RESIDENTIAL:

COMMERCIAL:

Airport (including heliports) Assembly Halls.

Barber and beauty shops Business Offices Catering Services

Clubs

Daycare and daycare facilities

Kennels

Professional Offices

Recreation facility, commercial Restaurant, including drive-in restaurants Retail Stores

Technology Business

INDUSTRIAL:

Automobile Graveyard Hazardous Material Storage Heavy Manufacturing Medium

Manufacturing Scrap metal processing

ORGANIZATIONAL:

MISCELLANEOUS:

Any use permitted under Section 175-65.A., or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-67, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Communications Towers and cable television facilities, with wireless telephone (cell phone) communications tower subject to the supplemental provisions prescribed in Section 175-110.4.

Conservation Areas Mini-warehouses Parking Structures

This ordinance effective upon passage.

COUNCIL APPROVAL – An Ordinance to Amend Town Code Chapter 167 (Weapons) to add Urban Archery Hunting to replace the Deer Management Plan under grant adopted by Virginia Board of game and Inland Fisheries and Town Council (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend Front Royal Town Code Chapter 167 (Weapons) to add Urban Archery Hunting to replace the Deer Management Plan under grant adopted by Virginia Board of Games and Inland Fisheries (VGIF) and Town Council, as presented in Version 2.

Councilman Egger moved, seconded by Councilman Connolly that Council adopt on its second and final reading an ordinance to amend Front Royal Town Code Chapter 167 (Weapons) to add Urban Archery Hunting to replace the Deer Management Plan under grant adopted by Virginia Board of Games and Inland Fisheries (VGIF) and Town Council, as presented in Version 2 and effective upon final passage.

Vice Mayor Tharpe asked if anyone heard from Councilman Tewalt on the topic. Mr. Napier noted that he heard from Mr. Tewalt. He stated that there was no commonly accepted definition regarding backstops and the only comment was “thank you” from Mr. Tewalt.

Councilman Connolly thanked every member of Town Staff that had worked on the ordinance change, and he added that the second ordinance version was very strong and had vast improvement. He noted that there was not a legal definition of backstop though there does seem to be sufficient safeguard for the matter and he would vote in favor of the issue.

Vote: Yes – Connolly, Egger, Meza and Tharpe

No – N/A

Abstain – N/A

Absent – Hrbek and Tewalt

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

(By Roll Call)

VERSION 2

AN ORDINANCE TO AMEND AND RE-ENACT FRONT ROYAL MUNICIPAL TOWN CODE CHAPTER 167 (WEAPONS) TO ADD URBAN ARCHERY HUNTING

WHEREAS, an Ordinance amendment to Chapter 167 (Weapons) to add Urban Archery Hunting to replace the Deer Management Plan in the Town of Front Royal Municipal Code; and,

NOW THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia that Chapter 167 of the Town of Front Royal Municipal Code is hereby amended and re-enacted as follows:

Chapter 167

WEAPONS

167-1 DEFINITIONS

ARROW-

A shaft-like projectile intended to be shot from a bow.

AMMUNITION-

A cartridge, pellet, ball, missile, or projectile adapted for use in a weapon.

BOW - Any longbow, recurve bow, compound bow, or crossbow having a peak draw of 10 pounds or more, intended and capable of shooting an arrow. The "bow" does not include bows that have a peak draw of less than 10 pounds or are intended to be used principally at toys.

FIREARM -Any weapon which will, or is designed to, or may be readily converted to, expel a projectile, or in which ammunition may be used or discharged by explosion; provided, however, that stud nailing guns, rivet guns, and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

PNEUMATIC GUN – Any implement designed as a gun that will expel a BB pellet, or other ammunition by action of pneumatic pressure. This definition shall include a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

REASONABLE CARE - The use of pneumatic guns such that the gun is being discharged so that its BBs, pellets, or other ammunition will be contained on the property by a backstop, earthen embankment or fence. The discharge of BBs, pellets, or other ammunition across or over the bounds or property shall create the rebuttable presumption that the use of the pneumatic gun was not conducted with reasonable care.

TOWN COUNCIL – The Town Council of the Town of Front Royal, Virginia.

167-2 DISCHARGE OF FIREARMS

A. No person shall discharge a firearm of any description within the Town, with the exception of the following:

1. Any law enforcement officer in the performance of official duties;
2. Any other person whose said willful act is otherwise justified or excusable at law in the protection of life or property, or is otherwise specifically authorized by law. ***This shall not apply to control of wildlife by non law enforcement personnel;***
3. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained;
4. The use of blank ammunition at athletic events, military funerals, theatrical performances or events of similar character; or,

5. Taking of a deer under a kill permit pursuant to Code of Virginia §29.1-529.

~~5. Lawfully hunting deer pursuant to a specific grant of authority under a Deer Management Plan adopted by the Virginia Board of Game and Inland Fisheries and the Town Council.~~

167-3 DISCHARGE OF PNEUMATIC GUNS

A. It shall be unlawful for any person to discharge any pneumatic gun in the Town that are in the opinion of the Town Council so heavily populated as to make such conduct dangerous to the inhabitants thereof:

1. In or within 300 feet of any dwelling, commercial building, or shelter for animals, with the exception of the following:
 - a. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained;
 - b. On other property where firearms may be legally discharged; or,
 - c. On private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

B. It shall be unlawful for any minor under the age of 16 to use a pneumatic gun unless such minor is under the supervision of a parent, guardian, or other adult supervisor approved by a parent or guardian of such minor. Minors above the age of 16 may, with the written consent of a parent or guardian, use a pneumatic gun on private property with the consent of the owner. Any minor, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations, and restrictions governing such use.

167-4 DISCHARGE OF MISSILE PROJECTING WEAPONS

A. It shall be unlawful to discharge any non-firearm or non-pneumatic missile projecting gun or weapons to include bows, crossbows, and slingshots within the Town, with the exception of the following:

1. Any law enforcement officer in the performance of official duties;
2. Any other person whose said willful act is otherwise justified or excusable at law in the protection of life or property, or is otherwise specifically authorized by law;
3. Any otherwise lawful discharge while actually engaged in target practice on shooting ranges or other facilities lawfully established and maintained; and,
4. Lawfully hunting wildlife pursuant to *the Urban Archery regulations provided below. a specific grant of authority under a Wildlife Management Plan adopted by the Virginia Department of Game and Inland Fisheries and the Town Council.*
5. *Target shooting of bows and crossbows is permitted with appropriate backstop on property with written consent of the owner of the property.*

167-5 THROWING OF STONES

It shall be unlawful for any person to throw a stone or other missile in the streets or public property with the intent to do harm to people, animals, or property.

167-6 URBAN ARCHERY

Archery hunting is permitted within the Town limits by licensed hunters during an approved Virginia Department of Game and Inland Fisheries (DGIF) Archery Season. In addition to the Urban Archery Season for deer, archery deer hunting is also allowed during the early archery deer season, the general firearms deer season, and the late archery deer season. Hunting for other wildlife is permitted only during the season approved by DGIF. Licensed archery hunters must abide by all applicable section of the Virginia State Code and Virginia Hunting Regulations (including bag limits and

167-3

tagging/checking requirements). It shall be unlawful for any person, while archery hunting to violate any of the following additional Town restrictions:

A. Discharge of an arrow is permitted only in order to hunt wildlife in season or for target practice. No discharge of an arrow shall be made toward any animal other than those in approved hunting season.

B. Any person discharging archery equipment shall, at all times while engaged in such activity, have in their possession written permission from the landowner(s) to

discharge such weapon on the private property. Approval from landowner(s) of a total aggregate, contiguous area of one-half (1/2) acres at minimum is required to conduct archery hunting.

C.No person shall discharge archery equipment from, over, or across any street, sidewalk, alley, roadway, or public place within the Town limits or toward any building or dwelling in such a manner that an arrow may strike it.

D.No person shall discharge archery equipment unless from an elevated position of at least ten (10) feet above the surrounding terrain. Any disabled hunter unable to hunt from such platform must comply with all regulations established by the Virginia Department of Game and Inland Fisheries.

E.Except for target shooting, discharge of archery equipment is not permitted within one hundred (100) feet of any dwelling except with written consent of the owner of said structure.

F.Discharge of archery equipment is not permitted within one hundred (100) feet of any school property line. Use of archery equipment on school property for school sanctioned activities shall be excluded from this restriction.

G.Any person discharging archery equipment shall use reasonable care to ensure the arrow does not cross any property line and enter any property on which the hunter does not have permission to hunt. The discharge of an arrow across or over the boundaries of a property for which no permission has been given by the property owner shall create a rebuttable presumption that the use of the archery equipment was not conducted with reasonable care.

H.The hunter is responsible for the disposition of the animal carcass to the local/regional landfill. Carcasses shall be double bagged. Field dressing of the animal shall be by agreement between the landowner and the hunter. No field dressing of the animal shall occur on Town owned property without express written permission from the Town Manager or designee.

I. No person shall hunt within the Town limits by use of dog or dogs.

167-4

167-5

167-67 VIOLATIONS

A. Violations of this Section involving firearms shall constitute a **Class 3- 1 misdemeanor punishable by a fine of not more than five hundred dollars—(\$500.00) two thousand five hundred dollars (\$2,500.00) and twelve (12) months in jail.**

B. Violations of this Section involving pneumatic guns, missile projecting weapons, or throwing stones shall constitute a Class 4 misdemeanor punishable by a fine of not more than two hundred fifty dollars (\$250.00).

C. Violations of the Urban Archery Section shall constitute a Class 1 misdemeanor punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00) and twelve (12) months in jail.

Summary: Council is requested to consider approval of an extension of Contract Services for the final design in the amount of \$153,720.00 (146,400.00 + 5% contingency) by Mattern & Craig for the Criser Road Bridge Project.

Budget/Funding:

4500-R47962 - Dept of Highway Maintenance
Criser Rd Project - \$268,939.00 Prior Year
4500-47962 - Dept of Highway Maintenance
Criser Rd Project - \$450.00.00

Councilman Connolly moved, seconded by Vice Mayor Tharpe to approve an extension of Contract Services for the final design in the amount of \$153,720 (146,400 + 5% contingency) by Mattern & Craig for the Criser Road Bridge Project.

Mr. Burke noted that the Town secured revenue sharing for the project for \$450,000 and the current estimate is about \$550,000 plus design costs. He stated that the VDOT construction for the SF bridge project was put in and the. Final bill freed up funding as well which will free up the full funding up

Egger noted that she was excited about project but dissapointed that it would not take place over summer asked Ressie families to be patient with the Town during construction

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

COUNCIL APPROVAL – Community Development Director Independent Contractor Agreement

Summary: Council is requested to approve an Independent Contractor Agreement with Felicia Hart in the amount of \$45,000 in equal monthly installments, for the Community Development Director position, effective April 21, 2016 and continue in effect for (12) twelve months until March 21, 2017, as presented.

Councilman Egger moved, seconded by Councilman Connolly that Council approve an Independent Contractor Agreement with Felicia Hart in the amount of \$45,000 in equal monthly installments, for the Community Development Director position, effective April 21, 2016 and continue in effect for (12) twelve months until March 21, 2017, as presented.

Councilman Connolly moved, seconded by Councilman Egger, to amend to reflect to the March 31st date of 2017.

Councilman Egger voiced her support and excitement for Ms. Hart's involvement with the Town.

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

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

COUNCIL APPOINTMENTS – Planning Commission

Summary: Council is requested to appoint two members to the Front Royal Planning Commission to fill un-expired terms. One will fill an unexpired term to expire August 31, 2017 and one to expire August 31, 2019.

Councilman Connolly moved, seconded by Vice Mayor Tharpe move that Council appoint Connie Marshner and Joseph McFadden to the Front Royal Planning Commission to un-expired terms. Connie Marshner said term to expire August 31, 2019. Joseph McFadden said term to expire August 31, 2017.

Vote: Yes – Connolly, Egger, Meza and Tharpe
No – N/A
Abstain – N/A
Absent – Hrbek and Tewalt
(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 7:35 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council