

COUNCIL MEETING MINUTES

August 22, 2016

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on August 22, 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 Bret W. Hrbek
Councilman Jacob L. Meza
Councilman Eugene R. Tewalt
Town Attorney Douglas W. Napier
Town Manager Steven M. Burke, P.E.
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Bébhinn C. Egger
Vice Mayor Hollis L. Tharpe

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

Councilman Tewalt moved, seconded by Councilman Connolly moved that Council approve the Regular Council Meeting minutes of August 8, 2016 as presented.

Vote: Yes – Connolly, Meza and Tewalt

No – N/A

Abstain – Hrbek

Absent – Egger and Tharpe

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

There were no receipts of petitions or correspondence from the public.

Town Manager Steve Burke noted that:

- The Towns Contractor will be installing a new sewer line along Mosby Lane from August 22nd through September 9th, weather permitting. This work will require road closures along Mosby Lane.
- Please be aware of this work as you travel and obey any detour directions.

- The Town will be conducting a Public Information Meeting on Wednesday, August 24th at 6:30 p.m. in the Council Chambers at Town Hall to present information about the Downtown Revitalization Facade Improvement Program. We invite all business and property owners in the Downtown area to attend. For more information, please contact our Department of Planning & Zoning at (540) 635-4236.
- The Town will also conduct a Public Information Meeting on Friday, September 2nd from 11:00 a.m. to 2:00 p.m. in the Council Chambers at Town Hall to present information about the Criser Road
- Bridge Replacement Project. The Town's consultant will have displays and information about the project. For more information, please contact our Department of Environmental Services at (540) 635-7819.
- The Town also invites our business owners and operators to the Business Forum on Thursday, August 25th at 6:00 pm in the Council Chambers at Town Hall. Town staff will update business owners on current business related initiatives and address business concerns.
- Front Royal has been selected by Blue Ridge Outdoors magazine to be a contender in their annual "Top Adventure Towns" contest. Residents can vote each day for the Town by visiting www.blueridgeoutdoors.com/top-towns/
- Town offices will be closed Monday September 5th in observance of Labor Day. Garbage collection for those with Monday collection will be Wednesday, September 7th. There will be no yard waste collection.

Councilman Hrbek asked about the Westminster sidewalk project. Mr. Burke explained that VDOT would be using the full three months for their review and perhaps it could still be finalized in a timely manner. He added that the construction would be concrete and would not be put off by asphalt plants closing due to cold weather.

Felicia Hart, Community Development Director, presented the following report to Council:

Thank you for this opportunity to showcase what we have accomplished thus far. In this new position, we hit the ground running and have been making good strides for the past four months. A lot of our community stakeholders (including the County) have come to the table to work together to make a positive difference.

I've met numerous business owners to learn from their trenches, their perception of not only doing business in Front Royal, but their concerns and needs. I do know that we have come a long way in working with FRIBA, the Merchants on Main, the Chamber, People, Inc. and several other groups. For instance, I have asked all these groups to work on numerous projects – projects like producing a year-long joint training calendar that takes advantage of our newly approved contract with the Lord Fairfax Small Business Development Center. These joint trainings will not only be for business owners – but for their employees. These joint trainings will be held at different locations, times and days to ensure the community can take advantage of what we are offering. And each of us is working on sharing what the other is doing.

In addition to the trainings, we are all working together to expand on the events in our community. A year-long calendar of events is being produced that will allow

us to maximize our limited budgets – including advertising. This will also allow us to look at partnership opportunities to host quality events during our slow times.

In terms of business recruitment and retention, that is (and always will be) a work in progress. But things are coming along. Again, concerned stakeholders are coming together. Right now the town is in the midst of our Community Block Grant. This grant was secured last year to help revitalize our downtown area. Parts and pieces to this grant will allow us to do a complete branding strategy for our town. It will also allow us to offer a façade grant that will provide free professional architectural services, technical assistance and (matching) grant monies to private property owners in our designated area. In addition, parts of this Community Block Grant will include a parking analysis and an economic restructuring plan. From this analysis and plan – along with information from other pieces such as the Envision Front Royal – we will be able to produce a comprehensive 30,000 foot level plan going forward. This plan will provide an overall timeline, line items and costs.

Also, the Town is part of a community-wide \$10,000 Wayfinding signage program through the DRIVE Tourism grant. Community stakeholders (Town, County and others) are coming together working out specifics on this to produce a plan including timelines, budgets and accountability.

This, tied in with our branding strategy, should give us a comprehensive plan going forward. I've also been working hand-in-hand with our Planning and Zoning Department. We are operating as a team on behalf of the town. We're sharing our contacts and working together with any individual or business wanting to do business in our Town. This is already showing results. Numerous realtors, potential business owners and others are, and have been, helping to make this work. Positive feedback and willing participation is demonstrating this is working.

We are working to enhance our relationships with both the local realtors and those from out of town. Quarterly meetings and an open dialogue are showing this too, is working.

I'm also working with the NSV Regional Commission. Several grant opportunities are available that we are, and have been, taking advantage of – grants like our Building Entrepreneurial Economies have now expanded in to the Building Collaborative Communities allowing us to capture all our outdoor assets (parks, boat docks, trails, etc.) that we can then showcase through our Tourism team.

The Stronger Economies Together grant has allowed us to work regionally to better understand our gaps regarding potential businesses and the opportunities that goes with each.

We are working with stakeholders like the Blue Ridge Arts Council to showcase projects like the Governor's Holiday Ornament program, grant and mural opportunities.

We are in the process of redoing the town's website that will allow me to expand on the Community Development copy. Sections on business resources, our town incentives, and other pertinent information will be made available there.

The Town Council has made it clear that we want to be a business-friendly location. We, as departments are working on changing the perception (and yes, sometimes truth), that we had speedbumps and obstacles. The previous mentioned projects, along with many others, are working towards achieving that business-friendly goal.

I welcome a visit or call from any current or potential business – or any stakeholder – who wants to make a difference. My door is always open. And getting all our stakeholders at the same table to make positive things happen is a great start. I'm proud this is happening.

I thank the willingness of Council, departments and community stakeholders who have worked to make a difference. Thank you for this opportunity to update you all.

Doug Stanley, County Administrator, presented the following report to Council:

Community Development

Health and Human Services Complex – Warren County held an open house for the recently completed Warren County Health and Human Services Complex on Thursday, August 4th. Thank you to everyone that was able to come out to the event.

EnerGov Software – We continue to work diligently to bring the implementation phase of the software system to a successful close. We are currently set for training for the week of September 12th that will give all staff a final overview of the system. After this training we are scheduled to Go-Live on October 3rd and have support staff onsite the entire week to assist with any issues. We continue to strive to bring the entire process to a successful completion and begin using the software.

Warren County Annual Residential Cleanup/Household Hazardous Cleanup Day – Warren County will hold its annual Residential and Household Hazardous Cleanup Day on Saturday, October 29, 2016 from 8:00 A.M. TO 2:00 P.M. Open containers for bulky items, such as old furniture & appliances, will be at three (3) County locations including the VDOT Park n' Ride located on Dismal Hollow Road at Linden, the Transfer Station located on Shangri-La Road (Rt. 613) at Bentonville, and Shenandoah Farms Fire Department. Oil and Paint will be accepted at the Transfer Station and passenger tires will be accepted at the Transfer Station up to a max of 20 tires. Residents are reminded to cover and secure their loads. The event is sponsored by the County of Warren & Anti-Litter Council of Front Royal/Warren County & Allied Waste. All vehicles must display a current Warren County or Town of Front Royal windshield decal or County waste decal.

FY 2016-2017 Capital Improvement Plan – The FY 2016-2017 Capital Improvement Plan was approved by the Board of Supervisors at its meeting on June 21st. The Board adjusted some of the priorities by moving the Rivermont Fire Station replacement project up to the 3rd highest priority. A copy of the adopted plan is available for review on the County website under resources.

Development Review Committee – The Development Review Committee met on July 27th. On August 4th the Governor made an announcement regarding Toray's expansion which will be a \$45 million dollar investment that will be providing 30 new jobs. The Interchange project design for the warehouse has been revised. Plans for a compressed natural gas station have been abandoned. She shared that there is one prospect for Stephens Industrial Park (Lot 6) and one prospect for the Inland Port. Regarding IT Federal, the EDA is still waiting on the EPA's letter. The Committee will meet again on August 24th.

Zoning Ordinance Amendment/Chickens in Residential One (R-1)

Zoning District – At its meeting on August 10th, the Planning Commission authorized advertisement of a second public hearing on a revised ordinance to allow chickens in the R-1 zoning district. The Commission has included some changes to the draft ordinance including a sliding scale allowance for the number of chickens allowed on a parcel of land. The public hearing will be held on September 14, 2016.

Project Updates

2nd Middle School – The project is approximately 45% complete.

- 98% of slab-on-grade complete (fire pump room remains)
- Electrical duct bank 97% complete
- Light pole conduits are 70% complete
- Laying up Aux. gym walls 98% complete
- Area- E and F classroom wing 2nd floor metal deck is complete and slab is in place
- Area-C masonry walls are 90% complete
- Area-D masonry low walls are 100% complete
- The gym bar joists have been erected and detailing & decking are complete. Roofing to start week of 8/22/2016

- The bar joist for the low roofs in Area-D are 85% complete
- The decking in the Library area 100% complete
- Curb and gutter has started. Remobilizing to continue with curb and gutter 8/16/2016
- The plumbers and electricians are running overhead conduit and plumbing lines in the classroom wings of Area's A & B
- The site contractor is working on the revised Fire Department Connection piping
- The masons are laying block on the second level in Areas- E and F
- Light gauge joist installation in Areas C and D started 8/15/2016
- Sprinkler installation started in Area A 8/15/2016
- Skylight curbs on gym started 8/15/2016
- Steel erector is installing bar joist and decking in Areas C and D presently and should be completed the week of 8/22/2016
- Plumber is installing roof drains on the Gym presently
- Light Pole base (precast) installation to start week of 8/15/2016
- Generator due on site end of August
- Site concrete ADA ramp walls are ongoing

Health and Human Services Complex – The County is advertising for sponsorships for the football scoreboard and basketball scoreboard at the Health and Human Services Complex. Any business interested can find information on the County website or call the Warren County Community Center at 635-1021. Proposals are due on August 22nd.

Skyline Soccerplex – At its meeting on August 16th, the Board awarded a bid in the amount of \$46,900 to R-N-J Paving to complete paving of the new access road and the remaining trail section for the complex. The work should be completed by early September.

Ressie Jeffries Elementary School – Bids for the addition and roof replacement (LCW - \$3,714,300) and parking lot (LCW - \$768,000) projects were approved by the Board on August 16th. Once the contracts are signed, we would only need final approval from DEQ to start the projects.

Rivermont Fire Station – County staff have met with an engineer to evaluate the existing discharge system at the Airport and its potential use/expansion to serve the proposed fire station. We hope to have a report back in the next 30-60 days.

VDOT/South Fork Bridge – The project is approximately 65% complete and still on schedule for completion in December 2017. Demolition of the old structure has been completed. The Contractor is working on Stage II of the new bridge. This stage will widen the structure and provide 2 additional lanes,

a bike lane and sidewalk to the west. The Contractor will be working on the substructure (foundations, piers and abutments) for Stage II over the next several months. The contractor will also be performing roadwork along the Route 55 corridor. There will be a few minor traffic shifts along this corridor in order to facilitate this work.

VDOT/Oregon Hollow Rural Rustic Project – VDOT staff has completed the project. I was able to ride the project on August 12th. It is a great improvement for the residents of the area. This is a section of roadway that the County has been looking to improve for over 20 years.

VDOT/Totten Lane Turnlane Project – VDOT has indicated that the project bid had to be delayed yet again due to the power company's inability to obtain an easement from an adjoining property owner. REC is currently working on redesigning the electric service location in the area to be able to complete the project.

VDOT/Myers Drive Recreational Access Project – VDOT staff have completed pipe installation and tree trimming for the upgrade of Myers Drive/Farms Riverview Road to the new boat landing. VDOT started placement of gravel the week of August 1st. The project is expected to be completed by September 1st.

Warren County Courthouse – Court Holding – Lantz Construction of Winchester has completed the renovation of the former jail to court holding cells. County staff has been working with the contractor to complete the punch list.

Eastham Trail/Phase III– Kickin' Asphalt has completed the project. We have a couple minor punch list items to complete. Staff is awaiting final paperwork to finish payout to the contractor and close out the project. We anticipate holding a ribbon cutting ceremony in late August.

Carson Trail/Phase II – The contractor started work on the project the week of August 8th. The project is expected to be completed by October 1st.

Shenandoah Farms Boat Landing – The County is nearing completion on the project. GEI completed clearing and grubbing of the site, brought the site to grade, and placed stone on the parking lot. County staff has completed of the installation of the boat ramp and worked with a contractor to install the curb-and-gutter. In the next several weeks we will complete the sidewalk and signage installation. Construction on the project should be completed by September 1, 2016.

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Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
FRWC Airport Obstruction Removal	Summer 2016	Unavailable	Fall 2016	Bids Received
South Fork Bridge	9/2013	\$74,700,000	Fall 2017	Under Construction
Morgan Ford Bridge	12/2016	\$9,713,152	Spring 2018	Under Construction
Guardrail Projects	N/A	\$142,140	Winter 2016	Under Construction
Leach Run Parkway	6/2015	\$10,648,083	Fall 2016	Under Construction
Health and Human Services Complex – Renovation	Summer 2014	\$3,988,000	Winter 2015	Completed
Court Holding Renovation	Summer	\$224,864	Spring 2016	Completed
Totten Lane – Turn lane Project	Summer 2016	Unavailable	Fall 2016	Waiting on Utility Relocation
2 nd Warren County Middle School	Winter 2015	\$44,100,000	Summer 2017	Under Construction
Freezeland Road Kiss-n-Ride	Fall 2014	Unavailable	Winter 2016	Under Construction
Eastham Trail – Phase III	Fall 2015	\$377,447	Summer 2016	Completed
Shenandoah Farms Boat Landing	N/A	\$125,000	Summer 2016	Under Construction

Councilman Tewalt asked about the Route 522/Browntown median strip weeds. Mr. Stanley noted that he would check on that section of roadway.

Mayor Darr congratulated Mr. Stanley and the County on the Waggin for Dragons win.

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

Councilman Connolly moved, seconded by Councilman Hrbek, to add the MAIN STREET property discussion to closed.

Vote: Yes – Connolly, Hrbek, Meza and Tewalt

No – N/A

Abstain – N/A

Absent – Egger and Tharpe

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

(By Roll Call)

CONSENT AGENDA

A. COUNCIL APPROVAL – Budget Amendment to Accept Community Block Grant Monies & Payment to Northern Shenandoah Valley Regional Commission

B. COUNCIL APPROVAL – Budget Amendment to Accept Monies from VML Insurance for Tub Grinder Repairs

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

Vote: Yes – Connolly, Hrbek, Meza and Tewalt

No – N/A

Abstain – N/A

Absent – Egger and Tharpe

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

(By Roll Call)

PUBLIC HEARING – Special Exception Application – Front Royal Limited Partnership (FRLP)

Summary: Council is requested to affirm on its first reading a Special Exception Application by Front Royal Limited Partnership (FRLP), c/o David Vazzana, for a special exception to Town Code 148-820.D.6 that would permit a reduction of four (4) feet from the minimum pavement width, base course width, and sub base width for both local and collector streets. The special exception would only apply to FRLP's property that is presently zoned R-1A, as identified by Tax Map Number 20A221 5, consisting of approximately 149.3 acres. The request is submitted pursuant to the provision of Town Code 148-211.A.2.b&c.

Mayor Darr opened the public hearing.

David Means, 210 W. First Street, noted that there were no plans submitted to identify the site. He stated that there were to be some structures that would contain more families than just one. He expressed concerns with additional traffic on the roadways. Mr. Means stated that at times some would park out away from the curb, rather than right against the curb as shown in the photo. He noted that 7 feet is the width of a vehicle and 32' is very narrow. Mr. Means stated that there are three divisions of Virginia Avenue, for example, and people are wandering into the center area believing it to be a passing line. He stated his concerns with roads without center lines that are that width, and also those of a narrow width when they are snow filled.

Bill Barnett, a consultant with FRLP, stated that it is a special exception that is being requested. He noted that such an exception is allowed for environmental issues. He stated

that this one pertains to road width, though previously they approached Council for matters of flexibility in order to prevent total removal of the beauty of the site and bulldozing hillsides, trees and vegetation. Mr. Barnett stated that they hope to remain flexible and have a minimal hydrological impact on the site, while preserving the natural beauty of the area. He added that they had never intended to be multiple family homes, only presented single family homes. He noted that the current ordinance would require them to manage more water. Mr. Barnett stated that they would like to stay in keeping with the Town's comprehensive plan and Envision Front Royal plan, and he cited references from said documents. He noted that concerns related to rescue vehicles are understood, however; when there is an emergency, the streets are quickly closed and the hoses are pulled from the hydrants. He added that fire trucks can easily maneuver streets during an emergency as the emergency takes priority.

David Vazzana, applicant, stated that they had spent a lot of time with the Planning Commission and Town Staff and he thanked them for their time. He noted that the street widths had originally been much narrower several years ago and had increased in time.

Mr. Vazzana noted that VDOT standards are not specific, though they are basic design standards, and an extensive site plan would not be submitted at a \$500,000 expense, as then Town Council could then refuse to approve their plan and they would then be back to square one. He stated that the HEPTAD design included a 20 foot street section in their rezoning. He reiterated his thanks to the Planning Commission and Staff, and his desire for safer streets that allow walkability in residential areas. Mr. Vazzana noted that he was available for any questions Council may have.

As no one else came forward, Mayor Darr closed the public hearing.

Councilman Hrbeke moved, seconded by Councilman Connolly that Council affirm on its first reading a Special Exception Application by Front Royal Limited Partnership (FRLP), c/o David Vazzana, for a special exception to Town Code 148-820.D.6 that would permit a reduction of four (4) feet from the minimum pavement width, base course width, and sub base width for both local and collector streets. The special exception would only apply to FRLP's property that is presently zoned R-1A, as identified by Tax Map Number 20A221 5, consisting of approximately 149.3 acres. The request is submitted pursuant to the provision of Town Code 148-211.A.2.b&c.

Councilman Tewalt stated that the subdivision ordinance six months ago and now an applicant would like the streets to be more narrow. He expressed concern with school buses and cars passing one another on a narrow street. He noted that with cars parked on either side and then cars are trying to pass one another in each lane, then there are issues. Mr. Tewalt stated that giving waivers to an applicant would be violating the rights of the property owners. He expressed his concerns with not looking out for the tax payer.

Councilman Connolly noted that he was torn on the issue. He stated that Mr. Tewalt's position is consistent and made good sense. He added that the project was also very important. Mr. Connolly stated that the site needed to be developed and the comprehensive plan wording read by Mr. Barnett was insightful, however; he did not see a 'plan'. Mr. Connolly stated that he was unsure if Council would have much of an appetite for special exceptions without a plan.

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Councilman Meza stated that the Town had an ordinance for a reason and without knowing the reason for the street size reduction. He noted that Council is being asked to reduce the street size for an exception though Council does not 'see' the reason. He asked Mr. Burke about the Planning Commission's recommendation. Mr. Camp stated that they recommended approval after initially rejecting the request. He noted that they would provide the developer some flexibility and were consistent with the subdivision ordinance, as the ordinance allows for a case by case basis. Mr. Camp stated that the standards are minimum standards.

Councilman Tewalt moved, seconded by Councilman Connolly seconded for discussion, FRLP only and if the subdivision property is sold then the exception is considered null and void.

Councilman Connolly noted that the subdivision is approved then it moves forward for development. Mayor Darr stated that it would tie to the developer not the property. Mr. Tewalt noted that it should tie to the property and the new owner would need to reapply for a special exception should they wish for one. Councilman Meza noted that it would not see the point in Mr. Tewalt's amendment. Mr. Tewalt stated that he felt it would be a ploy for selling the property.

Mr. Napier stated that land use legislated decisions run with the land and he was unsure if the Council has the authority.

Councilman Tewalt and Councilman Connolly withdrew their motions.

Councilman Tewalt moved, seconded by Councilman Connolly. to postpone until September 12th

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

COUNCIL RE-APPOINTMENT – Planning Commission

Summary: Council is requested to re-appoint a member to the Front Royal Planning Commission to a 4-year term to expire August 31, 2020.

Councilman Connolly moved, seconded by Councilman Tewalt that Council authorize re-appoint Deborah Langfitt to the Front Royal Planning Commission to a 4-year term to expire August 31, 2020.

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

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Tewalt that Council convene and go into Closed Meeting for the following purposes:

- 1. Discussion or consideration of the disposition of publicly held real property, specifically 24 West Main Street, pursuant to Virginia Code Section 2.2- 3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.*
- 2. The performance of specific public officers, appointees, or employees of a public body, pursuant to Section 2.2 3711. A. 1. Of the Code of Virginia.*

Vote: Yes – Connolly, Hrbek, Meza and Tewalt

No – N/A

Abstain – N/A

Absent – Egger and Tharpe

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

Councilman Hrbek recused himself from the Main Street item.

Motion to Certify Closed Meeting at its Conclusion

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

Vote: Yes – Connolly, Hrbek, Meza and Tewalt

No – N/A

Abstain – N/A

Absent – Egger and Tharpe

(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 7:46 p.m.

APPROVED:

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Jennifer E. Berry
Clerk of Council