

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 12, 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.

Councilman Connolly moved, seconded by Councilman Egger that Town Council appoint and recognize Steven M. Burke as Clerk of the Front Royal Town Council pro tempore for the meeting of Front Royal Town Council on September 12, 2016, and for such additional and further meetings and times that are a continuation of the September 12, 2016 meeting as his services such as Clerk pro tempore may be needed.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

PRESENT: Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Bret W. Hrbek
Councilman Jacob L. Meza
Councilman Eugene R. Tewalt
Vice Mayor Hollis L. Tharpe
Town Attorney Douglas W. Napier
Town Manager Steven M. Burke, P.E.

ABSENT: Mayor Timothy W. Darr
Clerk of Council Jennifer E. Berry, CMC

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

Councilman Tewalt moved, seconded by Councilman Egger moved that Council approve the Regular Council Meeting minutes of August 22, 2016 as presented.

Vote: Yes – Connolly, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – Egger
Absent – Darr

(By Roll C)

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 Leach Run Parkway contractor will be conducting night work September 16-17 along John Marshall Highway at the intersection, and there will be some intermittent water disruptions;
- The Town's online payment service would be down beginning today, September 12, through the next three to five days, he noted other payment options for residents;

- The Town is currently seeking citizens interested in serving on the Board of Zoning Appeals. Mr. Burke stated that they could submit applications to the Clerk of Council to jberry@frontroyalva.com;
- The Town is in the final round of the Top Adventure Town for Blue Ridge Outdoors Magazine and he encouraged all to vote online;
- The Town's New Year's Ever Committee was seeking entertainers to participate in the New Year's Ever event, and he asked those interested to contact Tim Smith at tsmith@frontroyalva.com or at the Visitor's Center;

Councilman Hrbek asked about the Leach Run Parkway email Council received. Mr. Burke noted that the Parkway asphalt application would be delayed when the asphalt plant would be shut down.

Councilman Meza asked about the intermittent water in the John Marshall Highway area. Mr. Burke noted that it should not be a widespread outage and should only affect a handful of customers for less than a half an hour, around the intersection.

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

CONSENT AGENDA

- A. COUNCIL APPROVAL – HOME Consortium Agreement Renewal
- B. COUNCIL APPROVAL – Letter of Intent for AMP AMI Program
- C. COUNCIL APPROVAL – Resolution to Reschedule October Meeting
- D. COUNCIL APPROVAL – Liaison Committee Meeting Items
- E. COUNCIL APPROVAL – Request VRT to Provide Trolley to Appalachian Trail in 2017
- F. COUNCIL APPROVAL – Amendments to AMP Solar Project Lease Agreement
- G. COUNCIL APPROVAL – DMV/Highway Safety Grant

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

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

PUBLIC HEARING – Special Use Permit - Jefferson Avenue - Gary Bunch (1st R)

Summary: Council is requested to affirm on its first reading a Special Use Permit submitted by Gary Bunch of a nonconforming lot on Jefferson Avenue. Pursuant to Town Code 175-128.A., new construction on nonconforming lots in the R-1 District requires approval of a Special Use Permit by Town Council when the lot is 80% of the minimum required lot width and area. The minimum lot size in the R-1 District is 10,000 square feet and the minimum width is 75 feet. The applicant's lot is 7,500 square feet and 50 feet in width.

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

Councilman Egger moved, seconded by Councilman Connolly that Council affirm on its first reading a Special Use Permit submitted by Gary Bunch of a nonconforming lot on Jefferson Avenue, as presented.

Councilman Hrbek noted that although it was a nonconforming lot to Town Code, the piece of property does conform to the properties around it. Mr. Burke noted that was correct.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – Darr

(By Roll Call)

COUNCIL APPROVAL – Special Exception Application for FRLP (1st Reading)

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. Council held a public hearing on this application on August 22, 2016 where much discussion ensued as to specifics that may be included in the motion. Staff has recommended the following to be included in the motion from the August 22nd Meeting:

“this special exception shall not alter the Town Code regulation that requires the minimum street width to be increased to meet the guidelines of the Virginia Department of Transportation (VDOT) Road Design Manual where additional width are necessary, such as, but not limited to, streets that are designated as school bus access roads. The planned East/West Connector Road shall also be specifically excluded from the special exception”

Councilman Hrbek 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. He further moved that this special exception shall not alter the Town Code regulation that requires the minimum street width to be increased to meet the guidelines of the Virginia Department of Transportation (VDOT) Road Design Manual where additional widths are necessary, such as, but not limited to, streets that are designated as school bus access roads. He continued to further move that the planned East/West Connector road shall also be specifically excluded from the special exception and that the special exception shall 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.

Councilman Connolly stated that he spoke with one resident that is impacted by the project and he expressed concern with the inability of maintenance vehicles, emergency vehicles and school buses to traverse. He stated that some are quite sensitive when railroad crossings and roads become blocked at times. He added that this resident just asked that Council be mindful that those residents are located nearby and this vote impacts said residents. Mr. Connolly noted that he planned to vote in favor of the design specifications though he hoped that this would get

things rolling and have a final design to Council as it was an incredible important project in the community. He added that Council needed to do their due diligence in the matter and protect their citizens and it was impossible to do so without having a full design to review.

Councilman Tewalt noted that he was shocked at Council's position on this matter. He stated that Council reviewed and approved the subdivision ordinance six months ago and now they were making changes immediately with the first application submitted. He added that the Town had ordinances, yet Council was choosing not to follow them, and that bothered him. Mr. Tewalt noted his dissatisfaction by allowing special exceptions for one developer, as then they would to do so for the next. He stated that he also had spoken with the Fire Department and the School Board, who voiced their support for the wider street widths.

Councilman Egger stated that when Council approved the subdivision ordinance she had been strongly in favor of what the Planning Commission had recommended at the time (noting the suggested street width history). She noted that she felt comfortable approving the special exception as presented as the street widths were reasonable. Ms. Egger added that granting special requests was not out of the ordinary, noting that on the last vote Council granted a special request for a resident to build a lot on a nonconforming lot that no longer fits into Town Code. She stated that one of her reasons for voting for the narrower streets was her belief that the narrower streets were better for the community and those that live in the neighborhood and the environment.

Councilman Meza voiced his agreement with Councilman Tewalt, explaining that recently the Town adopted an ordinance for adequate street widths. He noted that typically special uses are granted when a design is submitted with their request explaining what the developer wishing for, rather than just a blank slate. Mr. Meza stated that the prior vote relating to the nonconforming lot varies from this vote, as the Council is able to see a design and complete concept from start to finish. He added that this is a very important project, as Mr. Connolly noted, and he did not wish to create any barriers, though without a concept design he would be unable to support the matter as presented.

Councilman Hrbek noted that considering the developer's history with the Town, it would suggest that the Town could perhaps provide some assistance. Mr. Hrbek added that they had spent a lot of their funds and done a great deal of work on the project thus far. He asked for clarification on a "collector street". Mr. Burke gave the example of Stonewall Drive in town. Mr. Hrbek noted that collector streets would be coming off of the East/West Connector, Mr. Burke stated that was correct.

Councilman Egger stated that the Council should be mindful that the design would change based on the street width. Councilman Connolly asked about a tie vote, as the Mayor was absent. Mr. Napier explained that a tie vote would have the matter "dying", for a matter of one year. Mr. Connolly stated that it would

Councilman Egger moved, seconded by Councilman Hrbek, that Council postpone until Mayor Darr returns.

Vote: Yes – Egger, Hrbek, Meza, Tewalt and Tharpe
No – Connolly
Abstain – N/A
Absent – Darr

(By Roll Call)

COUNCIL APPROVAL – Authorization to Sell 24 W. Main Street

That having received an offer to purchase the Town's real estate located at 24 West Main Street in Town, Councilman Connolly moved, seconded by Councilman Egger, the following in conformity with Town Code Section 1-22A:

- 1. That Council shall hold a public hearing upon the question of the sale after two (2) publications in a newspaper published or having general circulation in the Town;*
- 2. The Town Council shall authorize by resolution the terms of the sale;*
- 3. Bids shall be accepted by the Purchasing Agent on the date such property is advertised for sale;*
- 4. The Town Council shall authorize the acceptance, or rejection, or the best bid at the first available regular Town Council meeting; and*
- 5. He further moved that Council may include an additional clause in any agreement of sale to specify that if the buyer does not place the property into productive, tax-producing use within twenty-four (24) months that the Town, at its option, can repurchase the property at the same purchase price with wording determined by the Town Attorney.*

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe
No – N/A
Abstain – N/A
Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 7:25 p.m.

APPROVED:

Steven M. Burke
Clerk Pro Tempore