

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 26, 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 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.
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 Connolly moved that Council approve the Regular Council Meeting minutes of September 12, 2016 as presented.

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

- Branch Highways will have intermittent lane closures on Happy Creek Road from Ewell Street to the entrance of the new middle school from Monday September 26th through Thursday September 29th. Please be aware of this road work and follow the direction of flaggers.
- The Town will be conducting road repairs on several alleys beginning Monday September 26th through October 7th. Please be aware of this work and follow the direction of closure notices.
- The Town's contractor will begin restoration of the southbound travel lanes of Commerce Avenue beginning Monday October 17th through Saturday October 22nd from 8:00 pm to 6:00 am. Work will include milling on the first two nights and paving on the following three nights. One lane will remain open at all times with flaggers. Please plan your travel accordingly.
- The Warren Heritage Society will conduct the Festival of Leaves on Saturday, October 8th which will close Main Street. The Town's drive through window will be closed on that Saturday.
- Town offices will be closed on Monday, October 10th in observance of Columbus Day.

- The Council Meeting that would have been conducted on Tuesday October 11th will be postponed due to the Virginian Municipal League Conference. The regular meeting will be conducted on Monday October 17th in the Council Chambers at Town Hall.
- The Town will begin flushing hydrants Monday, October 17th for two weeks. If you have any questions, please contact the Department of Environmental Services at 635-7819.
- Leaf collection by the Town will begin Wednesday October 19th. The Town will collect leaves in bags or containers placed curbside each Wednesday. Please do not tie bags.
- Hometown Halloween will be Monday October 31st from 6:00 pm to 8:00 pm on Main Street. If you are a business or organization not located on Main Street, please contact Tim Smith at our Visitor's Center at 635-5788 to participate.
- The Town will be conducting our auction of surplus material and equipment on Saturday October 22nd at the Walter Duncan Public Works Yard located at 800 East Crosby Road.
- The Town continues to seek talented performers for the Front Royal New Year's Eve event. If you would like to participate, please contact Tim Smith at our Visitor's Center at 635-5788.

Jennifer McDonald, Executive Director of the EDA, noted that the Royal Phoenix site release letter was received and they can move forward with ITFederal's plans. She stated that ITFederal will choose when to break ground at a later date. Mrs. McDonald stated that there was an active letter of intent with the Afton Inn property and the applicant is within their 30 day of study period currently. She noted that there was an art company looking for space downtown and also a microbrewery working to find space within the Town. Mrs. McDonald added that the EDA was working with law firm and gas station, as well as an aquatics company looking for specific space on Route 522.

Mrs. McDonald explained that the EDA was continuing their work with the Development Review Committee and the Regional Training Academy

Councilman Connolly asked about the ITFederal revised site plan. Mrs. McDonald noted that the revised site plan would come to the Town's Planning & Zoning most likely this week.

Mayor Darr introduced Fred Frenzel with the Virginia Department of Game & Inland Fisheries. Mr. Frenzel noted that the bears would always be in the area, and that unsecured dumpsters and trash cans that were not put away properly would cause the bears to visit homes. He added that this year was especially bad due to the cool wet spring. Mr. Frenzel stated that there were many localities facing bear issues and this community was not alone. He noted that it was not just in Front Royal, there were bear issues throughout the valley.

Mr. Frenzel noted that many had heard that there was a bear incident where a bear was attacked by a dog, and apparently the bear was protecting her cubs. He stated that in their instance, the bear was at that home due to the amount of bird seed at the home.

Mr. Frenzel noted that there were model ordinances in order to assist the Town. He added that there was funding available in order to help secure dumpsters better, and he would be pleased to work with the Town in order to help secure dumpsters in a better way.

Councilman Tewalt asked about submitting information in the next electrical billing advising residents that the trash can chains are available. Mr. Frenzel stated that the chains only worked if used properly and advising residents of information about the bear was important.

Mayor Darr stated that cooler weather was coming. Mr. Frenzel stated that when it turns into fall the bear are searching for acorns and they want to apply calories in the easiest way possible, such as eating birdseed from a feeder. He added that in the winter they will find denning sites and be out in the community less.

Mayor Darr stated that he accepted the Community Service Award on behalf of Police Chief Shiflett recently at the NAACP Freedom Banquet. He noted that Chief Shiflett received the award with Warren County Sheriff Daniel McEathron.

Mayor Darr noted that it was a privilege recently to attend the Honor Society ceremony at Ressie Jeffries Elementary School Friday night as new members of were inducted. He stated that they had a great conversation about leadership with the young members of our community.

Mayor Darr thanked the Chamber of Commerce and FRIBA for their two events held recently, the Taste of the Town and the Brew & Blues Festival. He noted that both events were well organized and well attended.

Mayor Darr announced that the ribbon cutting for the Rural King on South Street would be this Wednesday at 10 a.m. and he invited everyone to attend.

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

CONSENT AGENDA

- A. COUNCIL APPROVAL – Microsoft Enterprise Agreement - License Renewal
- B. COUNCIL APPROVAL – Donation of Town Flag to Christendom College
- C. COUNCIL APPROVAL – Utility Contribution for Warren Heritage Society
- D. COUNCIL APPROVAL – Resolution of Support - Lottery for Localities

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 – N/A

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

(By Roll Call)

⌘ RESOLUTION – LOTTERY FOR LOCALITIES ⌘

WHEREAS, the Town of Front Royal has a number of major unfunded capital initiatives that could be advanced if funding sources were identified; and,

WHEREAS, the General Assembly could consider allocating five percent (5%) of the “prize pool” from the Virginia Lottery sales to the general revenue fund of the localities where the sales originated; and,

WHEREAS, this reallocation of funds would not affect the funding provided to public school funding or to the operation of the Lottery program; and,

WHEREAS, this revenue infusion would provide the Town with a positive impact on our community;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby requests that the Honorable Senator Mark D. Obenshain, the Honorable Delegate Todd C. Gilbert, the Honorable Delegate Michael J. Webert, and the Honorable Delegate Christopher E. Collins, our elected representatives of the Town of Front Royal in the General Assembly, champion this initiative and make legislation to enact the “Lottery for Localities” a priority in the 2017 session.

COUNCIL APPROVAL – Special Use Permit - Jefferson Avenue - Gary Bunch (2nd R)

Summary: Council is requested to adopt on its second and final 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.

Councilman Connolly moved, seconded by Councilman Meza that Council adopt on its second and final reading a Special Use Permit submitted by Gary Bunch of a nonconforming lot on Jefferson Avenue, as presented.

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

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 noted that Council has reviewed this for the third time in public session and he would be taking the Planning Commission's recommendation and taking it seriously. He knew it was an important project for the community.

Councilman Meza stated that he researched the matter since the subject was delayed and he further reviewed the Planning Commission's recommendation. He noted that one concern was that it was a special exception without a site plan and one item that he had always desired to do was to remove barriers for developers trying to provide good housing for the community. Mr. Meza noted that Council should not hold up such a project and he would support the request.

Councilman Egger stated that she strongly supported their request and narrower streets for the community and neighborhoods. It was noted that revisiting the overall street widths in the future for the Town Code would be preferred.

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

No – Tewalt

Abstain – N/A

Absent – N/A

(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 7:27 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council