

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 24, 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 Egger moved, seconded by Councilman Hrbek moved that Council approve the Regular Council Meeting minutes of October 17, 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:

- Residents are invited to participate in the branding effort for the Town that is scheduled for Tuesday, October 25th from 6:00pm to 8:00pm at the Warren County Community Center. Input about what makes Front Royal great will be welcomed to help our consultant develop a brand for our community.
- The Town invites business owners and operators to the Business Forum this Thursday, October 27th at 6:00 pm in Town Hall.
- The Town's contractor will begin restoration of the southbound travel lanes of Commerce Avenue beginning Monday October 31st through Friday November 4th 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 Town continues flushing hydrants through the end of this week. If you have any questions, please contact the Department of Environmental Services at 635-7819.
- Leaf collection by the Town will continue through January 2017. 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.
- Town offices will be closed Friday, November 11th in observance of Veterans Day. Garbage collection for those on Friday will be Wednesday, November 9th. No yard waste collection this week. The Town's drive through will also be closed Saturday, November 12th.
- Personal Property Tax notices have been sent from the Town and are December 5th. If you have questions, please contact our Finance Department at 635-7799.
- 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.

Economic Development Director, Jennifer McDonald, noted that the Town had submitted an application to VDOT for revenue sharing of W. Main Street extended for the Royal Phoenix/Avtex site. She stated that the EDA met with the EPA project manager and they are ready to get things moving on the site, noting that they would be working with the County on the park and trails. She stated that IT Federal had submitted some revised documents outlining their proposed changes.

Mrs. McDonald stated that the EDA was working with an active letter of intent on the Afton Inn property, as well as work towards the microbrewery on Main Street, a fast food company, a gas station and a law office looking for space in Town.

Councilman Hrbek asked about the Westminster sidewalk project. Mr. Burke stated that the November date was promising.

Mayor Darr stated that through the hard work of many, there would be about 25 businesses open in the downtown area until 8 p.m. on Friday and Saturday from November 4th until December 31st. He thanked the downtown merchants for their participation.

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

CONSENT AGENDA - NONE

PUBLIC HEARING – Special Use Permit Application – Royal Lane Apts (1st R)

Summary: Council is requested to affirm on its first reading a Special Use Permit Application submitted by Pennoni Associates, Inc. for a project proposed by the Economic Development Authority (EDA), for the development of three (3) 12-unit apartment buildings, consisting of a total of 36 apartment units, at the end of Royal Lane. The apartments are intended to be used for workforce housing in the community. The application includes a Special Exception Request to authorize the extension of Royal Lane beyond 800 feet, as may be authorized by Town Council in accordance with Town Code 148-211. The request also includes acceptance of a portion of right-of-way for Royal Lane as well as acceptance of a right-of-way reservation to allow for the possible future extension of Royal Lane. The Planning Commission approved the

application with nine recommended conditions. The conditions are presented in the Staff Report.

Mayor Darr opened the public hearing.

Glee Plough, of 31 Royal Lane, asked if these apartments would be for when there are workers that come into town, or are these apartments for permanent residents. Ms. Plough noted that many had said that there were teachers that could not afford to live in this area and she felt that such a statement just was not accurate. Mayor Darr stated that the building is intended for residents permanently living in Front Royal, and the site was not temporary housing.

Mrs. McDonald noted that there was a definite need for housing for local Police Officers, fire fighters and teachers. She stated and each year the community loses quality teachers, police officers, nurses, and other professionals that do not qualify for salary assisted living.

Shirley Henry, also of Royal Lane, opined that the site was not appropriate and the area did not need 36 more apartments in that location. She added that Royal Lane had enough traffic already and there was plenty of land elsewhere in the community. Ms. Henry stated that the individuals could easily buy a home rather than spend \$1,000 per month in rent. She added that teachers were not moving out of Warren County, even if they were teaching elsewhere.

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

Councilman Hrbek moved, seconded by Councilman Connolly that Council affirm on its first reading a Special Use Permit Application that includes a Special Exception Request, acceptance of right-of-way and right-of-way reservation as presented, for a project proposed by the Economic Development Authority (EDA), for the development of three (3) 12-unit apartment buildings with a total of 36 apartment units, at the end of Royal Lane, to be used for workforce housing in the community. He further moved that Council approve the Special Use Permit Application contingent upon the Planning Commission's nine (9) recommended conditions as presented in the Staff Report.

Councilman Egger noted that she had issue with the road not going through to Remount Road at this point. Councilman Tewalt noted that one day it could most likely be extended. He stated that he would have no issue with supporting the request as presented.

Councilman Hrbek stated that he would support the proposal as submitted to Council. He stated that many teachers lived in Strasburg and Stephens City though they taught in Warren County and eventually the Town would lose them to other positions in other localities. Mr. Hrbek stated that there was a need for these young professionals and it was time to catch the millennial generation and provide appropriate housing in the Town for them.

Councilman Egger stated that there are no apartment buildings currently in Town that are not subsidized and this would be the first.

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

No – Egger

Abstain – N/A

Absent – N/A

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

(By Roll Call)
-----**PUBLIC HEARING TO RECEIVE PUBLIC INPUT/APPROVAL OF RESOLUTION
pertaining to sale of Town Property aka 24 W Main Street**

Summary: Council is requested to receive public input pertaining to the possible sale of the Town's improved real estate located at 24 W Main Street (Tax Map No. 20 A7 4 13) to be sold "AS IS", "WHERE IS", and in its present condition. Council is also requested to consider to approve a Resolution authorizing the sale of 24 W Main Street as presented.

Mayor Darr opened the public hearing.

Mr. Welcome, the intended brewery owner, noted that their intent was to brew craft beer onsite and also have a full service restaurant. He noted that they were excited to be part of the Front Royal community.

Mr. Barnett, of 1115 Buck Mountain Road, Bentonville, stated that the time was good for this venture. He noted that he was excited for this effort and to work together as a community and that Front Royal can continue to become a destination with this brewery opening. Mr. Barnett thanked Council for their support, noting that it was currently a functionally obsolete building that has a lot of memories and it would be very good to see it open to the public again.

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

Councilman Connolly moved, seconded by Vice Mayor Tharpe that Council approve a resolution authorizing the sale of certain real property owned by the Town specifically property known as 24 W. Main Street (Tax Map No. 20 A7 4 13) as presented.

Councilman Tewalt stated that he is thrilled that this is taking place and it is returning the building to the tax rolls. Mr. Connolly noted that everyone is really looking forward to the brewery/restaurant. Ms. Egger stated that she was very impressed with their business plan and the Town is excited they are coming to the community.

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)

**PUBLIC HEARING TO RECEIVE PUBLIC INPUT/APPROVAL OF
RESOLUTION on a VDOT Transportation Alternatives Grant Application for
the Criser Road Trail Project**

Summary: As an application requirement, Council is requested to receive public input on a Virginia Department of Transportation Alternatives Grant application for the Criser Road Trail Project and approve the attached resolution as presented. The application is for construction of a trail and bicycle lanes along Criser Road, located within the existing public right-of-way, and as identified in the Town's Capital

Improvement Plan. The proposed trail would extend from the southern terminus of Happy Creek Trail to the intersection of Rt. 340 and Criser Road, near Dickey Ridge Trailhead.

Mayor Darr opened the public hearing.

Dan Hotek, President of the area Tree Stewards, stated that he was very excited to see this portion of the puzzle go into place and the Tree Stewards will be happy to help move this matter forward in any way possible. He noted that they hold worksessions twice a month to discuss matters and plant trees and this trail will be a safety benefit for those that hike in the area.

Michael Graham, of 335 Druid Hill, noted that this was a critical part of the trail and there may be alternative funding measures possible. Mrs. McDonald noted that what Mr. Graham spoke of was not feasible.

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

Councilman Egger moved, seconded by Vice Mayor Tharpe that Council approve a Resolution - Transportation Alternatives Set-Aside Grant for the Criser Road Trail, 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)

COUNCIL APPROVAL – Special Exception – Application for FRLP

Summary: Council is requested to adopt on its second and final 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 action was deferred. The first reading was held on September 12, 2016 and was postponed until the next regular meeting. The first reading was held on September 26, 2016.

Councilman Hrbek moved, seconded by Councilman Egger, that Council adopt on its second and final 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 Tewalt stated that he was appalled at this Council regarding the matter and he would like to take the word EXCEPTION out of the ordinance. He noted that he was 100% against the narrowing of streets. Mr. Tewalt noted that parking on both sides of the street and a car passing was not possible or safer.

Councilman Egger disagreed, noting that narrow roads are safer and should be the normal for the community. She stated that many communities had been building streets for many years that are too wide and all over the country they have been made narrower. She stated that the entire subdivision ordinance should be reexamined for narrower streets

Councilman Connolly stated that emergency vehicle access had been examined and considered, as were snow plow access. He noted that the Planning Commission also examined this topic excessively. He noted that the Town Council put Special Exemptions in the Code in order to allow flexibility with design and to move the projects forward to conclusion.

Councilman Hrbek stated that the Town can move slow at times, though tonight's agenda shows otherwise. He thanked Council for moving matters forward, and he noted the ITFederal, and the affordable housing options as just two examples of bettering the community in a swift manner.

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)

COUNCIL APPROVAL – Acceptance of Candy for Hometown Halloween

Summary: Council is requested to approve the acceptance of candy in an approximate value of \$150.00 from Skyline High School Friends of Rachel Club to be used for Hometown Halloween

Councilman Egger moved, seconded by Councilman Hrbek that Council approve the acceptance of candy in an approximate value of \$150 from Skyline High School Friends of Rachel Club to be used for Hometown Halloween.

Ms. Chichester and Ms. Cobb was thanked by Mayor Darr and Council for their efforts.

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)

COUNCIL APPROVAL – Liaison Committee Meeting Items

Summary: The next Liaison Committee Meeting is scheduled for November 17, 2016. At the September 19, 2016 Work Session, Council asked that the utility contribution request for the Warren Heritage Society be added for discussion at the next Liaison Committee Meeting for Warren County participation. At the October 17, 2016 Work Session Council asked that the Joint Towing Board Discussion be added. Also items regarding 1) Town Commercial Waste Tipping Fee Structure and 2) Current Town of Front Royal Transportation Priorities are to be removed. The County of Warren has also requested that the discussion of combining Town and County law enforcement and fire and rescue dispatch operations into the Public Safety Building.

Councilman Connolly moved, seconded by Councilman Egger that Council approve the addition of:

- 1) Utility Contribution Request from Warren Heritage Society;*
- 2) Joint Towing Board Discussion; and*
- 3) Lighting Options in Alternate Locations to the Liaison Committee Agenda of November 17, 2016.*

He further moved to remove:

- 1) Town Commercial Waste Tipping Fee Structure; and*
- 2) Current Town of Front Royal Transportation Priorities from the November 17, 2016 Liaison Committee Agenda.*

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)

There being no further business, the Mayor declared the meeting adjourned at 8:03 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council