



REGULAR TOWN COUNCIL MEETING

Monday, August 14, 2017 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of July 24, 2017 and Special Meeting Minutes of August 7, 2017
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 - * **Report from Northern Shenandoah Valley Regional Commission**
 - * **Report from Director of Finance – BJ Wilson**
 - * **Report from Director of Energy Services – David Jenkins**
 - * **Report from County Administrator – Doug Stanley**
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** – (ROLL CALL VOTE REQUIRED)
 - A. COUNCIL APPROVAL – N/A
8. **PUBLIC HEARING** – Resolution to Authorize Condemnation Proceedings – Stephen C. Lockhart for Temporary Construction Easements for Criser Road Bridge
9. **PUBLIC HEARING** – Ordinance Amendment to Code § 46-1 Public Drunkenness (*1st R*)
10. **PUBLIC HEARING** – Ordinance Amendments Pertaining to Flea Markets (*1st reading*)
11. **COUNCIL APPROVAL** – Bid for Digger/Derrick for Energy Services Department
12. **COUNCIL APPROVAL** – Acceptance of Public Improvements and Release of Letter of Credit – Beau Ridge II Subdivision – Dodson Homes Inc.
13. **COUNCIL REFER TO PLANNING COMMISSION** – Proposal to Make Main Street a One-Way Street
14. **COUNCIL RE-APPOINTMENT** – Planning Commission

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 8

Meeting Date: August 14, 2017

Agenda Item: PUBLIC HEARING – Resolution to Authorize Condemnation Proceedings – Stephen C. Lockhart for Temporary Construction Easement for Criser Rd Bridge

Summary: Council is requested to consider approval of a Resolution to authorize the commencement of eminent domain (condemnation) proceedings of 1,710 square feet of the property of Stephen C. Lockhart for temporary construction easements for construction of the Criser Road Bridge over Happy Creek, as presented.

Budget/Funding: None

Attachments: Resolution

Meetings: None

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a Resolution to authorize the commencement of eminent domain (condemnation) proceedings of 1,710 square feet of the property of Stephen C. Lockhart for temporary construction easements for construction of the Criser Road Bridge over Happy Creek, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

**RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS
FOR ACQUISITION OF PROPERTY FOR CRISER ROAD BRIDGE**

WHEREAS, the Town Council of the Town of Front Royal, Virginia (“Town Council”) has determined that it is both a public necessity and in the public interest that the bridge over Happy Creek at the intersection of Criser Road and Remount Road (U.S. Route 522 South), located in the Town of Front Royal, Warren County, Virginia, be replaced with a new bridge (the “Bridge”), due to the old age and deteriorating condition of the existing bridge.

WHEREAS, Section 18, paragraph no. 4, of the Town Charter, authorizes Town Council with power “to make such ordinances, orders, bylaws and regulations as they may deem proper and necessary to carry out the following powers: *“4. Streets and sidewalks-Generally. To open, extend, widen, or narrow, lay out, graduate, curb, and pave and otherwise improve streets, sidewalks, and public alleys in said town, and have them in good order and properly lighted; in order to properly light the streets of said town, the council may erect and operate such number of lamps and fixtures thereto belonging as they may deem necessary; they may build bridges in and culverts under said streets, ... [of Front Royal].”*

WHEREAS, the engineers selected by the Town to design the Bridge, Mattern & Craig, have informed Town Council and Town staff working for the Town of Front Royal, Virginia, a municipal corporation (“Town Staff”) that temporary construction easements (the “Easements”) will be necessary for the construction of the Bridge, said Easements to be as shown as indicated on that crossed-hatched areas on that attached plat, made a part hereof and incorporated by reference herein, dated June 1, 2017 (6/1/2017), titled “TEMPORARY CONSTRUCTION EASEMENT ACQUISITION PLAT FOR TOWN OF FRONT ROYAL SHOWING NEW TEMPORARY CONSTRUCTION EASEMENT (1,710 SQUARE FEET) BEING ACQUIRED FROM STEPHEN C. LOCKHART BEING SITUATE AT 503 REMOUNT ROAD THE TOWN OF FRONT, VIRGINIA”, drawn by Timothy W. Caldwell, Land Surveyor (the “Plat”).

WHEREAS, Town Staff has approached Stephen C. Lockhart (“Lockhart”) on more than one occasion about acquiring the Easements or, conversely, buying a fee simple interest in Lockhart’s property whereon the Easements would lie. Lockhart stated to Town Staff that he was not interested in conveying to the Town the Easements, but only fee simple interests in the property (“Property”). The Town made Lockhart an offer of \$6,000.00 cash money, which was the fair market value of the Property based on comparables that the Town had found from local properties recently sold. Lockhart rejected the Town’s offer, and Lockhart informed Town Staff what he said were his own comparable values, but Lockhart did not directly agree to sell the Property to the Town for any set price. The Town agreed to Lockhart’s comparable value for the sale of Lockhart’s Property, and made a second offer to Lockhart to buy the 1,710 square feet of Property the Town needed to construct the Bridge for \$25,000.00, cash money, or to purchase the Easements for Lockhart for \$10,000.00 cash money, and in the case of a purchase of

Easements by the Town of Lockhart's Property, once the Bridge is constructed, the property needed for construction of the Bridge would be returned to Lockhart in its original condition. Lockhart stated to Town Staff he would not accept less than \$100,000.00 cash money from the Town to sell the Property needed for the Bridge, which is so far beyond its fair market value that it would be a waste of taxpayers' money for the Town to purchase it at that price, and that Lockhart would not sell Easements to the Town for any amount of money.

WHEREAS, Town Council finds that it is necessary and in the best interests of the Town and its inhabitants as well as in the best interests of the general public to acquire the Easements by condemnation or other means and that Town Staff is directed to initiate eminent domain proceedings to acquire said Easements from Lockhart.

NOW, THEREFORE, BE IT RESOLVED, that Town Staff, including the Town Attorney and Assistant Town Attorney, and any other legal counsel deemed necessary by Town Council to effectuate this Resolution, initiate and prosecute to final judgement eminent domain proceedings or any other legal or other proceedings necessary and appropriate under the laws of the Commonwealth of Virginia to acquire the Easements from Lockhart aforesaid, and that such moneys will be paid to Lockhart for said Easements as he shall be lawfully be entitled to.

BE IT FURTHER RESOLVED that the Mayor, the Town Manager, and the Town Attorney or other legal counsel, for the Town execute all documents and instruments necessary and appropriate to effectuate this Resolution; and

HIS RESOLUTION was adopted by the following vote of Town Council, all of whom were present and voting, of Town Council who voted "Yes" below at a Regular Meeting of the Town Council of Front Royal, Virginia, on _____, 2017.

Motion to Approve by: _____

Seconded by: _____

[SIGNATURES PAGE FOLLOWING:]

APPROVED:

Hollis L. Tharpe, Mayor

Town Council Members:

John P. Connolly Yes/No

Jacob Meza Yes/No

Christopher S. Morrison Yes/No

Eugene R. Tewalt Yes/No

William A. Sealock Yes/No

Gary Gillispie Yes/No

Attest:

Jennifer E. Berry, CMC, Clerk of Council

Approved as to form:

Douglas W. Napier,
Town Attorney

Date

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Town of Front Royal, Virginia Council Agenda Statement

Page 1
Item No. 9

Meeting Date: August 14, 2017

Agenda Item: PUBLIC HEARING – Ordinance Amendment to Code §46-1 Public Drunkenness (*1st Reading*)

Summary: Council is requested to affirm on its first reading an ordinance amendment to Town Code §46-1 to expand the prohibited conduct to include a person being intoxicated in public from other intoxicants, in addition to alcohol, with a violation constituting a Class IV Misdemeanor as defined in Town Code § 1-15. If approved, the proposed amendment would allow for the charging and prosecution of those persons found intoxicated in public in the Town from other intoxicants, in addition to alcohol, and consistent with state law, as presented.

Budget/Funding: None

Attachments: Ordinance

Meetings: Work Session held July 3, 2017

Staff

Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council affirm on its first reading an ordinance amendment to Town Code §46-1 to expand the prohibited conduct to include a person being intoxicated in public from other intoxicants, in addition to alcohol, with a violation constituting a Class IV Misdemeanor as defined in Town Code § 1-15, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW

**AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 46-1
PERTAINING TO PUBLIC DRUNKENNESS**

WHEREAS, Virginia Code §18.2-388 makes it unlawful for a person to be intoxicated in public “from alcohol, narcotic drug or other intoxicant or drug of whatever nature”. Town Code §46-1 only addresses public drunkenness from alcohol consumption; and,

WHEREAS, the Front Royal Police Department suggests that Town Code be amended to reflect the expanded offense allowing officers to cite violators using “local” summonses rather than “state” summonses; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that §46-1 of the Front Royal Town Code is hereby amended as follows:

46-1 PUBLIC DRUNKENNESS-INTOXICATION

If any person ~~shall get or be drunk~~ is **intoxicated** in public in the town, **regardless of whether such intoxication results from alcohol, narcotic drug, or other intoxicant or drug of whatever nature**, he shall be deemed guilty of a **Class IV Misdemeanor as defined in Section 1-15 of this Code** and, ~~upon conviction, shall be fined not less than one dollar (\$1.) nor more than one hundred dollars (\$100.).~~

This ordinance shall become effective upon passage.

APPROVED:

Hollis L. Tharpe, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2017, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Christopher S. Morrison	Yes/No
John P. Connolly	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2017, having been advertised in the Northern Virginia Daily on _____ and _____, 2017.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

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Town of Front Royal, Virginia Council Agenda Statement

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Item No. 10

Meeting Date: August 14, 2017

Agenda Item: PUBLIC HEARING – Ordinance Amendment Pertaining to Flea Markets *(1st Read)*

Summary: Council is requested to affirm on its first reading to amend Town Code § 98-46; 175-3, 175-10.10; 175-44; 175-53.7.A.3; 175-63.C.3; 175-70.I.3 and 175-10.4.A that would allow flea markets to operate on Fridays with a Special Use Permit, subject to standards and review and potentially to have a Farmers Market; and, an amendment to §98-46.B to change the license tax for flea markets from a per vendor tax of \$10.00 per year, or \$1.00 per day, to a flat license tax of \$250.00 per calendar year to be paid by the proprietor of the flea market, as presented.

Note: Council referred the request of the flea market to operate on Fridays, to the Planning Commission for further consideration and a recommendation on March 27, 2017. A Public Hearing was scheduled for July 24, 2017 but was postponed for staff to re-advertise the amendments together regarding opening on Fridays and the license fee.

Budget/Funding: None

Attachments: Proposed Ordinance, Letter of Request, Letter from Property Owner and Memo from Director of Planning/Zoning

Meetings: Work Sessions held March 20, July 3, and July 17, 2017. Referred to the Planning Commission by Town Council on March 27, 2017. Public Hearing scheduled and then cancelled on July 24, 2017.

Staff

Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading to amend Town Code § 98-46; 175-3, 175-10.10; 175-44; 175-53.7.A.3; 175-63.C.3; 175-70.I.3 and 175-10.4.A to allow flea markets to operate on Fridays with a Special Use Permit, subject to standards and review and potentially to have a Farmers Market. I further move that Council amend Town Code §98-46.B to change the license tax for flea markets from a per vendor tax of \$10.00 per year, or \$1.00 per day, to a flat license tax of \$250.00 per calendar year to be paid by the proprietor of the flea market, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JW



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
Memorandum

To: Joe Waltz, Town Manager

From: Jeremy F. Camp, Planning & Zoning Director

Date: August 9, 2017

Re: Flea market regulations

Following a public hearing, the Planning Commission recommended adoption of the attached amendments to the Town Code during their meeting on June 21, 2017.

The amendments would allow the existing flea market (or future flea market operators) to apply for a Special Use Permit to operate on Fridays, in addition to Saturdays, Sundays and Holidays, as presently permitted in the Town Code. The draft also includes changes to the performance standards for flea markets.

It was stressed with Andrick's Flea Market that a Special Use Permit application would need to be applied for and approved before any changes to the existing flea market operation on Commerce Avenue. It was also discussed that during the Special Use Permit Application process the flea market would need to comply with the new requirements and performance standards in the Town Code.

No changes are necessary in regards to Farmer's Markets.

The request to amend the flea market regulations was initially requested by Andrick's Flea Market, followed by a referral to the Planning Commission by Town Council.

AN ORDINANCE TO AMEND FRONT ROYAL TOWN CODE §98-46 and §175-3, 175-10.10, 175-44, 175-53.7.A.3, 175-63.C.3, 175-70.I.3, and 175-10.4.A.PERTAINING TO FLEA MARKETS OPENING ON FRIDAYS & LICENSE FEES

WHEREAS, Town Council referred to the Planning Commission in March 2017 the request for Flea Markets to be open on Fridays; and,

WHEREAS, Town Council requested that Town Staff review the licensing fees for Flea Markets in June 2017; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that §98-46 and §175-3, 175-10.10, 175-44, 175-53.7.A.3, 175-63.C.3, 175-70.I.3, and 175-10.4.A. of the Front Royal Town Code are hereby amended as follows:

98-46 FLEA MARKETS

A. As used in this section, the following terms shall have the meanings indicated:

FLEA MARKET - An assembly of vendors, selling new or used goods in the open air or within temporary structures, who display and sell their wares on the lands of another for a consideration.

B. ~~Every vendor who is engaged in the sale or display of goods at a~~ **The proprietor of any** flea market shall be required to purchase a license and display the license in a prominent place visible to the public. For ~~every such~~ **such** license ~~to sell or display antiques or used or second-hand goods at a flea market,~~ there shall be paid a license tax of ~~ten dollars (\$10.) per year or one dollar (\$1.) per day~~ **\$250.00 per calendar year**. Every vendor of new goods at the flea market shall be deemed a peddler or itinerant merchant and shall pay such license tax as is applicable to peddlers or itinerant merchants under the provisions of Section 98-61. Upon application to and approval by the Town Council, no license shall be required of a nonprofit organization that sells or displays goods at a flea market so long as the proceeds of sale are retained by the nonprofit organization and not shared with other persons, businesses or organizations. The following regulations shall govern the conduct of flea markets:

1. Goods and wares may be left on premises on Friday and Saturday nights only and on Sunday night if Monday is a holiday.
2. A night watchman may be allowed on weekends.
3. No overnight trailers are allowed.
4. The owner or lessee of the premises shall keep the flea market grounds clean and free of refuse and shall provide trash containers in sufficient numbers to serve the customers and vendors on the flea market site.
5. The owner or lessee of the premises shall rent no space to any flea market vendor, except those representing nonprofit organizations, unless the vendor first produces a valid and current license issued by the Town of Front Royal or a daily license permit for the sale and display of goods at a flea market.

175-3 DEFINITIONS

DOMESTIC PRODUCTS – Processed, cooked, dried or preserved foodstuffs and other agricultural products meant for human consumption, to include, but not limited to, jellies, pickles, herbs, smoked meats, baked goods, candies, canned foods, and other prepared edibles.

MANUFACTURED BUILDING – A building that is manufactured, typically in a factory, and is built in accordance with the United States Department of Housing and Urban Development Code, Manufactured Home Construction and Safety Standards, or other similar federal standards; and does not meet all local or state building code standards. Modular and pre-fabricated buildings that are manufactured and constructed in accordance with all local and state building code standards shall not be considered manufactured buildings.

MANUFACTURED HOME – A residential dwelling built in a factory in accordance with the United States Department of Housing and Urban Development code and, the federal Manufactured Home Construction and Safety Standards, or other similar federal standards; and does not meet all local or state building code standards. ~~A mobile home or home built from one (1) or more modular units are not considered manufactured homes.~~ Modular and pre-fabricated buildings that are manufactured and constructed in accordance with all local and state building code standards shall not be considered manufactured buildings.

FARM PRODUCTS – Ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale.

FLEA MARKET - An assembly of vendors, selling new or used goods in the open air or within temporary structures, which display and sell their wares on the lands of another for a consideration.

FARMERS' MARKET – A collection of two (2) or more vendors, selling farm or domestic products, garden produce, or nursery products, ornamental or otherwise, which have been grown or produced by the vendor offering the same for sale, in an open-air setting or with temporary or partially enclosed structures.

175-10.10 STANDARDS (A-1)

B. **Farmers' Markets and Flea Markets.** Where flea markets are permitted by approval of a special use permit, the following standards shall be complied with, in addition to any conditions placed on the special use permit, and Section 98-46 of the Town Code.

1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.
2. A minimum fifty (50) foot setback shall be maintained from all property lines, **excluding structures and uses in existence prior to July 1, 2001.**
3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.

4. No manufactured buildings shall be permitted.
5. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.
6. ~~All temporary structures or facilities, including but not limited to canopy frames, except as provided in sub-section B.5. above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.~~ Unless otherwise approved as part of a special use permit, all temporary structures or facilities shall be removed during the days that the market is not in operation.
7. Operation of ~~the market~~ a Flea Market shall be confined to Friday, Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.
8. ~~Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15,~~ If a Flea Market or Farmers' Market elects to close during part of the year, or is required to close during part of the year by a condition of a special use permit, all tables and other temporary fixtures shall be removed within two (2) weeks of such closure. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.
9. All Flea Markets and Farmers' Markets shall be swept clean, hosed down and/or picked clean daily. No food products or debris shall be permitted to remain upon the site overnight. All food products sold at the market must be displayed under sanitary conditions and sold in compliance with all requirements of the Virginia Department of Health or Virginia Department of Agriculture and Consumer Services.
10. Any expansion, including, but not limited to, new construction, an increase in the days of operation, or other significant changes to the use of the property, shall only be authorized with a special use permit.
11. Landscaping shall be provided where feasible and desirable for purposes of improvement aesthetics, screening, shade and the natural environment.
12. Fencing may be required for purposes of improvement aesthetics, screening or public safety.
13. The sale of live animals is prohibited.
14. The sale of new merchandise or serving of food, other than farm and domestic products, shall only be authorized if the vendor obtains an itinerant merchant or peddler license, in accordance with the Town Code regulations for such uses.
15. Farmers' Markets and Flea Markets on public property shall be classified as a public event.

175-44 PERFORMANCE STANDARDS (C-1)

F. Farmers' Markets & Flea Markets: Where farmer's markets are permitted under the provisions of this Chapter, the following standards shall be required:

1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.
2. A minimum twenty-five (25) foot setback shall be maintained from all property lines, excluding structures and uses in existence prior to July 1, 2001.
3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.
4. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.
5. ~~Any building and metal canopy frame associated with and attached or semi-detached from such building used for the storage or sale of goods and materials and as the market operator's office shall be constructed on a permanent foundation and meet appropriate building code regulations; provide that any such building and metal canopy frame in existence prior to July 1, 2001, shall not be required to be on a permanent foundation or meet building code regulations except as additions and enlargement are made thereon. No trailers or mobile home units shall be permitted.~~ No manufactured buildings shall be permitted.
6. ~~All temporary structures or facilities, including but not limited to canopy frames except as provided in sub-section (e) 5 above, table extensions and display shelving, shall be removed during the hours that the market is not in operation. Unless otherwise approved as part of a special use permit, all temporary structures or facilities shall be removed during the days that the market is not in operation.~~
7. Operation of the market a Flea Market shall be confined to Friday, Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.
8. ~~Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, If a Flea Market or Farmers' Market elects to close during part of the year, or is required to close during part of the year by a condition of a special use permit, all tables and other temporary fixtures shall be removed within two (2) weeks of such closure. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view, in accordance with Section 175-44(A). The provisions of this sub-section (h), shall not be applicable to any flea market in existence and operation as of July 1, 2001.~~

9. All Flea Markets and Farmers' Markets shall be swept clean, hosed down and/or picked clean daily. No food products or debris shall be permitted to remain upon the site overnight. All food products sold at the market must be displayed under sanitary conditions and sold in compliance with all requirements of the Virginia Department of Health or Virginia Department of Agriculture and Consumer Services.
10. Any expansion, including, but not limited to, new construction, an increase in the days of operation, or other significant changes to the use of the property, shall only be authorized with a special use permit.
11. Landscaping shall be provided where feasible and desirable for purposes of improvement aesthetics, screening, shade and the natural environment.
12. Fencing may be required for purposes of improvement aesthetics, screening or public safety.
13. The sale of live animals is prohibited.
14. The sale of new merchandise or serving of food, other than farm and domestic products, shall only be authorized if the vendor obtains an itinerant merchant or peddler license, in accordance with the Town Code regulations for such uses.
15. Farmers' Markets and Flea Markets on public property shall be classified as a public event.

175-53.7.A.3

~~h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.~~

175-63.C.3

~~g. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.~~

175-70.I.3

~~h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.~~

175-10.4.A.

COMMERCIAL:

Flea Markets and Farmers' Markets, subject to the standards of Section 175-10.10.B

This ordinance shall become effective upon passage.

APPROVED:

Hollis L. Tharpe, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____ 2017, upon the following recorded vote:

Eugene R. Tewalt	Yes/No	Jacob L. Meza	Yes/No
William A. Sealock	Yes/No	Christopher S. Morrison	Yes/No
John P. Connolly	Yes/No	Gary Gillispie	Yes/No

A public hearing on the above was held on _____, 2017, having been advertised in the Northern Virginia Daily on _____ and _____, 2017.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Thalhimer
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thalhimer.com
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June 5, 2017

Hollis L. Tharpe, Mayor
Town of Front Royal
Administration Building, 2nd Floor
102 E Main Street
Front Royal, VA 22630

Dear Mayor Tharpe,

This letter is to let you know that the Boisseau Family, who are the fee owners of the land where the flea market is located on Commerce, is very much in favor of the flea market having the opportunity to include Friday openings for their typical weekend. There are a number of conditions that determine when the flea market can be open, weather being one of them, so having Friday will be helpful and should bring more tourists into the Town of Front Royal.

Thank you and the Town Council for considering this. We look forward to hearing that the Town Council has passed this to go into effect

If you have any questions of the Landlord, please don't hesitate to contact me

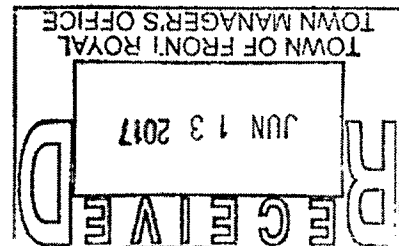
Sincerely,

George C. Stuckey
Agent for Boisseau Family

GCS.dsr

c Richard W. Boisseau, III
Linda Shade

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Linda Andrich - Shade

3/2/17

Andrich's front Royal Flea Market

would like to bring before
Council for Special use permit
for farm use market.

Zoning change for Friday operation.

Linda Andrich - Shade

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: August 14, 2017

Agenda Item: COUNCIL APPROVAL – Bid for Digger/Derrick for Energy Services Depart

Summary: Council is requested to approve a bid from Terex for the purchase of a digger/derrick in the amount of \$313,189.00 to be used in the Energy Services Department.

Budget/Funding: Energy Services FY18 budget line item 9401-R47005, which is funding carried forward from FY17.

Attachments: Memorandum for Purchasing Agent and Quotation Tabulation and Memorandum from Manager of Vehicle Equipment Maintenance

Meetings: None

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve a bid from Terex for the purchase of a digger/derrick in the amount of \$313,189.00 to be used in the Energy Services Department.

ROLL CALL VOTE REQUIRED

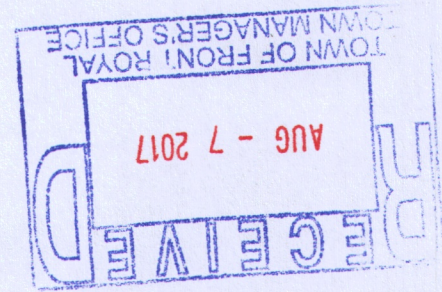
*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW



MEMORANDUM

Date: August 7, 2017
To: Tina Presley, Administrative Assistant
Jennifer Berry, Clerk of Council
From: Cindy Hartman, Purchasing Agent
RE: Agenda Item



On Tuesday, July 25, 2017, I held a bid opening for the purchase of a new Digger/Derrick for the Department of Energy Services. I received three (3) responses to my Request for Quotation (see attached tabulation sheet). Donald McPaters reviewed the submissions for compliance with our specifications, and determined that the lowest quote submitted did not meet the specs. Due to the dollar amount, I will need Town Council approval before proceeding with the purchase. Please add this item to the August 14, 2017 Council agenda for their action.

Staff recommends the award for the Digger/Derrick be made to Terex, for a total cost of \$313,189.00.

Funding for this purchase is available in the Energy Services FY18 budget line item 9401-R47005, which is funding carried forward from FY17.

TOWN OF FRONT ROYAL, VIRGINIA

Quotation Tabulation

Item: DIGGER/DERRICK

Quotation #21

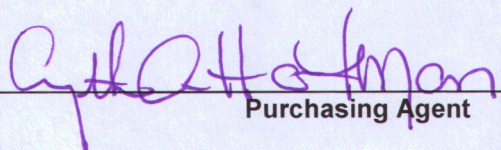
Date: JULY 25, 2017

Mailed :

Replied 3

Vendor Quotation				
	TEREX	GLOBAL RENTAL	ALTEC	
	WATERTOWN SD	BIRMINHAM AL	DALEVILLE VA	
QUANTITY	QUOTATION	QUOTATION	QUOTATION	QUOTATION
DIGGER/DERRICK PER TOWN SPECS	\$313,189.00	\$325,098.00	\$290,149.00	
	B & G BODY	(DID NOT SHOW MAKE OR MODEL)	ALTEC BODY	
	FREIGHTLINER CHASSIS		INTERNATIONAL CHASSIS	
			(OPTION) \$298,443.00 ELECTRIC/ HYDRAULIC	
TOTAL QUOTATION	\$313,189.00	\$325,098.00	\$290,149.00	

The above proposals verified to specifications and compliance with terms and conditions.


 Purchasing Agent

MEMORANDUM

TO: Cindy Hartman, Purchasing Agent

FROM: Donald B McPaters, Manager of Vehicle Equipment Maintenance. *DBM*

SUBJECT: Purchase of a Digger Derrick for the Electric Department

DATE: August 1, 2017

I have reviewed the bid for the chassis and Digger Derrick for the Electric Department. The lowest bid was from Altec at a price of \$298,443.00. Altec did not meet our specification on the Digger Derrick.

I have reviewed the bid from Terex Utilities Inc. Their bid price was \$313,189.00 and met our specifications.

I have reviewed the bid from Global Rental Company. Their bid price was \$325,098.00 and met our specifications.

I have reviewed the bids and discussed it with the Electric Department. Terex Digger Derrick from Terex Utility Inc at a price of \$313,189.00 would be the best selection of the bids.

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**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 12

Meeting Date: August 14, 2017

Agenda Item: COUNCIL APPROVAL – Acceptance of Public Improvements and Release of Letter of Credit – Beau Ridge II Subdivision – Dodson Homes, Inc.

Summary: Council is requested to approve the acceptance of the public infrastructure within Beau Ridge II Subdivision and release the development surety (letter of credit) for the project in the amount of \$277,679.57 from United Bank as requested from Dodson Homes, Inc. The subdivision was approved on June 26, 2006. Town Staff (Planning/Zoning, Public Works and Energy Services) inspected the subdivision and all public improvements are complete. In accordance with the Town and State Code, the Town is required to release these funds upon completion of the required improvements by the developer.

Budget/Funding: None

Attachments: Memorandum from Director of Planning/Zoning and As-Built Drawing

Meetings: None

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council approve the acceptance of the public infrastructure within Beau Ridge II Subdivision and release the Letter of Credit for the project in the amount of \$277,679.57 from United Bank as requested from Dodson Homes, Inc.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: *JW*



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING
Memorandum

To: Joe Waltz, Town Manager
Cc: Jimmy Hannigan, Director of Public Works
From: Jeremy F. Camp, Director of Planning & Zoning
Date: August 2, 2017
Re: Beau Ridge II Subdivision

ISSUE:

Dodson Homes, Inc. has requested that the Town accept the public infrastructure within Beau Ridge II Subdivision and release the development surety for the project.

DISCUSSION:

Beau Ridge II Subdivision includes 13 residential lots on Highfield Lane and Peach Tree Court. The subdivision was approved on June 26, 2006 (SUB05-06-268). An as-built was submitted by Dodson Homes, Inc, and is attached.

Dodson Homes, Inc. finished the top surface of asphalt this year. They also cleaned out the storm water detention basin and repaired curbing on Highfield Lane, as directed by Town Staff.

The Departments of Planning & Zoning, Public Works and Energy Services inspected the subdivision. At this time, all public improvements are complete.

A development surety (Letter of Credit 15300322-5301) is presently held in the amount of \$277,679.57, from United Bank. In accordance with the Town and State Code, the Town is required to release these funds upon completion of the required public improvements by the developer.

RECOMMENDATION:

Staff recommends acceptance of the public improvements within Beau Ridge II Subdivision, followed by the release of the letter of credit. Pursuant to Town Code, this requires approval by Town Council due to the amount of the development surety.

ATTACHMENT: As-Built Drawing

LEGEND

These standard symbols will be found in the drawing.

- OVERHEAD ELECTRIC WIRES
- GUY WIRE
- UTILITY POLE
- OVERHEAD CABLE TV WIRES
- DB DEED BOOK
- PG PAGE
- BOUNDARY CORNER
- WATER VALVE
- WIRE HYDRANT
- W WATER METER
- ELECTRIC BOX
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- TELEPHONE PEDESTAL

BOUNDARY LINE TABLE

LINE	LENGTH	BEARING
L1	39.04	N22°12'10"W
L2	70.48	N21°12'46"E
L3	6.32	N70°42'58"E
L4	56.57	N70°42'58"E
L5	106.97	S70°42'32"W
L6	26.93	S72°50'26"W
L7	54.90	S21°13'24"W
L8	34.78	S21°11'46"W
L9	45.14	S22°12'25"E
L10	9.72	N09°14'22"W
L11	11.81	N09°15'05"W
L12	47.72	S6°7'48'03"W
L13	15.00	S22°11'57"E
L14	5.44	S6°7'47'35"W

BOUNDARY LINE

CURVE	RADIUS	TANGENT	CURVE TABLE		CHORD	CHORD BEAR
			LENGTH	DELTA		
C1	17.50	10.70	19.20	62°52'03"	18.25	N09°13'36"E
C2	174.94	69.69	132.63	43°26'20"	129.48	S00°30'01"E
C3	26.00	21.54	35.98	79°17'06"	33.18	N18°25'47"W
C4	25.00	10.89	20.54	47°03'43"	19.96	N83°46'42"W
C5	50.00	26.51	48.75	55°51'44"	46.84	S79°22'46"E
C6	50.00	28.08	51.16	58°37'48"	48.96	S22°08'00"E
C7	50.00	27.62	50.47	57°49'54"	48.35	S36°05'51"W
C8	50.00	51.52	80.04	91°43'13"	71.76	N69°07'35"W
C9	50.00	5.40	10.76	12°20'06"	10.74	N17°05'55"W
C10	25.00	11.20	21.06	48°15'55"	20.44	S35°03'50"E
C11	26.00	19.78	33.81	74°30'48"	31.48	N83°37'21"E
C12	165.00	35.60	70.12	24°21'01"	69.60	S58°32'28"W
C13	25.00	17.41	30.42	69°43'05"	28.58	N35°51'28"E
C14	50.00	45.90	74.27	85°06'08"	67.62	S43°33'03"W
C15	50.00	27.67	50.55	57°55'30"	48.42	N64°58'08"W
C16	50.00	66.30	92.47	105°57'27"	79.84	N17°00'21"E
C17	115.00	53.02	99.36	49°30'12"	96.30	S45°57'52"W
C18	125.00	49.77	94.73	43°25'11"	92.48	S00°29'50"E

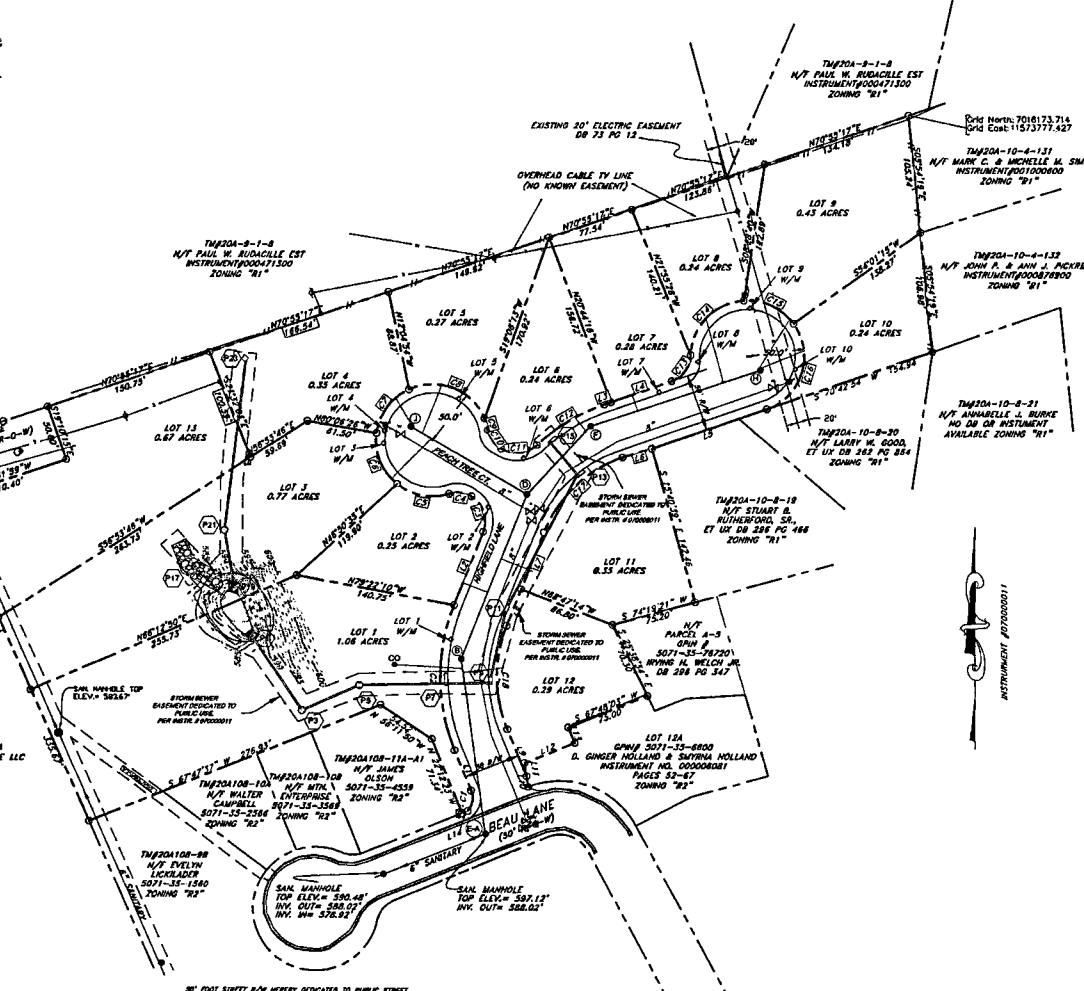
This drawing is a survey of the property shown and is not to be used for any other purpose without the written permission of the surveyor. The surveyor is not responsible for any errors or omissions in this drawing. The surveyor is not responsible for any errors or omissions in this drawing. The surveyor is not responsible for any errors or omissions in this drawing.

THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY SHOWN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.

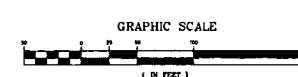
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NOTES:
 1) THESE PARCELS OF LAND ARE DELINEATED BY WARREN COUNTY TAX MAP NUMBERS 201-08-1 THRU 201-08-13. CURRENT OWNER OF RECORD IS DOSSON HOMES, INC. RECORDED AS INSTRUMENT #07000011, ALL AMONG THE RECORDS OF WARREN COUNTY, VIRGINIA.
 2) TITLE REPORT FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. 03-7424, EFFECTIVE 11/22/2005.
 3) UNDERGROUND IMPROVEMENTS OR UTILITIES, OTHER THAN THOSE SHOWN HAVE NOT BEEN LOCATED AND ARE NOT SHOWN AS A PART OF THIS SURVEY.
 4) PROPERTY CURRENTLY ZONED "R2" ACCORDING TO THE WARREN COUNTY ONLINE GEOGRAPHIC INFORMATION SYSTEM.
 5) STATE PLAN COORDINATES AS SHOWN HEREON HAVE BEEN DERIVED FROM GLOBAL POSITIONING SYSTEM OBSERVATION ON-SITE. AN AVERAGE CONVERGENCE ANGLE OF 00°11'54" AND AN AVERAGE COMBINED SCALE FACTOR OF 0.99993781 APPLY TO THIS PROJECT.



DRH ENGINEERS, PLLC
 CIVIL-STRUCTURAL-FORENSIC
 9 North 2nd Street, Suite 200, Warrenton, Virginia 20186
 540-855-7540 540-855-0331 Fax 540-855-7541

THIS DRAWING IS A SURVEY OF THE PROPERTY SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.

COMMONWEALTH OF VIRGINIA
 LAND SURVEYOR

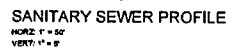
STORM SEWER,
 SANITARY SEWER, & WATER
 LINE PLAN AS-BUILT
 BEAU RIDGE II SUBDIVISION
 INSTRUMENT # 050015834
 HAPPY CREEK DISTRICT
 WARREN COUNTY, VIRGINIA

REVISIONS:
 1/1/2007 1) AND UNDERGROUND WATER LINE
 1/1/2007 2) LANE WATER METER
 1/1/2007 3) SANITARY SEWER SERVICE LINES TO LOTS
 1/1/2007 4) CORRECT LABEL IN TITLE BOOK

DESIGNED BY JMO
 DRAWN BY WJS
 SCALE 1" = 50'
 DATE 06/21/2007
 DRN JOB # 200404.01

DRAWING NO.

SHEET 1 OF 2



**STORM DRAIN &
SANITARY SEWER
PROFILE AS-BUILT**

[illegible]

DESIGNED BY	JAO
DRAWN BY	WCB
SCALE	1" = 50'
DATE	08/21/2006
DRAW JOB #	205046.01

DRAWING NO.

13



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 13

Meeting Date: August 14, 2017

Agenda Item: COUNCIL REFER TO PLANNING COMMISSION – Proposal to Make Main Street a One-Way Street

Summary: Council is requested to refer to the Planning Commission a proposal to make East Main Street a One-Way Street

Budget/Funding: None

Attachments: Proposal and Sketch

Meetings: Work Session held August 7, 2017

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council refer to the Planning Commission a proposal to make East Main Street a One-Way Street

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JW

7/26/2017

TO: Front Royal Town Council

FROM: Main Street Business Community

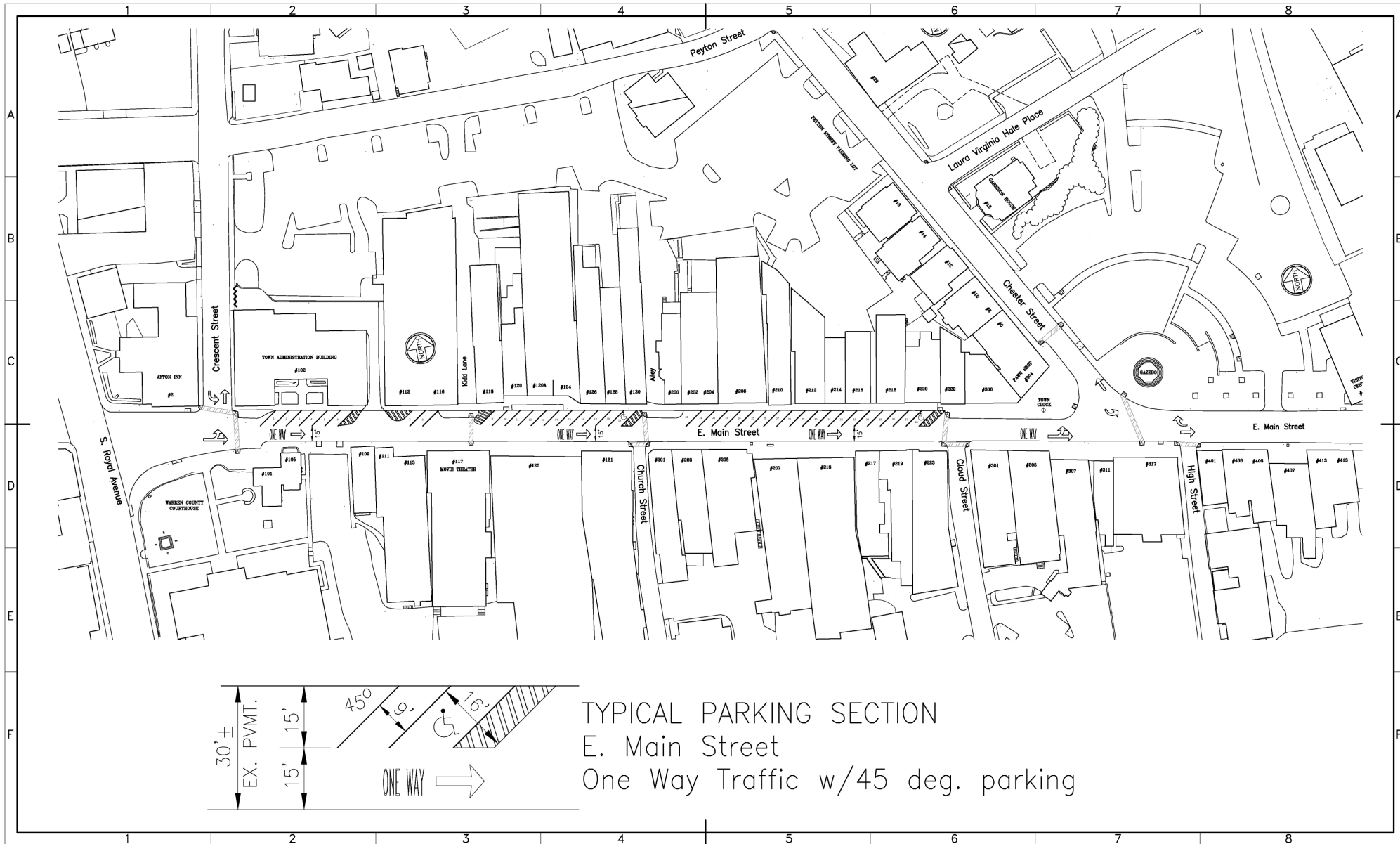
RE: Request for Public Hearing to Consider One-Way Main Street Proposal

On behalf of downtown Front Royal businesses and building owners, we request the members of Town Council consider the attached rendering for the alteration of Main Street's traffic flow. Our request is that Main Street become one-way from Royal Avenue to Chester Street, flowing Westward. This change would allow for angled parking along Main Street, increasing the Main Street parking capacity by 12-15 spaces and easing the ability of visitors and customers to park (angled vs. parallel). We look forward to the opportunity to review our plan before the Council, and have highlighted the primary purpose and benefits of our proposal below:

The overarching impetus behind this request is to enhance the economic vitality of Main Street by providing safer traffic flow and increased parking capacity for patrons.

Primary attributes of this proposal:

- 1) Increased parking capacity (12-15 spaces)
- 2) Improved ease of parking (angled vs. parallel)
- 3) Main Street businesses believe this will make a positive economic impact on downtown.



TOWN OF FRONT ROYAL, VIRGINIA
One-Way Traffic with Angle Parking
Main Street - From Commerce Ave to Chester St.

DATE: 16 DEC. 2014
SCALE: 1" = 40'
DWG NO.:
DRN. BY: DGM CHK. BY:
SHEET 1 OF 1

14



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 14

Meeting Date: August 14, 2017

Agenda Item: 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, 2021.

Budget/Funding: None

Attachments: None

Meetings: Interviews

Staff

Recommendation: Approval ☒ Denial ☐

Proposed Motion: I move that Council re-appoint Joseph McFadden to the Front Royal Planning Commission to a 4-year term to expire August 31, 2021.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: 