

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on February 23, 2015, 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
Vice Mayor Hollis L. Tharpe
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Eugene R. Tewalt
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 Funk that Council approve the Regular Council Meeting minutes of February 9, 2014 as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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

The Randolph Macon Academy Middle School Interact Club noted that they were an organization based on the mentality of service above self. They explained that their roadside cleanup efforts have involved over sixty children within RMA’s Middle School and Mayor Darr had repeatedly taken time out of his busy schedule to participate in their roadside cleanup efforts. They noted that the comments from the RMA students had showed interest and appreciation in having the Mayor involved in their outreach efforts. The RMA Students noted that they recently had been recognized through a letter of support for their community clean-up efforts which had been sent to the Governor. They thanked Mayor Darr for sending the letter to the Governor on their behalf. They noted that they had created their Interact t-shirt recently and their group had decided to create one for Mayor Darr and designate him as an honorary member of the Interact Club. They thanked him for his kindness and leadership.

Mayor Darr thanked the Interact Club for the shirt and their words. He noted that they should be commended for their ongoing cleanup efforts along Kendrick Lane. Mayor Darr stated that he was pleased to be an Honorary RMA Middle School Interact Club member.

David Means, Chairman of the Town’s Urban Forestry Advisory Committee (UFAC), thanked Councilman Egger and Vice Mayor Tharpe for their recent attendance at UFAC meetings. He noted that the costs and work that is involved in creating in such a venture for the tree mapping and the process of education and make it the part of the Town’s inventory, the same as fire hydrants and street lights. Mr. Means noted that this may be the first time that they have invited Council to attend, and there is an open invitation that is always available to Council

REPORT OF THE MAYOR, COUNCIL & STAFF

Town Manager Steve Burke:

- Noted that the SBDC's Small Business Economic Development Seminar would be this Wednesday for those interested in attending;
- Stated that business licenses need to be renewed soon and he noted that individuals should contact the Town offices with questions;
- Noted that the Riverton Substation Ribbon Cutting would be conducted on Monday, March 9th at 6 p.m.;
- Reminded citizens that the Town the spring time change would be March 8th;
- The Town's Shop Local Discount Program information will be on the Town's website and the logo could be downloaded as well for business owners to display in their window.

Martha Shickle, Executive Director, of the Northern Shenandoah Valley Regional Director:

- Noted that they continued to work on the Connector Road at the Avtex Site;
- Stated that they are working on the EPA required Safety Plan for businesses to coordinate with local fire and rescue services;
- Reported that their onsite Avtex history museum work continues, noting that they had many artifacts to display that the local citizenry would be interested in;
- Stated that the former Main Street Stokes Store was being renovated and they hoped to open soon;
- Noted that the former Second Chance building continued work for apartments and retail space;
- Commented that the owner of the former Town Hall was working with several prospects and renovation pictures would be coming forward soon;
- Stated that the Leach Run Parkway work continues; and
- She presented a written detailed report to Council as well.

Doug Stanley, Administrator of Warren County, presented the following to Council:

Reassessment – The reassessment process has been completed and the real estate book signed and turned over to the Commissioner of the Revenue by December 31st. As approved by the Board of Supervisors, the Board of Equalization will hear assessment appeals April 1 through April 20, 2015. In any appeal of the assessment of any residential property containing less than four residential units, the taxpayer has a right during business hours to review and obtain copies of the assessment records pertaining to the determination of fair market value of the property, and a right to request the assessor to make a physical examination of the subject property. To appear before the Board of Equalization, please call [\(540\) 635-3184](tel:5406353184) to schedule a hearing. Applications to the Board of Equalization for adjustments to assessments must be received by the Board no later than February 27, 2015.

Community Development

Development Review Committee – The Development Review Committee met on January 28th. The Committee discussed several projects in the County including: a proposed river outfitters business, remaining items for the Warren County Power Station, ALDI Grocery Store, Urgent Care, Tractor Supply, the Wal-Mart Fueling Station, and Interchange. The Committee discussed several projects in the Town including: a Montessori school, the Southerlands renovations, the Royal Phoenix development, and the Second Chance building re-development. The Committee will meet again on February 25th.

Project Updates

Dominion Project – The project has been officially completed. County staff is still working to close out all final building and zoning permits. We are anticipating all issues to be completed by June 1st.

Leach Run Parkway – *The project team has received final comments from VDOT on the project plans and Pennoni will be resubmitting the final set this week. The current plan is to have the project out to bid by the end of March.*

Health and Human Services Complex – Lantz Construction Winchester (LCW) is approximately 30% complete with the parking lot project. A preconstruction meeting was held on February 12th. LCW intends to start work on the building renovation around the 2nd week of March. Based on this schedule, substantial completion of the project should be achieved by December 1st.

2nd Middle School – As discussed at the last Building Committee meeting, the School Board has directed the Architect to revised the construction plans for the proposed school to include a second add alternate to include a “cafetorium” option in addition to the modified auditorium. We anticipate the bidding of the project to occur the first of April. At this point, this will not impact our ability to open the facility for the 2017-2018 school year.

Warren County Courthouse – Work on the installation of the new roof over the J&DR Courtroom has been completed. Once spring weather arrives they will be back on-site to complete the remainder of the project. The HVAC contractor has completed installation of Phase I of the HVAC unit replacement (8 unit/2 furnaces). The contractor will be back after July 1st to complete Phase II.

Rockland Park – General Excavation, Inc. (GEI) has completed construction of the recreational access road. Due to winter temperatures, they will have to wait until spring to surface treat (tar-and-chip) the roadway. County staff has completed the Rotary shelter and received one proposal to sponsor the 2nd shelter. We anticipate opening the park to the public in April.

Skyline Soccerplex – County staff has continued work on the next phase of capital improvements at the Soccerplex to construct two new fields and add additional parking on the south side of the facility. The parking lot has been completed and we hope to have the fields and most of the walking path completed by April

1st, with the two fields in playing condition by fall 2015.

Catlett Mountain – The project was completed. The contractor, LCW, will be back on-site in the spring to ensure that the vegetation has taken hold. The final cost of the project was \$382,236.09 (\$191,118.05 Town portion). The County will be trying to settle up with the Town on their 50% of project costs. The plan is to credit the value of the property where the Parks and Recreation Maintenance facility is located against what the Town owes the County for its share of the Catlett Mountain project.

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
Gooney Creek Bridge	11/20/13	\$14,664,392	October 16, 2014	Complete
South Fork Bridge	9/2013	\$74,700,000	2018	Under Construction
Health and Human Services Complex – Renovation	Summer 2014	Unavailable	Summer 2015	Under Construction
Health and Human Services Complex – Parking Lot	Spring 2014	Unavailable	Spring 2015	Under Construction
Courthouse Re-roofing	Summer 2014	Unavailable	Spring 2015	Under Construction
Rockland Park – Recreation Access Project	Spring 2014	\$600,000	Spring 2015	Waiting for warmer weather to complete
Rockland Park – Playground/Shelter/Parking Lot Project	Spring 2014	\$300,000	Spring 2015	Waiting for warmer weather to complete
Rockland Park Disc Golf Course	N/A	\$15,000	Spring 2015	Waiting until Parking Lot Completion
2nd Warren County Middle School	Winter 2015	\$44,100,000	Summer 2017	Plan Under Review
Catlett Mountain Landfill	Summer 2014	\$500,000	November 2014	Complete – Need to Get Town Reimbursement
Freezeland Road Kiss-n-Ride	Fall 2014	Unavailable	Summer 2015	Site Plan to PC 3/11/15
Shenandoah Farms Boat Landing	N/A	\$50,000	Summer 2015	Working on Design

Kim Gilkey-Breeden, Finance Director of the Town:

- Noted that annual audit was completed and the Finance Department continues to work on improvements to better processes for the Town citizens;

- Stated that the Virginia Debt Set Off program continues and they have had 131 hits to either Virginia or Federal income returns;
- Reported that they continue budget work with Department Heads;
- Explained that the Group Health Insurance premiums will only raise slightly and Staff was pleased;
- Stated that consumers have used more electricity with the extreme temperatures and the extremely cold season is continuing so bills are going to be high for sometime;
- Noted that water meters are being remotely read if possible; and
- Commented that Staff's work with Burton and Associates continues to assist with water and sewer rate study.

Councilman Tewalt asked about the electric bill attributed to the Town; Mrs. Breeden stated that the February bill for January was \$1.5 million. She noted that the February bill would probably be about \$2 million for a 30-day cycle. Mr. Tewalt noted that with the weather as cold as it has been, citizens should anticipate their bills to be at higher rates.

Councilman Hrbek noted that at some point Council would like an update for the Town's Electric portfolio from Mr. Waltz, the Town's Energy Services Director.

Councilman Hrbek stated that previously he had commented that there more restaurants in the Corridor than in Town. He noted that actually there were more restaurants in Town, rather than out in the Corridor. Mr. Hrbek stated that recently he dined at Ben's and it was very enjoyable.

Mayor Darr noted he attended the Virginia Inland Port annual briefing with Vice Mayor Tharpe and it was quite informative.

Mayor Darr thanked Staff, specifically the Town snow plow workers and law enforcement for their efforts during the two snow events during their long hours

Mayor Darr recognized William Kline for his four years of faithful service on the Planning Commission. He noted that he would be moving to Washington State and would be greatly missed by each member of Council and the Town Staff. Mayor Darr noted that Mr. Kline was a faithful attendee of not only his Planning Commission meetings, but also the Town Council meetings and would be greatly missed.

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

CONSENT AGENDA ITEMS

A. COUNCIL APPROVAL – “Second Amendment to Tower Site Lease Agreement” for T-Mobile on Fairground Road Water Tank

B. COUNCIL APPROVAL – Resolution for Public Safety Telecommunications Week

C. COUNCIL APPROVAL – Resolution for One Time Exception to Appraisal Policy

D. COUNCIL APPROVAL -Resolution to Continue Discussion of Building Inspection Program

Councilman Tewalt moved, seconded by Councilman Funk that Council approve the Consent Agenda as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

PUBLIC HEARING – Ordinance Amendment to Chapter 148 of the Town Code *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend and completely update Chapter 148 of the Town Code, the Subdivision and Land Development Ordinance, which governs the development of land and subdivision of land in the Town of Front Royal, as mandated by the Commonwealth of Virginia under Virginia Code §15.2-2240, and as recommended by the Town of Front Royal Planning Commission. The proposed code amendment is a comprehensive revision of the entire chapter, and is organized into eleven (11) articles, including the following: 1) Title, Purpose and Applicability; 2) Administration and General Regulations; 3) Major Subdivisions; 4) Minor Subdivisions; 5) Major Site Plans; 6) Minor Site Plans; 7) Boundary Line Adjustments and Lot Consolidations; 8) Design Standards; 9) Definitions; 10) Plan and Plat Detail Requirements; and 11) Schedule of Fees. Some of the most significant changes include the following: a) modifications of the street width requirements; b) the addition of a special exception process; c) increased width of public sidewalks to 5 feet; d) adjustments in the development surety (bonding) requirements; e) new as-built plan requirements; and f) modified definitions of minor and major subdivisions. Some of the other changes include updates to meet current Virginia Code requirements; elimination of conflicts and duplication of standards found under Chapters 175 and 156; language and formatting changes to make requirements and procedures easier to understand; and the removal of requirements that are either vague or subjective. The Planning Commission recommended adoption of all three chapters (148, 175 and 156) in March of 2014. During review by Town Council during work sessions, Section 148-820.O. was proposed, which includes a requirement for houses to be elevated 2 feet above the centerline grade of adjoining streets. In addition, modifications to Section 148-820.D.6. (Table) were proposed that increase the surface course pavement depth to 1 ½” and eliminates the option for 32’ wide local streets when the average daily trips per day is 1,000 vehicles or less.

Mayor Darr opened the public hearing.

Chris Ramsey, area developer, stated that Code Section 148-820, regarding elevation of new structures was his concern. He noted that the Town’s proposed amendments actually gets into the construction business. He expressed concern that the changes to the proposed section places undue hardship on the builders of the community and places prohibitive costs. Mr. Ramsey stated that there are exemptions and waivers of course, though going through such a process, with the many disagreements, and at times, court costs, can be excessive. He presented pictures of a home

that typifies two of his issues, 1138 Ewell Street. Mr. Ramsey stated that looking at the front view of the home, with the house sitting on a corner lot, the driveway has a two foot grade from street to the grade from Ewell Street, though from Oden Street it is seven feet. He explained to Council that under the new code the adjustment would have to be raised over five feet.

Bill Barnett, a consultant with Front Royal Limited Partnership, noted that the ordinance seems to be largely a subdivision ordinance cleanup matter, and it was well written mostly, though there are aspects with major issues. He noted that there are very strict water abatement standards related to reduce effluents and the trend in towns and cities is for less impervious surfaces, and more towards streets that meet the needs and parking requirements. Mr. Barnett expressed concern with the proposed wider streets and sidewalks as presented in the document. He noted that in five miles of subdivision space, they would have an additional 3.6 acres of impervious space. He encouraged Council to control the impervious spaces created throughout the Town of Front Royal.

Dave Vazzanna, of Front Royal Limited Partnership, stated that in 2007 they requested changes for the comprehensive plan amendment and the Town's Vision Statement and they must implement the plans and vision, not just state them. He noted that they needed more environmentally friendly techniques, rather than move towards wider streets, with no flexibility or design creativity allotted to developers. Mr. Vazzanna stated that as an olive branch the Planning Commission allowed property owners to apply for variances for most of the items in the various ordinances. He stressed that 36' foot streets are the most dangerous streets there are in neighborhoods and it is unsafe.. He added that many of the regulations are too broad and vague. Mr. Vazzana noted that while it has been fantastic to work through the changes with the Planning Commission, it has also been difficult.

Joe Duggan, of 102 W. 1st Street, stated that he had great concerns about the environmental issues with the subdivision ordinance as presented. He stated that wider streets and sidewalks would create a larger mess in the long run. He noted that the new standards as presented by the Town would prevent other developers from coming to this locality. Mr. Duggan stated that the watershed community created a scoring system that rated municipalities for their environmental impacts, and he explained the various scores of Front Royal. Mr. Duggan stated that currently throughout the Town we have 29-30 & 31' feet streets, and now the suggested change was to go up to 36' feet street according to the proposed ordinances. He expressed concern with the large change.

Eva Challis, of 646 Harris Drive, stated that today she was on a street with cars parked on both signs of the street and it was tight quarters, and would be worse with a school bus going by, or a fire truck. Ms. Challis stated that she was concerned with narrow streets providing appropriate access for emergency equipment, adding that she would like to allow safety access for the entire community.

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

Councilman Tewalt moved, seconded by Councilman Hrbek, moved that Council affirm on its first reading an Ordinance to amend and completely update Chapter 148 of the Town Code, the Subdivision and Land Development Ordinance, as presented.

Councilman Tewalt noted that he voiced support of two feet above the street grade adjustment as described. He stated that the wording needs to be amended as Mr. Ramsey suggested regarding the front of the house.

Mr. Tewalt stated that he agrees with Ms. Challis regarding the street width. He explained that in the newer subdivision near Lake Frederick the streets are so narrow and there is parking on both sides of the street, and it is quite difficult to move through the community. Councilman Tewalt explained that with parking on both sides and a school bus coming, and then a car coming -- then either the bus or the car must stop and wait their turn.

Councilman Tewalt noted that with curb and guttering as required in a new subdivision, with parking on both sides of the street, it only leaves about 20' for two cars to pass. He stated that further down the road there may be issues with the Chesapeake Bay Act, though he was looking out for the property owners, not the developers.

Councilman Egger thanked the Planning Commission and Staff for their efforts for this ordinance. She stated that the street width was a concern and wider streets had the effect of creating more of a space for traffic -- instead of people. She added that while the Chesapeake Bay Act is something to consider, the fact remains that narrow streets are safer streets for children and pedestrians, while wider streets create more sprawl and has an automobile centric effect.

Councilman Hrbek noted that there seemed to be lack of developer creativity options. He asked about the PND Council previously worked on. Mr. Burke noted that the Planned Neighborhood Development has been adopted and the change to the subdivision ordinance would allow variance options that Council could consider.

Councilman Hrbek suggested that the speakers submit matters in writing to the Town so Town Staff and Council may review their ideas in full to further review the matter. Councilman Hrbek noted that perhaps it could be postponed in order to review their concerns in detail.

Councilman Funk asked about scheduling a worksession on the matter. Mr. Burke noted that the development community and Staff would need at least a month to review submitted comments, respond and discuss.

Councilman Funk moved, seconded by Councilman Hrbek that Council postpone discussion on this matter until the regular meeting of Council on April 13th.

Councilman Tewalt noted that he was working for the citizens not the developers, though he would support the month postponement.

- Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)
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COUNCIL APPROVAL – Virginia Commission of the Arts Local Government Challenge Grant Application for Front Royal Oratorio Society and Blue Ridge Arts Council

Summary: Council has received requests from the Blue Ridge Arts Council (BRAC) and the Front Royal Oratorio Society to re-apply for grants offered by the Virginia Commission of the Arts. BRAC is requesting \$5,000.00 and the Front Royal Oratorio is requesting \$500.00. Approval of the requests are contingent upon the Virginia Commission of the Arts approving the application and subsequently the Town matching equal the amount of each request. In the FY 2014-2015 Budget, Council approved a \$5,000.00 match (\$4,500.00-BRAC and \$500.00-Front Royal Oratorio Society). Council is requested to consider approval of the application with the same requests as last year, \$4,500.00 to Blue Ridge Arts Council and \$500.00 to the Front Royal Oratorio Society.

Councilman Tewalt moved, seconded by Councilman Funk that Council approve an application for a Virginia Commission of Arts Local Government Challenge Grant in the amount of \$5,000.00 of which \$4,500.00 is for the Blue Ridge Arts Council and \$500.00 is for the Front Royal Oratorio Society.

Councilman Hrbek voiced his concern that it did not bring economic benefits to the downtown area. He noted that while he supported BRAC and the Oratorio Society, he could not support the motion to allot the \$5,000 grant support from the Town funds,

Councilman Funk noted as the State provided matching funds and it was an economic benefit to the community, with the incoming visits to various shops at our different restaurants he would support the proposal.

Councilman Hrbek noted that the State does not create that wealth, and though the music brings individuals, they do not venture up and down the street to shop the area businesses once the music ended.

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

COUNCIL APPROVAL – Resolution for Accident Reports Requests Referred to Department of Motor Vehicles

Summary: The Commonwealth of Virginia General Assembly has established regulations in §46.2-380 that specifies that the Department of Motor Vehicles (DMV) provide copies of FR300P Accident Reports to those seeking copies. Council is requested to approve a Resolution that the Town of Front Royal Police Department shall refer requests for FR300P Accident Reports to DMV and shall remove reference to the fee for accident report provisions from the FY2015-2016 and all future budgets.

Councilman Hrbek moved, seconded by Connolly that Council approve a Resolution that the Town of Front Royal Police Department shall refer requests for FR300P Accident Reports to the Division of Motor Vehicles and remove reference to the fee for accident report provisions from the FY2015-2016 and all future budgets, as presented.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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 – Resolution and Commitment to Design and Construct Main Street through Avtex Property aka as Local Connector Road

Summary: Council is requested to approve a Resolution and Commitment to the design and construction of the extension of Main Street through the Avtex property as a joint project with the County of Warren as a Fair Funding Project working with the Economic Development Authority as its agent. As part of the Resolution Council directs the Town Manager to pursue and apply for all grants and cost sharing opportunities pertaining to funding of a Local Connector Road from Kendrick Lane to W. Main Street/Kerfoot Avenue.

Councilman Hrbek moved, seconded by Councilman Connolly that move that Council approve a Resolution and Commitment to the design and construction of the extension of Main Street through the Avtex property as a joint project with the County of Warren as a Fair Funding Project working with the Economic Development Authority. As part of the Resolution Council directs the Town Manager to pursue and apply for all grant and cost sharing opportunities pertaining to funding of a Local Connector Road from Kendrick Lane to W. Main Street/Kerfoot Avenue.

Councilman Hrbek noted that it was the second most important project other than Leach Run Parkway that has come before Council during his time. He noted that he was pleased to see that they would soon be connecting and providing a nice synergy for the Town.

Councilman Tewalt voiced his agreement with Mr. Hrbek, adding that it would benefit the Town to move forward on the project as soon as possible. Mr. Tewalt noted that he would hope for funding from the State for the project if possible.

Councilman Funk expressed thanks to the Council for their support of the safety provisions included for the road in the new resolution.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

CLOSED MEETING – Prospective Business or Industry

Councilman Connolly moved, seconded by Councilman Funk that Council convene and go into Closed Meeting for the purpose of discussion concerning a prospective business or industry or the expansion of an existing business or

industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711. A. 5. of the Code of Virginia.

Vote: Yes – Connolly, Egger, Funk, Hrbek, 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)

Councilman Connolly moved, seconded by Councilman Hrbek 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, Darr, Egger, Funk, Hrbek, 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 8:58 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council