

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 10, 2012, 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 N. Shae Parker
Councilman Daryl L. Funk
Councilman Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Hollis L. Tharpe
Town Manager Steven M. Burke, P.E.
Town Attorney Douglas W. Napier
Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Eugene R. Tewalt

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

Vice Mayor Parker moved, seconded by Councilman Funk, that Council approve the Regular Council Meeting minutes of August 13, 2012 as presented.

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – Tewalt
(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 or petitions or correspondence from the public.

REPORT OF THE MAYOR, COUNCIL & STAFF

Mr. Burke:

- Noted that September 15th would be the Town’s Open House near the Bing Crosby Stadium from 10 -2;
- Stated that the pedestrian crosswalk at John Marshall Highway and Commerce Avenue was functional and the guides would be installed soon at the corner area near the turn lane;
- Noted that bids have continued to come in regarding the Main Street Administration Building renovation;
- Stated that Martha Shickle, Executive Director of the Northern Shenandoah Valley Regional Commission, would present at a future meeting of Council.

Mr. Burke introduced the Town’s new Police Chief, Norman Shiflett. Chief Shiflett thanked Council for the opportunity to serve the Town, noting that he looked forward to the challenges. He then introduced Captain Clint Keller, who recognized some of the newest Department members: Officer Ramey, and Police Academy Attendees Staley, Gallagher and Smith.

Councilman Tharpe asked about defining the boundaries regarding the Town's water area. Mr. Burke explained that the Staff continues their work on areas of exemption. In response to Councilman Parker's question, Mr. Burke noted that there was nothing in the Code that prevented Council from providing water to areas in the County.

Councilman Sayre noted that he attended the NAACP's Annual Freedom Banquet where Mayor Darr was honored, along with Vida Timbers, with the Leadership & Community Service Award. He stated that it was quite an honor for the Mayor to receive recognition for all of his work within the community.

Councilman Sayre stated that he also attended the 6th District Congressional Barbecue Picnic in Harrisonburg and there were many people from around the State present. He encouraged everyone to vote in the election this November.

Vice Mayor Parker stated that he attended his first Samuels Library Board Meeting, and he thanked the Library for allowing the Town to continue to have representation on the Board. He added that the Library had expressed their hope that perhaps funding from the Town would resume.

Vice Mayor Parker welcomed Chief Shiflett and the new officers to the Town of Front Royal Police Department. He noted that Mr. Burke made an excellent choice with the Chief selection.

Vice Mayor Parker noted that he had requested that the home at E. 5th Street and Commerce Avenue have the front door secured. He stated that currently the front door was off once again, the windows are broken out and/or non-existent, and the back door is no longer secure. Mr. Parker asked that all avenues be pursued to secure the structure.

Councilman Funk congratulated the new Chief of Police, the officers and the trainees. He noted that he had known Chief Shiflett for many years. Councilman Funk added that while it was sad to see Chief Furr depart, everyone was looking forward to support the Police Department this year and in the future.

Councilman Sayre noted that the Consent Agenda contained the resolution for the Deer Management Program. He stated that the program would go into effect immediately and Council and Capt. Keller had discussed the matter for some time in order to address the deer issue in Town.

Councilman Hrbek asked if the Town planned to make the new pedestrian crossing lights standard throughout the community. Mr. Burke noted that eventually they plan to place the equipment at other locations in the area, adding that the first two installations were funded through VDOT Revenue Sharing. Mr. Burke added that light was installed to assist with the uncontrolled traffic at the intersection. Councilman Hrbek reminded the public of the newly installed light.

Mayor Darr stated that he was pleased to attend the USO Airshow and the Dog Park ribbon cutting. He noted that he was honored and surprised to receive the Leadership & Community Service Award from the NAACP at their banquet on Saturday. He commended the 4-H Center, Sheriff McEathron and Chief Shiflett for their efforts during the storm to assist those in attendance.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL: Resolution for Fence Encroachment License at 311 Blue Ridge Avenue – Karen Marshall
- B. COUNCIL APPROVAL: Resolution for Deer Management Program
- C. COUNCIL APPROVAL: Bid for Stuart Drive Waterline Project
- D. COUNCIL APPROVAL: Liaison Committee Agenda Items
- E. COUNCIL APPROVAL: Bid for Paving & Milling Projects within the Town
- F. COUNCIL APPROVAL: Bid for Various Grades of Asphalt to be Hauled by Town Trucks

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council approve the Consent Agenda as presented.

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – Tewart
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

RESOLUTION: Fence Encroachment at 311 Blue Ridge Ave

WHEREAS, Karen Elaine Marshall, the owner of improved real property located at 311 Blue Ridge Avenue, Town of Front Royal, County of Warren, Virginia, Warren County Tax Map # 20A814-2-10C, has requested that the Town Council of the Town of Front Royal, Virginia, authorize the existing encroachment of a portion of said improvements in the nature of a chain link fence located on said real property approximately One and Six Tenths Feet (1.6') into, on and over the Town's Blue Ridge Avenue right-of-way; and,

WHEREAS, pursuant to the authority granted the Town by Sections 15.2-2009 through 15.2-2011 of the Code of Virginia, 1950, as amended, said Council determines that it is in the public interest to authorize the existing encroachment into, on and over the Town's Blue Ridge Avenue right-of-way by a portion of the real property improvements located at 311 Blue Ridge Avenue, for a period not to exceed five (5) years, which said authorization period may be extended by additional five (5) year periods by further resolution or resolutions of said Council, all according to and conditioned upon the terms and conditions stated in an Encroachment License to be executed by the parties, with a plat of survey prepared by a Virginia licensed surveyor attached to said Encroachment License and made a part thereof, to the extent as more particularly described therein.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Front Royal, Virginia, that the Town, subject to the following conditions, hereby authorizes the existing

encroachment, said encroachment extending approximately One and Six Tenths Feet (1.6') into the Town's Blue Ridge Avenue right-of-way by a portion of the real property improvements consisting of a chain link fence, located at 311 Blue Ridge Avenue, Town of Front Royal, County of Warren, Tax Map No. 20A814-2-10C, for a period not to exceed five (5) years, which period may be extended by one or more additional five (5) year periods by further resolution of said Council. This encroachment authorization is conditioned upon the execution and recordation, in the Clerk's Office of Circuit Court of Warren County, Virginia, of an Encroachment License by said property owner, with a current plat of survey prepared by a Virginia licensed surveyor attached, authorizing said encroachment according to the terms and conditions stated in said Encroachment License and to the extent as more particularly described therein. Said plat of survey shall be obtained by said property owner at the expense of said property owner. The Mayor is hereby authorized to execute an Encroachment License acceptable to the Town Attorney on behalf of the Town.

❧ RESOLUTION: Deer Management ❧

WHEREAS, the Town Council of the Town of Front Royal, Virginia, ("Town Council") amended Chapter 167 of the Town Code to allow for the discharge of firearms or missile projecting weapons within the Town for the purpose of hunting deer pursuant to a special permit which may, from time to time, be issued to the Front Royal Police Department ("permittee") by the Virginia Department of Game and Inland Fisheries ("VDGIF"), pursuant to regulations promulgated by the Virginia Board of Game and Inland Fisheries allowing for animal population control under a deer management plan administered by its Executive Director ("special permit") and the Town Council; and,

WHEREAS, said Executive Director has established rules for the exercise of any such special permit ("rules"), said rules currently allowing the permittee to designate, register and authorize third parties to exercise a special permit subject to the rules governing the permittee, and,

WHEREAS, Suburban Whitetail Management of Northern Virginia, Inc. is a §501(c) (3) non-profit deer management/culling organization whose stated mission is to:

- provide a much needed service to the community at no cost to the recipient;
- help local landowners, communities, and governments reduce whitetail deer overpopulation in a safe, natural and humane manner;
- act as a management "tool" for Virginia Department of Game and Inland Fisheries' (VDGIF) deer reduction goals;
- educate the non-hunting public, as well as the general public, about bowhunting's role in wildlife management;
- help communities in Northern Virginia to contributing a portion of total harvests to those in need and by raising the much needed funds to process those harvests;

- further the positive image of bowhunting and those who participate;
- And treat our wild resources with respect and compassion as we carry out our mission by using bowhunting as a sound management tool; and,

WHEREAS, the Town Council exercised its authority to administer any such special permit by designating and authorizing, for a trial period beginning with the passage of a resolution on February 13, 2012, and ending March 31, 2012, such individual member archers in good standing of SWMNV as SWMNV shall in turn designate and register with the permittee (“shooters”); and,

WHEREAS, the Town Council wishes to delegate its authority to administer the exercise of any such special permit on Town owned property to the Town Manager, with the Town Manager to determine whether to permit shooters to exercise any such special permit.

NOW, THEREFORE, BE IT, HEREBY, RESOLVED by the Town Council of the Town of Front Royal, Virginia, that, pursuant to Chapter 167 of the Town Code and rules and regulations for exercising special permits issued by the Virginia Department of Game and Inland Fisheries, beginning with the adoption hereof, the Town does designate and authorize such individual member archers in good standing of the Suburban Whitetail Management of Northern Virginia, Inc. (“SWMNV”) as SWMNV shall in turn designate and register with the Front Royal Police Department (“shooters”) to exercise any such special permit, and further, that the Town Manager is hereby authorized to determine whether to permit shooters to exercise any such special permit on Town owned property.

☞ Liaison Committee Agenda Items ☞

- Grading & Drainage for Catlett Mountain Landfill Site Report
- Building Permit Process – Expedited Permit Update
- General Route 522 Corridor Discussion
- Leach Run Parkway Report
- Channel 16 Software Discussion
- Warren County Comprehensive Plan Update

PUBLIC HEARING – An Ordinance to Amend & ReEnact Town Code Section 85-3(E) Pertaining to On-Call refuse Collection (1st Reading)

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

Vice Mayor Parker moved, seconded by Councilman Funk, that Council affirm on its first reading an ordinance to amend and re-enact Town Code Section 85-3(E) pertaining to On-Call Refuse Collection, as presented.

Councilman Sayre reminded the public to contact the Department of Environmental Services to schedule the collection of items.

Vice Mayor Parker clarified that the matter was listed as and advertised as 85-3, not 95-3.

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – Tewart

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

(By Roll Call)

COUNCIL APPROVAL – Acceptance of Revised Proffers associated with a Rezoning at 602 & 604 Radham Street – AVG Holdings, LLC (2nd Reading)

Vice Mayor Parker moved, seconded by Councilman Funk, that Council accept during this second and final reading, the revised proffers from AVG Holdings, LLC associated with the rezoning of 602 and 604 Radham Street, as presented.

Councilman Hrbek asked if there was a time limit provision for the special use permit. Mr. Camp noted that the only time limitation would be on the site plan. Mr. Hrbek asked if the Town should place a time limit on the special use permit. Mr. Napier noted that the Town had not advertised the stipulation.

Mr. von Gontard, the applicant, noted that the residential use would be temporary as the property remains for sale. He noted that the intent was to have them eventually used for commercial purposes.

Councilman Sayre thanked Mr. von Gontard for his efforts to enhance the entire property area, noting that the clean up on the site has been wonderful.

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre

No – N/A

Abstain – N/A

Absent – Tewart

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

(By Roll Call)

Revised Proffer Amendment

1. PRELIMINARY MATTERS

Pursuant to Section 15.2-2296 et. seq. of the Code of Virginia, 1950, as amended, and the provisions of the Town of Front Royal Zoning Ordinance with respect to conditional zoning, the undersigned Applicant hereby submits the following proffers as an amendment to the original proffers accepted as part of Rezoning Application #RZ90-3-9, in which the Tax Parcel #20A 8 20 10A and #20A 8 20 11A, and other adjoining parcels, were conditionally rezoned from the R-3 District to the C-1 District. Furthermore, the owner voluntarily agrees to the following conditions in connection with allowing the property to be used for Professional offices, barber and beauty shops, Banks, branch banks and financial institutions, and Retail and personal services.

2. PROFFERS

1. The subject project shall only be used for the following land uses: Professional offices, Barber and beauty shops, Banks, branch banks and financial institutions, and Retail and personal services. In addition, single-family dwellings shall be permitted within the existing houses until such time that they are removed or converted to one of the above commercial land uses. Drive-through facilities shall be prohibited on the property.
2. The exterior yards will not be used for any outdoor storage.

- 3. All efforts will be made to maintain clear rights-of-way along Radham Street and the adjoining alleyway (Old Route 522) for the flow of traffic. The public rights-of-way will not be used for the storage of any materials, or any other commercial activity associated.
- 4. A fifteen-foot (15') landscape strip shall be provided along the western property line north of Radham Street to the edge of the right-of-way of Stonewall Drive. A mixture of evergreen and deciduous trees and shrubs shall be planted within the landscape strip, with no less than 2 plants per 10 linear feet. All landscaping shall be installed to the specifications of the "landscape Preservation and Planting Guide" of the Town of Front Royal.

3. SIGNATURES

The conditions proffered above shall be binding upon the heirs, executors, administrators, assigns, and successors in the interest of the Applicant and owner. In the event the Front Royal Town Council grants this rezoning and accepts the conditions, the proffered conditions shall apply to the land rezoned in addition to other requirements set forth in the Front Royal Code.

This Proffer Statement supersedes any proffer statements previously submitted in connection with this Property.

COUNCIL APPROVAL – An Ordinance to Amend and ReEnact Town Code Section 158-19.1 pertaining to Parking Restrictions in the Gazebo Parking Lot (2nd Reading)

Vice Mayor Parker moved, seconded by Councilman Tharpe, that Council adopt on its second and final reading an ordinance to amend and re-enact Town Code Section 158-19.1 pertaining to parking restrictions in the Gazebo parking lot.

Councilman Sayre noted that he would vote in favor of the matter as it was a necessary measure to assist with the unruly behavior at the site.

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

⌘ ORDINANCE: Gazebo Parking Lot ⌘

AN ORDINANCE TO ENACT FRONT ROYAL TOWN CODE SECTION 158-19.1(D) PERTAINING TO PARKING RESTRICTIONS IN GAZEBO AREA PARKING LOT

WHEREAS, on January 1, 2012 Town Council approved a Resolution authorizing Town Staff to proceed with establishing parking restrictions in the parking area near the Gazebo located at Main Street and Chester Street; and,

WHEREAS, the Resolution was approved to identify continued problems with individuals congregating in the parking area near the Gazebo that resulted in significant littering and possible damage to the caboose; and,

WHEREAS, Town Staff suggest codifying the restrictions; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia, that Section 4-1 of the Front Royal Town Code is hereby amended and re-enacted as follows:

158-19.1 PARKING OF TRUCKS AND TRAILERS

C. Peyton Street Parking Lot

1. It shall be unlawful to park trucks, tractor trucks, trailers or semitrailers within the Peyton Street Parking Lot.

2. Paragraph C.1 shall not apply to any of the following vehicles parked in the Peyton Street Parking Lot between the hours of 5:00am and 12:30am:

- a. School buses, church buses and other buses engaged in public transportation
- b. Motor homes and recreational vehicles
- c. Hospital mobile units and fire and rescue vehicles
- d. Vehicles owned and operated by the Town

D. Gazebo Area Parking Lot

Parking in spaces marked by green stripes shall be restricted between the hours of 10:00P.M. and 6:00A.M., unless otherwise approved by the Town Manager or his designee.

⊘. **E.** This section shall not apply to the parking of pickup or panel trucks, as defined herein, or to the parking of vehicles in the course of legitimate deliveries or service calls.

COUNCIL APPROVAL – An Ordinance to Amend & Re-enact Town Code Section 158-16(A)(14) Pertaining Parking Prohibition (2nd Reading)

Vice Mayor Parker moved, seconded by Councilman Funk, that Council adopt on its second and final reading an ordinance to amend and re-enact Town Code Section 158-16 pertaining to parking prohibitions as presented.

Vote: Yes – Funk, Hrbek, Parker, Tharpe and Sayre
No – N/A
Abstain – N/A
Absent – Tewart
(Mayor Darr did not vote as there was no tie to require his vote)
(By Roll Call)

⌘ ORDINANCE: Parking Prohibition ⌘
AN ORDINANCE TO AMEND SECTION 158-16(A)(14) OF THE FRONT ROYAL TOWN CODE PERTAINING TO PARKING PROHIBITION

WHEREAS, the Town of Front Royal has designated areas to prohibit parking by painting the curb line yellow; and,

WHEREAS, the Town Code does not specify enforcement action for this prohibition; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the town of Front Royal, Virginia that Chapter 158-16(A)(14) of the Front Royal Town Code is hereby amended as follows:

158-16 PARKING PROHIBITED IN SPECIFIED PLACES

A. No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

14. At any place where official signs prohibit parking, **or at any location where the curb is officially marked with yellow paint designating no parking at any time.**

This ordinance shall become effective immediately.

COUNCIL REFER TO PLANNING COMMISSION – Review of Town Code Section 175-106 (Signs) to Evaluate Exemptions for New Businesses to Re-use Existing Signs that Exceed the Current Size Regulations

Councilman Hrbek moved, seconded by Councilman Funk, that Council refer to the Planning Commission a review of Town Code Section 175-106 (Signs) to evaluate exemptions for new businesses to re-use existing signs that exceeded the current size regulations.

Vice Mayor Parker noted that while it was not a requirement or a conflict of interest, as it was just being referred to the Planning Commission, he would abstain from voting on the matter.

Mayor Darr noted that this was just one item that the Council was initiating to assist with those beginning businesses within the Town and it was a very worthwhile cause.

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

There being no further business, the Mayor declared the meeting adjourned at 7:28 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council