

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on February 12, 2018, in the Warren County Government Center’s Board Meeting Room. Mayor Tharpe 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 Hollis L. Tharpe
 Councilman John P. Connolly
 Councilman Gary L. Gillispie
 Councilman William A. Sealock
 Vice Mayor Eugene R. Tewalt
 Town Attorney Douglas W. Napier
 Town Manager Joseph E. Waltz
 Clerk of Council Jennifer E. Berry, CMC

ABSENT: Councilman Jacob L. Meza
 Councilman Christopher S. Morrison

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

Vice Mayor Tewalt moved, seconded by Councilman Sealock moved that Council approve the Regular Council Meeting minutes of January 22, 2018 as presented.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
 No – N/A
 Abstain – N/A
 Absent – Meza, Morrison
 (Mayor Tharpe did not vote as there was no tie to require his vote)
 (By Roll Call)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Town Manager, Joseph Waltz, announced that the Town Offices would be closed next Monday, February 19th for Presidents Day. He noted the trash and recycling changes for the holiday event.

Warren County Administrator, Doug Stanley, gave the following report to Council:

Highlights of major activities and other developments:

Chick-fil-A – On January 19th the County received a site plan application for a Chick-fil-A at the former Chevy Chase/Capital One Bank building site at the Riverton Commons Shopping Center. The County Planning Department has been working with the applicant for a number of months. We expect that site plan review will be completed in 15 days to allow them to start construction later this spring once they have an approved PILOT agreement with the Town and their DEQ permit.

Development Review Committee – The Development Review Committee met on January 24th.

The Committee discussed projects in the County including:

- Site Plan Review for the proposed Chick-Fil-A at Riverton Commons. They are proposing to demolish the former ChevyChase/Capital One bank building in Riverton Commons Shopping Center to construct a 5,000 square foot restaurant with two drive-through lanes. The site plan is under review.

- Michael's – Michael's has received their building permit. This will be located in the old Staples building.
- Proposed farm stand/ small-scale garden center Route 340 South at 885 Stonewall Jackson Highway. A public hearing will be held by the Planning Commission on February 14th.

The Committee also discussed Town projects including:

- Front Royal Brewing Company is under construction and hopes to open late February.
- The rezoning application has been submitted for the new hospital. The Town Planning Commission held a work session in late January.
- Received updates on the Afton Inn, IT Federal, and former B&G Goods Store.

The Committee will meet again on February 28, 2018.

Building Inspections – New Construction Starts – In review of the new construction for 2017, I want to report that we had a total of 181 new home starts. Of that number, 16 were inside Town limits and the remaining 165 outside Town limits. As a comparison, in 2016 the County had a total of 145 new home starts, an increase of 24.83%. The 181 starts represent the 7th consecutive year of increased construction. The growth rate is well below our 2-3% maximum outlined in the Warren County Comprehensive Plan and is slightly above the .63% average experienced since January 1, 2005.

Warren County Skatepark – The Skatepark is currently closed while we make concrete repairs to a section of the park that saw some cracks caused by settlement. We hope to have the repairs completed in the next week weather permitting.

Reassessment – Wingate Appraisal has completed approximately 6,350 parcels or 25.75%, which leaves about 19,000 to complete this year. Once the weather improves with spring we hope that they will be able to add additional staffing. The Planning Department has developed a map that shows what areas have been completed and which areas Wingate is working on. A copy is posted on the County's website and Facebook pages.

Warren County Website – The County launched its new website last week. The upgrade of the County's website has drastically increased the security of the site while allowing for the reorganization and enhancement of the information that is published. Using Google Analytics and user statistics, we have reconfigured the layout and content so that citizens are provided with a modern, efficient, and user friendly resource where they can find all of the information that they need in one centralized location.

Riverton Commons/Crooked Run – Both commercial centers have passed their 10-year anniversaries and the majority of the tenants have re-upped their leases. Staples, the one large tenant who did not re-sign, has been replaced by Michaels, which will open this spring.

Project Updates

Ressie Jeffries Elementary School – Roof/Addition/Parking Lot Project – The building addition and roof project is 91% complete, and the site work project is 99% complete. The last week of January we received the delivery of the bus and parent drop-off/pickup canopies to complete the project. The canopies are being installed and we hope to have all work completed by March 1st.

Ressie Jeffries Elementary School – Playground Project – Plans for the project have been completed. County staff started work on the project in September and hope to have the site work completed by March 1st. Phases I and II of the project should be completed spring 2018.

Thanks to a \$5,000 donation and a 5-year \$25,000 donation match, Phases III and IV will be fully funded if the school can raise another \$25,000-\$30,000.

Rockland Park – The County has been working with the contractor from the Royal Farms construction site to accept fill material at Rockland Park. Using this fill, four multi-purpose fields and two gravel parking lots have been completed. The contractor will come back in the spring and complete the remaining stormwater management facilities.

Rivermont Fire Station – The Building Committee recommended that the County proceed with a one-story option. County staff met with Company 2 leadership on October 6th to review the proposed plan and received a final go ahead from Company 2 membership with the proposal to construct a replacement station at the Airport Road site. At its meeting on November 21st, the Board of Supervisors went with the recommendation and approved the design contract with Moseley Architects. We hope to complete final design plans and put the project to bid by mid-summer 2018.

Health and Human Services Complex – The County is currently working with our architect on a design of portions of the building to accommodate the Registrar's Office and the Brighter Futures alternative school program. We hope to have the project out to bid this spring.

VDOT/Marlow-Silek Revenue Sharing Project – The project will widen a portion of Route 340/522 South from the crossover in front of Shenandoah Motors to the Crooked Run Boulevard entrance by adding a 3rd lane and right turn lane. The project will also extend the left turn lane for the crossover. W&L Construction started work the week of October 9th and has made significant progress. It is anticipated that the sidewalk installation work will be completed this week and W&L will come back in the spring to complete the final paving and drainage pipe replacement under Route 340/522 when we have warmer temperatures.

VDOT/South Fork Bridge – The project is complete. The contractor will be back in spring to ensure stabilization of vegetation.

VDOT/Morgan Ford Bridge – The project is approximately 81% complete. The bridge and roadway opened to traffic on 1/22/2018. Work remaining to be completed will include staining the concrete bridge rails, final asphalt surface, seeding and final pavement markings. All work and schedules are heavily dependent upon weather conditions and temperature. Motorists are advised to use caution while traveling through the work zone. The project remains on schedule for completion in June 2018.

VDOT/Happy Creek Road – The public hearing for the project has been moved up and will be held late this spring. This will allow VDOT to move up the advertisement date for the project to January of 2021.

Commercial Projects – Work continues on the following projects:

- Royal Farms Convenience Store – Building and fuel canopies are under construction – Spring 2018 Completion
- Marriott/TownePlace Suites – Winter 2018 Completion
- Chick-fil-A – Winter 2018 Completion

Councilman Connolly read the following statement into the record:

**Mr. Connolly has noted that he would be revising this statement at the next meeting.*

I'd like to take a moment to speak to an issue that is very important for me, and is making itself felt in our community right now. Many of you are aware of the ongoing scandal at my alma mater, Christendom College. I attended the school from 2004-2008, and have been

involved at the school in some form or another for the past 14 years. It's the lack of response and lack of support for the victims over the course of years that is the main issue at the college right now. It is not lightly that I must express my public disappointment with the gross lack of responsibility and accountability in the college that has been uncovered through many heart-rending accounts from victims of sexual assault and rape at the school. Of these accounts, we know that the college was informed of a complaint as far back as 1999, and failed to adopt even a rudimentary policy to handle sexual assault until 2013. The lack of institutional response is stunning, especially for an organization that has prided itself on a "sacred bond" between students, their families, and the school.

While I have held out hope that the college might do the right thing and truly hold the leadership of the college administration accountable for these failures, recent comments in the press from the Christendom chairman of the board indicate otherwise. It appears the board has decided to leave college President Dr. Timothy O'Donnell in place. I firmly believe that this permanently erodes any vestige of trustworthiness for the college and will likely destroy the college's viability as a place of faithful Catholic higher education in the future. I hope and pray that Dr. O'Donnell will see what so many of us have seen for the past four weeks: if he truly loves the college, he must step down. In the absence of his decision to do so, the Christendom Board of Directors must save the college by making that decision for him. For the rest of our local community, I invite you to join me and everybody who has been concerned to see this issue in lifting our thoughts and hearts in prayer for the victims and for the college to find the guidance to act with justice.

As I have learned more about the issues surrounding rape and sexual assault, I have learned some valuable things about our community and I think it serves the public to report back on those points here. First, I was stunned to find that Warren County is one of only a few localities in the Commonwealth without a full-time nonprofit organization to provide counseling and assistance to women who are victims of sexual assault and domestic violence. Second, I learned that victims of sexual assault or abuse should be examined immediately by a Sexual Assault Nurse Examiner (SANE). It's critical for the reporting of a crime and the gathering of forensic evidence to go through an exam with a SANE-trained nurse. Many people might not know that they need to travel to the hospital in Winchester for that exam.

Lastly, there is a national sexual assault hotline -- 800-656-HOPE (4673) and a 24-hour Virginia Family Violence and Sexual Assault Hotline at 800-838-8238. The psychological trauma of sexual assault is deep, and it is my hope that any victim will seek professional help to cope with it. Mr. Mayor, I will now submit this statement to the Clerk of Council so that it may be entered into the record of this meeting. Thank you.

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

Councilman Connolly moved, seconded by Vice Mayor Tewalt, that Council add Items #14 & 15, second UFAC Appointment and BZA Recommendation to the agenda.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

CONSENT AGENDA

- A. COUNCIL APPROVAL – Bid for Front End Alignment Equipment
- B. COUNCIL APPROVAL – Bid for Waterline Upgrade Project
- C. COUNCIL APPROVAL – Bid for Tandem Dump Bed/Hoist
- D. COUNCIL APPROVAL – Bid for Global Positioning System (GPS)
- E. COUNCIL APPROVAL – Agreement to Enforce “Code of Conduct” on Warren County Parks and Recreation Properties Within the Town Limits

Vice Mayor Tewalt moved, seconded by Councilman Sealock, to approve the consent agenda as presented.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

PUBLIC HEARING – An Ordinance to Rescind Town Code §180-182 POLICY STATEMENTS *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to rescind Town Code Section 180-182 POLICY STATEMENTS due to these specific policies no longer being in existence as written.

Mayor Tharpe opened the public hearing; as no one came forward to speak the public hearing was closed.

Vice Mayor Tewalt moved, seconded by Councilman Gillispie, that Council affirm on its first reading an Ordinance to rescind Town Code Section 180-182 POLICY STATEMENTS, as presented.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

PUBLIC HEARING – Proffer Amendment to Amend 2010 Proffers for Conditional Rezoning of Approximately 149 Acres – Front Royal Limited Partnership – David Vazanna *(1st Reading)*

Summary: A proffer amendment has been submitted by Front Royal Limited Partnership (FRLP), c/o David Vazanna, to amend the 2010 proffers associated with the

conditional rezoning of approximately 149 acres that is located within the R1-A Zoning District. The proposed proffers do not alter the maximum allowed density of the development. The proposed proffers include other changes such as, but not limited to: 1) New off-site transportation proffers to be completed by FRLP; 2) The addition of per-unit cash proffers to be paid to the Town for use towards a new police headquarters; 3) Elimination of per-unit cash proffers to be used towards Leach Run Parkway; 4) Removal of the future off-site phases of the East/West Connector Road; 5) Removal of various credits to be received by FRLP from the Town; 6) Adjustment of “when” cash proffers are paid to Warren County for school impacts; 7) Widening of a proposed on-site trail; and 8) Elimination of Energy Star Certification requirements.

Council is requested to affirm on its first reading a request to amend the 2010 proffers associated with the conditional rezoning of approximately 149 acres to the R1-A District as presented.

Mayor Tharpe opened the public hearing; as no one came forward to speak the public hearing was closed.

Councilman Connolly moved, seconded by Councilman Gillispie, that Council affirm on its first reading a request from Front Royal Limited Partnership (FRLP) c/o David Vazquezana to amend the 2010 proffers associated with the conditional rezoning of approximately 149 acres to the R1-A District, as presented.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

PUBLIC HEARING – Ordinance Amendment to Town Code Chapter 9 BUILDINGS, Including Provisions for the Adoption of Part III, Maintenance Code (1st Reading)

Summary: Council is requested to affirm on its first reading a draft Ordinance Amendment to Town Code Chapter 9, including provisions for the adoption of Part III, Maintenance Code, of the Virginia Uniform Building Code, applicable to the entire Town, as presented. The optional rental inspection district program is not proposed. Specific changes to the Town Code include the removal of 9-1 and 9-2, and the addition of 9-100, 9-200, 9-300 *Reserved*, 9-400, 9-401, 9-402, 9-403, 9-404 through 9-409, and 9-410.

Councilman Gillispie moved, seconded by Councilman Connolly, that Council affirm on its first reading a draft Ordinance Amendment to Town Code Chapter 9, including provisions for the adoption of Part III, Maintenance Code, of the Virginia Uniform Building Code, applicable to the entire Town, as presented.

Mayor Tharpe opened the public hearing; as no one came forward to speak the public hearing was closed.

Vote: Yes – N/A
No – Connolly, Gillispie, Sealock and Tewalt

Abstain – N/A
Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call; MOTION FAILED)

COUNCIL APPROVAL – Release of Development Sureties and Acceptance of Infrastructure for Happy Creek Knolls Section 3 and Oden Ridge Section 1 – Ramsey Inc. – Chris Ramsey

Summary: Council has received a request from Ramsey, Inc. c/o Chris Ramsey to accept the public infrastructure with Happy Creek Knolls, Section 3 and Oden Ridge, Section 1 and release the development sureties for the projects. Town Staff has inspected both projects and has determined that the required site improvements for the subdivisions have been completed.

The required as-builts are attached. In accordance with the Town and State Code, the Town is required to release development sureties upon completion of the required public improvements by the developer.

Vice Mayor Tewalt moved, seconded by Councilman Sealock, that Council approve the Release of Development Sureties and Acceptance of Public Infrastructure for Happy Creek Knolls Section 3 and Oden Ridge Section 1 for Ramsey Inc. c/o Chris Ramsey.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL – Budget Amendment to Accept Monies from the Front Royal-Warren County Anti-Litter Council

Summary: Council is requested to approve a budget amendment to accept \$1,601 from the Front Royal-Warren County Anti-Litter Council to purchase one 95-gallon animal-resistant garbage container to be located on the Criser Road Trail.

Budget/Funding: 4203-3410209 Solid Waste Department Reimbursement - \$1,601 4203-47001 Solid Waste Department – Machinery/Equipment - \$1,601.00

Councilman Connolly moved, seconded by Councilman Sealock, that Council approve a budget amendment to accept \$1,601 from the Front Royal-Warren County Anti-Litter Council to purchase one 95-gallon animal resistant garbage container to be located on the Criser Road Trail.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
No – N/A
Abstain – N/A

Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPOINTMENT – Urban Forestry Advisory Commission (UFAC)
Summary: Council is requested to appoint Jack Donohue to the Urban Forestry Advisory Commission (UFAC) to fill an unexpired term, said term to expire December 20, 2021.

Vice Mayor Tewalt moved, seconded by Councilman Connolly, that Council appoint Jack Donohue to the Urban Forestry Advisory Commission (UFAC) to fill an unexpired term, said term to expire December 20, 2021.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPOINTMENT – Urban Forestry Advisory Commission (UFAC)
Summary: Council is requested to appoint Thomas Dombrowski to the Urban Forestry Advisory Commission (UFAC) to fill an unexpired term, said term to expire December 20, 2018.

Councilman Connolly moved, seconded by Councilman Gillispie that Council appoint Thomas Dombrowski to the Urban Forestry Advisory Commission (UFAC) to fill an unexpired term, said term to expire December 20, 2018.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL RECOMENDATION – Board of Zoning Appeals (BZA)
Summary: Council is requested to make a recommendation to the Judge of the Warren County Circuit Court for appointment to the Front Royal Board of Zoning Appeals (BZA) to fill an unexpired term ending May 1, 2021

Vice Mayor Tewalt moved, seconded by Councilman Connolly, that Council recommend Tamar B. Yager to the Judge of the Warren County Circuit Court for appointment to the Front Royal Board of Zoning Appeals (BZA) to fill an unexpired term, ending May 1, 2021; previously held by Wayne L. Shipman.

Vote: Yes – Connolly, Gillispie, Sealock and Tewalt
No – N/A

Abstain – N/A
Absent – Meza, Morrison
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 7:24 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council