



## TOWN COUNCIL REGULAR MEETING MINUTES

February 27, 2023@ 7:00PM in the Warren County Government Center

*The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at [www.frontroyalva.com](http://www.frontroyalva.com).*

Moment of Silence

Pledge of Allegiance led by Ryan Williams

### ROLL CALL BY CLERK OF COUNCIL

PRESENT: Mayor Lori A. Cockrell  
Councilwoman Melissa DeDomenico-Payne  
Councilman Joshua L. Ingram  
Councilwoman Amber F. Morris  
Councilman H. Bruce Rappaport  
Councilman Duane R. "Skip" Rogers  
Vice Mayor R. Wayne Sealock

OTHERS PRESENT: Clerk of Council Tina L. Presley  
Town Manager Joseph E. Waltz  
Town Attorney George M. Sonnett, Jr.

**APPROVAL OF MINUTES** – Councilwoman Morris moved seconded by Vice Mayor Sealock that Council approve the Regular Meeting minutes of January 23, 2023 and Work Session Minutes of February 13, 2023, as presented.

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers, and Vice Mayor Sealock  
No – N/A  
Absent – N/A  
Abstain – Councilwoman DeDomenico-Payne

ROLL CALL

**ADDITION/DELETION OF ITEMS FROM THE AGENDA** – Councilwoman Morris moved seconded by Vice Mayor Sealock that Council move item 11A "Resolution Recognizing Skyline High School Wrestling Team as 2023 District and Regional Wrestling Champions" to #6 on the agenda.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock  
No – N/A  
Absent – N/A  
Abstain – N/A

ROLL CALL

**RECOGNITIONS/AWARDS/REPORTS** – Town Manager Joe Waltz recognized Department of Energy Services Manager of Administration Mary Ellen Lynn with the following:

*I would like to ask Mary Ellen Lynn to the podium. Tonight, I want to take a moment and recognize a true public servant who stepped up to serve in a leadership role. Ms. Lynn assumed the duties of Director of Energy Services on an interim basis last year with the retirement of the Director. At that time, she had no idea that this interim position would last a year while the Town sought a replacement. Ms. Lynn took on this role with enthusiasm and dedication to promote the continued success of the department. She provided the necessary leadership and direction to support the successful operations of our electric system. Her leadership skills were displayed on various levels from direct supervision to talking with citizens about concerns or issues. While this interim position lasted longer than expected, she never stopped moving us forward with all projects. This dedication and effort is at the core of our purpose to serve our citizens and needs to be recognized. On behalf of the Town, I want to thank you for all you did and continue to do!*

Mrs. Lynn voiced appreciation for the recognition and noted that it was not only a crazy year for Energy Services but that she worked with an amazing team at Energy Services.

## **PUBLIC HEARINGS**

### Special Use Permit for a Ground Floor Dwelling Unit at 437 S. Royal Avenue – Barbara Samuels

Mayor Cockrell opened the public hearing. Since there were no speakers, the public hearing was closed.

*Councilwoman Morris moved seconded by Councilman Rappaport that Council approve a Special Use Permit submitted by Barbara Samuels for a ground floor dwelling unit at 437 S. Royal Avenue (tax map 20A7-3-10) upon the following conditions: 1. This special use permit is only authorized for one (1) ground floor dwelling unit to be located at 437 S. Royal Avenue; 2. The existing parking lot shall be striped to provide the appropriate number of parking spaces prior to issuance of final zoning compliance; 3. Staff shall inspect the property prior to the issuance of final zoning compliance to ensure the construction activities are limited to one ground floor dwelling unit; 4. Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.*

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

## **PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)**

John Lundberg, 203 Peach Tree Court, voiced concern on the development proposed along Shenandoah Shores Road explaining that citizens are landlocked when a train blocks the intersection of Shenandoah Shores Road and Happy Creek Road creating a dangerous situation for those individuals who need immediate help. He encouraged Council to not approve the rezoning for the proposal unless an east/west connector road is constructed.

Connie Marshner, 804 Rodney Avenue, commended the Town and County governments for taking steps to correct the situation alluded by Mr. Lundberg. She voiced concern over public health and safety when the train blocks the intersection at Shenandoah Shores Road and Happy Creek Road. She noted that the most recent Ohio train tragedy increases those concerns. As a member of the Front Royal Planning Commission, she understood that the issue in this area had been around for approximately 30 years with no concrete steps moving forward. Ms. Marshner reminded Council of the most recent creation of a Transportation Subcommittee and voiced gratification that there is action being taken and once again thanked Council for their effort.

Glenn Wood, 1269 Kesler Road, noted that the proposed development mentioned by Ms. Marshner would impact Shenandoah Shores Road and that his top concern was for the safety and health of those who live in that area. He noted that the Inland Port was using more trains than before making the problem worse. He concluded that the issue was not the Town's alone and encouraged the Town, County, Warren County Economic Development Authority, Inland Port and the Virginia Department of Transportation to work together.

Wade Holloway, 117 W. 12<sup>th</sup> Street, advised that he and his family had been maintaining the alley [#11C on agenda] in question for 30 years and now making the effort to purchase it. He questioned why the opposition and why the viewing committee was not a non-bias group of individuals.

Stephanie Holloway, 117 W. 12<sup>th</sup> Street, reiterated that her in-laws had taken care of the alley [#11C on agenda] for many years with compliments on the results of their hard work. She noted that the alley cannot be used by fire and rescue due to its condition and advised that the church [Front Royal Church of Brethren] could purchase half of it if they so choose. She questioned why they were not notified of tonight's meeting and why all the opposition.

Scott Turnmeyer, 16 Camp David Court, advised that he was a small business owner and native of Warren County as well as a member of Discover Front Royal Board. He voiced concern that he was not asked about what he thought about tonight's decision to terminate the April 2022 agreement with Warren County. He encouraged Council to keep the agreement as is.

Dave Airhart, 848 W. 13<sup>th</sup> Street, reminded Council that the church [Front Royal Church of Brethren] used the alley [#11C on agenda] as an emergency exit not an entrance and that it was not used all the time. He agreed that the Holloways maintained the alley a lot, but the church paid someone to mow for them and they would mow the alley when needed.

Wayne Woodward, 120 W. 13<sup>th</sup> Street, agreed that the Holloways did most of the mowing in the alley [#11C on agenda] and opined that the alley was needed.

Melvin Baugher, 30 W. 15<sup>th</sup> Street, read the Viewers Report [included in the agenda] and noted that he built a garage in 1998 and it opened up to an alley that he did not vacate. He questioned why the vacation was being considered if it was usable for the church [Front Royal Church of Brethren] and the Holloways.

Delores Oates, 170 Douglas Drive, advised Council that tourism was very important to her and that any decision made tonight would impact the community. She advised that tourism was the #1 industry in Warren County and proceeded with a background of how the joint effort began. She explained about the American Rescue Plan Act (ARPA) funds to be used for tourism and how they must be spent by 2024. She encouraged Council to extend the agreement one year.

Bob Skillman, 315 Blue Ridge Avenue, reminded Council of the Viewing Committee's report and a brief history of the mowing in the alley [#11C on the agenda].

Bill Holloway, 1202 Virginia Avenue, advised that he would like to have the alley (#11C on the agenda) so he could asphalt it to alleviate the mowing and weed eating.

Christina Colton, 1130 Happy Ridge Drive, explained that she had grown up on the McKay Property and that it had been vacant since 2004 and her family would consider purchasing the property.

Lee Keeler, 2194 Brucetown Road, Clearbrook, VA advised that he was hired seven years to mow for the church [Front Royal Church of Brethren] and the alley [#11C on the agenda] when needed. He reminded Council that during a fire, individuals are to be so many feet away from the burning building.

Tom Sayre, 835 Shenandoah Shores Road, complimented and thanked Mr. Waltz on taking care of an issue in front of the Front Royal Pregnancy Center on S. Royal Avenue. He complimented Director of Planning Lauren Kopishke for a good job she was doing. He advised that he is the owner of property proposed for development off Shenandoah Shores Road and expressed a desire to have a nice road similar to Leach Run Parkway as the east west connector road. He noted that the train near his property runs nine times a day and the intersection was last blocked in May 2022.

Chris Holloway, 240 Virginia Avenue, advised Council that his parents have lived in their residence since 1968 and the alley (#11C on agenda) had never been used. He noted that it was a path for motorcycles and minibikes and reiterated that his family had been maintaining it for 40 years.

Mayor Cockrell closed the public comment period.

## REPORTS

A. Town Manager Report – Mr. Waltz stated that the Pride in Performance Program would be beginning by stating the following: *I want to discuss our most valuable asset, our employees. The one constant I have observed over the past 90 days is the desire of our employees across all departments to serve our citizens to the highest possible standard. I see this effort and dedication everyday while serving as the Town Manager for Front Royal. While I admit we miss the mark sometimes, it's our desire to learn, improve, and exceed your expectations as we serve you, the citizens. Therefore tonight, I am relaunching the employee recognition program, Pride in Performance, to recognize and encourage superior employee performance and engagement as they serve you. I now officially invite all citizens to give us the feedback we need to continue providing the service you expect. So, when an employee exceeds your expectations, please let me know in writing if possible. We do have the program specifics of Pride in Performance on the website with a form to capture the information we need so we can identify the employees. You can also send an email to me with the specifics. We are all here to serve you, and we don't want to lose that focus as we perform our duties. Our mission is to continue to improve the quality of life every day for everyone.*

Mayor Cockrell confirmed how the Viewing Committee for the previously mentioned alley vacation was selected.

## B. Town Council Reports –

Councilman Rappaport suggested an item on an upcoming work session regarding the speeding in the community.

Councilman Ingram advised that he was a member of the recently created Transportation Subcommittee and gave a brief overview of their last meeting, noting that he was tasked with contacting the railroad. The next meeting is scheduled for March 1<sup>st</sup> at 4:00pm.

Councilwoman Morris, as a member of the Transportation Subcommittee, reiterated what Councilman Ingram said. She noted that tourism was important to preserve history and keep taxes low, noting it was

an “ongoing painful decision” being responsible for tax dollars. She questioned the information regarding the Viewing Committee being unbiased.

Vice Mayor Sealock advised that he attended the Northern Shenandoah Valley Regional Commission (NSVRC) meeting and was made aware of programs the Town was not using.

Councilman Rogers voiced concern over the issue with Shenandoah Shores Road and the significant train interruptions being stuck 10-15 minutes at a time. He noted that there was a significant vote coming up tonight on whether to continue or terminate the current agreement with Warren County stating that he was not confident on the best way to move forward but hoped to work closely with the board on an instrument we all can live with.

Councilwoman DeDomenico-Payne voiced how inspiring it was to see so many in attendance tonight and advised that she will examine information, listen, and make a decision on all items coming before her. She cautioned that whatever the vote was tonight on any item that everyone can regroup, and something better could come along to move forward. She voiced appreciation to the Anti-Litter Council for their clean-up efforts around the former Joe’s Steak House on S. Royal Avenue. She concluded by encouraging the public to email her with any information they believe would help her in her decisions.

#### C. Mayor Report –

Mayor Cockrell welcomed new Councilwoman Melissa DeDomenico-Payne and her willingness to serve. She gave a shout out to Town Public Works employees Tim McCoy and Ralph Smith for their assistance to her and her family. She advised of the Shenandoah Rail Trail Project Meeting scheduled for March 23 at 7:00pm at Samuels Public Library. She advised that she would be attending the Warren County Drug Court Meeting this week. She noted that she attended the Economic Development Marketing Event at Inland Port last week.

### CONSENT AGENDA ITEMS

#### A. Bid for Thermoplastic Pavement Markings

*Council approved/awarded a bid to Alpha Space Control LLC for thermoplastics eradication and application, curb painting and street line painting in the amount of \$155,375.00.*

#### B. Purchase of Rugged Terrain Vehicle (RTV) for Wastewater Treatment Plant

*Council approved the purchase of a new RTV vehicle for the Wastewater Treatment Plant through Sourcewell (cooperative contracting) in the amount of \$22,182.70.*

#### C. Biosolids Container Rental and Disposal Service

*Council approved a bid for Republic Services of Winchester, VA for a biosolids container rental and disposal service at the following rates:*

- \$457.30 / haul / container
- \$139.25 / month / container rental of 20 cuyd roll-offs
- \$60.00 / ton disposal at Page County, VA landfill

D. GRIP Grant Opportunity through American Municipal Power (AMP)

*Council approved an official Letter of Commitment to the American Municipal Power LLC (AMP) showing full commitment to participation in the Smart Grid: Using Edge Computing to Build Grid Resiliency Project, Grid Resilience and Innovation Partnerships (GRIP) funding opportunity through the Department of Energy.*

E. Local Board of Building Code Appeals Bylaws

*Council approved the Local Board of Building Code Appeals (LBBCA) Bylaws as presented.*

F. Refer to the Planning Commission a Text Amendment to the Town Code Chapter 175-137 Schedule of Fees to Add LBBCA Application Fee

*Council referred to the Planning Commission a text amendment to Town Code Chapter 175-137 Schedule of Fees to add a Local Board of Building Code Appeals (LBBCA) application fee of \$400.00 and bring a recommendation back to Council.*

*Councilwoman Morris moved, seconded by Vice Mayor Sealock to approve the consent agenda as presented.*

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

**BUSINESS ITEMS –**~~A. Resolution Recognizing Skyline High School Wrestling Team as 2023 District and Regional Wrestling Champions~~ MOVED TO #6 ON THE AGENDAB. Waiver of Curb and Gutter Requirement at 219 Orchard Street for Habitat for Humanity

*Councilman Ingram moved second by Councilman Rogers that Council waive the curb and gutter requirements for 219 Orchard Street as allowed by Town Code Chapter 148-850.C. and D.*

Councilman Rappaport disclosed that he was a neighbor of the applicant as the property abuts an alley that is directly behind his residence, but he did not have a conflict of interest and would be voting tonight. He advised that he was a proponent of curb and gutter since it gives direction for the water to flow. He also advised that he was a proponent of Habitat for Humanity. He confirmed that the best practice for stormwater management for Orchard Street was for the entire street to have curb and gutter.

Councilwoman Morris advised that she too was a proponent of curb and gutter but in this case, it would only be spot curb and gutter causing water intrusion onto the neighbor's property.

Councilman Rappaport explained how the stormwater system worked with polluted water going down the system and suggested the Town look at the Municipal Separate Storm Sewer (MS4) System.

Councilwoman Morris admitted that the rainwater/stormwater runoff was an issue but reiterated the water intrusion to the neighbor's property, noting it was not the time to add curb and gutter to Orchard Street. She also noted the Landscaping Plan that would assist with the water. Planning Director Lauren Kopishke confirmed that final compliance included the Landscaping Plan.

Mayor Cockrell suggested that curb and gutter could be part of the Vision/Goals for Council's Retreat.

Vote: Yes –Councilmembers DeDomenico-Payne, Ingram, Morris, Rapport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

C. Request for Vacation of a Portion of Public Alley Located Adjacent to 1202 Virginia Avenue and 111 & 117 W. 12<sup>th</sup> Street – Mr. & Mrs. Wade Holloway and Mr. & Mrs. William Holloway

*Councilman Rappaport moved seconded by Councilman Rogers that Council deny the request from Mr. & Mrs. William Holloway and Mr. & Mrs. Wade Holloway for the Town to vacate a portion of a public alleyway located adjacent to 1202 Virginia Avenue and 111 & 117 W. 12<sup>th</sup> Street.*

Councilwoman Morris reminded Council that as part of the vacation process an alleyway could be purchased by anyone not just the applicant. She advised that typically alleyway vacations were not denied, and the Viewing Committee was for assistance.

Councilman Rappaport quoted something said by his mother “share and share alike”.

Vote: Yes –Councilmembers DeDomenico-Payne, Ingram, Morris, Rapport, and Rogers

No – N/A

Absent – N/A

Abstain – Vice Mayor Sealock

ROLL CALL

D. Disengagement with the County Regarding the Commitment to Tourism Expenditures, to Fund the Budget of and Donate a Lease of Town Property to “Discover Front Royal” by Terminating the Front Royal-Warren County Joint Tourism Agreement Dated April 6, 2022.

*Councilwoman Morris moved seconded by Councilman Ingram that Council terminate the Front Royal-Warren County Joint Tourism Agreement dated April 6, 2022 per terms of Section V of the said Agreement and effective upon approval.*

Vice Mayor Sealock noted that after reviewing the agreement he did not agree with it. He advised that he wanted the Visitor Center and merchandise back under the Town's authority.

Councilman Ingram noted that the agreement was outdated and suggested starting from scratch with Warren County. He suggested that the Town and Warren County each have their own agreements with Discover Front Royal because of different financial benefits including the fact that Discover Front Royal just recently became 501(C)(6) status. He noted that the current agreement was too convoluted and expressed the need to do better.

Councilman Rappaport complimented the Discover Front Royal for their website. He noted various places in our community such as the George Washington National Park, Skyline Drive and Shenandoah River. He opined that it was better to always think ahead and there was no contingency plan in place.

Councilwoman Morris voiced concern over the March 1<sup>st</sup> deadline to terminate and turned it over to the Mayor to continue.

Councilwoman DeDomenico-Payne advised that she had talked with a few individuals and believed that there is a way forward no matter what happens tonight.

Mayor Cockrell stated the following: *Before there is a vote taken tonight on this action item, I want to make sure that everyone is very clear what this action item means. This item is only in regard to the MOA that the town entered into with the county on April 6, 2022. This action item determines if the town wishes to continue all of the conditions that are stated in the MOA of April 6, 2022. The reason this item is on the agenda tonight is because the town has until March 1st to terminate if they so choose or the MOA and its conditions will be in effect until July 1 2024. Two of the major conditions of the MOA center around funding expenditures and the Visitor's Center. If this council decides that there are areas of concern in the April 2022 MOA, they can decide to negotiate a new MOA with the county that addresses this council's input and concerns. This action item, if there is an affirmative vote to terminate the April 2022 MOA, does not prevent the town from entering into a new MOA with the county or Discover Front Royal. I think that there may be some confusion as to the intent of the action item for 11D so I want to make sure that all those present or watching or reading about it in the paper or online understand what this action item does NOT mean. One of the many concerns of the previous council in deciding to agree to the April 2022 MOA was to not tie a future council to any financial obligations or other conditions. Therefore, this council should decide for themselves what conditions they would feel comfortable with in an MOA. This council has to ask themselves, is what we are doing working? Is it beneficial to the town citizens and our community? If it's not working, what should be changed in order to improve it? If it is working, then what are the next steps to move forward with tourism? The April 2022 MOA was discussed and debated and negotiated for months. In the end, it was decided that the town would move forward and evaluate the situation in the future, specifically conditions such as giving up the oversight of the visitor's center and the employees, as well as a funding formula since the town is not required by state code to allocate specific funds to tourism expenditures. In other words, the town has more flexibility in determining how to spend their tourism dollars. Regardless of the outcome of the vote this evening, it is my hope that the town will continue to collaborate with the county and Discover Front Royal.*

Vote: Yes –Councilmembers DeDomenico-Payne, Ingram, Rogers and Vice Mayor Sealock

No – Councilmembers Morris and Rappaport

Absent – N/A

Abstain – N/A

ROLL CALL

### **Closed Meeting**

*Councilwoman Morris moved seconded by Councilman Rogers that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 and 2.2-3712 of the Code of Virginia, for the following purposes:*

- 1) *pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically, Town of Front Royal v. Warren County EDA, et al., and,*
- 2) *pursuant to §2.2-3711(A)(1) of the Code of Virginia, for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specifically, appointments to fill vacancies on Town Council.*



- 3) *pursuant to §2.2-3711(A)(8) of the Code of Virginia, for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, the Front Royal EDA.*

Vote: Yes –Councilmembers DeDomenico-Payne, Ingram, Morris, Rapport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

*Councilwoman DeDomenico-Payne moved seconded by Councilwoman Morris 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 Act 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 –Councilmembers DeDomenico-Payne, Ingram, Morris, Rapport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Meeting adjourned at 10:30pm.

Approved by Town Council

Date: 3/27/23