



TOWN COUNCIL SPECIAL WORK SESSION MINUTES

Monday, April 3, 2023

Town Hall Conference Room

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.

ROLL CALL BY CLERK OF COUNCIL

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

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

ABSENT: Councilman Joshua L. Ingram

CONTINUED BUDGET DISCUSSION –

A. Appropriation Ordinance (FY23-24 Budget) - Finance Director BJ Wilson asked Council if they had any questions about the budget. With no questions, there was consensus to advertise a public hearing for the April 24th regular meeting.

B. Ordinance Amendment to Town Code Chapter 134 Pertaining to Sewer Rates – Mr. Wilson advised that there would be a 2.25% increase in sewer rates as discussed previously in other meetings, noting the rate would continue for another two years at least until the next proposed rate study. With no questions, there was consensus to advertise a public hearing for the April 24th regular meeting.

C. Resolution for the Extension of Due Date for Real Estate & Personal Property Taxes – Mr. Wilson advised that there would be an extension on collecting penalties and interests on tax bills due to the late mailing of the bills. He explained the due date for taxes was still June 5th; however, penalties and interests would not be added until after June 20th, giving taxpayers an additional 15 days to pay without penalties and interest. It was suggested to send a public notice to assist with the confusion the extension may cause. With there being no further discussion, there was consensus to add the resolution to the consent agenda for the April 24th regular meeting.

ITEMS SLATED FOR A PUBLIC HEARING

A. Special Use Permit for Lodging House at 200 N. Royal Avenue – Warren Coalition – Director of Planning Lauren Kopishke noted that the Planning Commission voted unanimously to approve the special use permit contingent upon two conditions [presented in packet], noting there was adequate space for parking.

Vice Mayor Sealock questioned the maximum of ten residents. It was confirmed that the applicant was aware of the Town Code requirements and the intention was not to go to the maximum allowed.

Councilman Rappaport questioned whether the residents would receive treatment while they were staying in the house. Christa Shifflett, Executive Director of the Warren Coalition, was in attendance and gave an overview of the house noting the following: 1) treatment was one of the stipulations of residing in the house; 2) a counselor would be in place 24 hours a day seven days a week with one living in the house and others having the residents as part of their case load. She herself would be working part-time; 3) treatment would occur outside the house; 4) residents were not allowed to stay if misusing drugs; 5) will have visiting days; 6) door locked at 11:00pm with grounds for dismissal if reason of tardiness is unreasonable; 7) will be drug-tested to get back in the house; 8) will press charges if drugs are present in the house.

Mr. Rappaport also questioned the success rate. Ms. Shifflett said that those residents who are not willing to get treatment would “drop away” and those who are willing will do well. It was confirmed that the residents would have to be actively involved in treatment to be in the house.

Councilman Rogers questioned medication. Ms. Shifflett advised there would be no nurse in the house, but pills would be counted every day with a medication distribution time that would be monitored carefully.

Councilwoman DeDomenico-Payne advised that the Warren Coalition had been in existence since the 1990's under Ms. Shifflett's leadership noting the amount of respect she had for her and the organization as they were a great investment to the community.

Councilwoman Morris noted that this specific property had the lowest impact in the community as well as being easy for law enforcement to get to if needed to address issues. Mayor Cockrell confirmed that Ms. Shifflett has a long-standing relationship with the local police and sheriff departments.

Ms. Shifflett confirmed that the Warren Coalition was working on transportation for residents since a lot of people cannot drive. Ms. Morris advised that there was work in collaboration with the Inland Port and Family Dollar to get people to work. She also noted that additional trolley stops installed throughout Town was one of the Council's focuses.

Since there was no further discussion, Council gave consensus to advertise for public hearing on April 24th Regular Meeting.

B. Amend Previously Approved Proffers for Anna Swan Estates – HEPTAD LLC – Ms. Kopishke gave Council a handout labeled 3/30/23 Swan Farm Project by Van Metre Homes. She gave statistical facts between the previous proffers and the current proffers including: transportation modifications, Leach Run Parkway and Inter parcel connectors; reduction of dwelling units; reduction in lot size; modification of the per-unit cash proffers; county proffers and credits.

Councilman Rappaport advised of a math error in the right-of-way dedication for the 3.4 acres. Representatives related to the project (Attorney for HEPTAD, LLC Joe Silek, Marissa Whitacre from Greenway Engineering and Ron Llewellyn from HEPTAD, LLC.) were in attendance. Ms. Whitacre admitted the mistake in calculation. Mr. Silek advised the changes would be made before the public hearing.

Mr. Rappaport voiced concern over the calculation of projected students since it focused on single family attached as opposed to single family detached. Ms. Whitacre explained the projected number was based on actual properties that were rezoned, not those properties that were by-right.

Councilman Rogers expressed that there was an overwhelming amount of information to digest since this project had been in existence for many years. Mr. Llewellyn gave a history of the project along with the reputation of the builders for the project.

Vice Mayor Sealock confirmed that the connector road would be wide enough for buses and fire apparatus. Councilwoman Morris noted that the connector road was nice to have but commented that the land was undevelopable without Leach Run Parkway.

Councilwoman DeDomenico-Payne questioned who would make certain that their plans would be enforced as approved. Ms. Kopishke explained the process, noting that the developers were legally bound by proffers once the proffers were recorded. Occupancy permits were not given if the amenities were not completed as presented. It was also noted that a bond would be posted.

Mayor Cockrell noted that the proffers from 2012 were more financially beneficial for the area versus the new proffers which were less. It was noted that the proffer laws changed in 2017 giving way to an updated proffer analysis under today's environment. It was then explained further about the unknown costs of building Leach Run Parkway in 2012.

Mrs. Cockrell reminded Council that Council was making decisions that impacted the County and that Town taxpayers were County taxpayers. It was confirmed that the County was aware of this project.

Ms. Morris voiced concern over the 2012 proffers that related to the per unit amount reduction and the six acres for the Leach Run Parkway right-of-way. She opined that the Town was giving up a lot and suggested that the right-of-way be a donation that allowed Leach Run Parkway to be developed.

It was confirmed that if the County did not want the park [included in the project] it would become part of the Homeowners Association (HOA) and would be maintained by them.

Since there was no further discussion, Council gave consensus to advertise for public hearing on April 24th Regular Meeting.

WAIVER OF CURB AND GUTTER REQUEST FOR 709 AND 711 CROSBY ROAD – JASON & CHRISTINE SINE –

Ms. Kopishke gave an overview of the request advising Council that the property owner wanted to develop two duplexes on a street that currently had no curb and gutter installed on the street. She noted that it was just outside the floodway and flood zone.

Mayor Cockrell questioned why there were rules if they were not being followed since this was the second request in two months to waive the installation of curb and gutter requirement. She noted that this street was not in the 5- or 10-year plans to install curb and gutter.

Councilman Rogers noted that it was Council's choice to assume the responsibility to enforce the curb and gutter installation on everyone moving forward. Councilwoman Morris advised that this project was a private developer creating new townhomes for a profit voicing concern that moving forward Council would be dealing with profit vs nonprofit situations.

Vice Mayor Sealock advised that he looked at the property and curb and gutter was needed to funnel water down the street since it was near the carnival lot.

Town Attorney George Sonnett advised that the Town Code has specific criteria and suggested to either tighten or amend the criteria.

It was agreed to add to a future work session the discussion of waivers for curb and gutter installation.

Councilwoman DeDomenico-Payne questioned the benefits if only one or two lots have curb and gutter. Ms Kopishke advised that it made water move faster and protected the road.

Councilman Rappaport suggested only low impact development as an option for waivers.

It was agreed that this was a tough problem in older neighborhoods and that it could set the precedent on how the Town develops in the future.

It was agreed to add the request for the waiver to the April 24th regular meeting for action.

VIRGINIA MUNICIPAL LEAGUE (VML) POLICY COMMITTEE APPOINTMENTS – Mayor Cockrell and Councilwoman Morris gave a brief explanation of what to expect from each committee since they attended the meetings in the past. Council agreed to the following to be added to the April 24th regular meeting:

Community/Economic Development – Councilwoman Morris and Town Manager Joe Waltz

Finance – Councilman Rogers and Finance Director BJ Wilson

General Laws – Vice Mayor Sealock and Town Attorney George Sonnett

Human Development & Education – Councilwoman DeDomenico-Payne

Infrastructure – Councilman Rappaport and Director of Public Works Robbie Boyer

OPEN DISCUSSION

Councilman Rappaport advised Council of a resident who voiced concern over the traffic situation that may occur at N. Royal Avenue and 14th Street from the new recreation facility at the former VFW. He also mentioned that the resident did not know about the public hearing. There was much discussion on how the Town notifies the public of public hearings. It was also suggested to keep an eye on the intersection in question once it gets up and running.

CLOSED MEETING

Councilwoman Morris moved seconded by Councilman Rogers that Town Council convene in a closed meeting,

- 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, Warren County EDA v. Town of Front Royal, CL# 22000490., and,*

2. *pursuant to Section 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, proposed agreement with Discover Front Royal, Inc.*

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

No – N/A

Absent – Councilman Ingram

Abstain – N/A

ROLL CALL

Councilman Rappaport 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, Morris, Rappaport, Rogers, Vice Mayor Sealock

No – N/A

Absent – Councilman Ingram

Abstain – N/A

ROLL CALL

Adjourned 9:15pm

Approved by Town Council

Date: 4/24/23-----