



## TOWN COUNCIL WORK SESSION MINUTES

Monday, June 5, 2023 in the 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](http://www.frontroyalva.com) for a limited time.

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council appoint Town Manager Joseph Waltz as Clerk Pro Tempore for tonight's meeting June 5, 2023.

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

No – N/A

Absent – Vice Mayor Sealock

Abstain – N/A

ROLL CALL by the Mayor

ROLL CALL BY CLERK PRO TEMPORE JOSEPH WALTZ

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

LATE: Vice Mayor R. Wayne Sealock (entered meeting at 7:20pm)

ABSENT: Clerk of Council Tina L. Presley

OTHERS PRESENT: Town Manager Joseph E. Waltz  
 Town Attorney George M. Sonnett, Jr.  
 Various members of the staff and public

### Items Slated for Public Hearings:

#### A. Special Use Permit for Short-Term Rental – 211 S. Royal Avenue – Vesta Property

Director of Planning Lauren Kopishke showed pictures of the request noting that the applicant was requesting to rent the whole house with three bedrooms, no more than six occupants and there was ample parking. The Planning Commission had their public hearing and recommended approval with no conditions. There being no further questions Council agreed to advertise for a public hearing.

#### B. Special Use Permit for Short-Term Rental – 1121 John Marshall Highway – Cook Realty

Ms. Kopishke explained that B, C, and D are from the same applicant but since they were three different parcels there would be three separate public hearings. She explained that the applicant was requesting to rent the whole house [main house] with three bedrooms and no more than six occupants.

C. Special Use Permit for Short-Term Rental – 1125 John Marshall Highway – Cook Realty

Ms. Kopishe noted this request was the L-shaped lot with three structures. She explained that two structures would be connected by a traverse to create a more primary structure and the third structure was an accessory structure. She advised that the Town Code allowed accessory structures to be used as short-term rentals. She continued that there would be two occupants per unit.

D. Special Use Permit for Short-Term Rental – 1135 John Marshall Highway – Cook Realty

Ms. Kopishe explained that this request consisted of two structures with a primary and accessory structure with no more than four occupants total.

Ms. Kopishke continued that the Planning Commission held their public hearing on Items B, C, and D and placed conditions on all three. One of the conditions she explained was to make the permit valid for one year because there were concerns that the intent of the use of the property would change. Mayor Cockrell voiced concern about placing a one-year restriction on the permits. Councilman Rogers voiced concern over the large house being used as an event center since it was R-1 zoning. Ms. Kopishke confirmed it was being defined as a short-term rental since event center use was not defined in the Town Code. Councilwoman Morris reminded Council that the short-term rentals were not regulated by the amount of people who were in the house only those who stayed overnight. Councilman Ingram advised that the short-term rentals approved in the past exclusively do not allow parties and confirmed that the stipulation of no parties was not written in the Town Code. Mr. Rogers commented on what a great addition the property was to the community but questioned the framework for what was being done on the property. Councilman Rappaport agreed with Mr. Rogers but opined that the intent for the property was to become a commercial establishment. He voiced concern over the Town's Short-Term Rental Ordinance being too broad. He suggested the Short-Term Rental Ordinance be placed on a future work session for discussion. There was much discussion pertaining to the term "event center" and the zoning along that portion of John Marshall Highway.

Vice Mayor Sealock entered the meeting at 7:20pm

Councilwoman Morris advised that during the vote on June 26<sup>th</sup> she intended to have the one condition relating to the *permit being valid for one year, at which time the applicant must reapply* be removed. Mayor Cockrell asked Staff to add the short-term rental ordinance to a future work session and advertise B, C and D for public hearings on June 26<sup>th</sup>.

E. Special Exception from Parking Requirements – 15 Chester Street – P. Lemmon/S. Lloyd

Planning Director Lauren Kopishke advised that the applicant wanted to turn this property into professional office space, and she had to use the square footage [2700] of the entire building to calculate parking which equaled out to nine (9) parking spaces. She advised that while they had ample area for parking, various shrubs and trees would have to be removed on the property. The applicant she explained was asking for an exception to allow four (4) parking spaces instead of nine. Councilman Ingram suggested reviewing the Town Code with regards to parking on Chester Street. Council moved this to a public hearing on June 26<sup>th</sup>.

F. Ordinance Amendment to Town Code Chapter 158-6 to Adopt Reference of Vehicular Law

Town Attorney George Sonnett explained that this amendment was an annual exercise to readopt all of titles Virginia Code §46.2 because every year the General Assembly tweaks the motor vehicular laws and alcohol laws. Chief Magalis noted that most violations were written under the traffic code that allowed Mr. Sonnett to be prosecuted under the Town's ordinance. It was confirmed that if violations were written

under the Town Code the fines went to the Town and if written under the State Code fines went to state. Council agreed to a public hearing on June 26<sup>th</sup>.

### **Items Slated for Consent Agenda on June 26<sup>th</sup>**

#### A. FY23 Budget Amendment for Auction Proceeds from Selling of Transformers

Finance Director BJ Wilson advised that the proceeds from the sale would be allocated to the Happy Creek Substation Expansion Project. He explained that they were transformers that the Town could no longer use. Council agreed to add to the Consent Agenda on June 26<sup>th</sup>.

#### B. Reappointment of Non-Elected Representative to the NSVRC

Town Manager Joe Waltz advised that Lauren was the non-elected representative to the Northern Shenandoah Valley Regional Commission (NSVRC). Council agreed to add to Consent Agenda on June 26<sup>th</sup>.

### **Discussion Items**

#### A. Pertaining to Prospect Bridge Rehabilitation Funding

Finance Director BJ Wilson advised that the Prospect Bridge would cost roughly \$1.5 million to rehabilitate and that the Town had applied for VDOT Revenue Sharing but there was no guarantee the Town would be approved and if they were approved the funds would not be available for a few years. He noted that there was currently \$630,000 allocated in the budget toward the rehabilitation. He suggested adding additional funds from the Secondary Paving Plan [\$262,000] and delay the Transportation Plan [\$150,000] which would give the Town an additional \$412,000 toward the rehabilitation.

Vice Mayor Sealock voiced concern that the bridge had termites, individuals have had tires blown out and fire apparatus could not get across. He suggested looking hard for the money now or close the bridge to traffic. Director of Public Works Robbie Boyer confirmed that the bridge was last inspected in October 2022, noting that all ten structures in Town must be inspected yearly. The \$1.5 million replaced everything from the steel beams underneath up.

Town Manger Joe Waltz reiterated that the Town had \$630,000 allocated towards the rehabilitation and additional monies could be allocated later, realistically beginning the project July 2024. He suggested not diverting monies from the Transportation Plan or the Secondary Paving Plan and reminded Council that monies were taken from the Prospect Bridge Rehabilitation in the past for another project. He recommended not touching the \$630,000 and to keep for bridge only. Mr. Waltz advised that he had taken several phone calls from residents in the area complaining about the bridge, especially the excessive noise at night with vehicles going over the bridge. He noted that the bridge inspection in October said the bridge was in fair condition but did not advocate closing the bridge. He suggested that at some point Council would need to decide whether to close the bridge to vehicular traffic. He explained that the current weight limit was five (5) tons and emergency vehicles could not cross.

#### B. Pertaining to Personal Property and Real Estate Tax Due Dates

Director of Finance BJ Wilson advised that there had been a delay in tax penalties and interest in the last five years. He requested that the Town Code be updated and/or for this item to be placed on a Liaison Committee Meeting for discussion. He voiced concern over not being able to adhere to the due date of June 5<sup>th</sup> as stated in the Town Code. He suggested making the due date June 20<sup>th</sup> to allow time for Warren County to send the tax information to him. Councilwoman Morris suggested adding this item to the Liaison Committee Agenda. Mr. Wilson reminded Council that the due was set by ordinance so extending the penalties and interest is the best "work around". He noted that there have been different reasons in the last five years for the delays. Town Manager Joe Waltz agreed with moving this item to the Liaison meeting

because while the date needed to be addressed, receiving the information from the County in a timely manner was another issue. Council agreed to place this on the Liaison Committee agenda and then discuss amending the Town Code at a future work session afterwards.

### Action Item

#### A. Legal Fees for WCEDA Litigation

Mayor Cockrell read the summary. *On November 25, 2019, Council approved payment to Damiani & Damiani for legal services related to the Town's civil suit against the Front Royal-Warren County Economic Development Authority (WCEDA) not to exceed \$200,000. These funds have been expended and Council is now requested to increase the threshold for on-going legal services provided by Damiani & Damiani for litigation involving the Front Royal-Warren County Economic Development Authority (WCEDA). Council previously allocated an additional \$158,139.00 for potential litigation fees for on-going litigation, but Council has not authorized payment. The \$158,139.00 remains budgeted and unspent. Per the Virginia Public Procurement Act (V.P.P.A.) 2.2-4344 Exemptions from competition for certain transactions, "The purchase of legal services, provided that the pertinent provisions of Chapter 5 (2.2-500 et seq.) remain applicable, or expert witnesses or other service associated with litigation or regulatory proceedings."*

Town Attorney George Sonnett advised that the original authorization was in 2019, noting that lawsuits were dormant for the most part right now. Councilman Rogers questioned how the money was spent. Mr. Sonnett advised that it was detailed hourly billing invoiced to the Council and paid by the Town. It was confirmed that this was on an "as needed" basis.

*Councilwoman Morris moved seconded by Vice Mayor Sealock that Council increase the threshold for on-going legal services provided by Damiani & Damiani for the Town's litigation involving the Front Royal-Warren County Economic Development Authority (WCEDA) not to exceed \$250,000 (an additional \$50,000).*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

### CLOSED MEETING

*Councilman Ingram moved seconded by Vice Mayor Sealock 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 purpose: 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, more specifically, Town Attorney and appointments to the Planning Commission and Board of Zoning Appeals.*

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

No – N/A

Absent – N/A

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, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Approved by Town Council

Adjourned meeting at 8:52pm

Date: 6/26/23-----