



TOWN COUNCIL REGULAR MEETING MINUTES

June 26, 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 for a limited time.

Moment of Silence

Pledge of Allegiance led by

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 – Councilman Ingram moved seconded by Councilwoman Morris that Council approve the Joint Meeting with the Planning Commission Minutes of May 22, Regular Meeting Minutes of May 22, Work Session Minutes of June 5 and June 12, 2023, as presented.

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

ADDITION/DELETION OF ITEMS FROM THE AGENDA OR REVISION TO ORDER OF BUSINESS

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Consent Item 10 G FY24 Budget Amendment and Transfer for Speed Camera Enforcement Services in School Zones be moved as Business Item 11C.

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 –

A. Presentation by Michael Williams of the Rotary Club of Warren County – Mr. Williams read the following statement: *Good Evening, Madam Mayor, and Councilmembers. My name is Michael Williams, and I live here in the beautiful Town of Front Royal. I have had the joy of being part of this beautiful community for over 25 years. My Rotary club, The Rotary Club*

of Warren County, would like to help our beautiful town become even more inviting to visitors and our own residents. We would like to invest \$4,000.00, with the hopes of a matching grant of \$4,000 (totaling \$8,000.00) from our Rotary District, in order to purchase trees, seasonal flowers, and other needs for the entrance to our Town on John Marshall Highway. With the help of Mr. Proctor [Town Arborist], our Tree Stewards, and other non-profit groups. The total investment from all groups would not require any taxpayer dollars to make this goal a reality. All we would ask for from the Town is approval to use the land for this purpose, some in-kind labor to help remove the current invasive trees, especially those that are near power lines. As far as upkeep (watering, weeding, and mulching), we would envision our club working with other non-profits to keep this looking nice for years to come. Like most of you, I look forward to seeing the smiles on people's faces when they come to visit our beautiful town, spend lots of money in our town and then kindly leave. I hope that you will all support this effort, and I look forward to answering any questions.

Mayor Cockrell confirmed that Rotary was seeking a matching grant of \$4,000 and that no tax dollars were going into the project. She also confirmed that the Town's Environmental Sustainability Advisory Committee (ESAC) along with others were supplying the work and funding. Councilman Rogers acknowledged that this type of project was what the community needed. Councilman Rappaport confirmed that the Tree Stewards were part of laying out the types of trees that would be planted.

B. Proclamation for Employee Appreciation Week for All Employees of the Town of Front Royal

Councilwoman Morris moved seconded by Councilman Ingram that Council approve a Proclamation proclaiming July 23 – 29, 2023 as "Employee Appreciation Week" for all employees of the Town of Front Royal, as presented.

Mayor Cockrell read the proclamation. Council voiced their support and appreciation to the employees.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC HEARINGS

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

Mayor Cockrell opened the public hearing. There were no speakers. The public hearing was closed.

Councilman Rappaport moved seconded by Vice Mayor Sealock that Council approve the request from Vesta Property Management for a Special Use Permit allowing a Short-Term Rental at 211 S. Royal Avenue (tax map 20A7-4-105) as presented.

There was no discussion.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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

Mayor Cockrell allowed the applicant, Shelly Cook, to speak before the public hearing was opened. Ms. Cook gave copies of a letter to the Clerk from Skyline Baptist Church who stated that they were "delighted in what Shelly had done with their property" and endorsed the project. She advised that there were several other neighbors who also voiced their support of the project. She explained that she planted over (50) trees

on the property for beautification. Ms. Cook advised that “Washingtonians” traveled to the community and that an Airbnb fit the model for her property versus long term rentals for her property. She reminded Council that the project was in line with the proposed Comprehensive Plan for mixed use.

Councilman Rappaport questioned the potential events that would occur on the property and whether there would be enough parking for those events. Ms. Cook advised that there were (25) parking spaces and large events were not being envisioned only small get togethers, conference, etc. Mayor Cockrell confirmed that Skyline Baptist Church had offered overflow parking allowing several days if needed.

Mayor Cockrell opened the public hearing.

Connie Bradley, 411 Duncan Avenue, voiced her support of Ms. Cook’s project stating it was a “tasteful and updated establishment, a breath of fresh air”. She applauded her efforts.

Shannon Brickey, 1415 Markham Street and neighbor of the project. She stated that the project offered a lot more than a hotel or motel could.

Andi Robinson, 413 Viscose Avenue, voiced support of the project and the need for luxury accommodations that beautifies the area and uplifts the community.

Joe Brogan, 143 Brogans Lane, applauded the work and urged Council to support it.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilman Ingram that Council approve the request from Cook Realty LLC for a Special Use Permit to allow a Short-Term Rental at 1121 John Marshall Highway (tax map 20A103-8) as presented and upon the following condition: 1) The Special Use Permit is contingent upon the units passing staff inspection before commencement of use.

Councilwoman Morris explained that she added only one condition to the permit because the second condition proposed a one-year restriction on the permit and Council had not placed this restriction on the other permits they approved, deeming it unfair to do so on this one.

Mayor Cockrell thanked Ms. Cook for taking something that had been part of the community for a long time and improving it. Vice Mayor Sealock agreed that it had not looked that good in a long time.

Councilman Rapaport moved seconded by Councilman Rogers to amend the motion to include condition #2 The Special Use Permit is valid for one year; at which time the applicant must reapply. The application fee will be waived.

Councilwoman Morris reiterated that the validation for one year only was not placed on other short-term rentals that Council had approved, and it was not fair that Ms. Cook would have to come back in a year. She reminded Council that the recommended conditions on the permit were from the Planning Commission. Councilman Ingram agreed with Ms. Morris. Councilman Rogers noted that the project was an outstanding addition to the community but was unique and preferred to see what transpired in a year. Vice Mayor Sealock preferred to not have the applicant reapply in a year. Councilwoman DeDomenico-Payne noted that there was not sufficient justification to ask for a year to reapply.

Deputy Zoning Administrator/Town Planner I John Ware confirmed that the proposed Comprehensive Plan had this area as mixed use and short-term rentals were allowed in all zones.

Councilman Rappaport reminded Council that the Planning Commission was only asking for one year to see how the project impacted the area. Councilwoman Morris noted that Ms. Cook's past works showed her integrity. She voiced concern that it was not business friendly to place the one-year restriction on this property. Chief Magalis confirmed that there had been no calls to any short-term rentals previously approved by Council.

Vote: Yes – Councilmembers Rappaport, Rogers

No – Councilmembers DeDomenico-Payne, Ingram, Morris, Vice Mayor Sealock

Absent – N/A

Abstain – N/A

ROLL CALL – On Amendment to add condition #2 - Failed

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

No – Councilmembers Rappaport, Rogers

Absent – N/A

Abstain – N/A

ROLL CALL on original motion - Passed

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

The applicant, Shelly Cook, declined the invitation to speak before the public hearing was opened.

Mayor Cockrell opened the public hearing. All the speakers who signed up and spoke at the previous public hearing had signed up to speak at this public hearing; however, they advised the Mayor that they concurred with their previous statements.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council approve the request from Cook Realty LLC for a Special Use Permit to allow a Short-Term Rental at 1125 John Marshall Highway (tax map 20A103-8A) as presented and with the following conditions: 1)The Special Use Permit is contingent upon the units passing staff inspection before commencement of use and 2) The applicant must connect the two accessory structures to create a primary and accessory structure on the lot in compliance with the Town's Zoning and Subdivision ordinances.

Councilman Rappaport voiced support of the Planning Commission's recommendation of placing the one-year validation on the permit.

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

No – Councilmembers Rappaport, Rogers

Absent – N/A

Abstain – N/A

ROLL CALL

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

The applicant, Shelly Cook, declined the invitation to speak before the public hearing was opened.

Mayor Cockrell opened the public hearing. All the speakers who signed up and spoke at the previous public hearings had signed up to speak at this public hearing; however, they advised the Mayor that they concurred with their previous statements.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilman Ingram that Council approve the request from Cook Realty LLC for a Special Use Permit to allow a Short-Term Rental at 1135 John Marshall Highway (tax map 20A103-9) as presented and with the following condition: 1) The Special Use Permit is contingent upon the units passing staff inspection before commencement of use.

Councilman Rappaport voiced support of the project, but again noted that it was not a lot to ask for the one-year validation. Councilman Rogers questioned a project that consisted of three or four buildings coming together and agreed with Mr. Rappaport that one year was not a lot to ask.

Councilwoman DeDomenico-Payne complimented the applicant on a job well done. Councilwoman Morris advised that the applicant did go through the process.

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

No – Councilmembers Rappaport, Rogers

Absent – N/A

Abstain – N/A

ROLL CALL

E. Special Exception from Parking Requirements at 15 Chester Street – Peter Lemmon/Scott Lloyd

Mayor Cockrell allowed the applicant, Scott Lloyd, to speak before the public hearing was opened. Mr. Lloyd gave Council a brief history of the property. He continued that to achieve the required parking of nine spaces it would mean cutting of hedges and renovating the grassy area in the back of the property due to a low spot. He advised that extra parking was available in the public parking lot adjacent to the property.

Mayor Cockrell opened the public hearing. There were no speakers. The public hearing was closed.

Town Attorney George Sonnett suggested a revision to the proposed motion for clarification. It is noted below in the motion.

Councilwoman Morris moved seconded by Vice Mayor Sealock approve a request from Peter Lemmon and Scott Lloyd for a Special Exception from the parking requirements of Town Code §148-870.A.2. pursuant to §148-870.A.18 with the conditions of §148-211.A.1 being satisfied for 15 Chester Street as presented and with the following condition: 1) That the maximum number of parking spaces required on this property be four (4) spaces

Councilwoman Morris reminded Council that this was not the first time an exception was asked for on Chester Street.

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

No – None

Absent – N/A

Abstain – N/A

ROLL CALL

Councilwoman Morris read the following statement *"My report tonight will focus on the subject of Blue Line's services in response to the 4 to 5 complaints I've received so far about engaging in this matter. Most people who know me know that I witnessed a traumatizing event in town several years ago as a new mother to three. I stopped to a yielded group of young boys on bicycles only to watch them cross in front of me safely and then one be struck by an inattentive motor vehicle driver across the road. Obviously, his mother or father couldn't have known their child was in distress, he was only up the street surrounded with friends moments before. I stayed with him until the ambulance could whisk him away to Warren memorial where he was later medevacked out to Northern VA for surgery. Close your eyes for a moment and imagine being the parent or grandparent to receive that call! Thankfully he's alright today.*

Fast forward to school year 2022-2023 where I personally witnessed chaos and recklessness as I visited 2 of our schools 4 times a day. One repeat offender, often passing double lines on stonewall Dr to pass everyone to rush into the drop off line barely missing people each day finally caused me to file a formal complaint with the administration to which they responded it was a faculty member of theirs the said person almost hit that day and they were very aware. At the time we were down SRO's so they asked if the town may help patrol the area. There was increased front royal town pd in that neighborhood when staffing allowed. The remainder of the school year my kids and I would just pull over and be late even to avoid this person and their antics on the road. I had no idea a company such as blue line existed then. I'm glad I do now.

The public schools are in the town limits which is why it's a matter of town governing and the reports of speeding, concerns for safety etc. are reported to the town and the towns police department. I do not often speak for my fellow council members but I feel confident in saying not a single one of us sitting on this Dias saw this proposed exploration as a quote end quote cash cow. Actually, money was the furthest thing from our minds aside from funding a project of this magnitude. The health and safety of not only students but also fellow drivers, bikers, walkers, etc. was and is at the forefront.

Furthermore, if you watched the work session you will know the statistic of the number of reckless, criminal, drivers drastically decreases in the first 6 months of implementation of a program such as this. Why? Because you can't pay the fine you don't do the crime as my mom said. It's not about the fines though. 20+ miles per hour over a posted speed limit is felony reckless driving. And boy do I wish we had the staffing at this law enforcement agency to enforce those deserved felonies. Furthermore, if one of our policemen or women staffing these areas do in fact pull someone over for this felonious behavior 10+ vehicles likely pass during that time. It's impossible to enforce this to the extent it deserves to be enforced. If you do not plan and prepare to leave your home in time to make it where you need to go without driving 20+ miles per hour over the speed limit, you are in fact the problem. It is my opinion that it is not the governments job to be "friendly" in law and order. The civil penalty incurred for this is a MUCH friendlier version than what I would prefer seen be done with in contact policing and charging (which in some cases carry's jail time in the state of Virginia.)

If enforcing the speed for only 4 hours a day, only on school days, for ONLY 4 of our most trafficked school zones burdens your travels then stay off of the roads during those times or simply obey the law. It's not even 10 mph that will be cited. It's 11+ mph over. And for those critiquing the company's potential discrepancies these citations will go through our own town police department to be investigated and dispersed.

As for WHY the school board wouldn't be notified or receive this alleged pile of cash we could potentially receive (depending on how many criminals there are) it is because the school board does not install our town sidewalks or pay for the town infrastructure leading to their schools. Furthermore, nobody, not even council was aware of the dates of study because that would very obviously miscue data as it would rightfully deter reckless behavior of motor vehicle drivers that we've seen. If you've followed along at all during my tenure on Council you know I have complained about the lack of sidewalks and safety issue not only throughout town but between heavily foot trafficked schools for my tenure as well as several constituents. Skyline high school, I know from experience, I am an alum, uses the greenway trail for track, cross country, gym class, as well as the everyday citizens. There is no sidewalk there on Luray Avenue. We've discussed this for well over a year. AS Rhodes elementary has students that walk to school on what we now presume as our most dangerous school zone with no sidewalks. Warren county middle which I frequent has many everyday bicycle and skateboard rides to and from school. And I often witness on those four lanes one lane to stop and yield as required by law for the car flying up behind to swerve out around the stopped vehicle in an attempt to pass them. Our beautiful leach run parkway has become Front Royal's own auto Bahn track with no regard to safety, this has been discussed by prior councils even. This council discussed using any supposed funds to put in sidewalks for these kids and pedestrians' safety, which come at a massive cost might I add.

Blue line safety was not an initiative of mine or any council members here today. A potential for resolution was presented by our chief and we had a consensus to explore this option that I still support. Bottom line is obey the law and you have no worry with being a victim of an unfriendly case of law and order. Being required to obey the law isn't a hate crime."

Councilman Ingram gave an update on the Transportation Subcommittee.

Councilman Rappaport thanked Mr. Waltz for installing a sign at the Town Employee Parking Lot [Crescent Street/Royal Avenue] advising that parking was available during non-business hours. He expressed excitement on the redevelopment of the Downtown Area with businesses moving in. He advised that every Friday he stops in at the Visitor Center. Mr. Rappaport advised that pursuant to the statistics previously given to Council, those going over 11mph was over 20,000 potential violations.

C. Report of the Mayor – Mayor Cockrell advised of the many events she attended and upcoming events: Attended the opening of an art gallery on Main Street; Friday Flicks was cancelled due to the rain; every Thursday evening was Gazebo Gathering from Blue Ridge Arts Council (BRAC); July 1 was the Red, White, Blue Block Party; July 3 was the Town Sponsored Fireworks after the Cardinals Game. She also advised that the Town was seeking applications for the Planning Commission, Board of Zoning Appeals and Front Royal Economic Development Authority. She wished all citizens a Happy 4th of July.

CONSENT AGENDA ITEMS

A. FY23 Budget Amendment for Auction Proceeds from Selling Transformers

Council approved a FY23 Budget Amendment in the amount of \$136,500.00 to allocate revenue received from auction proceeds for the sale of electric transformers and allocate this additional revenue to the Happy Creek Substation Expansion Project.

B. Sole Source Traffic Signal Camera Detection System Replacement at N. Shenandoah Ave/14th St

Council approved a Sole Source procurement from Econolite for the replacement of the Traffic Signal Detection Systems at the Shenandoah Avenue and W. 14th Street intersection in the amount of \$26,872.89.

C. Sole Source Traffic Signal Cabinet Replacement at S. Royal Avenue/Criser Road Intersection

Council approved a Sole Source procurement from Econolite for the replacement of the Traffic Signal Cabinet at the S. Royal Avenue/Criser Rd. intersection, in the amount of \$31,086.05.

D. Sole Source for Turbidimeters and Controller Water Analysis Equipment for Water Plant

Council approved a Sole Source procurement from Hach, the sole manufacturer of the Low Range Laser Turbidimeters, necessary accessories, and service to monitor filtered water to comply with the Virginia Department of Health and Federal water regulations, for the Public Works Water Treatment Plant, in the amount of \$48,841.25.

E. Receive Donation of Used Tasers from Loudon County Sheriff's Office

Council approved the receipt of a donation of (42) used Taser X26 Less Lethal Conductive Electrical Weapons (CEW) from Loudoun County Sheriff's Office.

F. Receive Donation of Police Bicycles from Winchester Police Department

Council approved the receipt of donations of one (1) Cannodale and four (4) Trek Mountain Police Bicycles from the Winchester Police Department.

G. FY24 Budget Amendment and Transfer for Speed Camera Enforcement Services in School Zones

MOVED AS BUSINESS ITEMS 11C

H. Reappointment of Non-Elected Representative to the Northern Shenandoah Valley Regional Comm

Council reappointed Director of Planning Lauren Kopishke as the non-elected representative to the Northern Shenandoah Valley Regional Commission (NSVRC) to a three-year term ending June 30, 2026.

C. FY24 Budget Amendment and Transfer for Speed Camera Enforcement Services in School Zones

Moved from Consent Agenda 10G

Councilwoman Morris moved seconded by Councilman Ingram that Council approve a FY24 Budget Amendment and FY24 Budget Transfer for the procurement of Speed Camera Enforcement Services in School Zones in the amount of \$112,500.00 utilizing a Cooperative Contracting Procurement Agreement between Wythe County and Blue Line Solutions. I further move that all proceeds benefit the construction of new sidewalks around the area schools.

Councilwoman DeDomenico-Payne moved seconded by Councilman Rappaport to amend the motion to move this item to a work session and possibly a public hearing.

Mayor Cockrell advised that the Council discussed this item in two work sessions and there were still some lingering questions from citizens. The following were confirmed: The project was put out to bid, the cameras are calibrated every six months, there are no sales or personal data collected, there is an appeals process through the court system as it is a civil penalty, owner of the vehicle gets the citation not the driver, camera times are set locally by the police, Town is not responsible for installing infrastructure, the Police Department will field calls from citizens and there is the ability to get out of the contract.

Chief Magalis explained that the cameras were an answer to the many complaints and concerns pertaining to speeding throughout Town, making it a matter of public safety. He explained that the camera enforcement is not for revenue since it was about gaining compliance not compensation. He explained that if the 2-year contract were broken before the two years expired there would be costs involved.

Mayor Cockrell confirmed that the Town was not putting up any money, the civil penalty was \$100.00, and the Town would remit \$25.00 processing fee to Blue Line that would go toward payment of the infrastructure. She voiced concern if the State were to amend their code. Town Attorney George Sonnet speculated that they would institute a sunset clause.

Councilwoman DeDomenico-Payne questioned the fine and court costs associated with an officer giving a speeding ticket in a school zone. It was noted it would be up to \$250.00. Chief Magalis advised that it was the same technology an officer uses. Mrs. DeDomenico-Payne confirmed that the camera would have the speed and the license plate. Chief Magalis advised that the camera would also detect whether the flasher was working when the citation was issued. He also advised that he had spoken with Warren County Public Schools Director of Transportation and he was looking into outfitting the arms of the school buses.

Councilman Rogers voiced concern on the costs and using cameras to “nail people”. He questioned how police patrols could be enhanced. Chief Magalis reiterated that there was no money being spent upfront unless the Town did not comply with the contract.

Vice Mayor Sealock confirmed that the Town would need to hire approximately six more police officers to do the work of the cameras in these four locations. He opined that the cameras would help. Mayor Cockrell reminded Council that the School Resource Officers (SROs) at the schools were not there to write speeding tickets and hoped this project could be done without increasing manpower.

Councilwoman Morris advised that the schools have been notified and drew attention to the numbers given to Council in an earlier work session of the speeders some of which were considered reckless driving. She noted that the police chose the locations not Blue Line and there was no comparison to a “speed trap”.

Councilwoman Morris moved seconded by Councilman Ingram 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

Meeting adjourned at approximately 10:48pm.

Approved by Town Council

Date: 7/24/23