



TOWN COUNCIL REGULAR MEETING MINUTES

July 24, 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 Max Elliott and Braxton Tolson (8, 9, 10-year-old All Star Team)

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
 Vice Mayor R. Wayne Sealock

ABSENT: Councilman Duane R. "Skip" Rogers

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

APPROVAL OF MINUTES – Vice Mayor Sealock moved seconded by Councilwoman Morris that Council approve the Regular Meeting Minutes of June 26 and Work Session Minutes of July 10, 2023, as presented.

Councilwoman De Domenico-Payne advised that she had found a couple of grammatical errors in the June 26th meeting minutes and have advised the Clerk of Council of those. She also advised that she would be abstaining since she did not attend the July 10th Work Session.

Vote: Yes – Councilmen Ingram, Morris, Rappaport and Vice Mayor Sealock

No – N/A

Absent – Councilman Rogers

Abstain – Councilwoman DeDomenico-Payne

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA OR REVISION TO ORDER OF BUSINESS - None

RECOGNITIONS/AWARDS/REPORTS –

A. Proclamation to Recognize Front Royal Little League 8, 9, 10-year-old All Stars – Mayor Cockrell read the proclamation and presented it to the two members who were present.

PUBLIC HEARINGS**A. Receive Public Input Concerning a Request from Donald McCarty to Vacate a Portion of North Street and a Portion of an Unimproved Alley**

Mayor Cockrell asked if Town Manager Joe Waltz had anything to say about this item. He advised he did not. She then asked the applicant Donald McCarty if he would like to speak. He advised that he would be available to answer questions.

Mayor Cockrell opened the public hearing.

Tom Ickes, 319 Grand Avenue advised that the alleyway was proposed at one time to be a bikeway and that the area housed long-term residents. He voiced concern that the alleyway should not be given to one person.

Karissa Green, 327 Grand Avenue voiced opposition to the approval of the proposed vacation that borders her property. She opined that the removal of the alleyway and wooded buffer did nothing to promote harmony between existing residents, which she noted appeared to be a priority in the Town's Comprehensive Plan. She quoted from the Comprehensive Plan: *the main goal of the Comprehensive Plan is to maintain and amplify the quality and appearance of Front Royal's natural and manmade environment encouraging the valuable views and care of the Town's land and native resources...community will protect its natural environment..... clear cutting trees should be avoided.... preserve trees throughout the Town...consider strategies to mitigate urban island affect.* She suggested that the Town address the numerous dilapidated buildings throughout Town.

Donald McCarty, applicant, voiced surprise at the previous speakers' concerns. He explained that what he wanted to vacate was a dead end that went nowhere. He noted that his plan was not high density, but duplexes with garages making them desirable for families.

Councilman Rappaport questioned the importance of the 14-foot alley vacation. Ms. Kopishke advised that Mr. McCarty would lose a lot. Mr. McCarty reiterated that there was no intention of high density. Mr. Rappaport suggested an option to allow neighbors to access back yards.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council appoint viewers to view the Town vacation request from Donald McCarty, for the Town to vacate 13,001 square feet of North Street Extended terminus south of the intersection of North Street and Orchard Street; and a 14-foot portion of an unimproved alley adjacent to the southern property boundary and report any inconveniences to Council that would result from granting approval of the request of Donald McCarty.

Councilwoman Morris advised that asking Council to appoint viewers fell in line with what Council had approved in the past and to give Council a professional opinion. She explained the process of vacations noting that the applicant was requesting to purchase the property from the Town. She advised that it was Council's due diligence to review all applications. She also advised that staff was working on a process to address alley concerns.

Councilwoman DeDomenico-Payne questioned whether the viewers could contact the neighbors for feedback. Mr. Waltz advised that it was not their responsibility to contact neighbors only to review the

request and report any issues as a result of the Council granting approval. He advised that he had talked to several neighbors who voiced their concerns to him.

Councilman Rappaport stated that he had no problem with a third-party review but opined that the goal could be achieved by not allowing the purchase of the 14-foot alley, noting the buffer should stay.

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

No – N/A

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

B. Rezoning of Approximately 43.9 Acres from R-E District to R1-A District – NVR Inc for Saddle Crest Proj.

Mayor Cockrell asked Director of Planning Lauren Kopishke to give a brief presentation of the proposed Saddle Crest Neighborhood. The presentation included: Community Information, Applicant Proffers, Concept Plan, Revised Conceptual Development Plan, Positive Net Fiscal Impact to Town, and Example of Homes. Mayor Cockrell questioned the number of homes if the rezoning was denied. Ms. Kopishke advised that it would be approximately 30 – 40.

Representative for the applicant Ty Lawson, along with Rick Lanham who was in the audience, complimented Town Staff on the work they had done on this project. He reminded Council of the original proffers in September 2022 and the many times they had come before Council with revised proffers and concept plans. He explained that Concept A was dedication of an East/West Connector Road that would connect to Shenandoah Shores Road and Concept B was the current situation where there would be an emergency entrance. He corrected the number of by-right units to 44. Vice Mayor Sealock confirmed the second entrance accessibility was a future connection.

Councilwoman Morris questioned a cul-de-sac that looked like it was going into an adjacent property. It was noted that this was not the case as the area of reference had an environmental feature that would not allow any infrastructure. She mentioned that there would not be a thru street for adjacent property owners for future development. Mr. Lawson agreed, noting that there had been numerous conversations with adjacent property owners.

Councilman Rappaport questioned where the numbers came from for their fiscal impact analysis. Mr. Lawson advised that the numbers came from the Town and County and the result was net tax positive.

Mayor Cockrell opened the public hearing.

John Lundberg, 203 Peach Tree Court, read a prepared statement that he handed out to each councilmember.

July 24, 2023

My name is JL, I live in Front Royal.

My message to the Town Council tonight is the same message I presented four months ago, when Tom Sayre requested to rezone property he owns north of the railroad tracks, so he could build a 135-home housing development.

That message is:

"Don't rezone any property on Shenandoah Shores Road north of the railroad tracks until a solution to end the "landlocked status" of residents living in that area have been agreed to writing by:

- The Front Royal Town Council.
- The Warren County Board of Supervisors.
- Virginia Department of Transportation (VDOT).
- Developers building homes on the property.
- The Federal Government IF the solution to the landlocked status involves an "emergency-exit off I-66."

The three-fold rationale for my request is this:

1. Increasingly-long traffic back-ups currently occur 2 times a day on southbound Shenandoah Shores Road when mile-long trains are moving into or out of Front Royal. Back-ups also occur on Happy Creek Road by vehicles trying to turn north on Shenandoah Shores Road — to include fire-and-law-enforcement vehicles responding to a 911 call.

2. These traffic back-ups — which are getting longer and longer as developments occur north of the railroad tracks — are a ticking time bomb. Sooner rather than later, a grandfather suffering a heart attack or a young mother suffering a difficult delivery — but stuck in a back-up — is going to die.
3. Past Front Royal Town Councils have long kicked this can down the road. Delay no more. Take action now to end the landlocked status of residents and businesses north of the railroad tracks.

The best temporary solution appears to be an east-west connector between Shenandoah Shores Road on the west and Manassas Avenue near Bing Crosby Stadium on the east. However, do not rezone any property UNTIL this east-west connector is built.

Also, the kind of housing needed in this blue-collar community is not mc-mansions — costing a half-million dollars or more that few in this community can afford — but:

- Condos and nice apartments for seniors trying to downsize. OR
- Townhouses, starter homes, duplexes, and nice apartments for young married couples just starting their families.

Thank you very much for listening.

John Stanmeyer, 75 Stonegate Court (off Shenandoah Shores Road), advised that there were approximately 2,500 people who lived behind the railroad tracks including a college, businesses, and business park; and, that the train was an issue when stopped on the tracks. He opined that the East/West Connector Road was a good solution however, it might be six years or more before completion or use of that road. He emphasized that there was no other way out and Saddle Crest would produce 25% more traffic. He advised that by-right construction would be better for the area.

Jane Elliott, 59 Woodward Court (Shenandoah Shores Subdivision) gave the following statement.

*"IF" A Flyover is deemed necessary...**

Norfolk Southern Railroad, which runs here, has had three major train derailments in the last FIVE months.

First, there was the disastrous ^{environmental} derailment in East Palestine, OH, in February.

Next, a nine car derailment in New Castle, PA, on May 10.

Then, a derailment on July 17, seven days ago, in Philadelphia.

Last summer on June 17th, there was a 2 ½ hour delay caused by a train stopped at the railroad crossing into Shenandoah Shores Road. This was not an isolated incident as there have been many extended train stoppages before and since.

After last week's Philadelphia derailment, the executive director of the Environmental Collaboratory at Drexel University stated:

"If you're going to protect communities, you're going to have to take a hard look about how to project the risk going into the future. Given the number of recent train derailments, communities should treat train crashes ... as a series of wake up calls, not as isolated incidents."

"It's important for communities near rail lines to plan for such events, and understand how to evacuate... You want to make sure health care facilities are properly trained and have knowledge of the kind of hazards residents could be exposed to."

What happens if Norfolk Southern's next derailment happens here? And, has any consideration been given if an emergency like a fire, or industrial accident occurs when there is no other access in or out from Shenandoah Shores Road? A potential for a loss of life? Or potentially serious legal repercussions for the town and county?

Or the traffic backup?

This is not to opposed Mr. Sayre's right to sell and develop his property, but something first must be done to correct the problem of the one way in and out access of this area. Unless and until a secondary road is constructed, adding 100-plus homes will only compound an already very serious ~~concern~~ *problem*.

*Jane Elliott
Front Royal*

Maggie Sistanick, Shenandoah Shores Subdivision, voiced opposition to the rezoning stating that the traffic was already difficult and it was foolish to allow anything other than by-right.

Dave Vazanna, Fauquier County, advised that he has known the property owner (Tom Sayre) for many years. He commended the Town and County for the school proffers. He voiced concern over the transportation in this area of Town and that the developer had not offered anything toward transportation to address issues on Happy Creek Road, noting that the schools and the hospital use the road. He opined significant issues in the future if various intersections were not improved and a flyover was not built.

Aiden Miller, 210 E. Main Street, reminded Council that there were no positive comments tonight pertaining to this rezoning instead it would provide a burden to the community. He cautioned Council that approving the rezoning tonight would set a bad precedent for other developers who want to rezone.

Mr. Lawson advised that the Town and County had met at least once a month about transportation and that he and/or another representative have attended those meetings. He pointed out that the Traffic Study showed that trips going on Shenandoah Shores Road were small. He advised that he heard about the train blockage and there was a phone number the local entities could call if there were issues in the future. Mr. Lawson advised that the transportation meetings were working on emergency “hand offs” that could happen in catastrophic situations. He reiterated that Concept A contained building the East/West Connector Road but adjacent property owners dedication was needed. He understood and respected everyone’s right to do what they wanted with their land. Councilman Rappaport confirmed that an agreement with the federal government needed to happen before access on I-66 would happen. Vice Mayor Sealock explained that the Shenandoah Shores Fire Department could respond to emergencies and pass patients off to I-66. Councilwoman Morris reminded Council that the federal government had to be involved for that to happen due to liability issues.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilman Ingram that Council deny the rezoning application amendment of the Zoning Map of the Town of Front Royal from NVR Inc to reclassify approximately 43.9 acres (Tax Map #20A221-3A), from Estate Residential District (R-E) to Residential District (R1-A) for Saddle Crest Project, as presented.

Mayor Cockrell advised that the Transportation Committee formed from a recent Liaison Committee meeting. She asked that staff confirm the trains nine backups a day. Ms. Kopishke advised that the railroad is permitted to have five daytime closings and four nighttime closings through crossings up to a 24-hour period. She confirmed the amount of people who live beyond the railroad tracks and how many dwellings were in Town limits.

Councilwoman Morris thanked the representatives of the development for their willingness to revise plans but felt like it was not in the best interest of the community due to the train and transportation issues that had plagued the area for a long time. Councilman Ingram agreed. Councilman Rappaport agreed that the applicant had gone through a lot of “hoops” and hoped the area could be developed in the future but now was not the right time.

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

No –

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

William Kryssing, High Knob Road (business 1314 N. Royal Avenue) voiced concern on the amount of time it was taking to have a mural “sign” approved on the side of his business (First Response Chimney Sweep). He explained that he had been working with staff for two months and was recently told it would take another few more months to get before Council to approve a special use permit. He urged Council to assist with expediting the process.

Juliana Kryssing, High Knob Road (business 1314 N. Royal Avenue) noted that her and her husband William started their careers as first responders and wanted to take pride in that by placing them on the side of their building advertising their business.

Amanda Horn, Freezeland Road, advised that she had been contacted to paint the mural in question and urged Council to expedite the process due to the paints she used, explaining that they do not work well in colder temperatures. She urged Council to take this into consideration.

Tim Wolfe, 446 Cedar Mountain Lane, teacher for the Blue Ridge Technical Center, praised the men and women of the Front Royal Police Department for their dedication in teaching the students what their future could look like.

Glenn Wood, 1269 Kesler Road, addressed affordable housing by the following statement:

Madam Mayor and Honorable Town Council

I wanted to address the issue of affordable housing in our community and the effect it is having on us. Currently there are no new apartment buildings or condos planned nor discussed. Apartment vacancies and rentals are rare. The town is seeing infill lot development but there is a limit to them. Could a task force be established to study and promote these being built? Both the Town and County are issuing Special Use Permits monthly, further depleting our housing inventory. I would suggest you and the county to seriously consider putting them on hold for 12 months. (Thank you, Councilwoman Morris, for pointing out the use of short-term housing to house new teachers).

If you are a young professional such as our 50 new teachers, where are you living in Strasburg, Stephens City and Winchester? If so, you are probably shopping there, making friends and putting roots down and eventually going to another school system I suspect. Our law enforcement officers, firefighters EMTs and other young professionals who don't live here usually can't. These are the type of people we should want in our community, educated, trained and probably not needing a lot of services other than schools.

As you weigh in on development requests you know we need housing. The county would have you believe any new development in town will cause us to build a new school. Fact is we have been running out of room at the elementary level the last 5 years. According to the school board office we currently have an educational capacity of 1,866 elementary students and actual enrollment of 1,858 during 2022-2023 year (info provided by WCPS). Thus a new elementary school should have been in the planning for the last 5 years like the middle and high schools were. Their lack of planning should not create a negative action on your part. And may I remind you there is NO Moratorium on building in the county nor town. Have you driven around lately and seen the new housing going up in Shenandoah Farms, Shores, Reliance, Rivermont, Thunderbird Ranch, Blue Ridge Shadows and Panhandle? I want to add ALL of that development is by right which means NO Proffers to assist with schools, hiring more firefighters, police, EMTs and social services.

In 2009 a rezoning was approved for Front Royal Limited Partnership to build 320 single family homes starting in 2018 off of Shenandoah Shores Road (Rt 606) and Warren County allowed a friendly annexation to bring all of this property into the town who would provide water, sewer and other services for this type of community as all parties agreed this is where development needed to be. FRLP proffered the town \$1,220 each house not to exceed \$390,400 and Warren County \$11,000 per house as they were built and a neighborhood park of 4 to 10 acres. They also dedicated the first phrase of the East West connector road. The annexation took place and the final proffer statement was executed by FRLP and Mayor Tharpe in March of 2018, these houses could be built starting tomorrow. This is public record and the County is fully aware of this. So, when the County said we don't want new large development and taxpayers to pay for a new school let's look at the full picture, proffers and all. We need housing, the builders need a workable solution, proffers should be fair and transportation issues resolved. The Comp Plan guides us on where development should go, let's follow it. Please keep in mind we still have the issue with the RR tracks and access at Shenandoah Shores Road. Thank you, Glenn Wood 1269 Kesler Rd, Front Royal.

REPORTS

A. Town Manager Report – Mr. Waltz advised that this week was Employee Appreciation Week and thanked all 167 dedicated employees for their service.

B. Town Council Reports –

Councilwoman DeDomenico-Payne advised that she was on vacation during Council's last work session. She advised that she attended the VML Human Development/Education Policy Committee meeting via Zoom and *The Trellis* Ribbon Cutting.

Councilwoman Morris advised that she attended the VML Community/Economic Policy Committee Meeting via Zoom. She noted that she had helped two teachers find short-term rentals until they could find more permanent housing and thanked Mr. Wood for his comments agreeing that more affordable housing was needed. She advised that she attended the Transportation Committee Meeting and the next one was scheduled for August 16th at the Government Center. She encouraged and appreciated all feedback.

Councilman Ingram advised that he attended the Transportation Committee and *The Trellis* Ribbon Cutting.

Councilman Rappaport advised that he attended the dedication of *Buckles and Belles* on Main Street, *The Trellis* Ribbon Cutting, and the VML Infrastructure Policy Committee meeting via Zoom.

C. Report of the Mayor advised that she attended the July 3rd Town Fireworks, *Buckles and Belles* Ribbon Cutting, *The Trellis* Ribbon Cutting, the Employee Picnic for Employee Appreciation Week and the Welcome of new teachers' event. She announced that the Town was conducting a School Supply Drive, there were openings on the Front Royal EDA and Planning Commission. She encouraged attendance to the Friday Flicks, Gazebo Gatherings and National Night Out on August 1st.

CONSENT AGENDA ITEMS

A. Bid Award for Curb & Gutter Installation -

Council approved the bid award to Arthur Construction Company, Inc. of Dulles, VA for curb and gutter installation on Braxton Road, Manassas Avenue and 50/50 on Marshall Street in the amount of \$43,475.00.

B. FY24 Budget Amendment to Accept Funds from VRSA for Pavilion Damage

Council approved a FY24 Budget Amendment in the amount of \$23,404.20 to receive funds from Virginia Risk Sharing Association (VRSA) for damage to the Town's Pavilion located near the Gazebo on E. Main Street.

C. Solid Waste Utility Cost of Service Fee/Rate Study Contract and FY24 Budget Amendment

Council approved the award of a contract to Mid-Atlantic Solid Waste Consultants in the amount of \$39,500 for a Comprehensive Solid Waste Utility Cost of Service Fee and Rate Study and approve a FY24 Budget Amendment in the same amount.

D. Reappointment of Planning Commission Member

Council reappointed Connie Marshner to the Planning Commission to a 4-year term ending Aug. 31, 2027.

E. Recommendation to the Board of Zoning Appeals

Council recommended Michael Williams to the Judge of the Circuit Court for appointment to the Board of Zoning Appeals (BZA) for an unexpired term ending May 1, 2026, pursuant to Town Code Chapter 175-138 and State Code §15.2-2308.

Councilman Ingram moved seconded by Councilman Rappaport to approve the Consent Agenda as presented.

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

BUSINESS ITEMS – None

CLOSED MEETING

Councilwoman Morris moved seconded by Councilman Rappaport 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: 1) 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, the Town Attorney and the Town Manager.

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

Councilman Ingram moved seconded by Vice Mayor Sealock 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, Vice Mayor Sealock
No – N/A
Absent – Councilman Rogers
Abstain – N/A ROLL CALL

Meeting adjourned.

Approved by Town Council
Date: 8/28/23