



TOWN COUNCIL WORK SESSION MINUTES

Monday, August 7, 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 for a limited time.

Vice Mayor Sealock opened the meeting.

Roll Call by Clerk of Council

PRESENT: Mayor Lori A. Cockrell (absent during roll call but entered meeting at 7:02pm)
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: Town Manager Joseph E. Waltz
Town Attorney George M. Sonnett, Jr.
Clerk of Council Tina L. Presley
Various members of the staff and public

Old Business

School Zone Speeding and Enforcement – Vice Mayor Sealock asked Council how they wanted to proceed with this item. Councilman Rappaport questioned whether anyone responded to Altumint, the company that reached out to Council in July. Councilwoman Morris advised that there were out-of-pocket expenses associated with Altumint while Blue Line conducted a weeklong study at no cost; and the Chief had recommended Blue Line. Councilman Rogers respected the Chief's opinion but stated it was a courtesy to the community to look at other bids. Ms. Morris reiterated that tonight's meeting was to gather a consensus on how to move forward.

Town Manager Joe Waltz explained the procurement process noting the Town could do their own Request for Proposals (RFP) and evaluate accordingly. Mr. Rogers reiterated that he preferred the opportunity to see what other bidders had to offer and show the community that the proper background was performed by Council to make a decision.

Mayor Cockrell questioned whether Council wanted to move forward with this item. Councilwoman DeDomenico-Payne and Councilman Rappaport preferred that the agreement be reviewed, and that the language be clear. They both noted several questions they had. Town Attorney George Sonnet advised that he had not vetted the agreement but would look into those questions and determine how much departure was allowed under state law from the procured agreement's current language. He further explained that the Blue Line Agreement was a cooperative agreement through competitive procurement and another jurisdiction had contracted and did the vetting. Mayor Cockrell reminded Council that tonight did not bind

the Town to an agreement, reiterating that tonight was about a consensus on whether Council wanted to move forward. Council agreed to move forward; however, Mr. Rogers preferred to not “sole source.”

Mayor Cockrell advised it was unanimous consensus to move forward with the speed cameras. She then asked how Council wanted to proceed: 1) putting out to bid or 2) use the agreement in place. Finance Director BJ Wilson explained the RFP process, noting it could take approximately three to four months to complete. It was confirmed that an RFP required no bids, only recommendations to meet the Town’s specifications and that Blue Line could apply. Mr. Rogers confirmed that Council would receive a tabulation sheet of all those responding. Mr. Waltz recommended that Council move forward with Blue Line.

Councilman Rappaport voiced concern over the RFP’s 90-to-120-day completion, noting the confidence he had in the Chief’s ability to vet and was fine with Blue Line. Councilman Ingram preferred Blue Line but wanted assurance that all questions would be answered in the agreement. Councilwoman Morris advised that she had done her own research and Blue Line was the only company that was law enforcement owned on the east coast and preferred to move forward with them. Vice Mayor Sealock preferred Blue Line. Councilmembers De-Domenico-Payne was fine with an RFP and Councilman Rogers preferred an RFP.

Mayor Cockrell advised there was consensus to move forward with Blue Line as long as the agreement had all the things Council was looking for. She suggested that Council send Mr. Sonnett their concerns/questions this week. Mr. Waltz and Mr. Sonnet agreed that this item would be placed on the August 14th work session agenda with a review of the agreement.

Items Slated for Public Hearings on August 28th

Short Term Rental – 912 Virginia Avenue – Joseph Chetupuzha – Director of Planning Lauren Kopishke advised that the applicant wanted to rent the entire townhouse that had three bedrooms with no more than six occupants at a time. She noted that the Planning Commission voted to deny this request due to inadequate parking.

There was much discussion regarding parking situations between short-term, long-term rentals and owner occupied; and the unfairness of it all. Ms. Kopishke advised that her recommendations to Council were based on meeting the requirements of Town Code. Councilwoman DeDomenico-Payne confirmed that the parking rules for owner-occupied dwelling was at least two parking spaces. Councilman Rappaport noted that there was no parking on Virginia Avenue and agreed with the recommendation of denial. Councilmen Rogers and Vice Mayor Sealock agreed. Councilman Ingram agreed more than two parking spots were not available. Councilman Morris favored protecting the rights of the homeowners. Mayor Cockrell directed staff to add to the August 28th agenda for a public hearing.

Short-Term Rental – 417 Kerfoot Avenue – Mesa Rose Coral – Director of Planning Lauren Kopishke advised that the applicant was to rent the entire house with two bedrooms and no more than four occupants at a time. She advised that there was not a driveway on site but there was street parking. It was confirmed that parking for short-term rentals was set by the number of bedrooms – one vehicle per bedroom. Councilman Ingram noted that the street parking was better at this location and felt it was not an issue. Mayor Cockrell directed staff to add to the August 28th agenda for a public hearing.

Special Use Permit for Two Apartments – 1127 N. Royal Avenue – Planning Director Lauren Kopishke explained that upon conducting a property maintenance inspection it was determined that the house was converted into multiple units which was not permitted in the Commercial District without a special use permit. She explained that while there was not adequate parking, the applicant had obtained a lease for

parking from the adjoining property owner. Councilwoman De-Domenico-Payne questioned whether a fine was imposed for noncompliance. Ms. Kopishke advised that the zoning permit fee was doubled from \$25.00 to \$50.00; however she did not know what the County charged. Mayor Cockrell directed staff to add to the August 28th agenda for a public hearing.

Items Slated for Consent Agenda on August 28th

Resolution for Blanket Project Funding Commitment/Projects Under Agreement with VDOT - Director of Public Works Robbie Boyer explained that the Virginia Department of Transportation (VDOT) revised the required resolution needed for localities pertaining to Revenue Sharing and Smart Scale projects. The most significant changes were to identify the position of the signature authority instead of the name and removal of the cost of the project(s). Mr. Sonnett noted that he did not have any issues with the wording of the resolution. Mayor Cockrell directed staff to add to the August 28th consent agenda.

Bid for Various Grades of Stone FY24 & Bid for Various Grades of Asphalt FY24 – Mr. Wilson gave a brief overview of both bids and advised that there was more interest in the bidding this year compared to other years. Mayor Cockrell directed staff to add to the August 28th consent agenda.

New Business

Revisions to the Liaison Committee Meeting Policy – Mr. Waltz reviewed the three major revisions (meeting schedule, placing items on the agenda and reports) to the policy as discussed in the most recent Liaison Committee Meeting. Mayor Cockrell elaborated more on what the revision to the reports from the Town Manager and County Administrator consisted of. She questioned whether Council would like an oral and/or written report or both. While there was consensus on the written report there was continued discussion on whether the oral report should continue as the policy states.

Mayor Cockrell moved the discussion to another time and before the next Liaison Committee Meeting scheduled for October.

Dedication/Naming of Town Bridges – Vice Mayor Sealock advised that he had asked for this item to be placed on agenda to recognize those Town employees who had died in the line of duty by dedicating/naming a Town bridge after them. Two (2) Town employees that were discussed were Sergeant Dennis Smedley who died over 40 years ago and Lieutenant Pat Farrell shortly thereafter. He recognized Mr. Smedley's sister Cheryl Cullers who was in attendance. He encouraged Council to recognize these two gentlemen who gave their lives for the Town. He suggested naming the N. Commere Avenue bridge located in front of Advance Auto in memory of Sgt. Dennis Smedley. He advised that staff had advised him that the cost of the sign and installation would cost the Town approximately \$300.00. He noted that the anniversary of Mr. Smedley's death was September 20th and hoped to have a dedication ceremony on that date with the family in attendance. It was noted to wait on the dedication of a bridge in memory of Lt. Pat Farrell until the family could be notified and a bridge could be identified by Council.

Councilman Rogers advised that he "loved" the idea as it was emotional and very powerful knowing that the two gentlemen gave their lives to the community. Councilwoman DeDomenico-Payne advised that she was fine with honoring the two gentlemen but voiced caution on public comments that may arise. She suggested a process/policy for future dedications. Vice Mayor was adamant about making sure the signs included their rank upon their deaths.

There was much discussion on whether to have a policy in place and the criteria that would go into the policy. Town Manager Joe Waltz suggested that staff could work on something if that is the desire of

Council. Town Attorney Sonnet advised that they could choose ala carte or a written policy. Mayor Cockrell asked staff to write a resolution to be approved at the August 28th agenda and then proceed with a policy if that is was the desire of Council.

Mr. Waltz advised that it would be approximately one to two weeks to complete the sign.

Councilwoman Morris asked that Council keep “on the horizon” once the new East 8th Street bridge was completed to honor Vice Mayor Sealock’s father who was in law enforcement and often helped with the youth dedicating his entire life to service.

Text Amendment to Chapter 175 Pertaining to Short Term Rentals/Refer to PC – Councilman Rappaport advised that he requested that this item be added to the agenda. Mayor Cockrell gave a brief history of how the short-term rental ordinance was “born” noting that the parking for them kept coming up as an issue. She asked Council if there was anything in the current ordinance that Council wanted to revise.

Ms. Kopishke advised that since the inception of the ordinance 18 months ago, Council had approved fifteen (15) short-term rentals noting that there had been no complaints or violations. She cautioned that she did not have the staff to assure they were complying. Mayor Cockrell confirmed that if there were any reports staff had the ability to bring them into conformance.

Councilman Rappaport read Town Code 175-151 and voiced concern with the image of the defined neighborhoods and suggested more definition to protect them. He also suggested defining the type of housing in business districts noting there were a lot of mixed-use definitions. He continued his concern on the housing demand in Front Royal as most available dwellings were going to short-term rentals. He read Winchester’s City Code regarding home share and central business districts for short-term rentals. He suggested that Council review and advise whether it would work in Front Royal.

There was much discussion about the pros and cons of short-term rentals versus long-term rentals and permanent residents. Councilwoman Morris questioned “*at what point do we have the right to tell people to own property here*”? She opined that short-term rentals were safer than staying in a hotel/motel in Town. Mr. Rappaport voiced concern on the amount of people looking for homes and the Town just not having them available due to the influx of purchases being flipped for short-term rentals.

Councilman Rogers noted that Ms. Kopishke and her staff did a great job reviewing applications with the guidelines that were in place. He reiterated that during the last (18) months the Town had fifteen (15) homes dedicated to short-term rentals which he noted didn’t present too much of an issue given the fact that applications were being reviewed against existing policies, procedures, and rules. He reminded Council that they could recommend approval or denial when it comes before them. Councilman Rappaport reiterated that he wasn’t “bashing” short-term rentals only he felt they belonged in central and residential business districts and for Council to consider and/or review the home share option. He urged Council to look at the future land use map.

Mr. Waltz advised that once staff receives direction from Council on the revisions they wished to see to the Town Code it would be referred to the Planning Commission during a regular meeting of Council to obtain their recommendation.

Discussion ensued on parking issues throughout neighborhoods and how special exceptions could be applied for but due to the current process would be weeks for final approval. Town Attorney Sonnet read

Town Code 175-104 and 148-870 pertaining to parking and explained how it was left to the Planning Director to determine the closest category that applied to the application. He noted that there was no process for waiving parking. Ms. Kopishke advised that a special exception could take approximately three months. She advised that there was a problem with the Town Code, noting that short-term rentals have to have parking. Mr. Sonnet explained that short-term rentals was an expanded use of a property, and referred to a table in the Town Code. He reiterated that when an application came in staff was looking to meeting the requirements for that application.

Mayor Cockrell suggested bringing this item back to a work session to review the language Council would like to see revised. Mr. Waltz advised that staff could work on revised language; however, there needed to be consensus on what is to be referred to the Planning Commission for a recommendation. He suggested bringing it back to a work session in September.

Proclamations

International Overdose Awareness Day (August 31) and Recovery Month (September) - Mayor Cockrell reviewed briefly and asked staff to add to the August 28th agenda.

CLOSED MEETING

Councilwoman Morris moved seconded by Councilwoman De-Domenico-Payne that Council that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 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, Clerk of Council and appointments to the Planning Commission, Front Royal EDA and Joint Towing Advisory Board.

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

Councilman Rogers moved seconded by Councilman Rappaport 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

Adjourned meeting at 9:52pm

Approved by Town Council

Date: **8/28/23**
