



TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, August 28, 2023 at 6:30pm in W.C. Government Center Caucus 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.

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

CLOSED MEETING

Councilman Rappaport moved seconded by Councilwoman Morris 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 Planning Commission and Front Royal EDA.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne 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 approximately 6:58pm.

Approved by Town Council

Date: 9/25/23



TOWN COUNCIL REGULAR MEETING MINUTES

August 28, 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 Anastacia “Annie” Hrbek

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 Regular Meeting Minutes of July 24 and Work Session Minutes of August 7 and 14, 2023, as presented.

Vote: Yes – Councilmen DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers and 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 Council add the following to #12 Closed Meeting – Town Council convene in 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 Planning Commission and Front Royal EDA.

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

ROLL CALL

RECOGNITIONS/AWARDS/REPORTS –

Recognition of Certificate of Achievement for Excellence in Financial Reporting – Finance Director BJ Wilson and his Staff in the Finance Department Mayor Cockrell advised due to the Finance Director unable to attend tonight's meeting this recognition would be added to the September 25th Regular Meeting.

Proclamations to Recognize International Overdose Awareness Day/Recovery Month – Mayor Cockrell read both proclamations and presented them to Christa Shifflett, Executive Director of the Warren Coalition. Ms. Shifflett invited Council to a Recovery Cookout on September 17th.

Resolution to Dedicate/Name the N. Commerce Avenue Bridge in Honor and Memory of Sergeant Dennis Smedley – Vice Mayor Sealock read the resolution. Framed resolutions were presented by Council to members of the family. Mr. Sealock noted that there would be a Bridge Dedication Ceremony on September 20th at 11:00am onsite.

Vice Mayor Sealock moved seconded by Councilwoman Morris that Council approve a Resolution to Dedicate/Name the N. Commerce Avenue Bridge in Honor and Memory of Sergeant Dennis Smedley as presented.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC HEARINGS

A. Special Use Permit to Allow a Short-Term Rental at 912 Virginia Avenue – Joseph Chetupuzha

Mayor Cockrell opened the public hearing.

Joseph Chetupuzha, applicant, advised that he intended to rent out the three-bedroom property to one family with two (2) cars but agreed to amend the application if that was not possible. He continued that he could make it clear to the renter that only two vehicles were allowed. Staff advised that the motion could include the condition that only two vehicles were allowed if that was Council's desire.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council approve the request from Joseph Chetupuzha for a special use permit to allow a short-term rental at 912 Virginia Avenue (tax map 20A5-3-38-6A1) as presented.

Councilwoman DeDomenico-Payne commented that the parking requirements for short-term rentals needed further review.

Councilman Ingram suggested asking the applicant to require only two parking spaces.

Councilwoman Morris respected the Planning Commission's recommendation of denial, but echoed her sentiments that long-term rentals had no requirements for parking, noting that Town Code did not make sense with regard to parking. She thanked the applicant for investing in the community.

Councilman Rappaport advised that the Planning Commission did their due diligence by recommending denial noting that there was a lack of street parking in the area.

Councilman Rogers agreed with Councilman Rappaport voicing his concern that there was lack of parking but saluted the applicant for investing in the community.

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

ROLL CALL

Mayor Cockrell voted YES to break the tie

B. Special Use Permit to Allow a Short-Term Rental at 417 Kerfoot Avenue – Mesa Rose Coral

Mayor Cockrell opened the public hearing. No one spoke and the public hearing was closed.

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council approve the request from Mesa Coral Rose for a special use permit to allow a short-term rental at 417 Kerfoot Avenue (tax map 20A6-7-41 & 42) as presented.

Councilwoman Morris advised that the applicant lived on the property when she was in Town; therefore, the property was being requested to be used as a short-term rental when the owner was away.

Councilman Ingram noted that if this request were a long-term rental, parking would not be an issue.

Councilman Rappaport stated that the Town Code was clear regarding parking for short-term rentals, noting that this property did not have onsite parking only the public street.

Councilman Rogers advised that the Town had serious parking issues that needed to be addressed in the Town Code.

Councilwoman Morris reminded Council that they had made exceptions for other short-term rentals that had no driveways and other parking issues, noting it was not fair to pick and choose. She further advised that staff had not received any complaints since the special use permits for short-term rentals were approved.

Mayor Cockrell clarified that not every short-term rental request had issues but respected the Planning Commission's decision to deny based on adhering to the Town Code. Mr. Rappaport reiterated that the Town Code had to be followed and at some point a line had to be drawn.

Mayor Cockrell confirmed that the applicant could rent two (2) bedrooms with two (2) cars. Ms. Morris advised that long-term rentals could have ten cars because the Town Code did not recognize parking for long-term rentals.

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

ROLL CALL

Mayor Cockrell voted YES to break the tie

C. Special Use Permit to Allow Two Dwelling Units to be Located on the Ground Floor at 1127 N. Royal Avenue – Independence Realty LLC

Mayor Cockrell opened the public hearing and allowed the applicant to speak and Council to ask questions.

Lynn Deel-Schultz representing Independence Realty LLC, advised that the property was a multi-family unit when it was purchased in 2015 and had been since approximately 2005. She noted that they were one-bedroom units and parking had been extended to accommodate overflow parking. Councilwoman Morris confirmed with the applicant that approximately \$10,000 had been spent in improvements and a driveway.

Mayor Cockrell closed the public hearing.

Councilman Rappaport moved seconded by Councilman Rogers that Council approve the request from Independence Realty LLC for two (2) dwelling units to be located on the ground floor at 1127 N. Royal Avenue (tax map 20A3-5-24 & 25) conditioned upon the following: 1) Applicant submits a parking agreement with adjoining property owner for an additional two parking spaces and 2) The applicant enlarges the current parking area to accommodate 4 spaces.

Councilwoman Morris confirmed that both conditions in the motion were in place.

Councilmen Rappaport and Rogers thanked the applicant for following the rules.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

D. Special Use Permit to Allow the Painting of Two Murals at 1314 N. Royal Avenue – William Kryssing

Mayor Cockrell opened the public hearing.

Amanda Horn, 151 Freezeland Court, Linden, spoke on behalf of the applicants. She thanked the Planning Commission for their approval, noting that the business would be good for the community and the murals would represent firefighting. She advised that she would be painting the murals and it was vital to use specific standards and materials under specific weather conditions.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Vice Mayor Sealock that Council approve the request from William Kryssing to paint two (2) murals larger than sixty (60) square feet on two sides of their building at 1314 N. Royal Avenue (tax map 20A2-456-8) as presented.

Councilman Rappaport opined that murals should not be a sign as they were artistic work.

Councilwoman Morris thanked Ms. Horn for her patience and voiced eagerness to see the final product.

Councilman Ingram confirmed that the opening ceremony was slated for October 1st.

Councilman Rogers noted that a number of localities were adding murals to their communities.

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

ROLL CALL

E. Amend the Town Zoning Map to Reclassify 1.2837 Acres at 10160 Winchester Road from Highway Commercial District C-3 to Residential District R-2 – Ramsey Inc

Mayor Cockrell opened the public hearing and allowed the applicant to speak and Council to ask questions.

Chris Ramsey of Ramsey Inc, 400 Fulton Lane and applicant, advised Council that the property did not have frontage for a commercial facility; therefore, he was asking for a rezoning to build a duplex to house two families one being for his disabled stepson.

Councilman Rogers noted that the Town was in dire need of affordable housing and thanked Mr. Ramsey for fulfilling that need.

Councilman Rappaport questioned whether the access road was from Guard Hill Road. Mr. Ramsey indicated that access to the property was from Rt. 522/340 adjacent to the Shell Station aka as the Cooley Easement. He advised that it was a paved road in bad condition; however, it would be paved correctly and maintained as needed. He also noted that there would be provisions for parking onsite.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council approve a request from Ramsey Inc to amend to the Zoning Map of the Town of Front Royal to reclassify 1.2837 acres being that portion of tax map #20A4-24-1 located within the Town of Front Royal, from Highway Commercial District C-3 to Residential District R-2 on property located north of the intersection of Winchester Road and Guard Hill Road.

Councilman Ingram advised that this request was considered spot zoning but understood the reason that the Planning Commission recommended approval because it made sense.

Councilwoman DeDomenico-Payne noted that the request was perfectly appropriate due to not having road frontage for a commercial facility.

Councilwoman Morris stated that the property should have never been zoned as it was in the first place.

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

ROLL CALL

F. Adopt the Certification/Recommendation of the Front Royal Comprehensive Plan dated May 19, 2023

Mayor Cockrell opened the public hearing.

Fred Andrea, 367 Overall Road, Bentonville, voiced support for the new Comprehensive Plan [the Plan] noting it was key to sustaining and enhancing the Town's character where people want to live and work. He opined that the highlight of the Plan was protecting the natural world around those who live and work

in Front Royal being surrounded by mountains, rivers, forests, green fields, trails, and great air/water quality. He stated that while work was not complete, the Plan was a good base to expand on. Mr. Andrea suggested Council urge developers to build within the Town where infrastructure of water and sewer already existed. He expressed hope that Council would abide by the aspirations listed in the Plan since it laid out the goal and direction the public wanted them to follow. He concluded by thanking all those involved with establishing the Plan.

Glenn Wood, 1269 Kesler Road, voiced concern that the Plan did not address road priorities such as the widening and improvements to John Marshall Highway, noting the current traffic backups already existed.

Wayne Chatfield Taylor, 1135 Morgans Ford Road, watched the focus, creativity and hard work that had been put into the Plan over the years, noting the importance of farming being part of the community. He encouraged and thanked Council for the recognition of farming and its value to the community.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council approve the Front Royal Comprehensive Plan dated May 19, 2023 as presented in accordance with Chapter 22 Article 3: §15.2-2223 through §15.2-2232 of the Code of Virginia; and that it supersedes the Front Royal Comprehensive Plan adopted March 23, 1998.

Councilman Rappaport thanked all those involved with the development of the Plan, noting it was a great guideline.

Councilman Ingram thanked his fellow Planning Commission members noting it was a good vision for the community.

Councilwoman Morris thanked the Planning Department Staff and the Planning Commission for their hard work noting that the Plan addressed beautification, parks, trails, growth strategy, conservation and much more. She advised that the Town's Zoning Ordinance was currently being reviewed.

Vice Mayor Sealock stated that he was glad to see the end and that it would help the Town move forward.

Councilman Rogers echoed the sentiments of Council, noting that the Plan was a living document with review every five (5) years.

Councilwoman DeDomenico-Payne stated that she "loved the entire document", noting it was smart about growth. She expressed hope that the Town would help the community understand the document.

Mayor Cockrell thanked all those involved with the Plan over the years, noting there was a lot of community participation and input.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

G. Ordinance Amendment to Chapter 75 Pertaining to Transient Occupancy Tax

Mayor Cockrell opened the public hearing. No one spoke and the public hearing was closed.

Councilman Rappaport moved seconded by Councilman Ingram that Council approve amendments to Town Code Chapter 75 specifically §75-33 – 75-43 Motel Excise Tax for Transients to reflect changes made to the Code of Virginia related to short term rentals, as presented.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

H. Receive Public Input on a Request for Funding from *Reaching Out Now* to Revitalize the former Raymond E. Santmyers Youth Center at 201 E. 8th Street.

Mayor Cockrell opened the public hearing.

Glenn Wood, 1269 Kesler Road, advised that he attended the former youth center in the 1970's and that the benefactors of the Youth Center [Raymond E. Santmyers & family] were wonderful people and would be remiss as a community if this project was not funded.

Gene Kilby, 836 Shenandoah Shores Road, advised that he attended the former youth center from 1968 to 1970. He stated that Warren County and Front Royal had a serious drug problem among its youth and the community must do everything possible to save them. He agreed that Drug Court was a necessity, but it was a reactive approach, and a proactive approach was needed. He urged Council to give the youth a safe and relaxed place where they could receive support from professionals, a place they could feel good about themselves, a place where they could enjoy resources they might not have at home, a place where they could get help with homework, a place where they could communicate with fellow students, a place where they could understand the diversity that existed in the community and most of all a place where the parents could feel comfortable that their children were safe. He opined that \$25,000/\$50,000 were nominal amounts and reasonable for the value the Town would benefit from. He urged Council to consider the youth in their decision.

Clare Schmitt, 337 W 10th Street, read from the following prepared statement:

Councilmembers, tonight I stand before you to advocate for the provision of funding for the revitalization of the youth center. Our youth are leaders of tomorrow. They are our future. Investing in our youth is an investment in our community's prosperity, well-being, and sustainability. First and foremost, the youth center will serve as a safe haven for our young people. Will offer a space where they can gather, learn, create, and explore their interests in a secure and nurturing environment. In a world where the challenges and pressures faced by our youth are constantly evolving, providing a space where they can escape from negative influences and engage in positive constructive activities is invaluable. By investing in the youth center, we are offering our young citizens a sanctuary that empowers them to make choices that contribute to their personal growth and development. Moreover, the youth center will serve as a platform for skill building and education. It's a place where our youth can acquire practical life skills, enhance their talents, and receive guidance from mentors and instructors. Whether its learning about leadership, entrepreneurship, arts, or technology or whatever they might be interested in, the youth center will provide a diverse range of opportunities for skill acquisition that will prepare our youth for success in their future endeavors. Based on what I have heard from *Reaching Out Now* the youth center will foster a sense of belonging and unity among young people from various backgrounds, something our community's youth are in desperate need of. Through culture events, workshops, and collaborative projects the youth center plans to cultivate an environment of inclusivity and mutual respect strengthening the social fabric of our community. I believe a well-supported youth center can help bridge the gap between education and employment. Supporting our youth and being prepared can contribute meaningfully to our local economy and secure their own future. The youth center is not just a building, it is a hub of promise potential and possibility for our community's future. I am hoping you will recognize the significance of this investment and commit to providing the funding requested for the youth center. Together let's pave the way for a brighter future for our youth where their voices and aspirations of them are not just heard but celebrated and supported. Thank you.

Samantha Barber, 933 N. River Road, Middletown, President of *Reaching Out Now* and advocate for the children. She thanked all the speakers for their words of affirmation and stated the importance of a youth center. She advised that it was not a “fixer” but part of the solution. She stated that the community, not just *Reaching Out Now*, could make a difference by being a “lighthouse” for all students who lived in the community. She asked Council for their support.

Marleen O’Conner, 214 E. Stonewall Drive, *Reaching Out Now* board member and schoolteacher in the community for 16 years, expressed her belief in the students of the community. She urged Council to put their name on this project, noting how the students needed them.

Cheryl Cullers, Bentonville, Board of Supervisors, expressed her confidence in Mrs. Barber to bring interest to those specific students who did not always fit in with sport activities. She recognized and understood the challenges with funding but hoped seed money could be found to begin the project. She looked forward to working with the Town and urged Council to do the right thing.

Andrea Logan, 1173 Kesler Road, expressed how important this project was to her. She advised that she taught for 31 years and reminded Council that “children are our future”. She explained that she had helped Mrs. Barber with two events serving food and was impressed with her. She stressed that the community has an opportunity with Mrs. Barber leading the way because she was willing to do the work with great volunteers assisting her.

Shane Goodwin, 6 Massie Street, noted that there was a lot of care and concern in the community for children. He explained that he had served in the Warren County Public School System as principal and director, making him familiar with the diversity of children in the community. He advised that he and his family moved to Warren County in 2018 and he met Mrs. Barber a year later assisting her and her organization with food service, getting to know families in a personal way as well as gaining the trust of the community. He noted that he is now President of the Executive Committee for *Reaching Out Now* and urged Council to consider this as an opportunity not an obligation because the children deserved it.

Jay McCarty, Fairfax, advised that he attended the youth center from 1973 – 1977 stated that “it takes a village” and this project was a wonderful opportunity and Council needed to seize that.

Lauren Wood, 246 Sugar Maple Road, read a couple of online facts that pertained to the United States in general: “*school age children and youth spend 80% of their waking hours outside of school while 1 in 5 are alone after the school day ends.*” She continued “*After school programs provide significant return on investment. For every \$1.00 invested, saving at least three, through increasing youths potential, improving their performance at school and reducing crime and juvenile delinquency*” She admitted that the money aspect was weighing on everybody because everyone paid taxes and wanted to know where their money was going, opining that the best place to put the money was in the children. She continued by giving personal experiences during her childhood and what attending her local youth center meant to her during that time. She stressed the need for positive adults in children’s lives and that this project would be a wonderful thing for the community.

Mayor Cockrell closed the public hearing and opened it up to Council for discussion.

Vice Mayor Sealock advised that he attended the youth center, noting that the Santmyers were always there with their “300 adoptive kids”. He voiced hope that it would return.

Councilman Rogers stated that \$25,000 and \$50,000 was “chump change” and that the Council will work to find the funds in the budget. He voiced his passion for the youth and how important the project was.

Councilman Rappaport advised that he attended the youth center between 1970 – 1974, noting that the Santmyers strived to see successful people and felt as though that was what *Reaching Out Now* was doing. He stated, “If we build it, they will come”. He advised that he would see the project through and voiced appreciation to everyone who had been a part of making this project happen thus far.

Councilwoman Morris advised that while she had asked a lot of questions, she still had a few more. She noted that the budget for this year had already been approved but expressed her support for *Reaching Out Now* and working with the County.

Mayor Cockrell advised that tonight’s intent was to receive public input and thanked everyone who spoke, especially the Town citizens since it impacts their tax dollars. She urged the public to continue sending their comments to Council.

I. Continued Public Hearing to Amend Previously Approved Proffers for Anna Swan Estates – HEPTAD LLC

Mayor Cockrell opened the public hearing.

Glenn Wood, 1269 Kesler Road, voiced disappointment in Council because they did not reel in some of the personal attacks during previous public hearings. He urged Council to look at this request as a business proposal and not let personal or public opinions sway them in doing their duties.

At this time, Mayor Cockrell allowed the applicant to speak and Council to ask questions.

Joe Silek, attorney for the applicant, reminded Council that they had been working on this project for eight months. He explained the difference between the Council’s consultant’s financial impact analysis and what Greenway Engineering completed in 2022 drawing attention to the increase in students from 600 – 650. He advised that the original 2012 proffer number was \$5,500 to Warren County Schools which just happened to be the same number the recent analysis showed. He stated that Leach Run Parkway was built, the land dedicated, the engineering completed and the costs for its construction had been ascertained [Mayor Cockrell clarified that Leach Run Parkway was not completed]. Mr. Silek reminded Council that their outside attorney Olaun Simmons informed them that they cannot take proffer money for things over and above what the impacts were.

Mr. Silek pointed out a few things stated in the newly approved Comprehensive Plan [the Plan]: Page 24 “in the next two decades there will be a 12% increase in the Town’s population and will need sufficient housing to accommodate an estimated 2,233 people”; Page 33 “Front Royal is the seat of Warren County”, noting it as the hub of activity and heart of the community”. He continued that the Plan talks about affordable housing and one way to get housing is to increase housing stocks; Page 111 “by 2040 [Front Royal] will need 900 new housing units” which he noted was an average of 53 homes per year over the next 17 years. Mr. Silek advised that today he checked on the building permits issued in Warren County for 2022 for residential housing and there were 156 issued, noting that 18 were for houses being built within the Town Limits. He explained that based on that number it would take 50 years to get to 900 units. He reminded Council that this project was approved and rezoned in 2012 and that the request before them was to modify the proffers. He concluded that the fiscal impact analysis showed that the Town would receive over \$900,000 that could be used for roads and or funds for the youth center project.

Mayor Cockrell questioned the \$5,500 that was in the original proffers and referred to the August 4th proffer statement that stated \$4,247. Mr. Silek clarified that they were brought back up to the original proffers based on the recent analysis.

Councilwoman Morris questioned whether the proffers being reduced in January 2023 was due to lower number of houses in the development at that time. Mr. Silek advised that Greenway Engineering received the numbers from Warren County, indicating lower construction costs and smaller school size. He reiterated that the Town's analysis indicated the size of the schools was 650 [up 50 students] which, in part, increased the construction costs from \$25 million to \$32 million.

Councilwoman DeDomenico-Payne questioned two conditions of the proffers: 1) the language pertaining to Leach Run Parkway since the Town deems the Parkway as not being completed creating a possible legal issue if approved as stated; and 2) the language pertaining to the construction of a sidewalk to Westminster Drive that had not been worked out with the School Board. Mr. Silek advised that there was an easement agreement that was signed in 2003 that committed Swan Farm LLC [prior developer] to construct a sidewalk connecting Westminster Drive between Warren County High School and Hilda J. Barbour Elementary School. He advised that conversations with the School Board were ongoing.

Mayor Cockrell stated that the road from Walker Avenue back to Hilda J Barbour Elementary School was not the Town's property, noting it belonged to the School Board. She cautioned that if part of the project was to dedicate that portion of the road to the Town it did not meet Town specifications. Mr. Silek explained that they had an easement to build a road to provide connection between the Swan development and Westminster Drive and once completed they would dedicate that portion to the Town up to the School Board Property, noting that the School Board had not addressed the road issue with the applicant, only the sidewalk.

Councilman Rappaport questioned any stormwater issues. Mr. Silek advised that there was a provision in the proffers that was added based on the Town's outside attorney Olaun Simmons' comments that the developer would comply with all Town regulations and ordinances concerning driveways, stormwater management, and sidewalks.

Mr. Silek advised that in 2012 the Council and the developer discussed a 4-lane parkway from Happy Creek Road to John Marshall Highway and if that was going to be an issue, he suggested another conversation may be needed. He made himself available during Council's discussion if needed.

Mayor Cockrell closed the public hearing.

Councilman Rogers moved seconded by Councilman Rappaport that Council approve the Amended Proffer Statement of August 4, 2023, amending the previously approved proffers for the subdivision entitled ANNA SWAN ESTATES (tax map parcel #20-A21-2-1 and #20A20-2-11) dated February 2, 2012, as presented.

Councilwoman Morris voiced understanding that some people were frustrated that this item had taken eight months, noting that Council had done their due diligence by speaking with outside legal counsel Olaun Simmons, Town Attorney George Sonnett and many others involved in this project during the last 20+ years. Ms. Morris continued with the following statement: *I operate out of facts over feelings. It's my understanding as of today that the School Board reached out to the applicant about the easement that was dated 2003 at the realization of nonpayment. Payments were supposed to begin at the completion of Warren County High School therefore making payments twenty years past due. This was about the time that we continued the public hearing for*

various reasons last time. The biggest being having our own impact analysis study done. Unfortunately, that was only a fiscal impact analysis not what I was expecting and did not encompass all that I feel it should have for the due diligence of this council and this community. A transportation analysis is the only logical way to A. Assess the demand on two already unsafe, over traveled roads as Mr. Glenn Wood mentioned earlier, Happy creek Road and John Marshall Highway. You have Leach Run Parkway, a 4-way road funneling out to two 2-lane roads that were already problematic before and additional development including the hospital and the Warren County Middle School took place. It is now clear to me as it has become public knowledge that this remains an unresolved issue with the easement and the Warren County Public Schools. And the applicant is currently at risk of losing the point of entry in question when speaking with the schools today - Westminster Drive. With that being said I would like to again let the record show my issue with the applicant seeking to receive a credit for Leach Run Parkway and notifying our Planning/Zoning Director that they had two other points of entry egress/agrees which are not factual at this moment.

The other access points aren't feasible for this magnitude of traffic influx. And I am no engineer. I am on the transportation subcommittee, and I have talked to VDOT. Happy Creek Phase II has been on the agenda for many years as well as this. One of the said access points, Westminster Drive, cannot be considered as an access point because it has not yet been paid for and is an ongoing legal matter. But that leaves us with further confusion if it becomes one of the access points. It is not clear that the town has agreed to take over maintenance of this road once it is in place and accessible. It currently is a private road as the Mayor mentioned that the town does not maintain it. Documents dating back nearly 20 years between the town and VDOT documents show their final ruling in 2006 that this "gorilla of an issue" that the developer had no authority to promise a publicly maintained road just because they received an easement in its place. It's all FOIAble information and most of what I am reading to you is recorded at the courthouse. This is known as speculative real estate borrowing. You are committing to what it could be or would become for financial and developmental purposes. Payment was due and it has not been paid.

The day after the easement was made between the Warren County Public schools and Heptad a speculative real estate borrowing took place, which is on record at the courthouse. It was for borrowing power. It's common in real estate investing, however, in the conversations of moral obligations, it seemed to be relevant to this Council these have not been met.

There is no way I can continue to kick the can on this subject. I would be willing to either deny this and come back or postpone this in order to carry out a transportation study analysis that should have been done months ago. We can continue the public hearing yet again with threats of litigation or we can simply recognize this development negates the needs of infrastructure in the Town of Front Royal at this time. As we sit here tonight under a mandatory water conservation it makes me question why on earth the Town of Front Royal in years passed has not implemented stricter standards in terms of deadlines pertaining to rezoning applications and amended proffers such as the County. Many localities in Virginia have done this. When you talk about how patient the applicant has been, the Town has been patient in waiting for this for 20 years as well. We are currently under a mandatory water conservation and then we are talking about adding this giant development and we don't even understand the points of ingress/egress are. There is still more to consider here, and a development of this magnitude takes patience. Furthermore, as we have learned that cash proffers do not ensure payment once a rezoning is completed. It also makes me challenge this governing body sitting here tonight to revisit the way in which we accept proffers compared to other surrounding localities i.e. Bonds. I do not feel this Council has been able to operate and do its due diligence to understand and express the impacts to the community of this development; therefore, I would like to make a motion.

Mayor Cockrell advised that there was a motion on the floor and allowed continued discussion.

Councilman Rappaport read excerpts from the Greenway Engineering Analysis specifically pages 9 and 10 under Public Transportation Facilities ... "primary vehicle access to Swan Estates is dependent upon the Leach Run Parkway a 4-lane major collector road .. that extends across the southwest portion of the site. Construction of which was completed in 2017.... Pennoni Associates prepared a traffic impact analysis in 2013 that determined the design elements required to accommodate planned development served by the roadway and future traffic growth. the recommended design element assumes the planning capacity

of 17,440 daily average trips at build out year 2028.....it is 2023 and it is expressly projected that generation by Swan Estates, as such the TIA [traffic impact study] demonstrates, that construction of Leach Run Parkway was necessary to provide the primary vehicle access to Swan Estates and further that the roadway was dictated in part by Swan Estates". He expressed his point that there had not been any development between the time the traffic study was completed to now showing additional impact and fell within the 2028 assessment. Mr. Rappaport stated that the 335 homes slated for development were going to be an impact and Leach Run Parkway could handle it. Mayor Cockrell noted that the area currently had a hospital and a middle school that may not have been included in the study. Councilwoman Morris added that the issue was not Leach Run Parkway but the two points of access that Leach Run Parkway funneled out to that would be impacted by 300+ homes. She reiterated that the Parkway was not completed.

Councilman Rappaport advised that the development before Council was different that the one Council previously denied because they have artillery roads - Happy Creek Road and John Marshall Highway - agreeing that there were backups on John Marshall Highway. He stated that the Town had been "kicking the can down the road" for years with these kinds of projects and he did not foresee large housing developers "knocking on the door" to build here. Mr. Rappaport reiterated that the Town needed 900 homes by 2040 and opined that the Town was not going to get there unless builders want to build here. He noted that the fiscal impact analysis was cash positive for the community. He said he was ready to move on action tonight.

Councilwoman Morris advised that during a past work session it was noted that this project included condos, townhomes, and single-family homes, which is no longer the case. She stated that she was not opposed to housing and understood that there was a supply and demand issue in Front Royal. She reiterated that her issues were: 1) there was a legally binding commitment to pay for an easement that has not been met and 2) VDOT was not going to say that Happy Creek Road was enough of a point of access for this type of development. She reiterated that Council had postponed this project for a couple of months, but the developer had postponed it for 20+ years and she was not going to be pressured in making a decision of this magnitude because Council asked for more information. She concluded that the needs of the community were much different in 2003 than what they were today. Councilman Rappaport read *"recent state statutes established that no new developments should be asked to advance unreasonable proffers, nor should any development proposal be rejected to the application of unreasonable proffer guideline"*.

Vice Mayor Sealock asked staff to explain the site plan process. Director of Planning Lauren Kopishke explained that if the proffer amendments were passed tonight, the next step would be for the developer to submit their site plan to staff for review which would be routed to Warren County, the Virginia Department of Transportation (VDOT) and state entities i.e. Department of Environmental Quality (DEQ). She advised that any issues with access of roads and their standards were reviewed during the site plan process, noting that she could not approve a site plan if it did not have sufficient access, turning radius, or proper dedication. Mayor Cockrell questioned whether the Town would be responsible if VDOT were to come back with issues that needed attention. Ms. Kopishke advised that the applicant would build the roads based on comments from VDOT.

Mayor Cockrell questioned who would be responsible for bringing up to VDOT standards that portion of the road that the School Board owned. Ms. Kopishke advised that if the School Board dedicated that portion to the Town, the Town would be responsible. Mrs. Cockrell asked if the Town could say "No Thank You" to the dedication. Town Attorney George Sonnett advised that Council would have to act on the dedication.

Councilman Ingram expressed his appreciation for the increase in proffers but felt like the access points had not been addressed therefore he could not support the project until everything “lined up”. He noted he still had questions.

Vice Mayor Sealock asked Mr. Silek what the two points of ingress/egress were. Mr. Silek advised that there was 1) stub out connection between the Swan Development and the last phase of Mr. Ramsey’s Development [Haymaker on the plat] and 2) connection on Leach Run Parkway. Mrs. Cockrell confirmed that the requirement was for two ingress/egress points.

Councilwoman Morris stated a point of information that a councilmember advised increased proffers, but clarified that they were reduced and then given back therefore no increase in proffers. She voiced concern that if Council wanted to address housing or workforce housing condos would be built to address those needs getting the Town closer to the 900 number.

Councilman Rappaport confirmed with Mr. Silek that there was potential for an inter parcel with Happy Creek Knolls Section 4.

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

ROLL CALL

Mayor Cockrell reiterated that what Council was looking at tonight was the amended proffer statement noting that the project itself was approved by a previous Council. She advised that Council knew about the financial impacts of the project and heard from the contractor that the Town was in a better position since there was no impact from the schools. She voiced concerns that Leach Run Parkway has not been dedicated to the Town with her understanding that it was owned by the Warren County EDA. She thanked Councilman Rappaport for the excerpt from the original traffic study ten years ago but noted that there was currently a hospital and a middle school in the area.

Mayor Cockrell voted NO to break the tie

PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS

John Lundberg, 203 Peach Tree Court read the following statement:

Don't install speed-cameras in Front Royal until the Town Council has conducted a much more detailed study of the proposal!!

By John Lundberg

I don't recommend a penny of taxpayers money be spent on speed cameras in school zones in Front Royal until a much more detailed study is conducted by the Town Council.

This is an exceedingly controversial issue nationwide.

To date it appears the Town Council's research has been rather shallow.

For example, here are questions raised in my mind after I read a brief, speed-camera analysis by a local resident, Jon Schwartz who has extensive experience installing and maintaining speed-cameras in southern California:

1. What is the problem you are trying to solve? How many children have been injured by speeders in local school zones in recent years?
2. Overall how big a problem are speeders in school zones?
3. Is there a cheaper way to solve the problem than speed-cameras?
4. Are you aware that the biggest reason — by far — that American communities have installed speed-cameras in the past is not for safety reasons — but for raising revenue?
5. How much do you believe advertisers who say "revenues" will offset "costs"?
6. Has any of the Town Council research been based on the experience of software developers who have actually installed and maintained speed cameras?
7. What is the total cost of the system to Front Royal taxpayers — to buy the equipment — build a processing center — hire a staff — hire a company to process the pictures?

8. Where will the image of my license plate — and possibly the face of the person driving my vehicle — be sent for processing? Out of state? Out of country?

9. Are you afraid to put this issue to a vote of the people? I understand that when speed-cameras are put to a vote of the people, the system is almost always soundly defeated.

10. What kind of camera-reliability problems have been experienced by communities that installed them?

11. Can local processing-centers — with pictures of my car license plate and "facial" images" of the driver — be hacked?

12. New York City has thousands of cameras around the city monitoring "facial recognition images." Do we really want this kind of system in our small town?

13. Why don't we hire crossing guards at schools — at fraction of the cost — instead of installing an expensive speed-camera system?

14. What are the long-term threats to our privacy and liberty by cameras established all over our community? Are we building an infrastructure that can be turned against us?

Glenn Wood, 1269 Kesler Road, suggested that Council consider the recommendation of the Town Manager and install the speed cameras at specific schools for the safety of the children.

REPORTS

A. Town Manager Report – Mr. Waltz advised that the Town was currently under Mandatory Water Conservation and if there was not a significant amount of rainfall the Town could go into Emergency Water Conservation by the end of the week.

B. Town Council Reports –

Councilwoman DeDomenico-Payne advised that she attended the opening of *Downtown Blends*, noting she was impressed on what was going on downtown. She and Councilwoman Morris toured the Avtex Conservancy property with Warren County EDA members and other public officials. She assisted with Midget Football concession and was impressed with parents supporting children in a positive way. She mentioned that the scope of work related to the draft speed camera vendor contract needed to be reviewed and voiced her support in law enforcement.

Councilman Rogers advised that he would continue to reach out to the community so they may share their thoughts and comments.

Vice Mayor Sealock thanked Town Staff for completing repairs to the Prospect Street Bridge. He cleared up several questions about Blue Line and the cameras' intention.

Councilwoman Morris stated that the future of Front Royal was positive. She explained that the Blue Line Agreement was on tonight's agenda under consent to authorize the Town Attorney to negotiate terms.

Councilman Ingram gave an update on the Transportation Subcommittee noting that the VDOT study was still underway.

Councilman Rappaport attended the VML Policy Infrastructure Committee virtually, the Valor Awards, *Downtown Blends* Grand Opening and National Night Out. He gave a shout out to Darryl Merchant who completed his service on the Planning Commission.

C. Report of the Mayor – Mayor Cockrell advised that she assisted in serving lunch to the new teachers in July, as well as attending the Employee Appreciation Luncheon, Valor Awards, National Night Out, and *Downtown Blends* Ribbon Cutting. She recognized the following new businesses: *Poppy's Place*, *Garcia and Gavino's* new location, *Catamount Lounge*, and a new restaurant serving Greek food in Gateway Shopping Center. She expressed sincere appreciation to Darryl Merchant for his service on the Planning Commission and advised that there were openings to serve on the Front Royal Economic Development Authority (FREDA) and Planning Commission.

CONSENT AGENDA ITEMS

A. Resolution for Blanket Project Funding Commitment/Projects Under Agreement with VDOT

Council approved a Resolution for Blanket Project Funding Commitment and Projects Under Agreement with the Virginia Department of Transportation (VDOT) as presented.

B. Bid for Various Grades of Stone FY24

Council approved a bid from Heidelberg Materials NorthEast LLC for fixed pricing on various types of stone to be used for maintenance in the Water, Sewer and Street Departments for FY24 in the amount of \$120,949.00.

C. Bid for Various Grades of Asphalt FY24

Council approved a bid for firm fixed pricing on various grades of asphalt for general street patching and surfacing of Town streets for FY24 from Stuart M. Perry, Inc. in the following amounts per ton: base, \$83.00; intermediate, \$83.00; and finish, \$85.00.

D. Bid for Water and Wastewater Chemicals FY24

Council approved approve the following for FY24 water and wastewater treatment chemicals at firm fixed pricing as follows: Chemrite Inc., Buford, GA: Sodium Permanganate \$7,123.20; Univar Solutions USA, Inc., Morrisville, PA; DelPAC 2020 \$87,040.00; Sodium Hypochlorite \$129,600.00; Carbon \$7,680.00; Sodium Fluoride \$22,170.00; Potassium Permanganate, Tech Grade \$30,036.00; USALCO, Baltimore, MD: DELPAC-XG \$79,848.00; Suffolk Sales & Services Corp., Suffolk, VA: Glycerin \$116,480.00

E. Electric Cost of Service Analysis and Rate Study

Council approved an award to GDS Associates, Inc., in the amount of \$40,000 to provide an Electric Cost of Service Analysis and Rate Study.

F. Purchase of a Standby Generator

Council approved the purchase and installation of a Standby Generator for the Department of Energy Services, to Carter Machinery Company, Inc Sourcewell Contract in the amount of \$48,834.15.

G. Citizen Appointment to the Joint Towing Advisory Board

Council appointed Christian Downs as the Citizen Representative to the Joint Towing Advisory Board to an unexpired term ending August 31, 2026.

H. Authorize the Town Attorney to Negotiate an Automated Systems Speed Enforcement Systems Agreement with Blue Line Solutions, LLC as a Cooperative Procurement

Council authorized the Town Attorney to negotiate an Automated Systems Speed Enforcement Systems Agreement with Blue Line Solutions, LLC as a cooperative agreement and bring back to Council at a later time for review and ultimate approval.

Mayor Cockrell reminded Council of the amendment to 10G Citizen Appointment to the Joint Towing Advisory Board that the expiration of the term should state 2026 not 2023.

Councilman Rappaport moved seconded by Councilman Ingram to approve the Consent Agenda as presented for 10A-10F, 10H and 10I, and with the amendment to 10G to reflect 2026 not 2023.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS

Request from Donald McCarty for Vacation of a Portion of North St. and a Portion of an Unimproved Alley
Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne that Council approve the 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 conditioned upon the applicant purchasing the property from the Town for an agreed price to be paid within ninety (90) days of approval. Councilwoman Morris further moved that Council authorize the Town Manager to negotiate a purchase price with the applicant to be presented to Council for approval.

Mayor Cockrell advised that the Viewing Committee shared their report and were in unanimous agreement to approve the vacation. She read their comments.

Councilman Rogers noted that this one request was different than other vacations they had in the past.

Councilwoman Morris reiterated that the Viewing Committee was in favor of the vacation, and it was very well justified.

Councilman Rappaport advised that he listened to the public and the main concern from them was that the vegetation buffer not be disturbed. Mr. McCarty, the applicant, confirmed it was not his intention to disturb the buffer. Mr. Rappaport confirmed that the 40-foot section was needed. Mayor Cockrell warned that those who purchased the property after construction could do something with the buffer if they desired.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

CLOSED MEETING

Councilwoman Morris moved seconded by Councilwoman DeDomenico-Payne 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 Planning Commission and Front Royal EDA.

2) 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 Clerk of Council; and,

3) pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, more specifically, Town of Front Royal v. Front Royal Warren County EDA, et al., Front Royal Warren County EDA v. Town of Front Royal, First Bank and Trust Company and Town of Front Royal v. Front Royal Limited Partnership; and,

4) pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically, portions of North Street and adjacent unimproved alleyway.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Ingram 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 – Councilmen DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Meeting adjourned at approximately 12:45am.

Approved by Town Council

Date: 9/25/23