



TOWN COUNCIL REGULAR MEETING MINUTES

September 25, 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 Mia-Elizabeth Vassar Miller

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 Special Meeting and Regular Meeting Minutes of August 28, 2023 and Work Session Minutes of September 5 and September 11, 2023 as presented.

Councilwoman DeDomenico-Payne advised that she notified the Clerk of Council of a couple of small insignificant changes to the regular minutes of August 28th and work session minutes of September 11th. It was confirmed that a vote was not needed for the changes.

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 - None

RECOGNITIONS/AWARDS/REPORTS –

Proclamation for Public Power Week – Mayor Cockrell read the proclamation and signed it for the record.

Recognition of Service on Planning Commission – Darryl Merchant – Mayor Cockrell read the Certificate of Recognition and Council presented it to Mr. Merchant thanking him for his service.

Recognition of Achievement for Excellence in Financial Reporting – Finance Director and Staff – Mayor Cockrell read some of the letter (dated 7/24/23) sent to the Town from the Government Finance Officers Association (GFOA) notifying them of the qualifications met for the GFOA's Certificate of Achievement for Excellence in Financial Reporting by Finance Director BJ Wilson and his staff. On behalf of Council she thanked and congratulated him and his staff for their achievement.

PUBLIC HEARINGS

A. An Ordinance to Amend Town Code §175-3 and §175-110.5 Performance Standards for Urban Agriculture Pertaining to Chickens in Town Limits.

Mayor Cockrell opened the public hearing.

Barbara Martin, 1805 Belmont Avenue, voiced concern over the modification to the ordinance noting that her six chickens were free range in her backyard with a 6-foot fence and did not want to keep them confined as the modifications (if approved) would require.

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

Councilwoman Morris moved that Council deny the ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits, as presented.

Motion failed for lack of a second.

Councilman Rogers moved seconded by Councilwoman DeDomenico-Payne that Council approve the ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits, as presented.

Councilwoman Morris advised that she visited several properties that currently had chickens and amending the ordinance, as presented, did not resolve issues it only made it more regulated for those who already had chickens. She suggested sending it back to a work session for more discussion.

Councilman Rappaport stated that the current ordinance allowing six chickens was enough since the Town was becoming more urban than rural. He advised that he would be voting against the amendments.

Councilman Ingram stated that the amendment to the current ordinance amendment would restrict free range potential. He advised that he would be voting against the amendment and suggested bringing it back to Council for further review.

Councilwoman DeDomenico-Payne voiced concern on waiting three months for this ordinance to be acted upon.

Councilwoman Morris understood that urban agriculture was for citizens to either make money or provide for their families. She expressed her appreciation to the Director of Planning for their work on this revision.

There was much discussion on how to amend the original motion, noting that the majority of Council seemed to agree to discussing further in a work session. After being asked by Council on their options for a motion, Town Attorney George Sonnett suggested either to postpone or give a substitute motion.

Councilwoman Morris moved seconded by Councilman Ingram that Council postpone ordinance amendments to Town Code §175-3 Definitions and §175-110.5 Performance Standards for Urban Agriculture pertaining to chickens in Town limits as a substitute motion for the original motion. Councilwoman Morris further moved that it be discussed at the work session on November 6, 2023.

Councilwoman DeDomenico-Payne questioned why the ordinance amendment could not be approved tonight and referred to the Planning Commission stating Council's concerns about standards. It was noted that approving the ordinance tonight placed a further burden on those who already have chickens.; therefore, postponing the action allows Council to review further the amendments, refer those amendments to the Planning Commission and amend the Code in a way that can be better utilized and adhered to for all citizens.

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

No – Councilmen Rappaport and Rogers

Absent – N/A

Abstain – N/A

ROLL CALL

(on substitute motion for the original motion)

B. An Ordinance Authorizing the Disposition and Sale of Publicly Held Real Property of Previously Conditioned Vacated North Street Extended and a Portion of an Unimproved Alley – Donald McCarty

Mayor Cockrell opened the public hearing. Since there were no speakers, the public hearing was closed and opened up to Council.

Councilwoman Morris moved seconded by Vice Mayor Sealock that Council adopt the attached ordinance entitled Ordinance Approving the Conditional Vacation of Public Rights-of-Way in and Sale of Approximately 13,001 Square Feet of Variable Width Alley and Unimproved North Street.

Councilman Rappaport reminded Council that the applicant indicated at the last meeting that he did not have a desire to remove the vegetated buffer and expressed hope that the applicant would keep the buffer for the residents. Mayor Cockrell confirmed that nothing in the negotiations or the proposed ordinance required Mr. McCarty to keep the vegetation intact.

Councilwoman Morris reminded Council that the property was needed for setbacks purposes. She voiced excitement about the development as it allowed for master bedrooms on the ground floor. Mr. Rappaport commented that the dwellings were higher end than what was normally expected.

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 COMMENTS NOT RELATED TO PUBLIC HEARINGS

Sarah Randolph, 1602 N. Royal Avenue, voiced concern over the public hearing notification letter she received regarding the vacation of a right of way and alley request by Aaron Hike. She explained that the letter stated that the public hearing was Monday October 25, 2023; however, October 25th was not on a Monday but tonight was the 25th, so she voiced confusion on the exact date. Town Manager Joseph Waltz

apologized for the confusion and advised that it should have read October 23rd and that new letters would be sent to all the property owners with the correct date. Mrs. Randolph advised that she attended the work session where this request was first brought before Council. She explained that the parking agreement that she has with the Town did not deter anyone from using the alley, noting that there were several community members who used the alley for playing and walking. Mayor Cockrell confirmed that the gravel currently located between the houses was there before she [Mrs. Randolph] moved in. Mrs. Randolph advised that she and her family would like the option to purchase a portion of the alley.

Tyler Manson, 1602 N. Royal Avenue and husband to Sarah Randolph advised that he and his family have lived in their house for six years and have maintained the easement [alley] the entire time. He advised that his children walk, play and sled in the alley. He questioned why the alley could not stay as is and be used by everyone in the community not just one family. He reiterated that he and his family would like to purchase half the alley.

REPORTS

A. Town Manager Report – Mr. Waltz gave the following report:

Thank you, Mayor,

While we welcomed the rain over the weekend, it is only the beginning of what we need because of the extreme drought conditions. We started water conservation efforts back in the middle of August and we continued to see the river levels decrease which pushed us into emergency water conservation efforts for the first time in 120 years of providing water. Today, the levels of the river are above conservation efforts, but we gauge our efforts on a 14-day rolling average of the river and we should be out of mandatory water conservation efforts by the end of the week. While water seems to be in abundance, it's a limited resource that we need to protect and use wisely. If we are not proactive in our conservation efforts, we will find ourselves back into emergency conditions. Therefore, we plan to start a social media campaign to educate and assist our citizens in conserving water today and all year round. Together we can make a difference. That concludes my report tonight.

B. Town Council Reports

Councilman Ingram gave an update on the Transportation Subcommittee noting that using the Front Royal trolley for transportation of the employees who worked in the 522 corridor was a topic of discussion. He advised that he attended the grand opening of *Valley Bar Bell*.

Councilwoman Morris gave an update on the Transportation Subcommittee explaining further about using the trolley as mentioned by Mr. Ingram. She noted that it was hard to walk to work in the corridor and a shuttle service would benefit those workers. She encouraged the Council to get on board with this idea.

Vice Mayor Sealock gave an update on the recent Dennis Smedley Bridge Dedication and voiced appreciation to everyone who attended and those members of staff who made certain everything was in order from writing the resolution to blocking the traffic lanes to conduct the ceremony. He noted that he would be bringing up at a future work session the dedication of a bridge in memory of Lt. Farrell.

Councilwoman DeDomenico-Payne attended the Ribbon Cutting for *Primerica Financial Services* and the Dennis Smedley Bridge Dedication noting that she appreciated law enforcement and that behind every law enforcement officer or first responder there was family supporting them. She also gave a shout out to *First Response Chimney Sweeps and Services* for their beautiful mural that was currently being painted on the side of their building.

Councilman Rogers thanked Mr. Sealock for leading the recognition of those who lost their lives in the line of duty, noting his attendance at the Smedley Bridge Dedication. He also attended the dedication of Melania's Gourmet on N. Royal Avenue. He concluded by stating how critical and vital infrastructure [water and electric] was to the community and the continued need of addressing issues as they come up. He reflected on the most recent water conservation in the Town.

Councilman Rappaport voiced disappointment that he could not attend the Smedley Bridge Dedication but noted his thoughts were with the family since he knew Mr. Smedley very well. He recognized Darryl Merchant for not only his service on the Planning Commission but also as President of the Blue Ridge Heritage Project and participation in Valley League and Little League Baseball. He thanked the Public Works Department for all they did, specifically for repairing the potholes on Massie Street and removing the overgrowth over the sidewalk on W. Main Street. He voiced excitement to see Happy Creek flowing again. He suggested that a future work session item for discussion include completion of the W. Main Connector from Kendrick Lane to W. Main Street noting that it would benefit the Police Department to get from point A to point B quicker.

C. Report of the Mayor noted the following events she attended: National Overdose Vigil, Ribbon Cutting for *Valley Bar Bell*, Ribbon Cutting for *Primerica Financial Services*, NAACP Dinner, Smedley Bridge Dedication [thanking Vice Mayor Sealock for championing the project], Alumni Moms of Warren County Football serving dinner to the Warren County Football Team the week of their Homecoming, Senator Kaine meeting regarding the Rail Trail, Warren Coalition's Celebrate Kids Day. She thanked all the new businesses for investing in the community. She concluded by stating *I would like to take the time tonight to point out something that is very important to me. So, you will notice that I have mentioned many events that both the Town and County officials were present. I want you to know that at those events we were all there to support our businesses, citizens, and organizations in this community. At all of those events you could see us talking, discussing, smiling and enjoying each other's company. We have a common goal to make Front Royal and Warren County a wonderful place to work, live and raise our families. I know there is always going to be some kind of talk that the Town and County relationships are fractured especially for some people around election time. But please do not believe everything you hear. I respect the County officials and want to have a positive working relationship with them. There is no place for an "us versus them" mentality here. Town citizens are County citizens, and every County representative also represents people in the Town. Community needs us to work together and I for one plan to continue to do just that.*

CONSENT AGENDA ITEMS

A. Bid for 500 kVA Three-Phased Pad-Mounted Transformer

Council approved the bid from Jerry's Electric, Inc., of Colman, SD, in the amount of \$28,425.00 for the purchase of a Remanufactured 500 kVA Three-Phase Pad-Mounted Transformer for the Shell EV Charger Installation Project

B. Award of Contract for Installation of Influent Pumps at Wastewater Treatment Plant

Council approved award of a contract to Johnston Construction Company in the amount of \$959,401.00 for the installation of influent pumps at the Wastewater Treatment Plant.

C. Award of Contract for Benefits Consulting Services

Council approved the award of a contract to Pierce Group Benefits., of Holly Springs, NC, in the amount of \$10,000 per year.

D. DMV Matching Grant for Police Department and Budget Amendment

Council approved the Division of Motor Vehicles (DMV) matching grant funds for specific enforcement of speed and impaired driving for overtime costs associated with the selective enforcement efforts in the amount of \$23,905.00 (Police Traffic Services/Speed enforcement: \$10,605.00 and Alcohol enforcement: \$13,300.00).; and approved a FY24 budget amendment in the amount of \$23,905.00.

E. Resolution to Approve the Town's Procurement Policies and Procedures Manual

Council approved a Resolution adopting a new and revised Town of Front Royal's Procurement Policies and Procedures Manual pursuant to Code of Virginia §2.2-4343 subdivision 10.

F. Resolution Authorizing the Execution of 2025-2028 Fixed Volume Energy Supply with American Municipal Power, Inc. (AMP)

Council approved a Resolution for fixed volume energy supply schedule for 2025-2028 not to exceed \$59.00 per MWh, as presented.

G. Resolution to Cancel Council Regular Work Session of October 10th

Council approved a resolution that would cancel their regularly scheduled work session on October 10, 2023, as presented.

H. Appointment to the Planning Commission

Council appointed Brian Matthiae to the Planning Commission said term ending August 31, 2027.

I. Appointments to the Front Royal Economic Development Authority (FREDA)

Council appointed Aiden Miller to an unexpired term ending December 13, 2024 and Thomas E. Eshelman said term ending December 12, 2026.

Councilman Ingram moved seconded by Vice Mayor Sealock that Council approve the Consent Agenda as presented.

Mayor Cockrell recognized the appointments to FREDA and Planning Commission.

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 - None

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 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 and Front Royal – Warren County EDA v. Town of Front Royal.*

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 9:30pm.

Approved by Town Council

Date: 10/23/23