



TOWN COUNCIL WORK SESSION MINUTES
Monday, October 2, 2023 @ 7:00pm
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.

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: Town Manager Joseph E. Waltz
Town Attorney George M. Sonnett, Jr.
Clerk of Council Tina L. Presley
Various members of the staff and public

Public Hearings Slated for October 23rd

A. BAR Appeal – Certificate of Appropriateness (COA) for 207 Cloud Street from Dawn Weber – Mayor Cockrell advised that this item was discussed last month but the requestor asked that it be deferred to October; however, another deferral to November has been requested just today. She advised that since it had already been deferred once Council would discuss tonight and a public hearing would be advertised for October 23rd.

Director of Planning Lauren Kopishke gave a brief overview. She advised that her department received a call on April 27th about work being done at 207 Cloud Street. Upon inspection it was noted that the metal roof and chimney were removed, and tar paper was being laid. A stop order was issued. She advised that the Board of Architectural Review (BAR) denied the applicants appeal due to the historical guidelines in the area. She noted that she did not know the reason for the latest postponement. Councilwoman DeDomenico-Payne questioned whether the roof was in danger of deterioration during the BAR appeal process. Ms. Kopishke advised that the paper laid down should be waterproof; however, long-term use of the paper was not acceptable. She also noted that the applicant had thirty days to appeal to the Circuit Court if Council agreed with the recommendation of denial.

Mrs. DeDomenico-Payne questioned whether homeowners moving into the Historic District received a printout of all restrictions. It was noted that the restrictions could be requested by the homeowner and that most real estate agents make the new homeowner aware. Councilman Rogers advised that most homeowners in the Historic District are aware of the restrictions, similar to a Homeowners Association

(HOA). Mr. Rogers stated that he loved the Historic District with its history and architecture, noting that he was strongly in favor of maintaining the restrictions. Ms. Kopishke noted that metal roofs are lighter therefore it would have to be determined whether the shingles proposed to be laid would be too heavy for the building.

Council agreed to advertise for a public hearing on October 23rd.

B. Ordinance Amendment to Chapter 156 Environmental Sustainability Pertaining to Increase in Committee Members Appointed by Council – Mayor Cockrell reminded Council that the Environmental Sustainability Advisory Committee (ESAC) asked to change their name to Advisory Committee for Environmental Sustainability (ACES) at the last work session. She advised that Council directed staff to determine whether ESAC could increase their membership due to the many projects they were handling. Town Attorney George Sonnett advised that after researching the state code there was nothing about the size of committee; therefore, he suggested a practical limitation that would allow the committee to get things done.

Town Manager Joe Waltz advised that Justin Proctor, member of ESAC, reached out to staff and had reservations about four-year terms for the board members. He suggested that Council proceed with the name change for now and review the other amendments when ESAC was ready to present them. Mr. Sonnett noted that the committee itself was appointed by Town Council and Subcommittees were appointed by the Committee.

Council agreed to advertise for a public hearing on October 23rd.

C. FY24 Budget Amendment for Outstanding Purchase Orders – Finance Director BJ Wilson explained that the Town had to carry over unpaid balances for purchase orders not completed as of June 30, 2023, noting that they were not using any additional funds and that a majority was in the Water/Sewer Fund for the redundant waterline. He reviewed various transfers and reallocations. There was much discussion pertaining to the reallocation of funds for Property Maintenance, Blighted Buildings, and the Transportation Plan. He explained that the \$92,000 for Blighted Buildings had been carried over since 2020. Councilman Rogers suggested not reallocating for blighted buildings until a discussion could determine the use of the funds.

Town Manager Joe Waltz stated that the Transportation Plan was critical and encouraged Council to reappropriate towards the Plan. He explained that he and Mr. Wilson sat down with staff to try and clean up funds that had been on the books for a while.

Mayor Cockrell questioned whether blighted buildings were going to be addressed another way. Mr. Wilson explained that there was still an operating budget for blighted buildings. Mr. Rogers reiterated that blighted buildings needed to be addressed and asked that Council delay movement of that item. Mr. Waltz advised that blighted buildings were fully funded for this year handling the day to day.

Councilman Rappaport voiced concern about not enough staff for code enforcement. Mr. Waltz advised the money could not be used for staffing.

Mayor Cockrell advised that a public hearing is scheduled for October 23 and encouraged Council to get with staff for their concerns related to reallocations.

Councilwoman Morris suggested reminding the public that the Town launched a place on the website to anonymously submit complaints related to blighted buildings and/or property maintenance, noting that the Planning Department was currently not overwhelmed with complaints as Council expected them to be. Mr. Rogers stated that it takes a complaint to get something started and suggested getting a plan together to address the blighted buildings and not be complaint based.

Mr. Waltz suggested that staff come back to Council in December and update them on what we are doing about blighted property.

Consent Agenda Items Slated for October 23rd

A. Bid for Fuels and Auto Maintenance Fluids – Mayor Cockrell asked if there were any questions or concerns for Purchasing Manager Michelle Campbell. Councilwoman DeDomenico-Payne questioned whether the pricing would change since fuel changed all the time. Finance Director BJ Wilson advised the pricing was for the specific date of the bid, noting that it will increase and that vendors cannot lock in long-term pricing for fuel.

B. Bid for De-Icing Road Salt – Mayor Cockrell asked if there were any questions or concerns for Purchasing Manager Michelle Campbell. It was confirmed that the average amount of tonnage varies on how much snow there was during the season.

C. Bid for Manassas Avenue Transformer – Mayor Cockrell asked if there were any questions or concerns for Purchasing Manager Michelle Campbell. Director of Energy Services Carey Saffelle advised that this was a firm bid noting it may take 52 weeks to receive.

D. Award of Contract for On-Call Civil Engineering Services – Mayor Cockrell asked if there were any questions or concerns for Purchasing Manager Michelle Campbell. Councilman Rappaport stated that the Town needed this service. Town Manager Joe Waltz advised that the service was anticipated to be long term. Mr. Wilson advised that there were several interviewees with a lot of engineering experience, but AMT had the most Virginia Department of Transportation (VDOT) experience.

E. Award of Contract for Software Consulting Services – Director of Finance BJ Wilson explained the issue of having to run two systems for receipts and was looking for software that could speak to all the department under one umbrella. He noted the importance for citizens to have options for payment and be notified of various things. He advised that the Town has had the same vendor for 20-30 years and wanted to see better options, noting the conversion would be a huge undertaking and wanted to do it right the first time. Councilman Rappaport advised that this was an Enterprise Resource Planning System where a consultant gave guidance, and the Town advised them what they wanted. Councilman Rogers liked the idea especially having the modules to grow on as they were needed.

F. Purchase of a Work Order & Asset Management Software for Energy Services – Finance Director BJ Wilson explained that this was cooperative contracting for the Energy Services Department. Director of Energy Services Carey Saffell advised that the department had maxed out Microsoft Excel and a centralized

work order system was needed. Mr. Wilson explained that this was a multi-year contract that exceeded \$50,000 therefore needing Council's approval.

G. FY24 Budget Amendment for Virginia Department of Health Grant – Finance Director BJ Wilson advised that the funds received would be paying for Item 3(H) Task Order for Lead Service Line Program Management Services with the project being completed by October 2024. He noted that the funds would immediately be allocated to CHA.

H. Task Order for Lead Service Line Program Management Services – this was discussed in 3 (G).

I. FY24 Budget Amendment to Accept DCIS ARPA Public Safety Grant and Approve the Purchases of Advanced License Plate Readers and Two Vehicles for the Narcotics Investigation Division – Finance Director BJ Wilson advised funds would be received and used for the purchase of vehicles and license plate readers. Chief Magalis confirmed that the money must be spent on those items. Councilwoman Morris advised that other localities are using this technology. Councilman Rogers advised that it was an amazing use of technology especially at capturing criminals.

Chief Magalis advised that access to run licenses was limited to the Virginia Criminal Information Network (VCIN) ensuring that no one could misuse the information. He explained that the purchase included six (6) cameras with a four-year contract, noting they would be reassessed at that time since the technology may be outdated by then. Town Attorney George Sonnet advised that a Virginia Supreme Court case addressed Licensed Plate Readers (LPR) and concluded that they did not capture personal information.

Councilman Ingram advised that the system was only as good as the data base it was tied to, reiterating that the information was not gathered on the person who was driving only the vehicle registration.

Old Business

A. Review of the Automated Systems Speed Enforcement Systems Agreement with Blue Line Solutions, LLC Mayor Cockrell began with various questions that related to the language in the agreement with Blue Line Solutions, LLC (BLS) and asked for clarification. The following were clarified by either Town Manager Joe Waltz, Finance Director BJ Wilson, Police Chief Magalis or Town Attorney George Sonnett.

- Their audit will not be part of the Town's audit.
- Mr. Sonnett agreed to seek clarifying language about equipment responsibility, liability and warranty as identified in #8 Ownership of System and #10 Indemnification.

Vice Mayor Sealock at this point voiced frustration that the Police Chief had come before Council numerous times and Council was still "nitpicking" the agreement. He reminded Council that other jurisdictions are using this system and the Town would know from them if BLS was not being transparent. He noted that the system was a way for motorists to slow down and that the Town could not afford six more police officers on the street stressing this system was the best solution. He urged Council to direct Mr. Sonnet to complete the agreement and move on. Mayor Cockrell appreciated Mr. Sealock's sentiments but preferred to continue covering all basis by asking the necessary questions.

Mr. Sonnet advised that this was a cooperative procurement meaning the template was set more or less and terms could vary somewhat tailored to each jurisdiction. He noted that the agreement before them

was more restrictive to the jurisdiction not more favorable to the contractor. He continued that he made edits and tightened up with “blessings” from BLS who signed it as well. He noted that he spoke with Fauquier County about their agreement since it was signed and finalized in August. He passed out a letter that was excluded from the agreement by accident. Mayor Cockrell continued, and the following were clarified by either Town Manager Joe Waltz, Finance Director BJ Wilson, Police Chief Magalis or Town Attorney George Sonnett.

- Any changes to the state code by the General Assembly was addressed in the #3 Term and Termination
- Subsequent Notices are not necessary notices. They are optional.
- Per Exhibit A #3 Mayor Cockrell questioned whether it was the Town’s responsibility to collect unpaid violations and how long to continue pursuing those collections. Mr. Sonnett advised that the Town’s obligation was what they deemed “reasonable efforts”. He reminded Council that the Town pays BLS per violation paid, noting that he negotiated a 80/20 split. Mr. Sonnett directed their attention to the letter in the packet dated March 31, 2023 (after Attachment A) that talked about accrued fees.
- Reasonable vehicle registrations go through Division of Motor Vehicles (DMV)
- There is a clear division between education and warning periods. Noting that they do not overlap making a total of 60 days.
- Agency is the Police Department. Chief Magalis stated that the fee was a civil penalty similar to a parking ticket. Mr. Sonnett advised that he could look into statistics of what percentage of violations were paid and those that were not.
- Mr. Sonnett advised that he would gather input from the judges and courts about whether disputed citations would increase their workload.
- Mr. Sonnet would clarify vandalism; however, the Chief advised that vandalism would be investigated. Mr. Waltz advised that the Town’s insurance would take care of vandalism, noting it was similar to school flashers that might get damaged or vandalized.
- People are prosecuted for civil violations regularly.
- BLS takes care of all service and maintenance of the signs. Mr. Sonnett will question the second sentence under Exhibit D#2 pertaining to what happens after the warranty expires.
- If a citation was contested based on functionality of equipment, then a representative of BLS would be in court.
- Revenue sharing agreement was 80/20 split.
- Additional warning periods were an additional cost due to BLS incurring overhead while the Town goes through another 30-day period.
- The word “early” was clarified to be added for Exhibit C#2 last sentence. Mr. Sonnett advised that this was early termination without cause.
- The letter passed out tonight was already incorporated into the agreement.
- The cameras can only be used in school zones and would be less effective anywhere else.
- An officer would be a witness in court only if the citation was contested as a traffic violation.
- Specific language in the state code allows active school zone cameras for two hours before school begins and two hours after school ends.
- State code allows 10mph over the speed limit not 11mph as previously thought.
- Credit card fees to pay over the phone was \$5.90 presumed to offset costs not used as revenue.

Council agreed to add to the October 23rd agenda for approval.

B. Review of License Agreements related to the Request to Vacate a Portion of N. Royal Avenue at 1516 N. Royal Avenue and an Alley between N. Royal Avenue/Virginia Avenue from Aaron Hike – Town Manager Joe Waltz advised that revised letters to the adjacent property owners were mailed and the public hearing on this matter would remain scheduled for October 23rd. Town Attorney Sonnett explained the two agreements. He noted that the Town Charter disfavors encroachments, however the state statute states that Towns can authorize them. He explained that the encroachment agreement was fine since the fence was a structure and was encroaching in the alley. He advised that in the second agreement the Town did not have exclusive use of the alley and therefore could not convey real property to another for parking purposes. He noted that the Town uses the alley in conjunction with the public's right to use the alley for ingress and egress. He opined that the second agreement could be terminated on short notice. It was confirmed that previous counsel signed off on the lease. Mr. Sonnet stood by his opinion that the second lease was not legal. Mayor Cockrell advised that the "little patch of gravel" looks like a parking space, and it was there when the current owners moved there. Mr. Sonnett advised that it was not an encroachment because there was no structure.

Mr. Sonnett reiterated that the first agreement prior Council had the right to approve by state code and could be terminated with sixty days' notice. The second agreement begs the question of the grant it purports to make and could be terminated on short notice, noting it was Council's pleasure as to their action.

Mayor Cockrell confirmed that the public hearing on the vacation request was set for October 23rd. Mr. Waltz advised that Council would have three options for actions (deny, approve, or send to the Viewing Committee). He advised that he would get more information on the request to vacate the right-of-way in front of Mr. Hike's property.

Mr. Sonnett noted that if the vacation request were to be approved on the 23rd, the two agreements would go away, stressing that Council deal with the vacation on its own merits. Mr. Waltz reminded them that there would be another public hearing after October 23rd to sell the property if that was Council's action on the 23rd.

There was much discussion on what the next steps were for Council as it related to the agreements' validity since the residents were not at fault. Again Mr. Sonnett reminded Council to keep the two issues separate.

Council agreed to rectify the situation with the "parking" agreement by placing it on the October 23rd agenda to invalidate it.

New Business

A. Liaison Committee Meeting Items for October 19th Meeting – Mayor Cockrell asked Council for items they would like to place on the next Liaison Committee Agenda. They agreed to the following:

- liaison policy revisions
- tax delaying
- youth center update
- Avtex Conservancy update

Councilman Rappaport agreed to attend with the Mayor.

CLOSED MEETING

Councilwoman Morris seconded by Councilman Ingram 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 Board of Architectural Review, Local Board of Building Code Appeals, FREDA and UFAC; and,*
- 2) *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, more specifically, “McKay Springs”; and*
- 3) *pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, more specifically, HEPTAD v. Town Council; and,*
- 4) *pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically, proposed agreement with Reaching Out Now, Inc.*

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

Abstain – N/A

ROLL CALL

Adjourned at 9:45pm

Approved by Town Council
 Date: **10/23/23**
