



TOWN COUNCIL REGULAR MEETING MINUTES

September 27, 2021 @ 7:00PM in 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.

Moment of Silence

Pledge of Allegiance was led by Councilman Gillispie

ROLL CALL PRESENT: Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman E. Scott Lloyd
Councilman Joseph E. McFadden
Councilman Letasha T. Thompson

ABSENT: Mayor Chris W. Holloway

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks
Town Attorney Douglas W. Napier
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Lloyd moved, seconded by Councilman Thompson that Council approve the Work Session minutes of August 9, 2021, and Regular meeting minutes of August 23, 2021, as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA – None

RECOGNITIONS/AWARDS/REPORTS –

Vice Mayor Cockrell introduced Director of Planning and Community Development Lauren Kopishke. Town Manager Steven Hicks stated that one of the goals of Council moving forward was to become more aggressive on notice of violations throughout the Town. Ms. Kopishke gave a brief overview of the report she had previously passed out to Council showing code enforcement cases that were open and closed from 2018 to 2021. Councilman Thompson questioned what can be done for those who do not follow through

with cleaning up their property. Ms. Kopishke advised that there are ways the Town Staff can follow through and anticipated more staff time being dedicated to this in the future.

Vice Mayor Cockrell read the Proclamation for Public Power Week. Town Manager Hicks introduced Director of Energy Services David Jenkins. Mr. Jenkins praised his staff and thanked Council for reading the proclamation. Mrs. Cockrell read from a social media post that praised the Town's Energy Services Department for a job well done.

PUBLIC HEARINGS

A. Special Exception Application by Chris Holloway Construction Requesting a New, Non-Dedicated Private Street Accessed off Carter Street

Vice Mayor Cockrell opened the public hearing.

William Barnett, 1115 Buck Mountain Road, Bentonville, VA, spoke in support of the application. He opined that approval of the application would improve the connection of streets creating fewer dead ends in the neighborhood. He asked Council to support the application.

Joe Brogan, of Brogan Land Surveying, 152 Brogans Lane, Bentonville, VA, noted he was the project's surveyor and was in attendance on behalf of Chris Holloway Construction. He gave a brief history of the property and explained the steps for the project that included: vacation of Carter Street; dedication of a new street; consolidate parcels; subdivide the lots on the private street and record; move forward with construction by digging basements and footers. It was at this point, he noted, when it was realized that the processes were out of step. Construction ceased and the subdivision was vacated so the steps could be addressed appropriately. He advised Council that currently Scott Street is not a through street and fire and rescue apparatus would have to back up over 300 feet to access any new construction encouraging the approval of the special exception of a private street for the new townhouses.

Director of Planning and Community Development Lauren Kopishke advised Council that an email was received from the applicant today addressing the concerns from the Planning Commission. The applicant has stated that he would provide a Road Maintenance Agreement and Private Road Restrictions prior to the issuance of the Permit of Occupancy. She noted that while she had not seen the documents thus far, she is aware that they are being worked on and will be furnished during the process. Mr. Brogan advised that the applicant would maintain the new private street until all the townhouses were sold and then there would be a Joint Maintenance Agreement among the new owners that would carry on with their property. Mr. Brogan advised that most of the homes in the neighborhood were townhouses and the six foot-lot development from Chris Holloway Construction was a good fit.

Vice Mayor Cockrell confirmed that the new residents would be able to take their trash to either Steele or Scott Streets.

Councilman Gillispie questioned whether the two houses on Carter Street would still have snow removal. Mr. Kopishke advised that they would due to that portion of Carter Street was not vacated and still a public street.

Mr. Brogan advised that there are currently water and sewer lines that travel north to south in Carter Street which is a utility easement with the Town making this street a 30-foot right of way.

Councilman Gillispie questioned whether the Road Maintenance Agreement would include curb and gutter. Mr. Brogan advised that there currently is no curb and gutter installation proposed; however, if it is found that it would be a requirement for better drainage, they would be in favor of it. Mr. Gillispie voiced his concern regarding the stormwater runoff and recommended the installation of curb and gutter and the Stormwater Plan to address issues with those already in the neighborhood. Mr. Brogan reminded Council that the building code requires the creation of drainage away from the structures and not toward adjoining structures, noting that swales are created to divert drainage and then toward the natural drainage which is an old alley located at the northeast corner of the property. Ms. Cockrell voiced concern over water in neighbor's yards. Mr. Brogan addressed the silk fence that is currently being used to address water issues and noted it would remain for now and maintained as needed.

Councilman McFadden asked Ms. Kopishke whether the Planning Commission was comfortable with the staff recommendations in the motion. Ms. Kopishke advised that she spoke with a Planning Commission member today and was advised that if the conditions in the motion are approved that they would be amiable to the proposed street.

No one else spoke and Vice Mayor Cockrell closed the public hearing.

Councilman Thompson moved, seconded by Councilman Lloyd to approve a special exception application submitted by Chris Holloway Construction for a new, non-dedicated private street in the Steele Subdivision to service parcels (tax map# 20A7-15-3-5A1, 5A2, 5A3, 5A4, 5A5 and 5A6), located north of the intersection of Beeden Lane with Carter Street contingent upon the following:

- 1) Approval of the private drive prior to approval of the subdivision so lots have legal road frontage,***
- 2) Applicant to provide road construction plans as part of the new Subdivision Plan***
- 3) Applicant decides on the exact name of the proposed street name "Ryder Benson" Lane or Court.***
- 4) Applicant provides staff with a copy of the Road Maintenance Agreement and Private Deed Restrictions which are required to be disclosed to the buyers of the property prior to the issuance of a Final Compliance Certificate.***

Councilman McFadden asked for a copy of a report that was asked of Planning Commission on how the process was diverted. Ms. Kopishke advised that she is to furnish the report to Town Attorney Doug Napier who will then turn it over to Planning Commission. Mr. Napier advised Council that he anticipated the Planning Commission would turn the report over to Town Council.

Councilman Thompson noted that the project was a great improvement to the neighborhood.

Councilman Lloyd questioned whether the conditional approved language [in the motion] leaves any issues outstanding for proper completion. Ms. Kopishke advised that once staff received sufficient detailed plans, she didn't foresee any issues and explained that a new review would be in place by various department directors, engineer, and fire marshal. She reiterated that the conditions are sufficient to address concerns.

Mrs. Cockrell noted that she watched the Planning Commission meeting and noted the members' concerns as well as her own. Upon visiting the site, she spoke with a firefighter who advised her that townhouses require a ladder truck due to their construction and that there were tighter spots than this area around Town. It was also noted that there was a fire hydrant located at the end of Scott Street. She reiterated that the runoff, snow removal and trash collection concerns had all been addressed. She voiced concern over

address changes for those residents who currently live on Carter Street. Ms Kopishke advised that the duplex on Carter Street will stay Carter Street since that portion of Carter Street was not vacated; and the new six townhouses will be addressed as Ryder Benson Lane. Mrs. Cockrell stated that the new residents are fully aware that they live on a private street, and they have street maintenance responsibility.

Councilman Gillispie asked Town Manager Hicks to speak to some issues being reviewed during the Comprehensive Plan re-write. Mr. Hicks recapped the challenges Town Staff has had in making decisions and emphasized his responsibility for those decisions. He reflected on some important issues the Town currently faces:

- At the time there was no electric service process to notify customers of power hookups. This has been corrected
- There are no small area plans on how we are going to direct infield type of development
- There is no business checklist for applicants regarding site plans, SUPs, rezoning, etc. to establish how we go about giving them information
- The last time the planning and zoning permit forms were updated was in 2006
- Still have a 1999 Landscaping Standards
- Still have a 1998 Comprehensive Plan and Subdivision Ordinance
- Last time Street Standards have been updated was 1995
- Last time software for the SCADA system at the Water Treatment Plant was updated was in 1994
- Last Floodplain Plan was 1986
- Parking Ordinance was last revised in 1983. Police Chief is currently updating this.
- There is no Stormwater Management Plan
- Just finished the Blighted Program
- Looking at establishing a Strategic Plan that links the budget process to identification of low and high priorities

Mr. Hicks continued that when one looks at how the Town currently goes about any development they work with the engineer and/or the applicant to come up with a solution. He reminded Council that one of their goals when he was hired was to look how processes could be improved and noted that they will be focusing on accomplishing these goals.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

B. Special Exception Application by Poe's River Edge, LLC Requesting a New, Non-Dedicated Private Street at the end of Kendrick Lane

Vice Mayor Cockrell opened the public hearing.

William Barnett, 1115 Buck Mountain Road, Bentonville, VA, gave a brief history of the property noting that the property was originally on Kendrick Lane but was vacated by the state years ago. He voiced fear that if the private street was denied the property would not be further developed. He urged Council to approve the application as proposed.

Joe Brogan, of Brogan Land Surveying, 152 Brogans Lane, Bentonville, VA, noted he was the project's surveyor and one of the owners of Poe's River Edge LLC. He explained that he was looking to subdivide a 10-acre lot on a private street, noting that all the Planning Commission's concerns had been addressed and a revised minor subdivision plan had been submitted.

Councilman Cockrell closed the public hearing.

Councilman Thompson moved, seconded by that Councilman McFadden approve the special exception application submitted by Poe's River Edge, LLC for a new, non-dedicated private street located at the western terminus of Kendrick Lane past the railroad trestle, between the South Fork Shenandoah River to the west and the Norfolk Southern Railroad to the east contingent upon:

- 1) The existing variable width and forty (40) foot right-of-way be increased to a fifty-five (55) foot right-of-way and extended along the eastern property line of parcel tax map#20A1-3-5A1,*
- 2) A turnaround be provided for emergency response vehicles on parcel tax map# 20A1-3-5A2,*
- 3) A master development plan be submitted if parcel tax map #20A1-3-5A1 is further subdivided*

Director of Planning and Community Development Lauren Kopishke advised that she had received the revised minor subdivision plan and it has cleared up any concerns.

Councilmen Thompson and Gillispie, and Vice Mayor Cockrell voiced excitement over the land being used for another great project in Town.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

C. Special Use Permit by Allen Walters Requesting to Construct a New Single-Family Dwelling on a Non-Conforming Lot of Record on Warren Avenue

Vice Mayor Cockrell opened the public hearing and since there were no speakers closed the public hearing.

Councilman Thompson moved, seconded by Councilman McFadden that Council approve a Special Use Permit (FRSPU-2880-2021) application submitted by Allen Walters to construct a new single-family dwelling on a nonconforming lot of record (tax map# 20A3-4-55-22), located north of E. 13th Street between 1328 and 1320 Warren Avenue contingent upon:

- 1) The house plan may be modified, provided that the finished floor area shall not be reduced to less than one thousand two hundred thirty-four (1,234) square feet,
- 2) The façade and main entrance of the home must front Warren Avenue.

Councilman Thompson voiced excitement over another new house.

Vice Mayor Cockrell advised that after watching the Planning Commission Meeting, she had several concerns that she has received answers to that included: 1) the taxes had not been paid for 10 – 20 years hence the property going up for auction and 2) the house was comparable to the others in the area.

Mrs. Cockrell thanked those in attendance who were able to answer Council's questions during all the public hearings tonight.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

D. Ordinance Amendments to Town Code Chapter 12-1 and 70-23 to Remove the Town's Dusk-to-Dawn Light Program

Vice Mayor Cockrell opened the public hearing and since there were no speakers closed the public hearing.

Councilman Lloyd, seconded by Councilman McFadden that Council approve ordinance amendments to Town Code Chapters 12-1 and 70-23.D. to remove the fees and charges for installation of poles for dusk-to-dawn lights, as presented.

Councilman McFadden confirmed that the ordinance before them was about the dusk-to-dawn lights discussed in a work session weeks ago.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Craig Anderson, 110 Sunset Lane, Linden, VA, suggested that Council resist communism and opined that we were under a major assault from communists reflecting on his most recent visit to Washington, DC.

Tom Sayre, 835 Shenandoah Shores Road, Front Royal, advised and read a post from Facebook regarding religion and sinners and referred to Councilman Thompson as responding to the post. Mrs. Thompson explained that she too was a Christian and that a person didn't have to have religion to have moral standards. She emphasized the fact that she had many friends in all religions and have chosen to love all people period. Mrs. Thompson also advised that she was offended by the other speaker since the Town's Gazebo should not be used for any political motivation or rename it anything since it was a community space to be shared by everyone.

REPORTS

A. Town Manager Report – Steven Hicks advised that the Town Business Offices would be closed Monday, October 11th for Columbus Day and that there was a work session schedule for October 12th at 7:00pm in Town Hall.

B. Town Council Reports

Councilman McFadden stated that to move forward in Front Royal was to improve processes and to follow and make sure laws and rules are followed properly. He referred to one of the processes that was corrected

immediately by Mr. Hicks and the Director of Energy Services. He voiced anticipation on the new re-write of the Comprehensive Plan.

Councilman Lloyd agreed with the processes mentioned by Councilman McFadden. Mr. Lloyd reported that he reached out to members of the Ministerial Association and hoped to attend their meeting in October. He also noted that he received response that Culpeper was Front Royal's Sister City. He advised that he had a few comments regarding the Ministerial Association and Sister City when writing the vision for the Comprehensive Plan.

Vice Mayor Cockrell advised that she attended the *Front Royal Wines* ribbon cutting on Main Street where she ran into visitors who gave positive comments about Front Royal. She noted that she attended the Town/County Liaison Committee Meeting. She noted that while the meeting was three (3) hours, it was full of good conversation. She looks forward to continued discussions between the Town and County.

Councilman Lloyd reiterated that he too ran into people who just moved to Front Royal and gave positive comments about the people who live here.

C. Mayor Report – None as Mayor was absent

CONSENT AGENDA ITEMS

A. Proclamation for Public Power Week

Council approved a Proclamation proclaiming October 3 – 9, 2021 as Public Power Week in the Town of Front Royal, as presented.

B. FY22 Budget Amendment for Virginia Risk Sharing Association Grant

Council approved a FY22 Budget Amendment in the amount of \$4,000.00 from the Virginia Risk Sharing Association (VRSA) Grant Program to purchase a cybersecurity vulnerability platform.

C. FY22 Budget Amendment for DMV Speed & Alcohol Enforcement Grant

Council approved a FY22 Budget Amendment in the amount of \$26,178.00 to receive funds from a Division of Motor Vehicles (DMV) Highway Safety Grant for Speed and Alcohol Enforcement to be used for the following: a breath test device (\$499.00); a stalker speed sign (\$4,831.00); a stalker dual radar unit (\$1,948.00) and patrol overtime (\$18,900). I further move that Council direct the Town Manager to execute the DMV Highway Safety Grant Agreements.

D. Reimbursement of Water & Sewer Tap Fees for Habitat for Humanity

Council reimbursed the water and sewer tap fees paid for a new build located at 219 Orchard Street (Lot 3A Block 7 Hoffman Heights) in the amount of \$9,993.00 to Habitat for Humanity of Warren County and direct the Town Attorney's Office to execute an agreement with the property owner(s) to place a lien on the property in the amount of \$9,993.00.

E. Cooperative Contracts for Non-Professional Services to Support the Town's Building Code and Environmental Division

Council approved the cooperative contracts with CTI District Services (CTI) for building plan review, on-site building inspection, and fire protection review services and ECS Mid-Atlantic, LLC (ECS) for building plan review and on-site building inspection services using the City of Falls Church cooperative contract. Council is further requested to direct the Town Manager to execute all contract documents associated with these professional services.

Councilman Gillispie moved seconded by Councilman Thompson to approve the Consent Agenda, as presented.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, McFadden and Thompson

No – Councilman Lloyd

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS

A. Special Events Policy and Procedures

Councilman McFadden moved, seconded by Councilman Thompson that Council approve the Special Events Policy and Procedures, effective November 1, 2021, as presented.

Vice Mayor Cockrell reminded Council that there had been a lot of work, cooperation and input from staff and citizens. She suggested that if there were changes needed after it becomes effective to please let staff or Council know.

Councilman McFadden confirmed that the current matrix was established in part by Scott Turnmeyer and it was not the original JLL matrix.

Councilman Thompson expressed excitement over the cooperation of business owners and citizens coming together on a community space.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, McFadden and Thompson

No – Councilman Lloyd

Absent – N/A

Abstain – N/A

ROLL CALL

CLOSED MEETING – Councilman Thompson moved, seconded by Councilman Gillispie *that Town Council go into Closed Meeting pursuant to Section 2.2-3711, of the Code of Virginia for the following reason:*

(1) The discussion, consideration, or interviews of prospective candidates for appointment to boards for which Town Council has the power of appointment, as well as the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the Town, pursuant to Subsection 1. of that Code.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

MOTION TO CERTIFY CLOSED MEETING AT ITS CONCLUSION – Councilman McFadden moved, seconded by Councilman Gillispie *moved seconded by Councilman 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 – Mayor Holloway, Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Meeting adjourned at 8:31pm.

Approved by Town Council

Date: 10/25/21