



TOWN COUNCIL REGULAR MEETING MINUTES

September 26, 2022 @ 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.

Moment of Silence

Pledge of Allegiance led by Councilman Gillispie

ROLL CALL PRESENT: Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Zackary Jackson
Councilwoman Amber F. Morris
Councilwoman Letasha T. Thompson

ABSENT: Mayor Chris W. Holloway

APPOINTED STAFF PRESENT: Interim Town Manager Kathleen R. Leidich
Deputy Town Attorney George Sonnett
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Gillispie moved, seconded by Councilman Jackson that Council approve the minutes of the following meetings of Town Council as presented: Regular Meeting of July 25th, Work Sessions of August 8th and September 12th and Special Meetings of August 29th and September 12, 2022.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA - NONE

RECOGNITIONS/AWARDS/REPORTS –

Chief Magalis recognized Officer Martin and Sergeant Suess with receiving a Life Saving Award from the Virginia Association of the Chiefs of Police.

Infrastructure Manager Steve Scheulen gave the following Project Update:

Public Works Infrastructure Update September 26, 2022

Curb & Gutter Installation Project – Installation of 9,000 of CG6 curb and gutter and CG9 driveway aprons on 10 streets, this project is 95% complete and will be completed late-September 2022.

610B & 612 W. 11th St Storm Drain Upgrade Project – Town has received the new storm drain structure so we can finish installing the last 50' of new pipe and tie everything together in the new structure. This work should be completed the first part of October.

Braxton Rd & Manassas Ave Waterline Upgrade Projects – This bid was approved by Town Council on August 29 and the contracts have been sent to Bushong Contracting Inc to sign off and get the material on order.

John Marshall Hwy Waterline Upgrade Project – Town received a total of 5 bids with Bowman-Griffin General Contractors LLC out Hillsville, VA being the low bidder at \$229,550.00. This project is on consent agenda for town council approval tonight.

Robinhood Lane PRV Vault Replacement Project – Still another 4 weeks out for delivery due to the traffic bearing hatch. Vault weighs 24,000 LBS so a crane will be needed to set the vault.

Richmond Rd PRV Vault Replacement Project – The bids came back on September 23 at 1pm to purchasing, these will be on the October town council agenda for approval. This vault doesn't require a traffic grade hatch so the lead time should be less that Robinhood Lane.

Redundant Waterline Project – The bid opening was held on August 31, 2022, we received two bids for this project. Snyder Environmental was the low bidder, once the bid documents have been reviewed it'll be brought to council in October for discussion and approval.

W. 12th St waterline Upgrade – We're currently working on bids specs and drawing to upgrade the existing water main on W. 12th St between N. Royal Ave and Virginia Ave. We hope to have this out to bid by mid October 2022.

Primary and Secondary Street Paving – The towns paving contractor will return on October 6th.

Water Treatment Plant SCADA Upgrade – D&R Controls is finishing up the completing the SCADA screen designs and waiting on system radios & antennas and once this is completed training with staff will begin on the new system.

Councilman Gillispie confirmed with Finance Director BJ Wilson that the bids for the redundant waterline came in high and that more information on this would be available at the next work session.

PUBLIC HEARINGSSpecial Use Permit for Short-Term Rental at 107 Highfield Lane – William & Melissa Gordon

Vice Mayor Cockrell opened the public hearing.

Will Gordon, 107 Highfield Lane and applicant on the property advised Council that he and his wife loved the Town but was moving to the County for more land. He expressed a desire to share the house with tourists noting his ideal market being families. He advised that there would be a book available in the house highlighting local businesses and places to visit. He assured them that he would be active in management of the property.

Doug Hovest, 101 Highfield Lane advised Council that he lived in the neighborhood noting the smallness of it with two cul-de-sacs at both ends. He voiced concern for safety of his and other children in the neighborhood due to the increase of traffic. He opposed the approval of a permit for short-term rental.

Marlene Lundberg, 203 Peach Tree Court advised that she lived in the neighborhood and voiced concern that she knew nothing about Mr. Gordon's plans for his house until she saw the sign out front. She explained that the neighborhood was very quiet with only nine houses. She advised that she would have been more comfortable if she would have known about the proposal for a short-term rental if the owner would have notified them in advance. She opposed the plan for a short-term rental.

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

Councilman Gillispie moved seconded by Councilwoman Thompson that Council approve a Special Use Permit for a short-term rental to William and Melissa Gordon at their property located at 107 Highfield Lane (tax map#20A-10-8-27).

Councilwoman Thompson advised that she reviewed the information for the short-term rental and found no issues; however, she understood the fear of children at play and questioned whether that could be handled another way to alert those who are visiting the neighborhood.

Councilwoman Morris questioned the minimum length of stay. Mr. Gordon advised that initially it would be a three-night minimum stay. She questioned the number of police calls to this neighborhood. Chief Magalis confirmed that there had been no known specific complaints in this neighborhood. She confirmed that there were no concerns from the Planning Commission on this application.

Vice Mayor Cockrell was encouraged by the fact that the owner was staying in the area. She questioned parties and Mr. Gordon advised that parties would not be allowed making this a standard on his application that he would have to adhere to. She questioned the installation of "Children at Play" signs. Interim Town Manager Kathy Leidich advised that self-contained signs are placed by private property owners and those placed on the streets would be approved by the Town Manager. Mrs. Cockrell confirmed that issues or complaints would be reviewed by staff and the permit could be revoked if it was warranted to do so.

John Lumburg, 203 Peach Tree Court requested to speak. Per Council's approval, Vice Mayor Cockrell allowed him to speak. He requested that Council postpone this request so that he may have a "sit-down" with Mr. Gordon to discuss his concerns including the parking situation.

Councilwoman Morris advised that the request addresses the parking on the property. She encouraged contacting the Planning & Zoning Department and/or the Police Department of any concerns those in the neighborhood may have. She voiced her understanding of the traffic concerns but reiterated that the permits are complaint-based and once a complaint is received it would be considered for review. Councilwoman Thompson clarified that the complaints would have to be substantial to revoke.

Councilman Jackson asked for the process the Planning & Zoning Department used for any complaints that may come into their office. Ms. Kopishke advised that the complaint would be logged into the system, the Code Enforcement Officer would speak with property owner which may include an onsite inspection for compliance and then go from there as to the outcome.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Special Use Permit for Short-Term Rental at 124 Luray Avenue – Philip Vaught/Vaught Real Estate LLC

Vice Mayor Cockrell opened the public hearing.

Bruce Rapport, 300 W. Main Street voiced concern over the transient aspect of short-term rentals. He opined that the families in the neighborhood have invested money and livelihood into their homes and expect residential living. He voiced understanding regarding the vetting process but felt that no one really knows who they are renting to.

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

Councilwoman Morris moved, seconded by Councilwoman Thompson that Council approve a Special Use Permit for a short-term rental to Philip Vaught/Vaught Real Estate LLC on their property located t 124 Luray Avenue (tax map #20A7-4-74).

Councilwoman Thompson noted that the owner would be living on the property and managing it as well. She continued that she does not believe in telling people what to do with their property. Mrs. Thompson also reminded those in attendance that Council had discussed transient occupancy and the independent research available showed that Airbnbs do not increase violence. She referenced a most recent short-term rental Council approved on Virginia Avenue that made them aware of concerns about people who already lived in the neighborhood not just those coming into the neighborhood on a short-term basis. Mrs. Thompson suggested the placement of a binder in their properties that could list various information specific to their property.

Councilwoman Morris advised that while she prefers a longer tenure for short-term rentals, she too does not believe in telling people what to do with their property. Ms. Morris voiced understanding to those who were concerned about transients in their neighborhood but stressed the importance of having crime statistics to prove their concerns. She continued that it was not fair to those who prefer an Airbnb over other options [motels] the Town had to offer; and, advised that Airbnb has a rating system where not only can you rate the owner but also the renter.

Councilman Gillispie advised that uncertainty can occur in any neighborhood with long-term rentals and long-term residents. He encouraged everyone to contact the police and/or or the Town if there was trouble and reiterated the permit can be revoked if it is warranted.

Vice Mayor Cockrell confirmed that the staff and the Planning Commission had no issues with the approval of the permit. Planning & Zoning Director Lauren Kopishke advised that Mr. Vaught will be living in the house and acting as the caretaker. She explained that part of the permitting process was the applicant submitting a management plan for their property which is similar to a binder of various information being placed in the property for the renters.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Special Use Permit for Short-Term Rental at 12 Chester Street – Lea Justice

Vice Mayor Cockrell opened the public hearing.

Lea Justice, 6016 Panhandle Road and owner/applicant of 12 Chester Street advised Council that she would be onsite most days due to continuing to run her business downstairs. She noted that the property had been a rental historically for a long time as well as a business downstairs with the only difference being the change now is from a long-term rental to a short-term rental. Ms. Justice explained the amount of renovation that had taken place on the 1806 building recently noting that the historic preservation was a priority. She opined that the property was a contender for a short-term rental due to its location in the historic district and Main Street. She explained that there never had been designated parking separate from the property; however, there was ample parking across the street.

Bruce Rapport, 300 W. Main Street voiced support of this short-rental due to it being in a commercial area of Town where it belongs reiterating his only issue was with short-term rentals being in residential areas.

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

Vice Mayor Cockrell moved seconded by Councilman Jackson that council approve a Special Use Permit for a short-term rental located at 12 Chester Street (tax map #20A8-4-43) for four (4) occupants to be sleeping in one (1) bedroom and a pullout sofa. The approval is contingent upon Council approve a Special Exception from 148-870s parking requirement.

Councilman Gillispie confirmed that the building had a historical plaque, but the owner advised that it was removed due to it falling apart. It was suggested to contact the Warren Heritage Society for a new one.

Vice Mayor Cockrell suggested that Council direct staff to review the parking for short-term rentals [175-151] to clear up any confusion on what is required. She reminded Council that when they started with the short-term rental ordinance that there would be some things that would come up that would need further review and clarification.

Councilwoman Thompson agreed that it should be clarified; however, she opined that Ms. Justice should not have to go through the parking process due to parking being available on the street, in the Peyton Street Parking Lot and in the Gazebo Parking Lot. Councilman Gillispie reiterated that the property has never had designated parking and opined that parking should not be required for something that has never existed. Councilwoman Morris advised that this rental was a perfect short-term rental and agreed with fellow councilmembers that there was ample parking and it has never had designated parking. She suggested that it should be a case-by-case basis for designated parking.

Rick Novak, from the audience was allowed to speak by Vice Mayor Cockrell. He noted that he was previously advised that parking does not apply to the historic district. Mrs. Cockrell noted that the short-term rental ordinance was different.

Planning & Zoning Lauren Kopishke read the short-term rental ordinance about parking, *Parking for the use shall be located in driveways or other designated and approved parking areas.*

Councilman Gillispie confirmed that Ms. Justice applied for the special exception on September 20th and paid the application fee. There was much discussion about “designated and approved parking” and their meaning. Ms. Kopishke advised that every use in Town is required to have a parking requirement.

Interim Town Manager Kathy Leidich advised Council that staff was currently working with the consultant on the Comprehensive Plan to amend the Town Zoning and Subdivision Chapters of the Town Code that included the provisions for parking.

Council confirmed that if the short-term rental is approved tonight, it would be contingent upon the parking issue being resolved at the public hearing for the special exception that would be scheduled as early as November. There was continued discussion about approving everything tonight, including the parking. Deputy Town Attorney George Sonnett explained that the short-term rental ordinance and every use in Town requires off-street parking. He noted that this particular request was unique, and the parking requirement could be met on the premises or within 300 feet of the premises but does not include public parking. He advised that the special exception was the way to handle this request. Councilwoman Thompson suggested handling this unique situation in a unique fashion by approving tonight and not charging her for the special exception. Mr. Sonnett confirmed that Council wanted to waive the parking requirement, but he advised them to go the special exception route.

There was much more discussion on the interpretation of the 175-151 parking and who decides and dictates on public parking not being approved parking and the intent of the meaning of approved parking. Mr. Sonnett reiterated that it would be against his advice to waive the parking requirement tonight.

Ms. Justice advised Council that it was the Planning Commission who originally put the condition on her and recommended approval as long as she got an exemption which at the time was believed to come from the Planning Director. So, she proceeded with that process. Upon conversation between the Planning Director and the [Deputy]Town Attorney it was determined that the Planning Director could not grant the exception. She voiced confusion on why it was going back to Planning Commission which would leave her completely missing "leaf peeper" season. She confirmed that she was not aware that she would be approved for her short-term rental tonight but could not use it and expressed being blindsided. Mr. Sonnett explained that the Planning Director only has authority to approve when the use is being expanded.

Mr. Sonnet reiterated that Council could move forward tonight but against his advice.

Vice Mayor Cockrell questioned whether there was a possibility to move this request sooner than November. It was noted that Council could hear the special exception for parking at their October 24th regular meeting as long as the advertisement for the public hearing was ready by October 4th. Council agreed to the October 24th public hearing. Council re-read the motion.

Councilwoman Thompson thanked all the speakers for coming out tonight to voice their concerns and apologized to Ms. Justice for not being able to fulfill the request completely tonight. Councilwoman Morris advised that permits cannot be denied if there is no legal way to do so and thanked Ms. Justice for appropriately and legally doing the right thing. Councilman Jackson thanked Ms. Justice for using her location to highlight what makes Front Royal beautiful.

Vice Mayor Cockrell moved seconded by Councilman Jackson that council approve a Special Use Permit for a short-term rental located at 12 Chester Street (tax map #20A8-4-43) for four (4) occupants to be sleeping in one (1) bedroom and a pullout sofa. The approval is contingent on Town Council approving a Special Exception from 148-870s parking requirements.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Proposed Ordinance amendments to Town Code Chapter 4 – Administration of Government

Vice Mayor Cockrell opened the public hearing. Since there were no speakers, the public hearing was closed.

Vice Mayor Cockrell moved seconded by Councilwoman Morris that Council approve the proposed amendments to Town Code Chapter 4 – Administration of Government as presented and effective upon passage.

Vice Mayor Cockrell advised that this item was discussed during multiple meetings. Councilwoman Morris explained that this was a housekeeping item.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Rick Novak, 117 E. Main Street confirmed that Council received their invitations to a seminar on September 27th (Revitalize or Die) from 10-3 at the Royal Cinema Theater noting it would help the community to move forward together. He also voiced concern that the Front Royal Economic Development Authority (FREDA) had not met in two months and questioned what was going on. Interim Town Manager Kathy Leidich advised that FREDA would be discussed at the October 11th Work Session. Councilwoman Morris explained that the delay was for the Interim Town Manager to be able to attend the meetings; however, she has had to attend to personal matters first.

REPORTS

A. Town Manager Report – Ms. Leidich encouraged comments on the Comprehensive Plan for staff to begin wrapping up this week.

B. Town Council Reports –

Councilman Gillispie advised that he was not seeking re-election and thanked the citizens for the opportunity to serve. He encouraged others to step up and serve. He thanked his fellow councilmembers past and present. He noted that the Town has spent more in infrastructure in the last four years than in the last 25 years. He noted that he has enjoyed working with Town Staff and thanked them for all their hard work. He concluded that he has had a positive experience.

Councilman Jackson thanked the Public Works Department for a job well done near Viscose Avenue last year.

Councilwoman Thompson thanked her fellow councilmembers and staff for their “lively” conversation earlier.

Councilwoman Morris thanked staff for their responses as well and voiced appreciation for their hard work knowing they are short-staffed.

C. Mayor Report – No report

CONSENT AGENDA ITEMS

A. FY23 Budget Amendment to Receive Funds from the Virginia Tourism Corporation and Allocate to Discover Front Royal

Council approved a FY23 Budget Amendment in the amount of \$19,976.19 to receive funds from the Virginia Tourism Corporation and allocate the funds received to Discover Front Royal once Discover Front Royal has established as a 501C-6 nonprofit organization and set up a bank account.

B. FY23 Budget Amendment to Receive Funds from the Virginia Department of Motor Vehicles Highway Safety Program

Council approved a FY23 Budget Amendment in the amount of \$23,494 to receive funds from the Virginia Department of Motor Vehicles Highway Safety Program and allocate \$23,494 to reimburse for over-time funds used for specific speed and impaired driving enforcement operations.

C. FY23 Budget Amendment to Receive Funds from the Virginia Department of Criminal Justice Services Local Law Enforcement Block Grant Program

Council approved a FY23 Budget Amendment in the amount of \$2,276 to receive funds from the Virginia Department of Criminal Justice Services Local Law Enforcement Block Grant Program and allocate \$2,276 to help support public safety and crime prevention efforts.

D. Contract Amendment and Budget Transfer to Replace Curb/Gutter and Install Sidewalk on Commerce Avenue

Council approved a contract amendment for Imperio Construction and budget transfer in the amount of \$81,695.50 that would allow Imperio Construction to replace curb and gutter and install sidewalk along a portion of South Commerce Avenue from Prospect Street to South Street.

E. Sole Source Procurement of Services to Repair Clarifier #4 at the Wastewater Treatment Plant

Council approved a sole source procurement of services from Evoqua Water Technologies in the amount of \$87,337.30 to make repairs to clarifier #4 at the Wastewater Treatment Plant.

F. Task Order to Complete Development and Implementation of a Water Backflow Prevention Program

Council approved a task order for CHA Engineering in the amount of \$49,000 to complete the development and implementation of a water backflow prevention program to meet the Commonwealth of Virginia Department Water Works Regulation.

G. Bid Award for De-Icing Road Salt

Council approved the bid award for de-icing road salt to Morton Salt, Inc. at \$89.09 per ton.

H. Bid Awards for FY23 Water and Wastewater Chemicals

Council approved bids for FY23 water and wastewater treatment chemicals at firm fixed pricing as follows:

- *Marubeni America Corp, Harrison NY – sodium permanganate (\$6,348.41),*
- *Brenntag Mid-South Inc, Bedford, VA – carbon (\$12,760) and sodium fluoride (\$27,480)*
- *and glycerin (\$154,700*
- *Univar Solutions, Inc., Morrisville, PA – polyaluminum hydroxychlorosulfate (\$73,120), and*
- *sodium hypochlorite (\$126,900) and Potassium Permanganate Technical Grade (\$30,132)*
- *USALCO, Baltimore, MD – Delpac-XG (\$85,816.80)*

I. Amendment to Dominion Energy's Water and Sewage Service Agreement

Council approved an amendment to Dominion Energy's water and sewage service agreement with the Town to accelerate payments from Dominion Energy to the Town totaling \$3.5 million based upon the following schedule: • Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon the Town meeting all regulatory requirements and obtaining all permits and approvals necessary to complete the Looping Project, and the construction contract has been awarded with a start date within six months of award. • Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon the commencement of construction defined as: 1) the contractor has provided a schedule for completion, 2) equipment is on-site and excavation work, excluding E&S work, has begun. • Payment of One Million Four Hundred Thousand Dollars (\$1,400,000) upon completion of 50% of the construction per contractor's schedule and work is ongoing with no anticipated delays. • Payment of Three Hundred Fifty Thousand Dollars (\$350,000) upon completion of 100% of the construction and Customer has access to a redundant supply of water.

J. Bid Award for John Marshall Highway Waterline Upgrades

Council approved awarding a bid for John Marshall Highway waterline upgrades to Bowman-Griffin General Contracting in the amount of \$229,550.00.

K. Proclamation for Public Power Week

Council approved a proclamation proclaiming October 2 – 8, 2022 as Public Power Week in the Town of Front Royal.

L. Conversion of One Part-Time Custodian into a Full-Time Position

Council approved the conversion of one part-time custodian into a full-time position to meet the Town's increased janitorial responsibilities.

M. Resolution to Approve the Form and Authorize the Execution of the 2022 Locust Ridge Energy Schedule with American Municipal Power (AMP) Inc.

Council approved a resolution to approve the form and authorize the execution of the 2022 Locust Ridge Energy Schedule with American Municipal Power (AMP) Inc.

N. Deed of Easement for Existing and New Stormwater Infrastructure Between Luray Avenue and Cherry Street – Front Royal Presbyterian Church

Council approved a Deed of Easement granting the Town easements for the existing and new stormwater infrastructure to be located on the property located between Luray Avenue and Cherry Street and owned by the Front Royal Presbyterian Church. I further move that Council authorize the Mayor, Clerk of Council, Deputy Town Attorney, and Interim Town Manager to execute all documents as necessary.

Councilwoman Morris moved seconded by Councilman Jackson that Council approve the consent agenda as presented.

Vice Mayor Cockrell read the proclamation for Public Power Week.

Councilwoman Morris recognized a lot of good work coming from Town Staff

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS - NONE

CLOSED MEETING

Councilwoman Morris moved seconded by Councilwoman Thompson that Town Council convene and go into Closed Meeting for the

- 1) discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specifically Town Manager, Town Attorney, Clerk of Council and Council Vacancy pursuant to §2.2-3711(A)(1) of the Code of Virginia; and,*
- 2) consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel specifically, the Front Royal-Warren County Agreement with Discover Front Royal, as required by Virginia Code §24.2-226, pursuant to §2.2-3711(A)(8) of the Code of Virginia. Following the Closed Meeting, Council may take further action in open session.*

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Gillispie moved seconded by Councilman Jackson 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 – Vice Mayor Cockrell, Councilmembers Gillispie, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Meeting adjourned.

Approved by Town Council

Date: 10/24/22