



TOWN COUNCIL REGULAR MEETING MINUTES

January 23, 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.

Moment of Silence

Pledge of Allegiance led by Saige L. Jackson

ROLL CALL BY CLERK OF COUNCIL

PRESENT: Mayor Lori A. Cockrell
Councilman Joshua L. Ingram
Councilwoman Amber F. Morris
Councilman H. Bruce Rappaport
Councilman Duane R. "Skip" Rogers
Councilman 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 – Councilwoman Morris moved seconded by Councilman Ingram that Council approve the Regular Meeting minutes of December 12, 2022, Special Meeting Minutes of January 9th and January 17th and Work Session Minutes of January 9, 2023, as presented.

Vote: Yes – Councilmembers 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 – Councilman Rappaport moved seconded by Councilwoman Morris that Council delete agenda item 7C [Amend Previously Approved Proffers from Anna Swan Estates (HEPTAD LLC)] from tonight's agenda.

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock
No – N/A
Absent – N/A
Abstain – N/A

ROLL CALL

RECOGNITIONS/AWARDS/REPORTS –

Chief of Police Kahle Magalis presented several new officers along with promotions within the Police Department. The following were recognized:

Jacob Dodson, Richard Williamson, Jack Weaver, Mike Gallagher, Tony Clingerman, Brian Whited and Jason Ryman. Chief Magalis mentioned the Police Department's Annual Report and that the Drug Court was moving forward as planned.

Community Engagement Manager Lizi Lewis summarized Front Royal 2022 events and upcoming events planned for 2023 that were Town sponsored or co-sponsored, noting that there were numerous other events being planned by other organizations. Mayor Cockrell suggested that businesses that would like to assist or sponsor any events to contact Ms. Lewis.

Director of Public Works Robbie Boyer gave Council the following report:

Public Works Infrastructure Update January 23, 2023

Braxton Rd & Manassas Ave Waterline Upgrade Projects – This bid was approved by Town Council on August 29, 2022, and Bushong Contracting had started in late December. They have installed 1,200' of the new water main on Braxton Rd. Braxton Rd should be completed finished by the first of March and then they'll start on Manassas Ave.

John Marshall Hwy Waterline Upgrade Project – Town council approved this award to Bowman-Griffin General Contractors LLC out Hillsville, VA for \$229,550.00 on September 26, 2022, the material will be delivered in March, and they plan to start the beginning of April. This will allow the contractor to get asphalt when the work starts.

Robinhood Lane PRV Vault Replacement Project – These PRV vault was scheduled to be installed this Wednesday, January 25th but with the chance of bad weather we've decided to reschedule the delivery to February. The Vault weighs 24,000 LBS so a crane will be needed to set the vault.

Richmond Rd PRV Vault Replacement Project – This item was approved by town council on October 24, 2022, and has been on order. Delivery is scheduled for mid-February 2023.

Redundant Waterline Project – Town Council approved this on October 24th for 18 million to Snyder Environmental and the preconstruction meeting was held on January 13. All the necessary permits have been approved and are in place. Snyder has ordered the 26,000 linear feet of pipe of 12" pipe there's a 26 week wait till the pipe is delivered which puts it late June or early July. Snyder has been installing silt fence, clearing and grubbing to meet time of year restrictions and digging and blasting for the micro tunneling shafts on both sides of the river, these shafts are 55' to 65' deep and 32' to 20' wide on each side to allow the pipe to be installed underneath the river bottom by at least 10'. The micro tunneling contractor will begin in June and finish the first part of November working under the river. This project will take a year and a half to complete. *Once the construction starts on the 12" water main we plan to post weekly updates of any areas affected by this work for residents and business.

Influent Pumps for WWTP Plant – This received Town Council approval on November 30, 2022, for the purchase of four new pumps at a cost of \$387,815.00 to replace the existing 1976 pumps that were installed when plant was built. The manufacturer said we can expect delivery of the pumps in late spring or early summer. Potesa Engineering is supposed to have a draft bid document the beginning of February for the towns review for the control cabinets, VFW's and Wiring.

Sanitary Sewer Repairs Project – This received Town Council approval on October 28 to Snyder Environmental for \$4,947,300.00. This project consists of 25,000 linear feet of CIPP lining and 192 sewer laterals will be lined replaced. The CCTV work will begin in March and the CIPP in April, Snyder is currently working on a project schedule.

VDOT Funded Projects -

N. Shenandoah Ave Lighting Project – RK&K engineering is updated the pole light footers design and the estimate, the original estimate from the engineer was \$600,000.00 for this 50/50 revenue sharing project. The new cost after the design update is \$782,304.00. We can reapply in May 2023 for the difference of \$130,000.00 in Revenue Sharing, short \$260,000.00 total.

E. 8th St Bridge Replacement – The town has received the signed agreement back from VDOT so the project plans can be put out to bid for this revenue sharing project has a price estimate of 2.8 million. The town put out an RFP for engineering services that closes Wednesday, January 25th.

Happy Creek Rd Improvements Phase 2 – The VDOT Central office has reviewed the applications and posted the scores for each project in Smart Scale. There were 40 applications submitted in the Stanton District we ranked 33 with a score of 0.87. Only the top 15 projects are being submitted to the Commonwealth Transportation Board for funding approval. The engineering estimate for this project was \$12,733,831.00 but with VDOT estimate it took it up to \$16,923.810.00. The Town can apply for Revenue Sharing in May of 2023 which is 50/50 program or wait till 2024 and apply for Smart Scale again that's 100% funded. *The Stanton District received the least amount of funding out of all 9 districts in Virginia.

Councilman Rogers asked to see the top 15 VDOT projects. Councilman Rappaport asked why the scoring was low. Mr. Boyer not that there were not enough accidents and commercial businesses in the area thus creating the low score. Vice Mayor Sealock questioned the 8th Street and Prospect Street Bridge Projects. Mr. Boyer advised that the Preliminary Design Request for Proposals (RFP) closes this Thursday on the 8th Street Bridge Project and funding was still being discussed for the Prospect Bridge Project. Councilman Rappaport questioned South Street rehabilitation. Mr. Boyer advised that the survey had been completed and the plans are slated to be ready for review in the spring.

PUBLIC HEARINGS

Special Use Permit for Short-Term Rental at 309 E Prospect Street – Yaohua Gu

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

Councilwoman Morris moved seconded by Councilman Rogers that Council approved a request from Yaohua Gu for a Special Use Permit to allow a short-term rental at 309 E. Prospect Street (tax map 20A813-5A)

Councilwoman Morris advised that there was ample parking on the property. Councilman Ingram advised that he had seen the application previously while on Planning Commission and there was no change.

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Special Use Permit for a Short-Term Rental at 302 Blue Ridge Ave – Melody Luskey/Luskey Properties

Mayor Cockrell opened the public hearing.

Bob Skillman, 315 Blue Ridge Avenue voiced concern over parking on an already narrow street.

Tabitha Luskey, applicant, advised that there was room for three (3) vehicles in the driveway and there was a fire lane located in front of the property.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilman Rappaport that Council approve a request from Tabitha Luskey of Luskey Properties, LLC for a Special Use Permit to allow a short-term rental located at 302 Blue Ridge Avenue (tax map 20A8-14-1-18).

Councilman Rappaport suggested reviewing the possibility of changing parking to one side. Councilwoman Morris reminded Council that the property allowed for three (3) parking spaces in the driveway and that there was a fire lane out front. She also noted that the Planning & Zoning Office could be contacted with

any issues the neighborhood may have with the Special Use Permit. Vice Mayor Sealock and Councilman Rogers agreed that the street was “tight” but reiterated that the Planning & Zoning Office can be contacted with any issues.

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

PUBLIC HEARINGS

~~Amend Previously Approved Proffers for Anna Swan Estates (HEPTAD LLC)~~ REMOVED FROM AGENDA

Receive Public Input/Take Action on a Request for Vacation of a Portion of Public Alley located adjacent to 1202 Virginia Ave and 111 & 117 W. 12th St – Mr. & Mrs. Wade Holloway/Mr. & Mrs. William Holloway

Mayor Cockrell opened the public hearing.

NOTE: “church” refers to the Front Royal Church of Brethren who is an adjoining property owner.

Steve Long, 717 Campbell Circle, noted he was a member of the church and urged Council to leave the alley as it currently was because it was a safe place for members to go during an emergency as well as a place the church used for various events.

Lee Keeler, 2194 Brucetown Road, Clearbrook, VA, owner of Lees Lawncare, advised that he mowed for the church and the alley when needed. He objected to the vacation as it was good access for fire and rescue.

Melvin Baugher, 30 W. 15th Street agreed with the previous speakers.

Wayne Woodward, 120 W. 13th Street, advised that he used the alley to access the rear of his home. He noted that the alley had been there a long time and should continue to stay as it currently was. He voiced concern over a fence that was slated to be installed blocking access to and from the church.

David Airhart, 848 W. 13th Street, voiced concern over the emergency evacuation plan of the church that used the alley as a safe meeting place. He voiced opposition to the vacation.

Bob Skillman, 315 Blue Ridge Avenue, noted that he was a member of the church. He advised that the applicant used the church property to reach their property. He reiterated that the church used the alley for various events. He read an opposition from another church member that advised the alley was used for Easter Egg Hunts. He urged Council not to vacate the alley since everyone used it.

Joseph F. Silek, Jr, attorney representing the applicant noted that the church could not use the alley for both an emergency meeting place and events. He continued that the applicant had been taking care of the unimproved alley. He reminded Council that the applicant wanted to close the alley and purchase it from the Town.

Frank Lake, Guard Hill Road, noted that he was a member of the church and asked that the alley stay open for fire trucks and ambulances.

Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Councilman Ingram that Council appoint viewers to view the public alleyway and report any inconveniences to the public that would result from granting approval of the request from Mr. & Mrs. William Holloway and Mr. & Mrs. Wade Holloway for the Town to vacate a portion of a public alleyway located adjacent to 1202 Virginia Avenue and 111 & 117 W. 12th Street.

Councilwoman Morris advised that there were three (3) options for Council to choose and noted that option two (2) would allow an unbiased report.

Councilman Ingram advised that typically an emergency meeting place would not allow for traffic and suggested placing the meeting place on own property.

Councilman Rogers thanked everyone for their comments and advised that he was familiar with the vacation process. He understood the need for a grassy right-of-way for children and a safe passage for an emergency meeting place.

Councilwoman Morris thanked everyone for their comments and advised that she investigated the alley and questioned whether emergency vehicles could drive on it. She confirmed with the Town Attorney that the church had the option to purchase the alley. She also confirmed that there were currently no utilities in the alley.

Councilman Rappaport noted that the alley should remain as a public alley and voiced his concern over the vacation process.

Vice Mayor Sealock advised that he has looked at the alley and as a former driver of fire trucks would not take a fire truck down the alley due to its condition and no fire hydrant access making the front of the properties the more ideal place for a fire truck. He also opined that the preferred place for an emergency meeting place would be at the corner of Virginia Avenue and the alley.

Councilman Rappaport suggested that the church members exit the building to the rear, travel down the alley towards Virginia Avenue. He reiterated to leave the alley as it currently was.

Vote: Yes – Councilmembers Ingram, Morris, and Vice Mayor Sealock

No – Councilmen Rappaport and Rogers

Absent – N/A

Abstain – N/A

ROLL CALL [to appoint viewers]

Appeal of a Decision of the BAR Denying Applicant SEESUU LLC's Request for Issuance of a Certificate of Appropriateness

Mayor Cockrell opened the public hearing. Mrs. Cockrell allowed applicant Gary Wayland representing SEESUU LLC to speak to Council first. Mr. Wayland offered his previous email to Council as his official statement. It is listed below:

Mr. Joe Waltz
Town Manager
Front Royal, Va.

Joe,

As this relates to the upcoming vote of the Town Council on the appeal of SEESUU LLC of the adverse BAR decision, I would ask you to share this letter with the Members of the Town Council. I have no idea of how the vote will turn out, but I wanted to be clear about my desires and options. I am willing to invest time in meeting and working with appropriate Town officials in order to achieve a mutually satisfactory outcome. I believe in historic preservation, but I also believe that it can be combined with a different, yet high-end, architectural component.

Our plan has been to demolish and convert the back portion of the existing building to retail market space, office space and 600 square foot high-end dwelling units or other by-right options that are available to us dependent upon market conditions. We would restore period details to the front section of the building's windows. The foundation and walls in the front portion of the building would remain the same in color and materials. The brick and windows of the wall that faces Church Street, which is the original wall of the first Methodist church in Front Royal, would be restored to reflect the historic church wall of the late 1800's. We believe that the blending of the most Historic section of the building with a modern portion would create an architectural show piece for the Town. The interior of the proposed structure could be segmented into different size spaces based on the client needs.

We would also like to respond to some comments that have been made about the use of possible high end prefabricated containers in the construction of the units. While I have actively explored that option over the last 3 years, it is becoming increasingly clear that alternative construction models would likely be more cost-effective and if the Town is willing to work with us, acceptable details can be worked out. It's worth noting, nonetheless, that there has been wide-spread adoption and acceptance of modern construction with containers, both domestically and internationally, where the end product does not look like a bunch of stacked containers. Rather, they are architectural show pieces featured on various television home construction programs. Our overriding desire is to work with the Town in order to build a high-end restoration that will benefit the downtown area.

Given our vision for this project it does not make economic sense for the LLC to spend money for an engineering study as to the structural integrity of the existing structure before the BAR is ready to make a decision on the partial demolition request. Reconstruction would render the question moot and an adverse BAR decision after a preliminary study would result in wasted money.

While we remain hopeful that something can be worked out, it is necessary, for economic reasons, to plan in case our visions conflict with the Town's and there is no opportunity to bridge the differences in the near-term. We will be exercising our by-right entitlement as per Section 175.93 B, Building Demolition and Relocation (Historic District) ordinance with the principal purpose of exiting the project. The proposed sale will meet the requirements set forth in the ordinance. We will be sending a separate letter to the Town Council in compliance with Section 173.93 B. 1. After obtaining a certified appraisal from a qualified appraiser, we will be filing a Notice with the Zoning Administrator pursuant to ordinance Section 173.93 B. 2.

If there are any questions or thoughts about this, we are open to discussion. Thank you for the courtesy of your consideration.

Gary Wayland, Managing Member SEESUU, LLC.

David Silek, 165 Hickerson Hollow Road, gave a brief history of 131 E. Main Street and voiced concern over there being no plan for the original section specifically the structures that support the old part of the building. He urged Council to deny the appeal.

Ellen Aders, 219 E Prospect Street, opined that owning a structure in the historic district comes with responsibility noting the various buildings that had taken pride in keeping with the historic feel of the area. She urged Council to uphold the decision of the Board of Architectural Review.

Bill Barnett, 1115 Buck Mountain Road, Bentonville, VA, noted that he was a real estate agent and had restored many buildings. He explained that the terracotta tower was not built to support other structures and was obsolete. He noted the challenge was putting the property back to use when the terracotta structure was deteriorating. He suggested removing the obsolete structure, replace it and then spend money on other costs.

James Smithlin, 239 South Street, opined that terracotta was the oldest material known to man. He advised he had been attending meetings at 131 E Main Street for 31 years and that it was tragic to tear it down. He questioned the valet parking. He suggested fixing the building with stucco or cement mortar and not tear down a 100-year-old structure.

Mayor Cockrell gave Mr. Wayland the opportunity to comment. He advised that he had no comments at this time. Mayor Cockrell closed the public hearing.

Councilwoman Morris moved seconded by Vice Mayor Sealock that upon consideration of the record and the additional evidence, I move that Council affirm the decision of the Board of Architectural Review (BAR) denying the issuance of a Certificate of Appropriateness on the application submitted by SEESUU LLC to demolish and remove a portion of a contributing structure on a property located at 131 E. Main Street (tax map 20A7, Section 4, Parcel 37).

Councilwoman Morris advised that she cared about the history of Front Royal and voiced concern over no vision for the property and how it would fit in with downtown.

Councilman Rappaport advised that he was not against the demolition as much as a reason why it must be done. He preferred an official opinion as to whether the building was structurally sound. He suggested keeping the structure as it was.

Councilman Ingram advised that he saw the application while he was on the Planning Commission and there was a lot of “back and forth” for months on what to do with the property. He noted there was a lot the applicant could do by right. He voiced concerns about the rendering as shown to Council.

Vice Mayor Sealock voiced concern over what will happen after demolition and suggested it stay the same for the history of the Town.

Councilman Rogers voiced uncertainty of the impact of demolition without an engineering study. He noted that the rendering was a “contemporary prison”. He noted that he would consider options to help the applicant feel more comfortable.

Councilwoman Morris thanked the Board of Architectural Review (BAR) for their due diligence but noted there would also be a parking issue and questioned valet parking.

Councilman Rappaport noted the need for a structural engineer as the walls of the old church could be compromised. He noted he would reinforce the BAR’s decision.

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL [to affirm BAR decision to deny]

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

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

My name is John Lundberg. I live in Front Royal. I want to talk briefly this evening about two documents that must be completed as soon as possible - after being carefully reviewed - so the town of Front Royal can be developed properly in the next 30 years.

One document is the first "Comprehensive Plan" written in this town in 24 years. A draft plan is now before the town Planning Commission. It needs to be forwarded to and approved by the Town Council as soon as possible. Before you OK the plan, however, ensure it addresses all key issues - particularly the horrific safety issues presented when Norfolk Southern trains completely block Shenandoah Shores Road nine times a day.

The second document is the preparation this fiscal year of an extensive town "Transportation Study" - that would reveal Front Royal's most heavily traveled roads at the present time. That data will have a significant impact on the future growth and development in Front Royal. Once the Town Council has approved the new Comprehensive Plan, it should direct the town's Planning and Zoning to immediately conduct such a study.

There are several questions about the town's growth and development in the next 30 years that cannot be discussed in detail until those two documents have been completed.

Two questions in particular are on the minds of several residents of Front Royal at the present time:

For years community leaders have not addressed health and safety issues of people and businesses in land-locked communities north of the railroad tracks. Why is that - because Norfolk Southern trains completely block southbound traffic on Shenandoah Shores Road nine times a day?

Is it not in the Town Code that the primary responsibility of the Town Council is the health and safety of its citizens?

Also, please be aware that a large faction in Front Royal argues for a moratorium on large-scale housing developments north of the railroad tracks until the safety issues have been resolved.

In closing I strongly recommend: The town's new Comprehensive Plan be approved as soon as possible after it has been carefully reviewed and health and safety issues addressed, A new Front Royal Transportation Study be completed this fiscal year. Thank you for listening.

Gary Gillispie, 19 Fairview Court, congratulated Councilmen Rappaport and Ingram on their first time as councilmembers. He invited Council to attend the Warren County Drug Court Prevention Board Meeting tomorrow. Mayor Cockrell advised that she would be attending.

David Silek, 165 Hickerson Hollow Road, advised that the majority of court dockets were drug related. He noted that since Avtex closed there were no jobs in Front Royal. He also suggested eliminating those areas where drugs are currently a public nuisance noting it was time to let property owners know to not use their property to hurt others.

Mark Egger, 102 E 4th Street, advised that he was there to speak at the public hearing that was cancelled earlier. He gave Council what he was going to speak about. See Below

I'm here to oppose the Amendments to the original Proffers from 2012. In the original proffers from 2012, it is stated that if local government entities took it upon themselves to design and construct the Leach Run Parkway (instead of requiring Heptad to build the portion on its own property), Heptad would still be responsible for the cash proffers to the Town. Here is a quote from page 8 of the 2012 proffers: "However, the Applicant shall remain responsible for the payment of the Cash Proffers set forth in Section VII of these Proffers, with the Town Proffers to be used to defray the construction and design costs of the Leach Run Parkway Improvements."

And what does Section VII say about the Proffers. Here is a quote from page 18 of the 2012 Proffers: "Applicant will pay to the Town of Front Royal a per unit contribution of \$18,000 for each single-family residential detached dwelling unit" and "\$11,000 for each single-family residential attached dwelling unit, which contributions shall be used by the Town solely for the planning, design, engineering, right of way acquisition and/or construction of Leach Run Parkway."

The Agreement further states that if Heptad is responsible for building the Leach Run Parkway, those Proffers are to be put in escrow by the Town, to reimburse Heptad for their costs. But as I stated earlier, if the local government entities build the Leach Run Parkway themselves, Heptad "shall remain responsible for the payment of the Cash Proffers set forth in Section VII."

Mr. Silek gives two reasons for requesting a reduction in the 2012 Proffers, neither of which makes any sense. The first is that the total number of units is being reduced. So what? The Proffers are a per unit amount. Why should the per unit amount be reduced, just because the total number of units is reduced. Think about that, please - it doesn't make any sense.

The second reason he gives, in a confusing word salad, is that the Leach Run Parkway was built by local government entities, and Heptad was not required to participate in its construction, and therefore the Proffers should be reduced.

What? I just read you the original 2012 Proffer Agreement, which states that if local government entities build the Parkway, that Heptad would still be responsible for the payment of the Cash Proffers.

Neither of these reasons to reduce the Proffers makes any sense.

Furthermore, let me give you a little more information. Heptad is Ron Llewellyn, former long-time member of the Board of Directors of the EDA. This property had no road access, no way to develop it without building a road. Ron Llewellyn could not sell this property to a developer without the Leach Run Parkway. So, as Mr. Silek states in his letter, "due to the efforts of the EDA, Leach Run Parkway was completed considerably ahead of the timeframe envisioned by the Town and Heptad." Ron Llewellyn's EDA buddy and Rotary pal, Executive Director Jennifer McDonald, got the Leach Run Parkway built, and now he can sell his land to a developer.

Furthermore, Ron Llewellyn sat on the EDA Board during the years that fraud and embezzlement were going on, and praised his Executive Director Jennifer McDonald, even bragging about giving her a raise since she was doing such a good job. When my daughter, who was on the Town Council, tried to expose the fraud and corruption, she was called "a wrecking ball" by Ron Llewellyn, who couldn't even use her name, calling her "the girl". "The girl was a wrecking ball," he said.

Yes, the girl was a wrecking ball, exposing the incompetence and arrogance of the local ruling elite. Remember the letter of May 17, 2017 from the EDA Board. "Any criticism that has been directed at the Executive Director is unfortunate and unwarranted. Jennifer McDonald works under the direction of the EDA Board. She is not permitted to make significant decisions without board approval, and the EDA Board carefully vets every project undertaken." The next project undertaken was that evening, when Jennifer McDonald faked a break-in at the EDA office and tried to frame my daughter.

And now, apparently we are supposed to believe that all those arrogant Board members, Ron Llewellyn, Greg Drescher, Billy Biggs, Bruce Drummond, etc. were just innocent newborn babes, taken advantage of by the wicked witch of the west. Not a single one of them has apologized to the citizens of Front Royal and Warren County, for their incompetence which resulted in the theft of millions of dollars.

In conclusion, Ron Llewellyn got a \$15 million road built at taxpayer expense, so that he could develop this property that otherwise could not be developed. He ought to reimburse the taxpayers as required in the original Proffers. It's time to pay the piper. Do not lower the Proffers. Let them remain what they were agreed upon in 2012.

However, if you do decide to reduce the Cash Proffers, then the requirement that the Town and County pay \$100,000 per acre for the Leach Run parkway right-of-way and the neighborhood park should be eliminated. Those 6 acres should be donated. It's ridiculous to expect the Town to pay \$100,000 per acre for the very road that allowed Heptad to develop the property, likewise for the County for the neighborhood park. Heptad is asking the Town to give up a lot with the reduced Proffers, so Heptad should be willing to give a little also. It's called compromise.

Mark Egger

Tom Sayre, P.O. Box 56, Front Royal, gave an overview of the Front Royal Pregnancy Center. He suggested hiring an attorney to assist Town Attorney George Sonnett.

REPORTS

A. Town Manager Report – Mr. Waltz updated Council on three (3) operational issues:

1) recently approximately 40 customers on Browntown Road were without electricity for approximately six (6) hours due to a vehicle accident; 2) the last day for yard waste collection was last week for the season and will resume on March 29th; 3) staff is keeping watch on the weather for Wednesday and will be prepared.

B. Town Council Reports –

Councilman Rogers voiced concern over the drug problem in the community. He advised that he took drug issues very seriously and will be exploring options.

Vice Mayor Sealock praised the Town crews and Police Department personnel.

Councilwoman Morris thanked the citizens of Front Royal for electing her to Council. She responded to Mr. Silek noting that Council had discussed blighted buildings but reminded him that Council was made aware during those discussion that there were families with children living in the various building and motels slated as blight creating a more serious issue. She noted that discussion during the most recent Liaison Committee Meeting with Warren Council was re-engaging the community's youth in various activities. She

advised Mr. Lumberg that she and others were serving on a committee to study the area of the railroad tracks and Shenandoah Shores Road and the safety and health hazards associated with the citizens that live there. She agreed that the closing of the Avtex Fibers Plant left an economic strain on the community. She advised that Congressman Ben Cline could be contacted regarding living wage jobs.

Councilman Ingram thanked the citizens for trusting him to serve on Council. He noted that he recently had a tour of the Town facilities and expressed his gratitude for a good group of employees working for the Town. He noted the importance of getting jobs in our community. He advised that he too was on the committee with Councilwoman Morris to study the area of the railroad tracks and Shenandoah Shores Rd.

Councilman Rappaport thanked the citizens for electing him to Council. He advised that he too went on a tour of the Town facilities and reiterated that the Town had great employees. He gave a shout out to citizen Richard Baker who has taken it upon himself to pick up cigarette butts throughout Town. He thanked Mr. Gillispie for his reminder to Council regarding the Drug Court. He agreed with Mr. Silek that the Town needed good-paying jobs.

C. Mayor Report –

Mayor Cockrell thanked the citizens of Front Royal for electing her as their Mayor for the next few years. She stated: *“I pledge to lead with the same common-sense approach that I served as a councilman. I pledge to treat all citizens with respect and conduct Council meetings efficiently. I do love Front Royal and I truly want this to be a place we can all be proud of where our citizens can work, play, and raise our families safely.”* She welcomed the new councilmembers to Council. She expressed her gratitude to all Town Staff. She thanked all those that attended the Liaison Committee Meeting and voiced commitment to foregoing positive relationships.

CONSENT AGENDA ITEMS

Mayor Cockrell briefly read each item.

A. Purchase of Cab and Chassis for Public Works Department

Council approved the purchase of a one (1) Dump Truck Cab and Chassis from Excel Truck Group in the amount of \$91,025.00 to be used in the Public Works Department.

B. Various Council Appointments

Council appointed Councilman Sealock as the Elected Representative to the Northern Shenandoah Valley Regional Commission, said term to expire upon Mr. Sealock’s term ending. Councilmember Morris and Rappaport to the Audit/Finance Committee, said terms to expire December 31, 2023. Councilman Rogers as the councilmember representative to the Discover Front Royal Board, said term ending upon Mr. Rogers’ term ending. Councilmembers Morris and Ingram to the Scholarship Committee, said terms ending December 31, 2023.

Councilwoman Morris moved seconded by Vice Mayor Sealock to approve the Consent Agenda as presented.

Vote: Yes –Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMSAppointment to the Planning Commission

Councilwoman Morris moved seconded by Vice Mayor Sealock to appoint Michael S. Williams to the Planning Commission to an unexpired term ending August 31, 2025.

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Appointments to the Local Board of Building Code Appeals

Councilman Ingram moved seconded by Councilwoman Morris that council appoint Gary I Gillispie, Ellen Aders and Charles Gornowich to the Local Board of Building Code Appeals, said terms to be determined in adopted by-laws.

Councilwoman Morris advised that the Board was the first step in implementing blighted building issues. Councilman Ingram agreed.

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Nomination to the Board of Zoning Appeals

Councilman Rappaport moved seconded by Vice Mayor Sealock that Council nominate Lewis Moten to the Judge of the Warren County Circuit Court for appointment to the Board of Zoning Appeals (BZA) to an unexpired term ending May 1, 2024.

Councilwoman Morris advised that upon meeting Mr. Moten he wanted to get involved and serve anywhere he was needed. Councilman Rappaport advised that he met Mr. Moten on the campaign trail and expressed how very emotional he was about doing good things.

Vote: Yes – Councilmembers 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 Vice Mayor Sealock 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 purposes:

- 1) *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, specifically, Town of Front Royal v. Warren County EDA, et al., and,

- 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, specifically, appointments to fill vacancies on Town Council.*
- 3) pursuant to §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, specifically, the Front Royal EDA.*

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

This portion of the meeting ended at 9:36pm

Councilwoman Morris moved seconded by Vice Mayor Sealock 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 Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Council Appointment

Councilman Ingram moved seconded by Councilwoman Morris that Council appoint Melissa DeDomenico-Payne to the Front Royal Town Council to fill the vacant seat created by the election of Lori A. Cockrell as Mayor, with a term of office beginning immediately upon qualification and expiring upon the qualification of the successful candidate elected during a special election to be held on November 7, 2023.

Mayor Cockrell stated that there were many people who applied making the appointment a “tough choice”. She thanked everyone for showing interest.

Vote: Yes – Councilmembers Ingram, Morris, Rappaport, Rogers and Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Meeting adjourned at 11:15pm.

Approved by Town Council

Date: 2/27/23