



TOWN COUNCIL WORK SESSION MINUTES
Monday, November 13, 2023 @ 6:00pm
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
 Vice Mayor R. Wayne Sealock

ABSENT: Councilman Duane R. "Skip" Rogers*

**Votes were not certified from Special Election as of 11/13/23; therefore, seated councilmembers remained until qualification.*

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

Update on "The Afton Project" from Alan Omar of The Capital Gate Investment Firm – Mayor Cockrell advised that there would not be an update at tonight's meeting due to miscommunication.

Addition to the Agenda

Councilwoman Morris moved seconded by Vice Mayor Sealock that Council add a closed meeting after #4 on tonight's agenda.

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

ROLL CALL

Old Business

Request for an Easement on Town Property from Bill Hounshell near Duck Street- Town Manager Joe Waltz reminded Council that Mr. Hounshell's request was received by staff on August 31, 2023 and subsequently went before Council in September 2023. At that time, Council requested more information. He explained that the request was for a 10-foot ingress/egress easement to his 5.1-acre lot located between the railroad and the North Fork of the Shenandoah River, noting that the Town's property was approximately 1,000 feet

in length. He continued that the 5.1-acre parcel was once part of a 50-acre parcel and did not know how Mr. Hounshell's property ended up with no access. He stated that Mr. Hounshell had advised that he would be speaking to the Virginia Department of Transportation (VDOT) about accessing their property.

Councilwoman DeDomenico-Payne voiced concern about traffic accessing the area if the easement were granted. Mr. Waltz explained that it would be third-party access only eliminating any public access. The staff's recommendation, he advised, was to deny the request due to security and liability issues.

It was noted that Mr. Hounshell's property was zoned R-2 and Council discussed whether Mr. Hounshell's intent was to develop the property. Mr. Waltz advised that he could not speak for Mr. Hounshell on what his intentions were for the property.

Councilman Rappaport questioned what liability the Town would be open to if the easement were granted. Town Attorney George Sonnett answered it would be security and safety, noting that there were options such as installing a fence but stressed the potential for liability. There was discussion about trespassers via deeded access right with Mr. Sonnett briefly explaining the difference.

Mr. Rappaport questioned why the Town needed the property. Mr. Waltz answered that there was a sewer line located on it, noting that if it were sold the Town would need an easement to maintain the sewer line. Mrs. DeDomenico-Payne questioned whether just the requested 10-foot could be sold to Mr. Hounshell. Mr. Sonnett answered that there was still the VDOT issue.

Ms. Morris suggested delaying action for further information. Mrs. DeDomenico-Payne requested clarification on the location of the utilities. Mr. Waltz clarified that Council was not bound by a deadline and that he had been in constant communication with Mr. Hounshell. Mr. Rappaport suggested bringing staff to the next work session to expand on their reasoning for denial. After much discussion, Council concluded that this would be uncomfortable for staff and did not want this turning into a debate. Mr. Rappaport suggested that he could vote on this matter if he knew where VDOT stood. It was noted that the VDOT information should be shared by Mr. Hounshell. Mr. Waltz stated that there was some information that he could not disclose per the applicant's request.

Council agreed to bring back to a work session when there was additional information to share.

Consent Agenda Items Slated for November 27th.

A. Resolution Supporting the Application for Highway Safety Improvement Program Funds for Safety Initiative Projects – Energy Resources – Director of Energy Services Carey Saffelle advised that there were no matching funds, and that the application would be reviewed with other localities. Council reviewed the various areas in Town that the monies (if received) would be used for. It was agreed to add to the November 27th agenda for formal approval.

Agreement for the Lease and Maintenance of a New IBM Power10 System Server – Purchasing Manager Michelle Campbell advised that the current system would not be supported anymore after May 2024. If approved the new system would be installed in December 2023 in time for the new tax season. Finance Director BJ Wilson assured Council that all bids had been properly vetted. It was agreed to add to the November 27th agenda for formal approval.

Reappointment to Front Royal Economic Development Authority (FREDA) – Mayor Cockrell reminded Council that the original FREDA had staggered terms. Joe reiterated that Mr. Novak was still the chairman and was willing to commit again. It was agreed to add to the November 27th agenda for formal approval.

Mayor Cockrell took the opportunity to voice her appreciation to Councilman Rogers for his time served on Council during the last year.

CLOSED MEETING [Addition to the Agenda]

Councilwoman Morris moved, seconded by Councilman Rappaport 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: pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, more specifically, Town of Front Royal v. Front Royal Limited Partnership; and,

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Vice Mayor Sealock

No – N/A

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

Councilwoman DeDomenico-Payne 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, Vice Mayor Sealock

No – N/A

Absent – Councilman Rogers

Abstain – N/A

ROLL CALL

Adjourned at 9:10pm

Approved by Town Council

Date: 11/27/23