



TOWN COUNCIL WORK SESSION MINUTES
Monday, December 4, 2023 @ 7:00pm
Town Hall Conference Room

The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com for a limited time.

Roll Call by Clerk of Council

PRESENT: Mayor Lori A. Cockrell
Vice Mayor R. Wayne Sealock
Councilman Joshua L. Ingram
Councilwoman Amber F. Morris
Councilman H. Bruce Rappaport
Councilwoman Melissa DeDomenico-Payne
Councilman Glenn E. Wood

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

Consent Agenda Item Slated for December 11th

A. Bid Award for 2023 Sewer Rehabilitation Project – Finance Director BJ Wilson noted that the ARPA (American Rescue Plan Act) funds the Town received were being used for this project with the hopes the work will get the Town out of the DEQ's (Department of Environmental Quality) consent order they are currently under. He advised that once approved the goal was to begin the project in February or March, noting it could be sooner if all the documents were in place with the expectation it could take approximately six months to complete. Council agreed to add to the consent agenda on December 11th for final approval.

Old Business

A. Continued Discussion Pertaining to An Ordinance to Amend Town Code 175-3 Definitions and 175-110.5 Performance Standards for Urban Agriculture Pertaining to Chickens in Town Limits – Corey Childs Extension Agent at Virginia Cooperative Extension – Town Manager Joe Waltz advised that Corey Childs, Extension Agent for the Virginia Cooperative Extension, was invited tonight so that Council could get some questions answered and ultimately advise staff as to where council would like to go with any amendments to the ordinance. Director of Planning Lauren Kopishke introduced Mr. Childs explaining that he reviews all of the Management Plans for permits and advises staff of any issues he may encounter.

Mr. Childs stated that he had been involved with Management Plans for fifteen years working with numerous people in several counties to allow them to participate in backyard poultry for their families. He explained that with urban density his objective was to put together the best plan that reflected the safety

with neighbors by trying to minimize impacts by education. He emphasized keeping it simple with any changes they may make.

Councilwoman Morris noted that the issue was not the increase in chickens but the increase in regulations. She voiced concern on the way the Town was restricting the way chickens were to be housed. Ms. Kopishke advised that one acre lots and above did not need a permit and the amendments to the ordinance are what the Town was already doing, clarifying that she was suggesting that they be codified. She explained that staggered inspections of those who currently have permits were performed once a year by staff. While it was mentioned that there were 51 permits issued, it was clarified that those permits included rabbits and bees. Ms. Morris commented that she was not prepared to move forward with the amendments due to overregulation.

Councilman Rappaport was not in favor of increasing the number of chickens and stressed the importance of cleanliness or it could become a health hazard for the community. He voiced concern of the “novelty” of owning chickens wearing off quickly for some owners and that from a health standpoint six chickens were enough.

Ms. Kopishke reiterated that the regulations and standards currently in place for a permit were not codified but advised that staff did have the ability to revoke the permit without the codification but felt like codification would tighten up the ordinance to make it easier to enforce.

Councilwoman DeDomenico-Payne questioned the fence issue and the difficulty of elaborating on that in the code. Mr. Childs advised that chickens could fly short distances including over fences, noting it was a fine balance to protect the health of the community as well as the animals.

Mr. Waltz advised Council that staff may have confused the situation by adding to the code what the Town was already doing, noting the real decision from Council was going from six chickens to ten.

Councilman Wood reminded Council that Mr. Childs was telling Council what they needed to do and voiced concern that Council was spending a lot of time on something that affected a small number of people. Ms. Morris noted that this was urban agriculture and reiterated that the number of chickens was not the issue. Mr. Rappaport reiterated that Mr. Childs advised Council to keep it simple and six chickens was simple. He encouraged Council to look at the entire community.

Councilman Ingram opined that if the yards were contained enough for the chickens to be free range he had no issues, but smaller lots had to have credentials. Mr. Childs explained the difference between a smaller lot vs a larger lot including the coop/run space, noting there was not one perfect situation or solution.

Mr. Sonnett noted that zoning violations were criminal in nature and the clearer the law the better.

There was much discussion on whether to move forward or continue discussion at another work session. It was agreed to move to another work session for further discussion.

B. Liaison Committee Policy Revisions – Town Manager Joe Waltz read through the revisions and that the County preferred the Town approve the Policy first. Council agreed to add to the consent agenda on December 11th for formal approval.

New Business

~~A. Request a Waiver for Curb, Gutter and Sidewalk Requirements for a Potential NVR, Inc. Project Located at 835 Shenandoah Shores Road~~ – The applicant requested that this item be removed from the agenda.

B. Request An Ordinance Text Amendment by Magdalen Capital, LLP Pertaining to Minimum Acreage Requirement for Planned Neighborhood Development District (PND) from 20 and 50-acre Minimum to 2-acre Minimum – Director of Planning Lauren Kopishke advised that the request was for the PND to go from 20 – 50 acres lots to a minimum of two acre lots. The Planning Commission recommended a minimum of five acre lots. She clarified that a majority of the lots contained environmental constraints like steep slopes.

Councilwoman DeDomenico-Payne voiced concern that five acre lots seemed small for a PND. Ms. Kopishke advised that PNDs allowed for clustering, additional open spaces and a mixture of residential types including commercial. Mrs. DeDomenico-Payne questioned the underground utilities. Ms. Kopishke and Mr. Waltz both agreed that staff would tie into the existing overhead lines at the property but everything in the PND would go underground.

Councilman Rappaport voiced concern that smaller parcels created more urbanization and the “small charm effect” would be lost including the loss of green space. Ms. Kopishke advised that every five-acre lot would have to have one acre of green space. While there was discussion about affordable housing it was noted that the pictures in the agenda packet for the PND were not pictures of affordable housing. Mr. Rappaport stated that there was no guarantee what the builder was going to construct, noting the market would determine that not the Town.

Councilman Wood noted that as a member of the Planning Commission he felt like the presentation on what the applicant was requesting was more enlightening. Council then went into discussion about the rezoning shown in “C” below.

C. Request to Rezone 311 Leach Street from R-S, Suburban Residential District and Adjoining Properties from R-1, Residential District to PND, Planned Neighborhood Development District – Director of Planning Lauren Kopishke advised that the applicant was asking to rezone four or five lots on approximately 11 acres with two potential concepts: Option 1 having higher density and By-Right Option having 21 single family homes. She explained that the text amendment was required to be approved first before the rezoning could happen. It was noted that the applicants were in attendance.

Councilman Rappaport stated that the majority of the lots off Leach Street were single-family properties noting the steep slopes. Ms. Kopishke advised that the site plan would show how they would work with the slopes. It was also noted that there would be an HOA (Homeowners Assoc) in place to maintain the roads.

Mr. Waltz advised that the earliest for public hearings was January 22nd. Council agreed to hear the text amendment in a public hearing on January 22nd and the rezoning public hearing on February 26th.

D. Reappointment to Advisory Committee on Environmental Sustainability (ACES) –Council agreed to add to the consent agenda for reappointment on December 11th.

CLOSED MEETING

Councilman Rappaport moved 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, more specifically, HEPTAD, LLC v. Town Council; and,*
- 2) *pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically, a request from HEPTAD, LLC.*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Ingram moved seconded by Councilwoman Morris that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Adjourned approximately 9:50 pm

Approved by Town Council

Date: 12/11/23