



TOWN COUNCIL REGULAR MEETING MINUTES

January 11, 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.

Pledge of Allegiance was led by Councilman Meza and the Moment of Silence was led by Mayor Holloway

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

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

APPROVAL – Consent to Depart from the Regular Order of Business to Allow for Recognition of Police Personnel and Report from the Northern Shenandoah Valley Regional Commission Executive Director to be Placed After Approval of the Minutes

Councilman Gillispie moved seconded by Councilman Thompson that Council depart from the regular order of business to allow for the recognition of police personnel and report from the Northern Shenandoah Valley Regional Commission Executive Director to be placed before the Receipt of Petitions and/or Correspondence from the Public.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

APPROVAL OF MINUTES - *Councilman Gillispie moved seconded by Councilman Cockrell that Council approve the Work Session Minutes of November 16, December 7, 2020 and January 4, 2021; Regular Council Meeting minutes of January 4, 2021; and, Special Meeting Minutes of November 16, 2020 and January 4, 2021 as presented.*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

RECOGNITIONS: Chief of Police Magalis recognized Hillary Willfong as Civilian Employee of the Year and Sgt. Brian Whited as Officer of the Year

REPORT: Brandon Davis, Executive Director of the Northern Shenandoah Valley Regional Commission gave a brief overview of how the Commission is significant and what programs they offer.

RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC

(comments may can be heard in their entirety on the Town's website by accessing video of the same date)

Gary Kushner, Fetchett Road, voiced his disappointment in Council for appointing a former councilmember to fill the vacancy of the Mayor's seat and opined that the appointment violates the Town Charter. He asked that he resign.

Paul Aldrich, Orchard Street, recognized law enforcement for what they do every day. He advised that his goal was to help the Town by bringing new solutions with a new plan. He thanked Council for their service.

Paul Gabbert, 1221 Valley View Drive, voiced his disappointment in Council appointing former Town Councilman Meza to the vacancy on Council. He read an excerpt from the Town Charter regarding political party affiliation. He drew Council's attention to a recent newspaper article regarding comments made by the Town Manager and the Mayor concerning the restoration of Happy Creek. He questioned why the \$50,000 COVID relief monies were sent to the Chamber of Commerce.

Melanie Salins, 95 Murrays Drive, voiced concern and suspicions over the appointment of former Councilman Meza to the vacancy on Council, especially noting his connection to Valley Health. She asked that he resign.

Mike Salins, 95 Murrays Drive, opined that since Councilman Meza did not run in the election he should not be on Town Council and asked that he resign.

Ashley Harris, 2859 Guard Hill Road, noted that the citizens have had their fair share of issues nationally and should not have to endure it locally. She opined that it was time for the elected officials to demonstrate integrity and character.

David Downes, 14 Chester Street, gave an overview of all those who ran in the Town Council election along with the amount of votes they received. He voiced his disappointment that Councilman Meza would be appointed to a position he did not campaign for.

Joseph Gillette, 146 Cabin Run Lane, voiced his concern over a large political sign placed under the South Fork Bridge. Town Manager Hicks advised that it was removed today.

Krista Adanitsch, 9017 Stonewall Jackson Hwy, voiced concern over Council appointing former Councilman Meza to the vacancy on Council since, in her opinion, the Town Charter says otherwise. She also voiced concern over various issues pertaining to Valley Health and the Police Department. She asked for Council to listen to citizen's concerns.

Ernest Chumbie, 118 S Royal Avenue #A, voiced concern over the building he is currently leasing due to their being no heat and other things that need immediate attention and his frustration for not being able to talk to the landlord. Town Manager Hicks gave him his business card for him to call him.

William Huck, 409 E Main Street, asked that Council reconsider closing Main Street and the Gazebo Area beginning February 1st in light of Valentine's Day and Mardi Gras.

John McGovern, 18 E Stonewall Drive, voiced opposition of the appointment of former Councilman Meza to the Council noting it was a conflict of the Town Charter.

Hillary Horner, 610 Randolph Avenue, asked that Council enforce what people are saying and to consider replacing Mr. Meza with someone who actually ran for the seat.

REPORTS

a. Report of Special Committee of Town Officials and Town Manager

Town Manager Hicks advised that due to the increase in COVID cases the Town Hall and other Town Business Offices would remain closed to the public and vendors until February 1, 2021. He continued that a new drop box for payments was being installed at the front entrance for the public's convenience. He also took the opportunity to read the letter to the public works employees:

To our Public Work's employees,

On behalf of the Mayor and City Council and the citizens of Front Royal, I want to thank you and your fellow employees in Public Works for your tireless dedication and efforts made during the recent snow event on Wednesday, December 16th. I received positive comments regarding the Town's snow removal efforts. Those expressions of gratitude are the result of the effort made by individuals like you who worked to clear our roads and get Front Royal moving again.

Whether it was the snow of event of 2016, or any inclement weather of the past, you and the entire team have always responded in an exemplary manner. Your service is a great example to others working under extremely adverse conditions to keep the Town operating safely and securely. In each of our recent events, you have been called upon to work long hours, to sacrifice your free time, and to be away from your loved ones. It is employees like you who are loyal and team-spirited that makes Council and Town employees proud. I also hope you know how much our citizens appreciate your efforts – you work does not go unnoticed.

Please accept our thanks for a job well done and hope you and your family have a Merry Christmas.

Sincerely,

Steven W. Hicks
Town Manager

b. Requests and Inquiries of Council Members

Councilman Thompson – read the following email for the record regarding the appointment of Mr. Meza:

Hello,

I am writing as a member of the Front Royal Community. We have 4 kids, frequent local businesses and pride ourselves on this small town. My husband is a first responder working and we have a medically fragile child therefore I am unable to be physically present tonight. Our community is trying to come back and be a great place to live and for businesses and families to flourish. We cannot do this if our very leaders are not following the laws. I am in complete opposition to the illegal appointment of Jake Meza! He should be immediately removed from council. We need to be upstanding citizens and we cannot do this if integral parts of our community such as our town council are rooted in illegal activity. It's a sad day to be a part of this great community. I demand immediate change.

Michelle Scheutzow

She advised that she voted no for Mr. Meza's appointment because she wanted new faces on Council. She voiced concern that the Town Charter section recently referred to by citizens, should have been presented to Council before his appointment. She suggested that Council consider amending the Charter to state that the next person on the ballot with the highest number of votes be a direct appointment to Town Council if there was a vacancy. She asked Councilman Meza if he was staying on Council. Councilman Meza responded that if Council voted for him to stay, he would stay. If Council voted to remove him, he would resign.

Councilman Cockrell advised that she attended the breakfast that was given to the Town's snow plow drivers recently. She asked that staff give a presentation on why utility bills seem to be increasing.

Councilman McFadden advised that he voted for Mr. Meza to be appointed to Town Council because he was the best choice; however, he noted that he was not aware of the Town Charter section referred to by citizens at the time of the appointment. If he had known he would not have voted in the affirmative.

Councilman Lloyd noted that he too was not aware of the Town Charter section being referred to in tonight's meeting until after the appointment vote. He advised that was an attorney and after reviewing the Charter, he agreed with long-time practicing Town Attorney Napier's analysis and legal interpretation of the Charter that was given to Council the next day. He also voiced his concern of the many personal attacks and insults and encouraged everyone to stop as it was not productive. In conclusion he voted in support of Mr. Meza and Mr. Napier's analysis.

Councilman Meza thanked Council for his appointment. He gave a timeline of what transpired from December 2, 2020 until his appointment. He reminded everyone that he asked the Town Attorney for a second opinion and to send that second opinion to Council. Since Council did not ask for his resignation after receiving the second opinion he waited until today to be sworn in. He reminded everyone that he is only appointed for eleven months at which time there will be a Special Election. He took the opportunity to briefly explain various comments from the public.

Councilman Cockrell read the following press release that was released today regarding the second opinion sought out by Council.

Second Legal Opinion re-affirms Meza's Appointment

Front Royal, VA (January 11, 2021) - Monday, January 4, 2021 Town Council appointed former Councilman Jacob Meza to fill the unexpired term of newly elected Mayor Chris Holloway. Soon after, concerns were raised that the appointment of Mr. Meza was in violation of the Town Charter Chapter 6 Section § 47. The Town Attorney, Doug Napier, Esq, and staff had previously researched the issue extensively and found the appointment not to be in violation of Town Charter.

"I heard the questions of the press, public, and council, and in the interest of complete transparency, I asked our Town Attorney, Doug Napier to get a second legal opinion on the matter" said Mayor Chris Holloway. Napier reached out to Attorney Robert Mitchell, Esq, to review the Town Charter, Virginia State Code, and the Town Council appointment.

Mr. Mitchell's opinion found that that Mr. Napier's interpretation of Town Charter Chapter 6 was appropriate. "I have reviewed the concerns of the appointment of Mr. Meza and my legal opinion is that Council can appoint Meza to fill the vacancy on Council until the next election in November 2021. Section §47 of the Town Charter does not preclude the appointment, as I do not believe council members are "under the jurisdiction of the council." The provision would not make sense to be read to prohibit council from appointing a member of council to be a member of council," said Mitchell.

Mitchell is widely acknowledged as one of the most accomplished and experienced attorneys in the Commonwealth of Virginia, with over 50 years of experience. He is the County Attorney for Clarke County, the Commissioner of Accounts for Frederick County and the City of Winchester and is selected as one of the approved attorneys for the Virginia Municipal League and the Virginia Association of Counties to represent local government. Mr. Mitchell is very familiar with Municipal's Charters and Codes, and the Code of Virginia. He holds an AV Preeminent rating for legal ability and ethical standard of 5.0 of 5.0, the highest possible peer ranking on Martindale-Hubbell.

Meza's appointment will expire in November 2021 after a special election is held for the Town Council position.

If any member of the public or press has any further questions, please contact Todd C. Jones, Town Public Information Officer.

c. Report of the Mayor – Mayor Holloway thanked all those who supported and elected him as Mayor for the next two years. He then read his vision and goals for 2021.

Once again, I would like to thank those who supported and voted for me as Mayor of Front Royal. And if you didn't vote for me, I hope to earn your trust and respect over the next two years. It's an honor to be here representing Council. To say we have had an interesting year would be an understatement. Perhaps it would be more accurate to say we have had an unprecedented year in the history of our Town. We have weathered the COVID-19 pandemic better than most localities and took critical steps throughout the year to ensure continuity of government. We have made great strides towards improving our aging and failing infrastructure in our Town and have cut a lot of fat out of our budget, but there's still much more to be done.

I would like to take a few moments to layout my thoughts, goals and vision for 2021:

Number One - in 2021 I want to see the former Afton Inn either developed by a private company or torn down. This property will need to either get sold by the EDA and developed or condemned by our government and torn down. Every single person I speak with either from our community or outside agree that the current situation is no longer acceptable. The EDA has intentionally delayed long enough. Either the EDA needs to concede or get out of the way. Over the next month, I am going to ask Council to support this initiative to make sure something happens with the Afton Inn immediately.

Number two - in 2021 I want to see the Town of Front Royal in a position to control its own destiny. For too many years, we have sat in the back and allowed the County Board of Supervisors and their EDA to be the driving force behind economic development in our Town. I say no longer. It goes without being said that Town citizens are County citizens, this is a true fact; however, it also goes without being said that the Town of Front does not currently have a vehicle

to drive economic development within the Town limits. The existing EDA is insolvent. The existing EDA cannot buy property. The EDA cannot borrow money. The EDA is completely dependent on the County to pay its bills. It will be this way for over a decade. What does this mean for Front Royal? It means it's time for us to grab the bull by the horns and truly focus on the re-development of empty store fronts, derelict structures throughout our town and future capital projects. Over the next several months I am going to ask Council to join me to develop a plan and to begin the execution of that plan so we can reinvigorate our Town.

Number three - speaking about reinvigorating our Town, one area I know the former Council was keen on and made progress was the Blighted Building program. In my opinion, the foundation has been set. The laws are in place. We have way too many rotting and deteriorating properties in our Town. It's true, we need to encourage all property owners to take more pride in their homes, businesses and community in general, but I believe we need to develop a program to incentivize repair, remodel and redevelopment of blighted buildings; as well as, ensure proper regulations are not only in place but aggressively followed. Over the next several months I am going to be asking Council and staff to develop a plan and commence execution. I hope I can get the full support of Council for this initiative.

Number four - I believe it's time to research, investigate and study the full impact of launching our own Building Inspections office. I will not support citizens being charged double fees, in other words, paying Town building fees and County building fees. And I will not support increasing taxes to start a new department, but the bottom line is that the situation we have just is not working. For too long we have begged the County to help the Town with our blighted buildings. For too long we have asked the County to develop a more consistent, streamlined, building inspection process. All of this to no avail. It is my belief, the Town's building inspection office can breakeven from normal and customary fees that our citizens are currently paying the County's Building Inspection office, but we won't know until this is studied and reported. I will be asking Council to support this initiative and let's find out what is possible.

Number five - and in conclusion, it's time we bring our town operations into the digital, modern age. This pandemic has crippled our local economy. We need to move and move fast to ensure a full business recovery. To do this, our operations need to be more streamlined and efficient so that not only can our staff get citizens and business owners the answers they need, but also get the business owners up and operating in a quicker fashion. It's my opinion that this will bring about a more vibrant community, infrastructure improvements will happen faster and as importantly, make life easier for our citizens to conduct business with their government. One example I would like Council's support immediately is to ask staff to find a way to eliminate the credit card fees for bill payments. We need to find a way to absorb those fees. In general, I would like to ask Council to support this effort to modernize our operations, digitize our forms, move to a more on-line operation and ensure our citizens and business owners can easily conduct business with their government.

We have a lot to do in 2021. I couldn't be more pleased with the quality of Council we have. We truly have the most dynamic, diverse, and qualified Council I can remember. We also have a permanent presence and a very qualified Town Manager in Steven Hicks. It's my opinion that 2021 will be a breakout year for the Town. I am looking forward to working with each of you. And I will reiterate my pledge to you that I will work tirelessly to make Front Royal a better place to live, work and play.

PROPOSALS FOR ADDITION/DELETION OF ITEMS - None

CONSENT AGENDA ITEMS

A. Budget Amendment and Award of Sole Source Purchase of goods and Services to Record and Play Back Police Department Calls - Council approved a FY21 budget amendment in the amount of \$36,227.00 to allocate funds from the General Fund Reserve funds for the sole source purchase of goods and services to record and play back Police Department calls from Applied Digital Solutions in the amount of \$36,227.00 with recurring costs of \$3,400.00 each fiscal year.

Councilman Cockrell moved seconded by Councilman Thompson that Council approve the consent agenda as presented.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

APPROVAL – Ordinance Amendment to Town Code Chapter 28 – Planning Comm Membership (2nd Reading)

Councilman Meza moved seconded by Councilman Gillispie that Council adopt on its second and final reading an ordinance amendment to Town Code Chapter 28 – Planning Commission as presented.

Councilman Meza explained that it has been difficult finding citizens to fill vacancies on the Commission. Councilman McFadden agreed and fully supports decreasing the membership.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

APPOINTMENT OF VICE MAYOR

Councilman Gillispie moved seconded by Councilman Meza that Council appoint Councilman Lori Cockrell as Vice Mayor of the Front Royal Town Council, said term to expire December 31, 2022.

The Mayor asked for any other nominations before the motion on the floor had a second. Councilman Thompson nominated herself as senior member of Council. Since there was already a motion on the floor, the Town Attorney advised Council that there needed to be a second to continue that motion first. At this time Councilman Meza seconded the motion on the floor. Councilman Thompson questioned why it was different from several years ago when she believed only a senior member could be appointed.

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

No – Councilman McFadden and Thompson

Absent – N/A

Abstain – N/A

ROLL CALL

APPROVAL – Liaison Committee Meeting Agenda Items

Councilman Cockrell moved seconded by Councilman McFadden that Council approve the following items to the Liaison Committee Agenda for January 27, 2021: PILOT for Valley Health (Thompson); Town/County Vision for the Community (Cockrell); Short Term Rentals (McFadden); Single Point of Entry for Business (Lloyd)

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

No – N/A

Absent – N/A

Abstain – Councilman Meza

ROLL CALL

CLOSED MEETING – Personnel Matters and Boards and Commissions

Councilman McFadden moved seconded by Councilman Thompson that Council go into Closed Meeting for the purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific, public officers, appointees or employees of a public body, pursuant to Section 2.2.3711.A.1. of the Code of Virginia

Vote: Unanimous (NO ROLL CALL)

Councilman McFadden moved seconded by Councilman Meza that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Approved by Town Council

Date: 1/25/2021