



## TOWN COUNCIL REGULAR MEETING MINUTES

March 22, 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](http://www.frontroyalva.com).

Moment of Silence

Pledge of Allegiance was led by Vice Mayor Cockrell

ROLL CALL PRESENT: Mayor Chris W. Holloway  
Vice Mayor Lori A. Cockrell  
Councilman Gary L. Gillispie  
Councilman E. Scott Lloyd (Remote by phone)  
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 OF MINUTES – Councilman Gillispie moved seconded by Councilman Meza that Council approve the minutes of Work Sessions of February 16<sup>th</sup> and March 8<sup>th</sup>, Regular Meeting of February 22<sup>nd</sup>, and Special Meeting of March 1<sup>st</sup>, 2021 as presented.

Vote: Yes – Unanimous

ADDITIONS/DELETION OF ITEMS FROM THE AGENDA – None

RECONITIONS/AWARDS – Pinning Ceremony of Police Officer Zach Wallace by Police Chief Magalis

PRESENTATIONS - None

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)  
(comments may be heard in their entirety on the Town's website by accessing video of the same date)

Timothy Ratigan, 6079 Stonewall Jackson Hwy, representing "Back the Blue" encouraged Council to draft a Resolution regarding House Bill 1280 (George Floyd Justice in Policing Act of 2021) and send to local legislation to vote no on this bill. His fear was the community will lose good quality officers if passed.

**PUBLIC HEARING**

A. Rezone approximately 2.1 acres from R-1 Residential District to R-3 Residential District at Jefferson Avenue and undeveloped portion of Hillcrest Drive – Rockledge Development Co, LLC

Mayor Holloway opened the public hearing. There were three speakers:

Debbie Earl – voiced her opposition to the rezoning and brought in a Letter of Opposition/Petition [below] that was given to every councilmember. *[The petition attached to the letter may be seen in the Clerk of Council's Office.]* She noted that she lived in a quiet community and voiced concerns that it would decrease property values and remove the animals.

LETTER OF OPPOSITIONto Proposed Rezoning and Classification of Tax Map #20A13 3A

I am Debbie Earl, a Tharpe's subdivision resident currently living at 731 West 16th Street. We moved to the community at 750 Hillcrest Drive when I was 4 years old. I haven't had the heart to leave it, so the future of this neighborhood is very important to me, and my family.

I am here to express my strong opposition to the proposed rezoning at Hillcrest Drive and Jefferson Ave. from R-1 to R-3. While those of us here in the local community may be unable to prevent some development, that is already going to destroy the vast wildlife habitat, all residents here in the surrounding neighborhood are completely opposed to the addition of any high-density building.

Although, not everyone was able to attend tonight, this is reinforced by the petition I was able to bring with me. While acquiring these signatures, I spoke to many of my neighbors, and their opposition is evident.

In addition to driving all of the animals out of the area, this type of rezoning and building will:

- Cause safety problems to our quiet community
- Create traffic problems with additional safety hazards
- Potentially decrease the property values of our existing homes
- Completely change our "single family living" charm, that continues to attract new home buyers to our neighborhood

Please do not re-zone our neighborhood. Single family construction fits in here, and anything other than that will destroy the community's character.

Peggy Thompson, 804 W. 16<sup>th</sup> Street – noted that she had lived in her neighborhood since 1963 and advised of a cemetery in the area. She feared of additional traffic. She encouraged Council not to rezone.

Donna Teabo – 735 W. 16<sup>th</sup> Street – She reminded Council that the neighborhood is currently a working-class neighborhood, Hillcrest Street was a dead-end street, 16<sup>th</sup> Street was a small street and is all single family houses.

Councilman Gillispie confirmed that the developer was not present to speak.

The Mayor closed the public hearing.

Councilman Meza moved, seconded by Councilman McFadden that Council approve Rezoning Application #2372-2020 from Rockledge Development Company, LLC that requests the zoning map reclassification of Tax Map Parcel 20A1-3-3A from Residential District R-1 to Residential District R-3 at Jefferson Avenue and the undeveloped portion of Hillcrest Drive contingent upon the acceptance of the written proffer dated January 23, 2021, limiting potential residential uses of the property to detached single-family dwelling and two-family/duplex structures and associated accessory uses only.

Councilman Meza reminded Council that the rezoning went through the Planning Commission first and their concerns regarding the high density were raised and it was ultimately agreed to reduce the amount of housing in the R-3 District.

Councilman Cockrell asked that we check on the cemetery. She confirmed that the only R-3 is the Health and Human Services Building. Councilman Thompson advised that the cemetery could not convey. It would have to stay. The Mayor reiterated that the developer should be in attendance to answer questions.

Town Manager Hicks advised that Council could defer but reminded them that as an R-1 it is by-right and the developer could add six dwellings, but as a R-3 there is less density and less impact.

Vote: Yes – Councilmen Lloyd (Remote by phone), McFadden, Meza and Thompson

No – Vice Mayor Cockrell, Councilman Gillispie

Absent – N/A

Abstain – N/A

ROLL CALL

### Public Hearing

B. Setting of 2021 real estate property tax rate at \$0.13 per \$100.00 and personal property tax rate at \$0.64 per \$100.00 of assessed value which represents no increase.

Mayor opened and closed the public hearing as no one spoke.

Vice Mayor Cockrell moved, seconded by Councilman Gillispie that Council adopt a real property tax rate at \$0.13 per \$100 assessed value which represents no increase from the current year's tax rate and the personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; and the personal property tax relief rate of 53% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524.

Councilman Meza thanked Mr. Hicks and the Town Staff for maintaining the tax rate. He noted how important it was to Town Council to find a Town Manager who supported Council's mission and vision to maintain fiscal diligence.

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd (Remote by phone), McFadden, Meza and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

### REPORTS

a. Report of Town Manager Steven Hicks noted that April 9<sup>th</sup> was the Pavilion Ribbon Cutting at 9:00 am. He advised that he has received a lot of positive comments verbally about Happy Creek and reminded Council that the work was done in-house and demonstrates the skills of Town employees. He advised Council that the Town received recognition for the Arbor Day Foundation and read the letter. He noted that there would be an Arbor Day Celebration on Friday, April 30 at 12:00pm where a tree would be planted near the pavilion.

On behalf of the Arbor Day Foundation, I write to congratulate Front Royal on earning recognition as a 2020 Tree City USA. Residents of Front Royal should be proud to live in a community that makes the planting and care of trees a priority.

Front Royal is one of more than 3,600 TreeCity USA communities, with a combined population of 155 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the

U.S. Forest Service and the National Association of State Foresters.

If ever there was a time for trees, now is that time. Communities worldwide are facing issues with air quality, water resources, personal health and well-being, and energy use. Front Royal is stepping up to do its part. As a result of your commitment to effective urban forest management, you are helping to provide a solution to these challenges.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public.

State foresters coordinate the presentation of the Tree City USA recognition materials. We will forward information about your awards to your state forester's office to facilitate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Front Royal and thank you for helping to create a healthier planet for all of us.

Best Regards,

Dan Lambe  
President

#### b. Report of Councilmembers

Councilman Cockrell advised that she attended the ribbon cutting of the new Blue Ridge Hospice Thrift Store on March 6<sup>th</sup> where all items are donated and the proceeds go back to Hospice. She advised that all systems are a go for the Prom and that you may sponsor a senior for \$10.00 and if interested please let her know.

Councilman Meza advised that the Happy Creek Project looks great. He showed his appreciation for Main Street describing how he and his wife had to wait to get into a restaurant, but during the wait time they strolled down Main Street and was very pleased with the activity that was going on. He gave his appreciation to the artists of the murals painted on buildings. He encouraged the public to visit Main Street and enjoy what our community has to offer.

Councilman Thompson advised that she recently attended a brunch at Vinova Restaurant for her daughter's 21<sup>st</sup> birthday and agreed with Councilman Meza that it was nice on Main Street. She asked that the next work session have the following two items added: Valley Health PILOT and Neighborhood Watch.

#### c. Report of the Mayor

Noted that he and Mr. Hicks attended a ribbon cutting at the new business on Main Street called "ReWed" that carries tuxes and prom dresses.

PROPOSALS FOR ADDITION/DELETION OF ITEMS – None

#### **CONSENT AGENDA ITEMS**

A. Purchase of Radio Water Meters in the Amount of \$272,500.00

*Council approved the purchase of 1,000 Neptune radio water meters from Core & Main in the amount of \$272,500.00 to complete the water meter change out program to automated meter reading for the Town's entire water system.*

B. Resolution Requesting Department of Corrections to Schedule a Public Hearing for Proposed Lease of Office Space for Its Probation and Parole District #11 Sub Office at 842 N. Shenandoah Avenue

*Council approved a Resolution requesting the Department of Corrections to hold a public hearing regarding the proposed lease of office space for its Probation and Parole District #11 sub-office at 842 N. Shenandoah Avenue. I further move that Council authorize the Mayor and Clerk of Council to sign the Resolution and send to the address listed in the letter by April 26, 2021.*

**C. Proclamation for Sexual Assault Awareness Month**

*Council approved a proclamation proclaiming April 2021 as The Laurel Center Sexual Assault Awareness Month in the Town of Front Royal.*

**D. Installation of Curb and Gutter on Leach Street, Wines Street and Evelyn Court**

*Council approved a bid from Arthur Construction in the amount of \$129,500.00 for the installation of approximately 3,700 linear feet of curb and gutter on Leach Street, Wines Street and Evelyn Court.*

**E. Bid for Professional Annual Auditing Services**

*Council approved professional auditing services of Mitchell & Co., P.C. through the sole source procurement method by establishing a new contract for services.*

**F. Budget Amendment for Contract Modification to Hydro-structures for Closed-Circuit Television (CCTV) Inspection of Sanitary Laterals**

*Council approved a budget amendment in the amount of \$168,325.00 to approve a contract modification to Hydro-Structures LLC for closed-circuit television (CCTV) inspection of sanitary laterals that add specific streets to the inspection work in the amount of \$168,325.00.*

**G. Laboratory Services for Water Treatment and Wastewater Treatment Plants**

*Council approved the bid for laboratory services for the Water and Wastewater Treatment plants in the following amounts based on lots: Pace Analytical, LLC for the total of lots 2,3,5,6, and 7 - \$10,700.00; Inboden Environmental Services for the total of lot 8 - \$45,790.40; Greenway Environmental Laboratory for the total of lot 9 - \$2,530.00*

**H. FY21 Budget Amendment/Intra-fund Transfer for CDBG Wayfinding Signs Project**

*Council approved a FY21 Budget Amendment and Intra-Fund Transfer in the amount of \$45,000.00 for wayfinding signs.*

*Councilman Gillispie moved, seconded by Councilman Meza that Council approve the Consent Agenda as presented.*

*VOTE: Yes – Unanimous*

**BUSINESS ITEMS**

**A. Order of Business for Regular Council Meeting in 2021**

*Councilman Meza moved seconded by Councilman Gillispie that Council approve the Order of Business as presented for the remainder of calendar year 2021.*

*Councilman Meza advised that the Order of Business is just setting the structure or format of the regular meeting agendas for the year 2021.*

*Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd (Remote by phone), McFadden, Meza and Thompson*

*No – N/A*

*Absent – N/A*

*Abstain – N/A*

*ROLL CALL*

This portion of the meeting ended at 7:45pm

#### CLOSED MEETING

Councilman Meza moved, seconded by Vice Mayor Cockrell that Town Council go into Closed Meeting under Section 2.2-3711 of the Freedom of Information Act of the Code of Virginia, as referenced in the published Council Agenda Statement 3.22.21 with five items [below]

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd (Remote by phone), McFadden, Meza and Thompson

No – N/A

Absent – N/A

Abstain – N/A

#### ROLL CALL

- (1) Regarding issues, including condemnation, concerning the possible acquisition of real estate for the redundant waterline in connection with the Route 522 North Corridor area:
  - A) Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, under subsection A. 3.
  - B) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, under subsection. A. 6.
  - C) Consultation with legal counsel employed or retained by Town Council and briefings by staff members or consultants regarding specific legal matters, including probable litigation, requiring the provision of legal advice under subsections A. 7 and 8.
- (2) Regarding the proper legal exercise of law enforcement jurisdiction and operations within the corporate limits of the Town, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, under subsection A. 8.
- (3) Regarding claimed or potential financial obligations, whether legal or moral, by the Warren County EDA of the Town, consultation with legal counsel employed or retained by Town Council and briefings by staff members or consultants regarding specific legal matters, including actual and probable litigation, requiring the provision of legal advice, under subsections A. 7 and 8.
- (4) Regarding the discussion or consideration of the disposition of publicly held real property, specifically the vacation of a portion of a public right of way near Commonwealth Avenue, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (5) The purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, more specifically Town-owned property located on Hill Street, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia.

#### Motion to Certify Closed Meeting at its Conclusion

Vice Mayor Cockrell moved seconded by Councilman Gillispie 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 - Unanimous

#### After Action Item

Clerk of Council Read the Resolution below

#### RESOLUTION

Of the Town Council of the Town of Front Royal, Virginia Regarding Disposition  
of Hill Street Property by Deed of Exchange

**WHEREAS**, David and Jamie Foushee acquired real property located at the intersection of Hill Street and Midway Avenue via deed of bargain and sale dated June 23, 2016 and recorded in the Clerk's Office on August 20, as Instrument No. 160004142 (such real property hereafter the "Dorothy Wigenton Parcel"), and

**WHEREAS**, in 1977, the Town of Front Royal sought to widen the public street known commonly as "Hill Street" and sought to enlarge and improve the intersection of Hill Street and Midway Avenue, and

**WHEREAS**, in order to accommodate such proposed improvement, the Town acquired real property located on Hill Street via condemnation proceeding brought against Anna Jackson, Lizzie Self, Leroy Self, Jr. and certain persons unknown, all as evidenced by Petition filed and an Order recorded in the Clerk's Office of the Circuit Court of Warren County ("Clerk's Office") on August 16, 1977 at Deed Book 252, Page 600 (the "Town Order") (the real property thereby acquired hereafter referred to as the "Anna Jackson Parcel"), and

**WHEREAS**, to further accommodate such proposed improvement, a house was physically removed from its foundation on the Dorothy Wigenton Parcel and was relocated to the Anna Jackson Parcel, while the public streets of Hill Street and Midway Avenue were expanded and an asphalt street constructed upon a portion of the Dorothy Wigenton Parcel, including portions which previously contained the foundation of the house, and

**WHEREAS**, as otherwise evidenced by a plat of subdivision recorded in the Clerk's Office on March 1, 1982 at Deed Book 290, Page 791 (the "1982 Plat"), the Town: (i) dedicated a portion of the Anna Jackson Parcel for use as a public right of way and street; and (ii) subdivided the remaining Anna Jackson Parcel into two (2) separate lots, described on the 1982 Plat as "Lot 1" and "Lot 2" respectively, and

**WHEREAS**, there has been no publicly recorded instrument or plat confirming acquisition of any portion of the Dorothy Wigenton Parcel by the Town (whether by condemnation or voluntary grant), or indicating formal dedication of any portion of the Dorothy Wigenton Parcel for public use as a street or right of way, and

**WHEREAS**, on March 1, 2021 following a duly advertised public hearing, Town Council resolved by motion to dispose of the Town-owned real property, finding the property not to be a "public place", by private sale and/or exchange, "Lot 1, Jackson Subd", with the Town Manager authorized to receive offers for same, and

**WHEREAS**, the Town Manager has received one (1) offer to purchase the property, that being an offer from David and Jamie Foushee in the form of a Deed of Exchange, to exchange without additional consideration, "Lot 1, Jackson Subd" for a portion of the Dorothy Wigenton Parcel.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Front Royal, Virginia, that the Town does hereby accept the offer of David and Jamie Foushee in the form of a Deed of Exchange, to exchange without additional consideration, "Lot 1, Jackson Subd" for a portion of the Dorothy Wigenton Parcel which Town Council finds to be in the best interest of the Town in that it would dispose of excess Town-owned real property in exchange for land over which Hill Street and Midway Avenue were expanded and on which an asphalt street has been constructed.

**BE IT FURTHER RESOLVED** that the Town's Mayor is authorized and directed to take all lawful, necessary, and appropriate actions to effectuate the Deed of Exchange.

**ADOPTED** this 22nd day of March, 2021.

*Vice Mayor Cockrell moved, seconded by Councilman Thompson that Town Council adopt the Resolution accepting the offer of David and Jamie Foushee, in the Deed of Exchange, exchanging the Town-owned Hill Street property for a portion of the Dorothy Wigenton Parcel, without additional consideration, according to its terms.*

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

No – N/A

Absent – Councilman Lloyd

Abstain – N/A

ROLL CALL

Mayor adjourned the meeting.

Approved by Town Council

Date: 4/26/21