



TOWN COUNCIL REGULAR MEETING MINUTES

April 26, 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.

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
Councilman Joseph E. McFadden
Councilman Jacob L. Meza

ABSENT: Councilman Letasha T. Thompson

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks (ABSENT)
Town Attorney Douglas W. Napier
Clerk of Council Tina L. Presley
Finance Director BJ Wilson filling in for Mr. Hicks

APPROVAL OF MINUTES – Councilman Gillispie moved seconded by Councilman McFadden that Council approve the minutes of Regular Meeting of March 22nd and Work Session of April 7th, as presented.

Vote: Yes – Unanimous

ADDITIONS/DELETION OF ITEMS FROM THE AGENDA – None

RECONITIONS/AWARDS – Proclamations for Arbor Day & National Public Works Recognition Week
(Proclamations read by the Mayor available in the Clerk of Council's Office)

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)

Melody Hoteck, Catlett Mountain Road, President of the Front Royal/Warren County Tree Stewards conveyed to Council her concerns regarding a letter sent to Council from the Tree Stewards which there was no response. She proceeded to give Council the highlights of the letter: vacancy of the horticulturist position, destruction of the riparian buffer zone along Front Street, resignation of Urban Forestry Advisory Commission (UFAC) members; Tree City USA renewal application; Annual Arbor Day Celebration. She

encouraged Council to hire a qualified arborist to serve as the Tree Stewards liaison, reinstate a Tree Board, replant the buffer zone along Happy Creek and remove the historic marker along Front Street. She expressed hope that the Council would continue seeking the services of qualified professionals. She gave a handout to Council that included a timeline of events and a presentation from the Front Royal/Warren County Tree Stewards.

Fred Andreae, 367 Overall Road, Bentonville, VA, Vice President of the Beautification of Front Royal Committee, gave a history of the start of the Committee and the costs into the community over the years through trees, landscape and flowering baskets. He asked that Council replace all the trees that were removed along Happy Creek. He advised that planting would not continue if the Town did not hire a horticulturist. He gave a handout to Council named "The Beautification of Front Royal Committee (BFRC)."

Susan Tschirhart, 327 Skyline Place, Chairperson of the Warren/Front Royal Appalachian Trail (AT) Community Committee advised that the Committee decided unanimously to support the Tree Stewards by suspending AT community operations in the Town for the coming year. The following reasons were noted for the suspension: failure for Town Staff to follow through on stated commitments regarding Arbor Day, Tree City USA application process and destruction of a riparian buffer. She encouraged Council to act on recommendations given by the Tree Stewards and Beautification Committee. She gave a handout to Council that included a press release "Warren County-Front Royal Appalachian Trail Community joins with Local Civic Groups to Oppose Town of Front Royal Inaction" and a presentation "Front Royal/Warren County Appalachian Trail Community – Who's Who – March 11, 2021"

David Means, 210 W. 1st Street, advised Council that he had knowledge about stream design and construction and the laws and regulations involved. He noted that during his visits to the Happy Creek construction site he observed that Town Staff lacked specialized training and knowledge. He opined that what happened to Happy Creek was a level of devastation and the design engineer failed to provide a detailed plan for removal and retention. He encouraged Council to fund professional development and training to work crews to maintain public land resources.

Chris Anderson, Luray, VA, Page and Warren County Coordinator of the Alliance for the Shenandoah Valley noted that streams that flow naturally through a greenway create a natural environment. She voiced concern over the removal of trees and shrubs along Happy Creek. She encouraged Council to consider replanting a majority of the native trees and shrubs that were removed between Prospect Street and South Street and repair the riparian buffer.

Sonja Carlborg, 210 W. 1st Street, read excerpts from the Virginia Conservation Network website. She voiced concern over the many permit violations regarding Happy Creek. She expressed hope that the Public Works Department will seek assistance on how to properly install a cofferdam preventing damage to the Town Arboretum during the upcoming sewer line replacement across Happy Creek at the Stonewall Drive bridge.

Kelli Hart, W. 15th Street, voiced concern over Council ignoring the UFAC's expert advice on the restoration of Happy Creek. She reminded Council that the "Save Happy Creek Coalition" had reached out to Town Staff and elected officials in an effort to mitigate damage and inform the public about the environmental and financial costs of the Happy Creek Project. She encouraged the Town Manager and Council to offer respect and recognition to all the outstanding community partners.

Sheila Smith, 706 Parkview Drive, advised Council that she has lived in her residence for 45 years and voiced concern about her neighbor's yard at 704 Parkview Drive. She noted that in the last eight months her neighbors started accumulating debris, trash, and junk, that has attracted rodents. She also noted that their dogs bark constantly. She advised that she called the Assistant Town Attorney regarding any ordinances that her neighbors may be in violation of. She asked that the Town take action.

Lillian Sloane, 468 Acton Street, reiterated the conditions at 704 Parkview Drive. As a taxpayer for over 70 years and the owner of two rental properties behind 704 Parkview Drive, she voiced fear of losing her tenants because of the conditions at 704 Parkview Drive. She asked that Council take their requests seriously and take appropriate action to make conditions better.

Mayor Holloway confirmed that Ms. Smith and Ms. Sloane had met with the Town's Deputy Zoning Administrator/Code Enforcement Officer Chris Brock. Vice Mayor Cockrell asked Town Attorney Napier about the dog barking time limit in the Town ordinance. Councilman Gillispie asked that an item be placed on an upcoming work session regarding the ordinances in question (trash, debris, dog barking).

Councilman Meza thanked everyone who spoke and noted that he had read through the correspondence from the Tree Stewards and AT community that came through Town email and apologized if it was construed as being ignored. He pointed out that Town Manager Hicks reached out to state agencies and confirmed that the Town did not have any current permit violations or illegal actions related to the restoration of Happy Creek. He stated that he was glad to hear that the AT Community had linked up with the Joint Tourism Committee and that the Town has advertised for an arborist. Mr. Meza advised that Council was preparing to move into Comp Plan Planning Sessions, where one of the goals was to develop a sustainable and urban forestry plan that would address environmental concerns as well as social and economic issues. He expressed hope that action requested tonight would be seen in the near future.

PUBLIC HEARING

A. To receive Comments/Concerns from the Public and Approve an Ordinance Pertaining to the Vacation of a 50-foot Strip of Land Approx. 6,268.3 Sq.Ft. (0.1439 acres) on Commonwealth Drive – Robert Williams and James Williams

Mayor Holloway opened and closed the public hearing. There were no speakers.

Vice Mayor Cockrell moved seconded by Councilman McFadden that Council approve an ordinance pertaining to a request from Robert Williams and James Williams to vacate a 50-ft Strip of Land Approximately 6,268.3 Sq Ft (0.1439 Acres) located between 1663 Commonwealth Drive and 1669 Commonwealth Drive allowing Robert Williams and James Williams to maintain the property properly and to direct the Town Manager and Town Attorney to execute all documents to finalize the vacation.

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

No – N/A

Absent – Councilman Thompson

Abstain – N/A

ROLL CALL

Public Hearing

B. Rezoning Application Requesting to Reclassify Parcels Approximately 0.45 acres from R-3 District to C-1 District Located on the West Side of Pine Street Near the Intersection of South Street, to Allow for Additional Employee and Customer Parking, Accessory Storage and Office Use for Spelunkers Restaurant

Mayor Holloway opened the public hearing.

Angela Hess/William Plumstead, 356 Pine Street, voiced various concerns regarding the proposed rezoning. Ms Hess advised that they have lived at 356 Pine Street for 20 years and it sits directly behind the Spelunker's Restaurant; however, the last few years they have endured increased and excessive noise that has led to the excessive barking of her dog. She noted that the street currently has one way traffic with parking on one side for residents and noted that employees were supposed to be towed if they parked there but this had not happened. They also commented on the natural sound barrier that is currently being removed. She asked that Council do something to protect them as a homeowner and as a resident so that they have more privacy, peace and quiet.

Steven Antonelli and Joe Knechtel of Podesta Associates (owner/representatives of Spelunkers Restaurant) advised Council that their restaurant currently has inadequate parking for customers and employees. The rezoning and the two purchased lots would relieve that issue, noting that Pine Street is residential parking. He noted that he would investigate the neighbor's concern of the noise as it should be just the cleaners inside the restaurant after closing. Mr. Antonelli advised Council that Spelunkers' was a busy restaurant thus needing more space and parking.

Vice Mayor Cockrell confirmed that the two purchased lots would be overflow and employee parking and would that change the traffic pattern on Pine Street. Mr. Antonelli advised that there are cars currently stacking on South Street; therefore, the new pattern would be one way entering the parking lot and a two-way exiting the parking lot. She encouraged Mr. Antonelli to work with the neighbors on their concerns. Mr. Antonelli advised that he has spoken to them about the tree limbs and has begun the process with a landscaper of possible removable since the trees no longer provide coverage they once did.

Mayor closed the public hearing.

Councilman Gillispie moved seconded by Councilman McFadden that Council approve the rezoning application requesting to reclassify two parcels (approximately 0.45 acres) from R-3 District to C-1 District located on the West Side of Pine Street near the intersection of South Street, to allow for additional employee and customer parking, accessory storage and office use for Spelunkers Restaurant.

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

No – N/A

Absent – Councilman Thompson

Abstain – N/A

ROLL CALL

Public Hearing

C. An Ordinance to Amend Town Code Chapter 16 "Industrial Development Authority" to Include Residents of Warren County Who Owns a Business in Town, as Directors of the Front Royal Economic Development Authority (FREDA)

Mayor Holloway opened and closed the public hearing. There were no speakers.

Councilman Gillispie moved seconded by Councilman McFadden that Council approve an ordinance amendment to Town Code Chapter 16-4 (E) "Board of Directors: Terms and Qualifications of Office" to include residents of Warren County who own a business in Town, as Directors of the Front Royal Economic Development Authority (FREDA)

Councilman Meza commented that approving the ordinance opens it up to a wider audience.

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

No – N/A

Absent – Councilman Thompson

Abstain – N/A

ROLL CALL

Public Hearing

D. An Ordinance to Amend and Re-Enact Town Code Chapters 134-22.1, 134-22.4, 134-30, 134-31.1 and 134-31.2 To Increase Water and Sewer Rates

Mayor Holloway opened and closed the public hearing. There were no speakers.

Councilman McFadden moved seconded by Councilman Meza that Council approve an Ordinance to Amend and Re-Enact Town Code Chapter 134-22.1, 134-22.4, 134-30, 134-31.1 and 134-31.2 to Increase Water and Sewer Rates, as presented and effective July 1, 2021.

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

No – N/A

Absent – Councilman Thompson

Abstain – N/A

ROLL CALL

Public Hearing

E. Annual Appropriation Ordinance for FY2021-2022. Budget effective July 1, 2021 through June 30, 2022

Mayor Holloway opened and closed the public hearing. There were no speakers.

Vice Mayor Cockrell moved seconded by Councilman McFadden that Council approve the Town's Annual Appropriation Ordinance for the FY2021-2022 Budget effective July 1, 2021 through June 30, 2022, as proposed.

Councilmen Gillispie and Lloyd thanked staff for their hard work and being fiscally responsible.

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

No – N/A

Absent – Councilman Thompson

Abstain – N/A

ROLL CALL

REPORTS

a. Report of Town Manager Steven Hicks (ABSENT). Mr. Wilson gave no report.

b. Report of Councilmembers

Vice Mayor Cockrell advised that she attended the ribbon cutting for the pavilion at the Town Commons and participated in planting a tree at the Arbor Day Celebration. She noted that Prom 2021 would be held on May 22nd and if anyone wanted to sponsor a senior let her know.

Councilman Gillispie reminded the public that the Town Scholarship Applications would be accepted until April 29th and that there would be three awarded at \$1,000 each.

Councilman Meza gave an update on the most recent incident involving the Sheriff of Warren County and the Town's Sanitation Staff last week and voiced his disappointment and concern over employees being harassed. Mr. Meza stated that a press release was recently issued regarding his appointment and noted that the case has been dismissed. He encouraged everyone to treat people with respect.

c. Report of the Mayor – Mayor Holloway reiterated what Councilman Meza stated regarding the mistreatment of Town employees last week. He also noted that the Community Vaccination Center needed volunteers and asked that it be posted to the Town's website.

PROPOSALS FOR ADDITION/DELETION OF ITEMS – None

CONSENT AGENDA ITEMS

A. New Agreement for the Use of Federal Care Coronavirus Relief Funds

Council approved a new Agreement with the County of Warren pertaining to the amount of \$88,109.00 COVID-19 Relief Funds as presented; and the agreements signed by Council for December 2020 and February 2021 be rescinded.

B. Resolution Initiating Proposed Ordinance Amendments to the Regulations of Chapter 148 and Chapter 175 Pertaining to Permitting and Approval Authorities of the Planning Commission

Council approved a resolution that would initiate proposed text amendments to the regulations of the Town's Subdivision and Land Development Ordinance (Chapter 148) and the Town's Zoning Ordinance (Chapter 175) Pertaining to the Permitting and Approval Authorities of the Planning Commission. Once approved, the resolution shall be sent to the Planning Commission for recommendation of Chapter 148 and Chapter 175 ordinance amendments and then sent back to Council for final approval.

C. Sole Source Purchase of a Water Treatment Plant Valve

Council approved the sole source purchase of a Dezurick PEC plug valve to duplicate an existing valve at the Water Treatment Plant from Commonwealth Engineering & Sales of Ashland, Virginia in the amount of \$29,609.00.

D. Bid Award for Milling and Paving Services

Council approved a multi-year contract for milling and paving services with the first term of this five-year contract to include the scope of services for Commerce Avenue from Happy Creek Bridge to 2nd Street, N. Royal Avenue from Commerce Avenue to 14th Street, all of Wine Street, Evelyn Court, Leach Street, Northview Street and Parkview Drive in the amount of \$449,316.00.

Councilman Gillispie moved seconded by Vice Mayor Cockrell to approve the Consent Agenda as presented.

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

No – N/A

Absent – Councilman Thompson

Abstain – N/A

ROLL CALL

BUSINESS ITEMS

A. Resolution to Delay Charges for Real Estate and Personal Property Taxes Penalty and Interest
Councilman Meza moved second by Vice Mayor Cockrell to approve a Resolution to delay charges for penalties and interest related to 2021 Real Estate and Personal Property Taxes by a period of 16 days due to a delay of receiving the assessment files from the County of Warren.

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

No – N/A

Absent – Councilman Thompson

Abstain – N/A

ROLL CALL

This portion of the meeting ended at 8:36 PM.

CLOSED MEETING

Vice Mayor Cockrell moved, seconded by Councilman Gillispie that Council convene and go into Closed Meeting for the purpose of consultation with legal counsel employed or retained by Town Council to discuss specific legal matters requiring the provision of legal advice by such counsel, pursuant to a Memorandum of Agreement between the County and the Town, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

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

No – N/A

Absent – Councilman Thompson

Abstain – N/A

ROLL CALL

Councilman Thompson joined the Closed Meeting after Roll Call by telephone.

Councilman McFadden moved seconded by Councilman Meza 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 – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, Meza and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor adjourned the meeting at 9:20pm.

Approved by Town Council
Date: 5/24/21