



TOWN COUNCIL REGULAR MEETING MINUTES

November 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.

Moment of Silence

Pledge of Allegiance was led by Councilwoman Morris

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman E. Scott Lloyd
Councilman Joseph E. McFadden
Councilwoman Amber F. Morris
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 –*moved, seconded by Councilman that Council approve the Work Session Minutes of October 14th and October 19th and Regular Meeting Minutes of October 25th, as presented.*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA

Councilman Gillispie moved, seconded by Vice Mayor Cockrell to move Consent Agenda Item 10I "Two Resolutions to Participate in Both National and Virginia Opioid Settlement Agreement and Memorandum of Understanding (MOU)" to 11D on the agenda.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Gillispie moved, seconded by Vice Mayor Cockrell to add "Purchase of Rebuilt Transformers-Energy Services Department" as 11E on the agenda.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

RECOGNITIONS/AWARDS/REPORTS –

~~Recognition of Retirement for William "Billy" D. Sears, Sign Tech in Streets Division of Public Works~~
Due to unforeseen circumstances this recognition will be placed on the December 13th meeting.

Recognition of Captain Crystal Cline for Graduation from the Southern Police Institute – Police Chief Magalis introduced and congratulated Captain Cline for her graduation from the Administrative Officer's Course at the Southern Police Institute a division of the Criminal Justice Department at the University of Louisville in Kentucky. Mrs. Cline updated Council on her scholarship and the classes she took as part of the program.

Recognition of Service on Board of Architectural Review for Andrea White – Mayor Holloway read a resolution (approved under the consent agenda) recognizing Mrs. White on her years of service on the Board of Architectural Review (BAR).

PUBLIC HEARINGS - None

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Craig Anderson, 110 Sunset Lane, Linden suggested that Council consider naming an area in Town as All Lives Matter.

Tom Sayre, 835 Shenandoah Shores Road hoped that Town Attorney Napier makes a disclosure on the HEPTAD item listed on tonight's agenda. He also mentioned that he would be sending in a FOIA request for all emails pertaining to the most recent Planning Commission report.

REPORTS

A. Town Manager Report – Steven Hicks advised that there would be no work session on December 6th but would be a combined work session and formal agenda on December 13th with the work session beginning at 6:00pm and the regular meeting beginning at 7:00pm. He wished everyone a Happy Thanksgiving and noted that Town Business Offices would be closed on November 25th and 26th for the holiday. He advised Council that a waterline upgrade from a 6 inch to a 10 inch would occur in mid-March.

B. Town Council Reports –

Councilmen Gillispie wished everyone a Happy and Safe Thanksgiving.

Councilman Thompson wished everyone a Happy Thanksgiving and welcomed Councilwoman Morris.

Vice Mayor Cockrell noted that Hometown Halloween was a great event and enjoyed passing out candy with Town Manager Hicks and Warren County Board Member Cullers. She also noted that she volunteered in the Visitors Center for several hours and gave a shout-out to Amy and Deb who work there. Mrs. Cockrell

reminded and invited the public of the Comprehensive Plan Kick-Off Event scheduled for November 23rd at the Pavilion in the Gazebo Area on Main Street. She gave an update on the Comprehensive Plan Survey and encouraged everyone to take it. She expressed her pride to Captain Cline on her recent completion and graduation and thanked Mrs. White for her service on the BAR. In conclusion she thanked staff for decorating Main Street noting how great it looked.

C. Mayor Report – Mayor Holloway reminded everyone that the Town of Front Royal approved a resolution months ago that Town employees did not have to receive a vaccine to work for the Town and he doesn't support changing that in the future. He advised that all Town employees would receive a \$2,000 bonus in December. He wished everyone a Happy and Safe Thanksgiving.

Councilman Thompson requested that the Town consider setting aside money to help reduce the cost of insurance as it related to the vaccine.

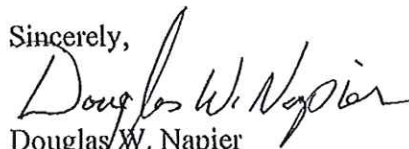
CONSENT AGENDA ITEMS

Town Attorney Napier read the following disclosure:

To the Mayor, Members of Town Council, and to the public generally:

Pursuant to Va. Code § 2.2-3115. I, I have a personal interest in transactions involving Heptad, LLC, which has, have, or may come before the Town. Several years before I was hired as Town Attorney, and while I was in private practice, I gave legal advice to and drafted legal formation paperwork for the developer of that entity. As a result of this I acquired a small fractional ownership share in the company, which owns this real estate in the Town and which is currently under consideration to be sold. Therefore I have a financial interest in Heptad, LLC, which will be realized upon its sale to a third party. According to Va. Code § 2.2-3112.A. 4., while legally I may participate in a transaction which involves a request to extend the time to submit a development plan within one year of approval of the Master Land Use Plan of that property, because the nature of this request is a transaction that affects the public generally, and thereby my personal interest as a member of the public will also be affected by this transaction, in order to avoid any appearance of impropriety, I decline to participate in giving legal advice to Town Council or Town staff in this matter, as I have always done in the past since I became Town Attorney.

Sincerely,



Douglas W. Napier
Town Attorney

A. FY22 Budget Amendment for Virginia Department of Forestry Grant
Council approved an FY22 Budget Amendment in the amount of \$2,090.00 to receive grant funds from the Virginia Department of Forestry to be used for the Playground Shade Trees at Gertrude E. Miller Community Park.

B. FY22 Budget Amendment and Interfund Transfer for Bonuses

Council approved a FY22 Budget Amendment in the amount of \$476,617 and Interfund Budget Transfer totaling \$216,635 to allocate funds to allow a one-time bonus in the amount of \$3,096 to be distributed to eligible employees on December 8, 2021, to show appreciation for their hard work, efforts, dedication, and support during the COVID-19 health pandemic.

C. FY22 Budget Amendment to Accept Local Law Enforcement Block Grant

Council approved a budget amendment in the amount of \$2,690 to accept a Local Law Enforcement Block Grant from the Virginia Department of Criminal Justices Services – Byrne Justice Assistance Grant Program (BJAG) to strengthen Crime Control.

D. Request for Waiver of License Tax to Sell Christmas Trees – Boy Scout Troop 52

Council approved a waiver of the \$100.00 license tax associated with selling Christmas trees during the holiday season to Boy Scout Troop 52 as permitted by Front Royal Town Code Section 98-61A.5.b. and to extend the waiver for 5 (five) years beginning November 22, 2021 and ending December 31, 2026.

E. Request for Waiver of BAR Review Fee for a Certificate of Appropriateness to Paint a Mural to at N. Royal Avenue and Main Street

Council approved the waiver of a Board of Architectural Review (BAR) Fee of \$100.00 for a Certificate of Appropriateness Application received by Melissa Ichiuji to paint a temporary mural to serve as a construction barrier at the corner of N. Royal Avenue and Main Street adjacent to the former Afton Inn property.

F. HEPTAD Request for One-Year Extension to Submit Development Plan

Council approved the request from HEPTAD, LLC to extend their deadline to submit a development plan for one (1) year ending December 3, 2022.

G. Contract Modification Attachment D Professional Engineering Services Between Owner and Engineer for Services Related to Sanitary Sewer Inflow and Infiltration Abatement Proposed CCTV Subcontract Services During December 2020-April 2022 Contract Period

Council approves CHA Consulting, Inc.'s proposal, to subcontract with Hydrostructures for additional CCTV inspection needs to identify the most cost-effective infiltration and inflow repairs in the Town's sanitary sewer system in the amount of \$130,000.00.

H. Proposal for Centrifuge Conversion Preliminary Engineering Report – WWTP

Council approved CHA Consulting, Inc.'s proposal for providing a Centrifuge Conversion Preliminary Engineering Report (PER) for the Front Royal Wastewater Treatment Plant. In the amount of \$33,000.00.

~~I. Two Resolutions to Participate in Both National and Virginia Opioid Settlement Agreement and Memorandum of Understanding (MOU)~~ MOVED TO BUSINESS ITEMS AS 11D

J. Resolution Recognizing Years of Service on Board of Architectural Review for Andrea White

Council approved a Resolution recognizing Andrea White for her (4) four years of service on the Board of Architectural Review.

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

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS

A. Board of Zoning Appeals Nomination

Councilman Thompson moved, seconded by Vice Mayor Cockrell that Council nominate Cody Taylor to the Judge of the Circuit Court for appointment to the Board of Zoning Appeals to a five-year term ending May 1, 2026.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

B. Refer to Planning Commission – Short-Term Rental Text Amendments

Vice Mayor Cockrell moved, seconded by Councilman Thompson that Council refer to the Planning Commission the review and recommendation of short-term rental text amendments.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

C. Request from Warren Memorial Hospital for a Five (5) Year Extension of a Storm Water Management Easement at its Former Hospital Property on N. Shenandoah Avenue

Councilman Thompson moved, seconded by Councilman Gillispie that Council grant Warren Memorial Hospital and assign a five (5) year extension to the Deed of Easement dated November 27, 2000, to be executed by the Mayor and/or Town Manager.

Councilman Thompson questioned the 30-year request from the applicant, but the motion stated 5-years. Town Attorney Napier explained a bidding process would have to occur if over five years and that the applicant was satisfied with the 5-year.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

D. (moved from consent) Two Resolutions to Participate in Both National and Virginia Opioid Settlement Agreement and Memorandum of Understanding (MOU)

Council approved a resolution to participate in both the National and Virginia Opioid Settlement Agreement and a resolution to participate in and execute the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding as both are presented. If further move that council direct the Town Manager or Town Attorney to execute all documents necessary to effectuate the Town of Front Royal's participation in the settlements and participation in and execution of said Memorandum of Understanding (MOU).

Councilman Gillispie expressed excitement over the proposed resolutions noting that he had been working jointly with other local entities to help break the cycle of addiction.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

E. Addition of Item - Purchase of Rebuilt Transformers – Energy Services Department

I move that Council approve the placement of an order with Southeastern Transformer Company for the purchase of various sizes of rebuilt transformers that include a 3-year warranty and a delivery as early as 12 weeks in the amount of \$47,422.94.

Mayor Holloway noted that he had spoken with the Director of Energy Services Jenkins regarding the length of time it would take to receive new transformers, which he confirmed was 52 weeks. He also congratulated Mr. Jenkins on the Christmas lights and decorations on Main Street.

CLOSED MEETING –

Vice Mayor Cockrel moved, seconded by Councilman Thompson that Council convene and go into Closed Meeting pursuant to Section 2.2-3711. of the Code of Virginia, as follows:

- (1) With respect to a joint endeavor with organizations located in the Town to consider provision of health care services: (a) discussion or consideration of the investment of public funds in, where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, in accordance with Subsection A. 6.; AND (b) the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Subsection A. 29.*
- (2) Consultation with legal counsel employed or retained by Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, concerning an existing agreement the Town is already a party to which has become problematic, and the Town wishes to consider its legal options, in accordance with Subsection A. 8.*
- (3) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, including the Front Royal Economic Development Authority, the Environmental Sustainability Advisory Committee, and the Front Royal Board of Zoning Appeals, in accordance w/ Subsection A. 1.*

Councilman McFadden moved, seconded by Councilman Thompson 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, Councilmembers Gillispie, Lloyd, McFadden, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

Approved by Town Council

Date: 12/13/21