



REGULAR TOWN COUNCIL MEETING

Monday, December 13, 2021, at 7:00pm
Warren County Government Center Board Room

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES – *I move that Council approve the Work Session Minutes of November 8, 2021, Regular Meeting Minutes of November 22, 2021, and Special Closed Meeting of December 1, 2021, as presented.*
5. ADDITION/DELETION OF ITEMS FROM THE AGENDA
[Items added will be placed as the last item under Business Items. Unanimous vote is required to add/delete]
6. RECOGNITIONS/AWARDS/REPORTS–
 - Recognition of Retirement for William “Billy” D. Sears, Sign Tech in Streets Division of Public Works
7. PUBLIC HEARINGS –
 - A. Ordinance Amendment to Chapter 4 – Disclosures of Certain Employees – *Tina Presley*
8. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS
9. REPORTS
 - a. Report of Town Manager
 - b. Report of Councilmembers
 - c. Report of the Mayor
10. CONSENT AGENDA ITEMS - *I move that Council approve the Consent Agenda as presented.*
[Items removed for further discussion will be placed as the first item under Business Items. Unanimous vote is not required to move]
 - A. Virginia Inland Port Request for Deed of Deed of Vacation and Easement – *Doug Napier*
 - B. Resolution to Appoint Town Manager as Acting Building Official – *Steven Hicks*
 - C. Resolution to Adopt Schedule of Fees for Town Building Department – *Lauren Kopishke*
 - D. Update Resolution Pertaining to Establishment of a Town Building Department – *Lauren Kopishke*
 - E. Update Resolution to Include Stipends for FREDAs and Board of Building Code Appeals – *Steven Hicks*
11. BUSINESS ITEMS
 - A. Appointments to Front Royal Economic Development Authority
 - B. Appointments to the Environmental Sustainability Advisory Committee
12. CLOSED MEETING – Personnel and Investment of Public Funds/Award of a Public Contract
13. Adjourn



TOWN COUNCIL WORK SESSION MINUTES

Tuesday, November 8th, 2021, at 7:00 PM
Town Hall Conference Room

Mayor Holloway congratulated and welcomed newly elected Councilwoman Amber Morris.

FY22 Budget Amendments

FY22 Budget Amendment for Virginia Department of Forestry Grant – Council all agreed to add the Amendment to the consent agenda for their next regular meeting.

FY22 Budget Amendment and Interfund Transfer for Bonuses – Finance Director BJ Wilson, proposed a \$1,500 bonus be awarded to all Town employees as recognition for their hard work and support during the COVID-19 Pandemic. Town Manager Hicks added that the current year had been especially difficult for staff due to a high number of job vacancies.

Mayor Holloway recommended the bonus be increased to \$2,000 per employee. Councilman Thompson noted the large percentage that is subject to federal withholding on supplemental income such as bonuses. Councilman McFadden recommended the bonus be rounded up to account for federal withholding and ensure each employee takes home \$2,000 after taxes.

FY22 Budget Amendment to Accept Local Law Enforcement Block Grant – Council all agreed to add the amendment to the consent agenda for their next regular meeting.

Proposed Ordinance Amendments to Town Code that Require a Public Hearing

Chapter 4 Pertaining to Filing Disclosures – Clerk of Council Tina Presley, presented suggested changes to Chapter 4 that would align directly with the requirements for Economic Interest and Real Estate Disclosures as written in the State Code of Virginia. Changes included removing individuals such as the Finance Director, Town Attorney, Clerk of Council and Board of Architectural Review (BAR) Members, adding members of the Front Royal Economic Development Authority (FREDA), and adding the required training for local elected officials.

Councilman Thompson suggested removing the members of the BAR, but keeping the Finance Director, Town Attorney and Clerk of Council to maintain transparency. Council all agreed

Short-Term Rental and Text Amendment – Planning and Zoning Director Lauren Kopishke, identified recommended text amendments that would permit Short-Term Rentals by Special Use Permit within all zones of the town. Ms. Kopishke noted that she used Warren County's ordinance as a starting point and simplified it as much as possible. She gave the example that the Town would only conduct inspections on a complaint basis, where the county ordinance requires

them annually. She added that all applicants would be required to submit a management plan to include safety management. Councilman McFadden stated that Warren County appeared to still have some struggles with Short Term Rentals and hoped the Town could learn from those mistakes.

Town Manager Hicks pointed out that the ordinance would serve as a guide but ultimately Special Use Permits for Short Terms Rentals would come before Council for final approval or denial. Mayor Holloway suggested that a checklist be included as part of the application process.

Staff/Citizen Items

Request for Waiver of License Tax to Sell Christmas Trees – Boy Scout Troop 52 – Councilman Thompson asked if Council could permanently waive the license tax for them. Town Manager Hicks suggested approving the waiver for a five-year time frame instead. Council all agreed to add the five-year waiver to the consent agenda for their next regular meeting.

Request for One – Year Extension to Submit Development Plan – HEPTAD – Planning and Zoning Director Kopishke explained that this request was part of an annual extension. She noted that the landowners were currently in the process of selling and that the interested parties would be required to submit significant development plan changes, so she saw no harm in extending the current plan for another year. Council all agreed to add the extension to the consent agenda for their next regular meeting.

**Town Attorney, Doug Napier, sent an e-mail prior to the Work Session recusing himself from this matter.*

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 all agreed to add the contract modification to the consent agenda for their next regular meeting.

Proposal for Centrifuge Conversion Preliminary Engineering Report – WWTP Plant – Council all agreed to add the proposal to the consent agenda for their next regular meeting.

Council Items

Liaison Committee Meeting Items for December 2nd Meeting – Councilman Thompson requested the use of the practice field at the Health and Human Services Building be added to the agenda again, noting her wish to make sports more accessible to children. Councilman Lloyd asked if a discussion about dog parks in Town could also be added. Mayor Holloway noted Councilman Gillispie's wish to discuss the impact that switching the water supply in the corridor from the Town of Front Royal to Frederick County Water Authority would have on Town citizens.

Review of Draft FY22-27 Capital Improvement Plan (CIP) – Finance Director presented Council with a Draft of the Town's CIP items to review prior to going to the Planning Commission.

Open Discussion

Mayor Holloway asked if the Council Retreat scheduled for December 14th & 15th could be consolidated into one evening. Councilman Thompson suggested making the second day tentative. Mr. Hicks explained that due to the need to make reservations, they would need to go ahead and decide.

Mr. Hicks suggested that since there was only one Agenda Item for the December 6th Work Session, that it be combined with the December 13th Regular Meeting. Council all agreed.

Mr. Hicks described a request he had received to waive the fee for a construction barrier mural to be placed in front of the Afton Inn building. Council all agreed.

Mayor Holloway explained that there was a possibility that the Federal Government would require employers to mandate the COVID-19 vaccination, causing the Town to have to rescind the Medical Freedom Resolution for Town employees that was passed by Council earlier in the year. The Mayor stated that should the legislation pass, he would refuse to sign a rescindment.

Councilman Lloyd asked for an update on the number of chickens allowed within Town limits. Mr. Hicks stated that Town Staff was still conducting their research.

Mayor Holloway adjourned the work session at 8:08 P.M. and after a brief intermission Council began their Closed Meeting.

Closed Meeting - Consultation with Legal Counsel, Expenditure of Public Funds, Boards/Commissions and Personnel

Councilman McFadden 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 and briefings by staff members or consultants pertaining to actual litigation, being litigation concerning manufacturers and distributors of opioid products where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of Town Council, in accordance with Subsection A. 7.

(3) With respect to a commercial/industrial enterprise outside located the Town's corporate limits which the Town has been requested to furnish public utilities to in the future.:

(a) 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 government; AND

(b) the discussion of the award of a public contract involving the expenditure of public funds, 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 Town Council, in accordance with Subsection A. 29.

(4) 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.

(5) 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.

Vote: Yes – Councilmembers Cockrell, Gillispie, Lloyd, McFadden, Morris & Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Vice Mayor Cockrell moved, seconded by Councilman McFadden, 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 – Mayor Holloway, Councilmembers Cockrell, Gillispie, Lloyd, McFadden, Morris & Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmembers Gillispie (remote - via telephone), Lloyd, McFadden, Morris & Thompson, Town Manager Steven Hicks, Town Attorney (remote - via telephone), Finance Director BJ Wilson, Director of Planning and Zoning Lauren Kopishke, Clerk of Council Tina Presley, and Deputy Clerk of Council Mary Ellen Lynn.

Approved by Town Council

Date: -----



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.

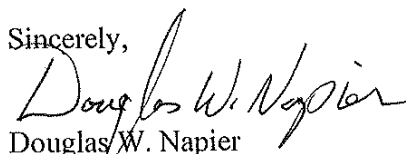
CONSENT AGENDA ITEMS

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 Cockrell 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: _____



TOWN COUNCIL SPECIAL MEETING MINUTES

Wednesday, December 1, 2021, at 6:00 PM at Town Hall Conference Room located on 1st floor

ROLL CALL FOR MAYOR/TOWN COUNCIL

PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Joseph E. McFadden
Councilwoman Amber F. Morris
Councilman Letasha T. Thompson

ABSENT: Councilman E. Scott Lloyd

APPOINTED STAFF PRESENT: Town Manager Steven W. Hicks

APPOINTED STAFF ABSENT: Town Attorney Douglas W. Napier
Clerk of Council Tina L. Presley

Closed Meeting – Consultation with Legal Counsel Pertaining to Litigation

Vice Mayor Cockrell moved, seconded by Councilman Thompson that Town Council go into Closed Meeting 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 or probable litigation involving a former employee of the Town, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, McFadden, Morris and Thompson
No – N/A
Absent – Councilman Lloyd
Abstain – N/A

ROLL CALL

Councilwoman Morris moved, seconded by Councilman McFadden 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, McFadden, Morris and Thompson
No – N/A
Absent – Councilman Lloyd
Abstain – N/A

ROLL CALL

Approved by Town Council

Date: -----



Council Agenda Statement

Item # 7A

Meeting Date: December 13, 2021

Agenda Item: PUBLIC HEARING – Ordinance Amendment to Front Royal Town Code Chapter 4 Pertaining to Disclosures by Certain Employees

Summary: Town Council is requested to consider approval of amendments to Front Royal Town Code Chapters 4-44 and 4-45 pertaining to Disclosures by Certain Employees. If approved the Town Code will be updated to follow the Code of Virginia with references to filing requirements, applicability, and training. The proposed amendments shall include:

- Adding members of the Front Royal Economic Development Authority since they are identified in the state code to file Statement of Economic Interests
- Adding the required training for local elected officials.
- Continue the designation of the Town Attorney, Clerk of Council and Director of Finance to file Real Estate Disclosures

Budget/Funding: None

Meetings: Work Session held November 8, 2021

Proposed Motion: I move that Council approve the ordinance amendments to Town Code Chapter 4-44 and 4-45 as presented.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____

**ORDINANCE TO AMEND AND RE-ENACT CHAPTER 4 OF THE FRONT ROYAL
TOWN CODE PERTAINING TO STATEMENT OF ECONOMIC INTEREST AND
FINANCIAL/REAL ESTATE DISCLOSURES**

WHEREAS, Council approved an ordinance amendment to Chapter 4-44 and 4-45 on July 27, 2009 for the annual filing of disclosure statements because of inconsistencies with existing practices and being outdated; and,

WHEREAS, the Clerk of Council recently reviewed these Chapters and realized the necessity to update this section of the Town Code so that it follows the Code of Virginia with reference to filing requirement, applicability and training; and,

WHEREAS, the Town Council, at their November 8, 2021, Work Session, agreed to keep the Town Attorney, Clerk of Council and the Director of Finance in the Town Code as those individuals designated to file and remove the Board of Architectural Review as individuals who no longer needed to file; and,

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Front Royal, Virginia that Chapter 4-44 and 4-45 of the Front Royal Town Code hereby be amended as follows:

DISCLOSURE BY CERTAIN EMPLOYEES

~~4-44 — FILING REQUIRED~~

~~Commencing January 15, 2009, and annually thereafter, on or before the 15th of each January, the employees and nonsalaried citizen members of boards, commission, etc., of the Town specified in Section 4-45 of this Code, shall file, as a condition of employment or of assuming office, a disclosure statement of their personal interests and other information as is specified on the form provided by the Secretary of the Commonwealth and set forth in Section 2.2-3117 of the Code of Virginia for employees and Section 2.2-3118 of the said Code for such nonsalaried citizen members. Such disclosure forms shall be filed and maintained as public records for five (5) years in the office of the Town Clerk. The requirements of disclosure shall be governed by the provisions of Article 5 of Chapter 31 of Title 2.2 of the Code of Virginia. Any individual who has met the requirement for filing the statement required by this Section shall not be required to file an additional statement upon such individual's reappointment to the same office or position provided such reappointment occurs within 12 months after the initial filing and provided there have been no significant changes in the initial filing.~~

~~4-45 — APPLICABILITY~~

~~A. The Town Manager, the Town Attorney, the Finance Director and the Town Clerk shall be required to comply with the applicable requirements of Section 4-44 of this Code.~~

~~B. The Members of the Planning Commission, the Board of Zoning Appeals, and the Board of Architectural Review shall be required to comply with the applicable provisions of Section 4-44 of this Code.~~

STATEMENT OF ECONOMIC INTEREST, FINANCIAL/REAL ESTATE DISCLOSURE

4-44 FILING REQUIRED, APPLICABILITY, TRAINING

A. FILING REQUIRED: Per Code of Virginia Chapter 31 – State and Local Government Conflict of Interest Act (§§ 2.2-3100 – 2.2-3132) any local elected official, local appointed officer or member of a board or commission, employee or nonsalaried citizen member required to file an annual disclosure on or before February 1 shall disclose their personal interests and other information as required on forms prescribed by the Virginia Conflict of Interest and Ethics Advisory Council for the preceding calendar year complete through December 31.

All those required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

The Clerk of Council shall be responsible for the maintenance and retention of disclosure forms for five (5) years. Per Code of Virginia Chapter 37 - Virginia Freedom of Information Act (§§ 2.2-3700 – 2.2-3715), the Clerk of Council shall make available for public inspection all disclosure forms, upon request.

B. APPLICABILITY: The following local elected and appointed officials are required to file the Virginia Conflict of Interest and Ethics Advisory Council State and Local Statement of Economic Interest Disclosure:

- Mayor and Members of Town Council
- Executive Director and Members of Economic Development Authority of the Town of Front Royal

The following local board and commission members are required to file the Virginia Conflict of Interest and Ethics Advisory Council Financial Disclosure Statement:

- Non-salaried citizen members of local boards and commissions if the governing body has designated them to file

The following board and commission members and employee(s) are required to file the Virginia Conflict of Interest and Ethics Advisory Council Disclosure of Real Estate Holdings:

- Planning Commission Members
- Board of Zoning Appeals Members
- Town Manager
- Town Attorney
- Clerk of Council
- Director of Finance

C. TRAINING: Per Code of Virginia §2.2-3132 local elected officials are required to take training on the State and Local Government Conflict of Interests Act (provided by the Virginia Conflict of Interest and Ethics Advisory Council) and the Virginia Freedom of Information Advisory Council (provided by the Freedom of Information Advisory Council) within two months of starting their position, and then once every two years based on the date of the last completed training. Town Council may also receive the training requirements from the Town Attorney.

4-45 RESERVED

This ordinance shall become effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia conducted _____ 2021, upon the following recorded vote:

Lori A. Cockrell	__ Yes __ No	Gary L. Gillispie	__ Yes __ No
Letasha T. Thompson	__ Yes __ No	E. Scott Lloyd	__ Yes __ No
Joseph E. McFadden	__ Yes __ No	Amber F. Morris	__ Yes __ No

A public hearing on the above was held on _____ having been advertised in the Northern Virginia Daily on _____ and _____, 2021.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____



Council Consent Agenda Statement

Item # 10A

Meeting Date: December 13, 2021

Agenda Item: Virginia Inland Port, Request for Town Council's Consent to Deed of Deed of Vacation and Easement by Town Council.

SUMMARY: The law firm of Walsh, Colucci, Lubeley & Walsh PC represents the VA Inland Port LLC, the owner of Warren County Tax Map 4 45, which has a physical address of 300 Winners Court, Front Royal, VA 22630. The owner kindly requests that the Deed of Vacation and Easement, attached as Exhibit "A", together with its accompanying plat attached as Exhibit "B", be accepted, and consented to by the Town Council of Front Royal at its meeting to be held on December 13, 2021, and upon execution, released for recordation at the owner's expense. The purpose of this deed is to terminate a portion of an existing sanitary sewer easement (as shown on its plat) granted to the Town by the previous owner of the property in 1997, and to grant a new easement for the construction of a new sanitary sewer line to be connected to the existing line on the north and south sides of the property, in the location depicted on the plat. The effect of the deed is to relocate the existing easement from the center of the property to the eastern edge of the property, which will accommodate development of a one-story warehouse in accordance with the property's approved site plan. Prior to submitting this deed to Town Council for review, the owner previously applied to and was approved by the Town for an Out-of-Town Utility Connection and paid the tap fees associated with that connection, on July 7, 2021, in the amount of \$84,472.00. A receipt for these tap fees is attached to this letter as Exhibit "C". This approval by the Town of Front Royal was given at a meeting of the Town Council held November 25, 2019, by unanimous vote, which approved measure is highlighted on page 7 of the minutes, attached as Exhibit "D". Lastly, the Warren County site plan under which this work is being performed was provided for the Town's review via Robert Boyer, Public Works Director for the Town, to Taryn Logan, Warren County Planning Director, in the fall of 2019. The Town provided comments on the first submission of the site plan, and those comments were addressed, and the site plan was approved on May 19, 2021. The memorandum of site plan approval and the sheet comprising the Utility Plan for this site plan is attached to this letter as Exhibit "E", with the new location of the sanitary sewer line highlighted for ease of reference.

BUDGET/FUNDING: None Additional.

STAFF RECOMMENDATION: Because of the overwhelming benefits the VA Inland Port brings to the entire Commonwealth, staff recommends approval of this request.

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Town Council approve the request of the Virginia Inland Port to approve the Deed of Vacation and Easement, attached as Exhibit "A", together with its accompanying plat attached as Exhibit "B", be accepted, and consented to by the Town Council, and upon execution, released for recordation at the owner's expense.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____



**WALSH COLUCCI
LUBELEY & WALSH PC**

Erin Thiebert
(703) 680-4664 Ext. 5127
ethiebert@thelandlawyers.com
Fax: (703) 680-6067

November 17, 2021

Via Email to: dnapier@frontroyalva.com

Douglas W. Napier
Town Attorney
Town of Front Royal, Virginia
102 E Main Street
Front Royal, VA 22630

Re: Relocation of 20' Wide Sewer Easement Located on Tax Map 4 45

Dear Mr. Napier:

We represent VA Inland Port LLC, the owner of Warren County Tax Map 4 45, which has a physical address of 300 Winners Court, Front Royal, VA 22630. The owner kindly requests that the Deed of Vacation and Easement, attached as Exhibit "A", together with its accompanying plat attached as Exhibit "B", be accepted and consented to by the Town Council of Front Royal at its meeting to be held on December 13, 2021, and upon execution, released for recordation at the owner's expense.

The purpose of this deed is to terminate a portion of an existing sanitary sewer easement (as shown on its plat) granted to the Town by the previous owner of the property in 1997, and to grant a new easement for the construction of a new sanitary sewer line to be connected to the existing line on the north and south sides of the property, in the location depicted on the plat. The effect of the deed is to relocate the existing easement from the center of the property to the eastern edge of the property, which will accommodate development of a one-story warehouse in accordance with the property's approved site plan.

Prior to submitting this deed to you for review, the owner previously applied to and was approved by the Town for an Out-of-Town Utility Connection and paid the tap fees associated with that connection, on July 7, 2021, in the amount of \$84,472.00. A receipt for these tap fees is attached to this letter as Exhibit "C". This approval by the Town of Front Royal was given at a meeting of the Town Council held November 25, 2019, by unanimous vote, which approved measure is highlighted on page 7 of the minutes, attached as Exhibit "D".

ATTORNEYS AT LAW

703 680 4664 ■ WWW.THELANDLAWYERS.COM
4310 PRINCE WILLIAM PARKWAY ■ SUITE 300 ■ WOODBRIDGE, VA 22192-5199

ARLINGTON 703 528 4700 ■ LOUDOUN 703 737 3633

Lastly, the Warren County site plan under which this work is being performed was provided for the Town's review via Robert Boyer, Public Works Director for the Town, to Taryn Logan, Warren County Planning Director, in the fall of 2019. The Town provided comments on the first submission of the site plan, and those comments were addressed and the site plan was approved on May 19, 2021. The memorandum of site plan approval and the sheet comprising the Utility Plan for this site plan is attached to this letter as Exhibit "E", with the new location of the sanitary sewer line highlighted for ease of reference.

We hope that this explanation of the history and purpose of this request will assist the Town Council in its consent to and acceptance of the easement and approval of the deed. We appreciate your time and effort in working with us on this transaction, and are happy to answer any questions the Council may have to facilitate the necessary approvals.

Very truly yours,

WALSH, COLUCCI,
LUBELEY & WALSH, P.C.



Erin Moore Thiebert

EMT/wbg
CC: John Knott via email

Enclosures
A-Deed of Vacation and Easement
B-Plat showing Sanitary Sewer Easement Across Lands of VA Inland Port, LLC
C-Receipt for Water and Sewer Tap Fees
D-Council Meeting Minutes November 25, 2019
E-Approval Memorandum and Sheet 20 of Utility Plan from Warren County

P1148562.DOCX

This deed is exempt from the recordation taxes imposed by §58.1-801 and §58.1-803 of the Code of Virginia, 1950, pursuant to §58.1-811.A.3

Deed prepared by William B. Gibson, VSB 95793
Walsh, Colucci, Lubeley & Walsh, PC
4310 Prince William Parkway, Suite 300
Prince William, VA 22192

Warren County Tax Map No. 4 45

DEED OF VACATION AND EASEMENT

THIS DEED OF VACATION AND EASEMENT is made and entered into this ____ day of _____, 2021, by and between **VA INLAND PORT, LLC**, a Pennsylvania limited liability company, herein referred to as “**Grantor**”, and **TOWN OF FRONT ROYAL, VIRGINIA**, a Municipal Corporation, herein referred to as the “**Grantee**”.

WHEREAS, Grantor owns that certain parcel of real property identified as Warren County, Virginia Tax Map Parcel 4 45 (the “**Property**”), by virtue of that Special Warranty Deed dated April 30, 2021 and recorded among the Warren County, Virginia land records as Instrument No. 210003914, as the Property is further shown and depicted on the attached exhibit entitled “SANITARY SEWER EASEMENT ACROSS THE LANDS OF VA INLAND PORT, LLC NORTH RIVER MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA” prepared by Fox & Associates, Inc. and dated May 28, 2021 (the “**Exhibit**”).

WHEREAS, Grantor and Grantee desire to vacate a portion of an existing sewer easement and to create and convey to Grantee a sewer easement, all as more particularly shown on the Exhibit.

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00) cash in hand paid by the Grantee to the Grantor, receipt whereof is hereby acknowledged, the Grantor grants and conveys unto the Grantee, its successors and assigns, the following rights in the Property, to-wit:

The privilege and easement in perpetuity for rights-of-way to construct, lay, maintain, repair, inspect, improve, and operate within the easement strips hereinafter described and referred to, those works and systems for the collection, drainage, and transmission of storm water, and/or waste water, over, upon, across, and under the Property designated as that stippled area marked “20’ WIDE SEWER ESMT. 32,229 Sq. Ft. (HEREBY GRANTED)”, as further shown on the Exhibit.

Grantee hereby vacates, releases, and extinguishes all of its right, title and interest in that portion of existing sanitary sewer easement previously created and reserved by that Deed of Easement recorded as Instrument Number 970001985, among the afore said land records, as more particularly bounded and described on the Exhibit and shown thereon in that cross-hatched area marked "EXIST. 20' WIDE SEWER EASEMENT INSTRUMENT #970001985 (HEREBY VACATED)".

The further terms and conditions of this grant are as follows:

- (a) Granting of the easement hereinbefore described neither expressly or impliedly constitutes any payment, nor the waiver of any obligation for the payment, by the Grantor or its successors or assigns, or any cut-in fee or charge, tax, assessment or other charge or obligation whatsoever now due or heretofore due or hereafter to become due and payable to the Grantee or to any person, firm or other corporation whatsoever.
- (b) Should excavations be carried on pursuant to this easement and any large sized rocks or boulders are unearthed and are not buried in said excavation, such brush, undergrowth and easements herein contained as may be requisite, trees, large-sized rocks and boulders shall at the expense of Grantee be removed from the Property.
- (c) Grantor shall have no right, title, interest, estate or claim whatsoever in or to any of the lines, pipes, or other equipment and accessories installed by virtue hereof. All lines, pipes, and other equipment and accessories installed or constructed shall remain the property of the Grantee.
- (d) Grantee shall have the right to inspect, rebuild, remove, repair, improve and make such changes, alterations, additions to or extensions of its sewerage facilities within the boundaries of said easement as are consistent with the purpose expressed herein.
- (e) Grantee shall exercise reasonable care to protect the Property from damage or injury occasioned in the enjoyment of the easements and rights herein granted, and to promptly repair the Property or reimburse the Grantor for any property damaged beyond repair completion of any activity by Grantee upon the easement, Grantee shall restore the Property as nearly as possible to its original condition as is practicable, including backfilling, and compaction of trenches, repaving, reseeding or re-sodding of lands, replacement of equipment and

facilities of Grantor, removal of trash and debris, and removal of Grantee's equipment, accessories or appurtenances not inconsistent with the construction, maintenance or operation of said sewerage facilities or the exercise of any rights or privileges expressed herein, and will make a good faith effort to minimize any damage. Grantee shall maintain said easement and sewerage facilities in such repair as not to endanger or otherwise limit the enjoyment or use of the Property, including ingress, egress or parking in, on and over driveways, roads, or parking lots.

- (f) Grantee may (but is not required to) trim, cut, remove, and keep clear all trees, limbs, undergrowth, and any and all other obstructions, within the said rights-of-way or easement that may in any manner, in Grantee's judgment, endanger or interfere with the proper and efficient operation of the water facilities therein or thereon and the Grantee shall have all such other rights and privileges as are reasonably necessary or convenient for the full enjoyment and use of the easement herein granted for the aforesaid purpose.
- (g) This permanent easement shall run with the land of Grantor, and shall be binding upon the heirs, executors, administrators, successors, and assigns of the Grantor and the Grantee.

Grantor further covenants that it has the right to convey the easements aforesaid and that Grantor will execute such further assurances of the said grant and easements herein contained as may be requisite.

This Deed of Vacation and Easement is in accordance with the statutes made and provided in such cases; with the approval of the proper authorities of the Town of Front Royal, Virginia, as shown by the signatures affixed to this deed, and is with the free consent and in accordance with the desire of Grantor, sole owner and proprietor of the land embraced within the bounds of said Property.

[Signatures and acknowledgements on the following pages.]

WITNESS the following signatures and seals:

VA INLAND PORT, LLC,
a Pennsylvania limited liability company

By: [Signature] (SEAL)
Name: JOHN KNOTT
Title: VICE PRESIDENT

State/Commonwealth of PENNSYLVANIA:
County/City of DELAWARE: TO-WIT:

The undersigned, does hereby certify that John Knott,
in his/her capacity as Vice President of VA INLAND
PORT, LLC, a Pennsylvania limited liability company, whose name is signed on the
foregoing Deed of Vacation and Easement, has this day personally appeared and
acknowledged the same before me in the location aforesaid.

Given under my hand this 18th day of August, 2021.

My commission expires on the 26th day of April, 2023.

Commonwealth of Pennsylvania - Notary Seal
MARY E. LORD, Notary Public
Delaware County
My Commission Expires April 26, 2023
Commission Number 1205638

[Signature]
NOTARY PUBLIC

(SIGNATURES CONTINUE ON THE FOLLOWING PAGE)

ACCEPTED PER CODE OF VIRGINIA, SECTION 15.2-1803
Vacation consented to per Code of Virginia, Section 15.2-2270 and/or 15.2-2271
and/or 15.2-2272

TOWN OF FRONT ROYAL, VIRGINIA,
a Municipal Corporation

By: _____ (SEAL)

Name: _____

Title: _____

State/Commonwealth of _____:

County/City of _____: TO-WIT:

The undersigned, does hereby certify that _____,
in his/her capacity as _____ of the Town of Front
Royal, Virginia, a Municipal Corporation, whose name is signed on the foregoing
Deed of Vacation and Easement, has this day personally appeared and
acknowledged the same before me in the location aforesaid.

Given under my hand this ____ day of _____, 2021.

My commission expires on the ____ day of _____, ____.

NOTARY PUBLIC

APPROVED AS TO FORM:

Town Attorney

Date _____

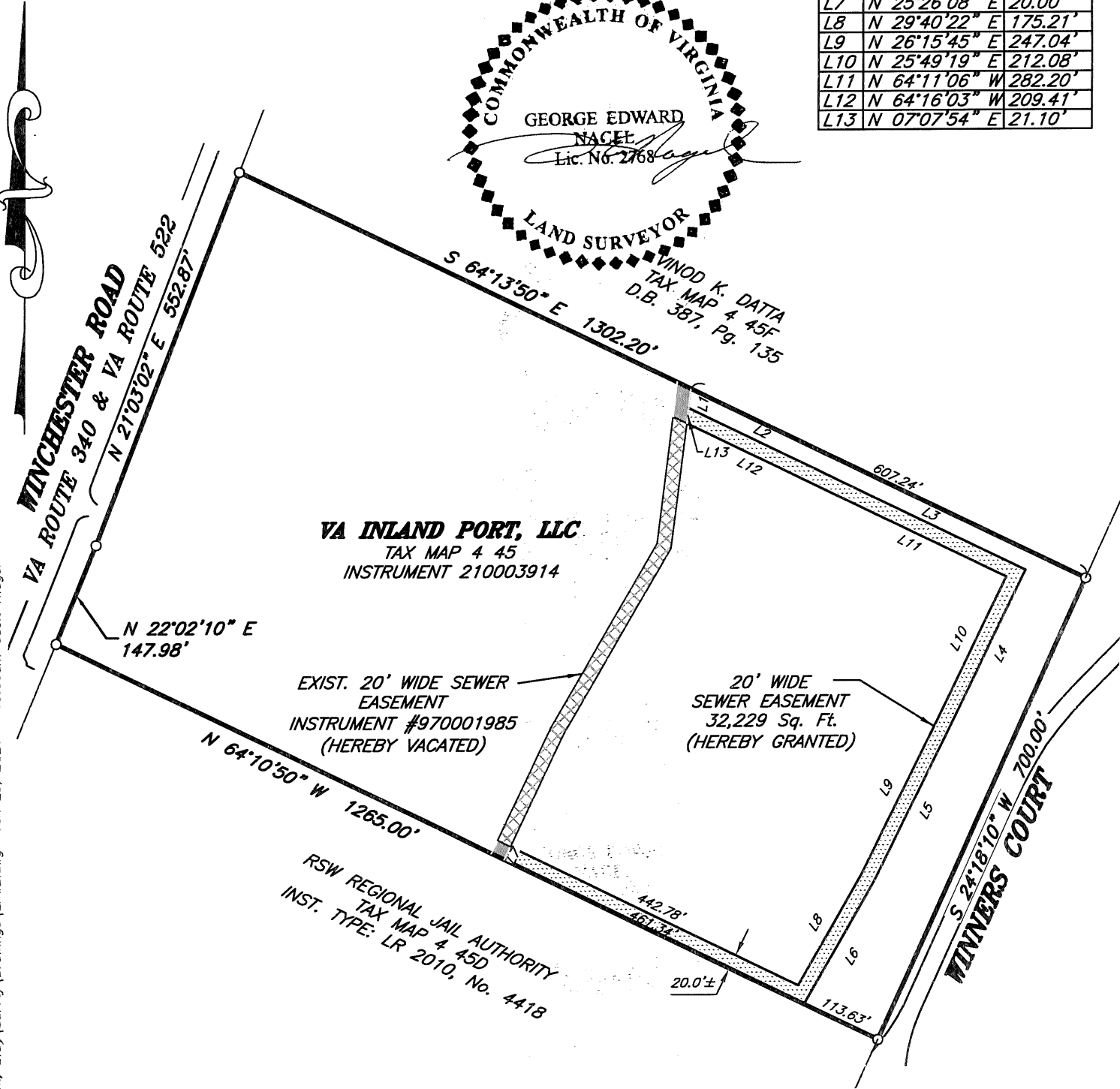
NOTES

Exhibit B

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THIS SURVEY IS BASED UPON A LAND BOUNDARY SURVEY PERFORMED ON SEPTEMBER 11, 2019.
3. THIS PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE OF THIS PROPERTY. THIS PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
4. THE BASIS FOR THE BEARINGS SHOWN HEREON IS THE VIRGINIA STATE PLANE COORDINATE SYSTEM (NAD83(2011)), NORTH ZONE.

- EXISTING EASEMENT
(HEREBY VACATED)
- EXISTING EASEMENT
- EASEMENT
(HEREBY GRANTED)

LINE	BEARING	DISTANCE
L1	S 06°56'57" W	27.11'
L2	S 64°16'03" E	216.16'
L3	S 64°11'06" E	302.22'
L4	S 25°49'19" W	232.16'
L5	S 26°15'45" W	247.71'
L6	S 29°40'22" W	194.50'
L7	N 25°26'08" E	20.00'
L8	N 29°40'22" E	175.21'
L9	N 26°15'45" E	247.04'
L10	N 25°49'19" E	212.08'
L11	N 64°11'06" W	282.20'
L12	N 64°16'03" W	209.41'
L13	N 07°07'54" E	21.10'



GRAPHIC SCALE



(IN FEET)

1 inch = 200 ft.

SANITARY SEWER EASEMENT
ACROSS LANDS OF
VA INLAND PORT, LLC
NORTH RIVER MAGISTERIAL DISTRICT
WARREN COUNTY, VIRGINIA

DRAWN BY:
M.E.H.

DATE:
05/28/21

CHECKED BY:
G.E.N.

DATE:
05/28/21

FOX & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS
981 MT. AETNA ROAD, HAGERSTOWN, MD. 21740
PHONE: (301)733-8503
email:foxassoc@foxassociatesinc.com

DISTRICT NORTH RIVER

TAX MAP No. 4

DWG. No. A-23895

SCALE: 1" = 200'

DUPLICATE RECEIPT

TOWN OF FRONT ROYAL, VA

RECVD BY: AMANDA 3

01001753946

PAYOR: VA INLAND PORT LLC

TODAY'S DATE: 07/01/21

REGISTER DATE: 07/01/21 TIME: 11:39

DESCRIPTION

AMOUNT

CUST ID:6475 WINCHESTER RD

WATER SYSTEM DVLPMNT C

\$38,606.00

CUST ID:6475 WINCHESTER RD

SEWER SYSTEM DVLPMNT C

\$48,866.00

TOTAL DUE:

\$87,472.00

TENDERED:

\$87,472.00

CHANGE:

\$.00

MAIL - CHEC:

\$87,472.00

REF NUM: 112

COUNCIL MEETING MINUTES

November 25, 2019

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on November 12, 2019, in the Warren County Government Center's Board Meeting Room. Mayor Elect Tewalt led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Elect Eugene R. Tewalt
 Councilman Gary L. Gillispie
 Councilman Chris W. Holloway
 Councilman Jacob L. Meza
 Councilman Eugene R. Tewalt
 Councilman Letasha T. Thompson
 Vice Mayor William A. Sealock (*telephonically*)
 Town Attorney Douglas W. Napier
 Interim Town Manager Matthew A. Tederick
 Clerk of Council Jennifer E. Berry, MMC

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Recognize Temporary Mayor-Elect as Temporary Mayor

Councilman Gillispie moved, seconded by Councilman Holloway, that Town Council appoint and recognize Mayor-Elect Eugene R. Tewalt as Mayor pro tempore of the Front Royal Town Council for the Regular Meeting of Front Royal Town Council on November 25, 2019, and for such additional and further Meetings and times that as his services as such Mayor pro tempore may be needed.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A

BY ROLL CALL

Councilman Gillispie moved, seconded by Councilman Holloway, that Council approve the Regular Council Meeting minutes of November 12, 2019 as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Michelle Smeltzer, of 6 Morain Street, noted that the Rotary Club of Warren County wished to announce the Free Letters of Santa were back in the community. She stated that Felicia Hart, with the Town had brought the program forward once again and Rotary was very grateful. Ms. Smeltzer stated that Rotary has personalized over 400 letters to children in the community and the forms were available online and at Town Hall, as well as at C&C ice cream and other locations in the county. She stated that Santa will work on the letters and return responses to area children prior to Christmas.

Janice Hart, of 1120 Ashby Street, presented the following:

Tonight I wanted to make a different kind of a comment and hope that you all will take it in the sincere context that it is brought to you.

Thanksgiving is just 3 days away. My church challenges the congregation every year to make a list each day in November of the blessing in your life and for the things that we are grateful for. It's easy to say home, family and friends. This year I challenged myself to look outside that usual box and broaden my list to include community.

I'd like to start with this Council, Mayor-elect and our interim Town manager as well as our legal counsel and our clerk of court. The Council works hard to carry on the business of running our Town. Their job, for a minuscule pay, is not an easy one. You listen to a lot of criticism both in this room and out in the community. Your meals in public places are interrupted with citizens that don't mean to but they want you to hear them out. Your phones ring too early in the morning and far late into the night. Your opinions and votes are not always popular with the community. And I know some weeks in these meetings it sounds like, looks like and feels like you are challenged at every turn. I just wanted to say that I am grateful that we have a council that takes the time to listen to the public's opinion. And while you might not agree, you take their opinions in a professional manner and do your best to correct any wrong ideas or misinformation. I am grateful that anyone of you is accessible by phone, email and even in person to talk about issues and concerns that citizens have. And for that I say thank you.

I am grateful for a Town hall staff that is always professional and willing to serve its citizens whether it be silly questions, FOIA requests, questions answered on procedures or the process of our government and how it works. We have folks that have been on staff for 20 plus years and I think that speaks volumes about their dedication to the job and the community they serve. And although we have lost some terrific employees, they made their positive marks on our community and served us well before moving on to sometimes bigger and better opportunities. And for this I am grateful.

I am so blessed to have worked for a Police Department that serves this community in a professional manner, always looking out for the citizens it serves, no matter the weather, no matter the time of day or night, no matter the call. And much of the time when an employee is called a hero, they will humbly tell you – "just doing my job". I will always love my family in blue and do not hesitate to help out anyway that I can. I think we have a top notch department and each of us here should be grateful for the men and women in blue who put their lives on the line every day, who leave their families to go out and protect ours. And for this I am forever grateful.

I am grateful for every Town employee. They are a blessing as they work in all kinds of weather to hang decorations, to plow the snow, to replace waterlines that never break in warm weather, but always the coldest times. We are blessed to have employees on call to keep the lights on, the heat on and the water flowing.

As we all sit down to our Thanksgiving tables this week, think about what a wonderful town we live in and are blessed to be a part of. Be grateful for people who take the time out of their busy lives to help this community be the wonderful place it is to live work and play. Happy Thanksgiving everyone.

Mr. Tederick noted that holiday season had a lot of activity in the community:

- He stated that the 2019 parade would be Saturday Nov 30th with many vendors and other events along the gazebo area and Main Street;
- He announced that Small Business Saturday will be this Saturday as well;
- He stated that the Town Business Offices will be closed on Thursday and Friday this week and refuse/recycling will be rescheduled;
- He noted that the Board of Architectural Review and the Urban Forest Advisory Commission was taking applications at this time;
- He announced that the AMP Scholarships were available to the community and the application information is available online.

Brandon Davis, the Executive Director of the Northern Shenandoah Valley Regional Commission, noted that the NSVRC continued their recycling efforts by hiring an engineering feasibility analysis data expert in order to possibly determine a regional recycling option. He added that they are looking to partner with the Inland Port and other area partners as well. Mr. Davis explained that the spotted lantern fly was first seen in Winchester and then Clarke County and the pest is hosted on the tree of heaven. He stated that it affects the wine industry, as well as area apple and peach trees. Mr. Davis stated that the inspection costs that affect area businesses is something that was brought forward by the Town's Community Development Director, Felicia Hart, and the NSVRC is working to spearhead the efforts with the Virginia Department of Agriculture with the area wine industry in the region.

Councilman Gillispie wished the community a Happy Thanksgiving.

Mayor Tewalt noted that he would be taking the oath of office for Mayor tomorrow at 2 p.m. and then his Mayor title would be official. He wished everyone a Happy Thanksgiving.

Mayor Tewalt asked if there were any proposals for additions or deletions to the agenda.

Mr. Napier noted that he would recuse himself from any questions or issues pertaining to the matter of Heptad on the Consent Agenda. He stated that he owns a small portion of the business.

CONSENT AGENDA ITEMS – (ROLL CALL VOTE REQUIRED)

- A. COUNCIL APPROVAL – Request to Waive Christmas Tree License Tax – Rivermont Church
- B. COUNCIL APPROVAL – HEPTAD Request for One-Year Extension for Development Plan
- C. COUNCIL RE-APPOINTMENT – Urban Forestry Advisory Commission - Hulse

Councilman Holloway moved, seconded by Councilman Meza that Council approve the consent agenda as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A

Abstain – N/A

Absent – N/A

BY ROLL CALL

PUBLIC HERING – Receive Public Comments/Concerns and Approve an Ordinance to Vacate an Alley Between 303 and 311 Brown Avenue – Donnie Atkins (1st Reading)

Summary: Council is requested to receive comments and concerns from the public and approve an Ordinance pertaining to a request from Donnie Atkins, 303 Brown Avenue for a proposed vacation of approximately a 12.5' x 107' alley located between 303 and 311 Brown Avenue. The approval is contingent upon utility easements and a Hold Harmless Agreement if a proposed fence is installed.

Mayor Tewalt opened the public hearing. As no one came forward to speak, the public hearing was closed.

Councilman Holloway moved, seconded by Councilman Thompson, that Town Council affirm on its first reading an ordinance to conditionally vacate an unimproved alley that is 12.5' x 107' located between 303 and 311 Brown Avenue, contingent upon required utility easements and a signed Hold Harmless Agreement if a fence is installed.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson

No – N/A

Abstain – N/A

Absent – N/A

COUNCIL APPROVAL – An Ordinance to Amend and Re-enact Town Code Section 180-185 to Renew a Franchise Agreement for Public Passenger Bus Service (2nd Reading)

Summary: Council is requested to adopt on its second and final reading an ordinance to amend and re-enact Town Code Section 180-185 to renew a Franchise Agreement for Public Passenger Bus Service (aka Front Royal Trolley Service), as presented. Upon final approval the Franchise will be for a five (5) year term.

Councilman Holloway moved, seconded by Councilman Thompson that Council adopt on its second and final reading an ordinance to amend and re-enact Town Code Section 180-185 to renew a Franchise Agreement for Public Passenger Bus Service, as presented.

Vote: Yes – Gillispie, Holloway, Meza, Tewalt and Thompson

No – N/A

Abstain – N/A

Absent – N/A

COUNCIL APPROVAL – Budget Amendment for Energy Services Department provided to Shentel

Summary: Council is requested to approve a FY20 Budget Amendment in the amount of \$150,000 for funds that will be reimbursed to the Town by Shentel for materials and work performed by the Energy Services Department.

Councilman Holloway moved, seconded by Councilman Meza, that Council approve a FY20 Budget Amendment in the amount of \$150,000 for funds that will be reimbursed to the Town by Shentel for materials and work performed by the Energy Services Department.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A

Budget Amendment – EDA Civil Suit Attorney Fees & Auditing Services

Summary: Council is requested to approve a budget amendment in the amount of \$282,800 to allocate funds to be used for attorney fees and auditing services related to the Town's civil suit against the Front Royal-Warren County Economic Development Authority (EDA). The funds are requested to be transferred from FY19 & FY20 budgeted debt service payments to the EDA for Success Farm, Baugh Drive Extension, Happy Creek Technology Park, Stephens Industrial Park, & Leach Run Parkway.

Councilman Meza moved, seconded by Councilman Thompson, that Council approve a budget amendment in the amount of \$282,800 for attorney fees and auditing services related to the Town's civil suit against the Front Royal-Warren County Economic Development Authority (EDA). He further moved that Council approve the transfer of funds from FY19 & FY20 budgeted debt service payments to the EDA for Success Farm (\$10,370) Baugh Drive Extension (\$6,535), Happy Creek Technology Park (\$6,845), Stephens Industrial Park (\$11,725), & Leach Run Parkway (\$105,925).

Councilman Meza clarified that this approval allowed Council to use funds that the Town had previously accrued.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A

BY ROLL CALL

COUNCIL APPROVAL - Auditing Services Related to Litigation

Summary: Council is requested to approve payment to Mitchell & Company PC for auditing services to support litigation in the Town's civil lawsuit against the Front Royal-Warren County Economic Development Authority (EDA) for an amount up to \$45,000.

This request for payment is in compliance with the Town's procurement policy as a contract modification. The original contract for auditing services was competitively bid and awarded to Mitchell & Company during Council's April 25, 2016 Regular Meeting.

Per the Virginia Public Procurement Act (V.P.P.S) § 2.2-4344 Exemptions from competition for certain transactions, "The purchase of legal services, provided that the pertinent provisions of Chapter 5 (§ 2.2-500 et seq.) remain applicable, or expert

witnesses or other service associated with litigation or regulatory proceedings.”

Councilman Gillispie moved, seconded by Councilman Holloway that Council move that Council approve payment of an amount up to \$45,000 to Mitchell & Company PC for auditing services to support litigation in the Town’s civil suit against the Front Royal-Warren County Economic Development Authority (EDA).

Councilman Meza noted that half of the approved amount had already been spent, and this is a service to review all of the Town’s records related to the financial entries pertaining to the EDA.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A

BY ROLL CALL

COUNCIL APPROVAL Legal Fees for Litigation on EDA Civil Suit

Summary: Council is requested to approve payment to Damiani & Damiani for legal services related to the Town’s civil suit against the Front Royal-Warren County Economic Development Authority (EDA) not to exceed \$200,000.

Per the Virginia Public Procurement Act (V.P.P.S) § 2.2-4344 Exemptions from competition for certain transactions, “The purchase of legal services, provided that the pertinent provisions of Chapter 5 (§ 2.2-500 et seq.) remain applicable, or expert witnesses or other service associated with litigation or regulatory proceedings.”

Councilman Holloway moved, seconded by Councilman Meza, that Council approve payment not to exceed \$200,000 to Damiani & Damiani for legal services related to the Town’s civil suit against the Front Royal-Warren County Economic Development Authority (EDA).

Councilman Meza noted that these are the attorneys the Town has retained to evaluate the audit Mitchell & Company performed for the Town, and this is a new cost pertaining to the EDA lawsuit matters.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A

BY ROLL CALL

COUNCIL APPROVAL - Payment to Vendors for Police Department Project

Summary: The Front Royal Town Council was informed by the Front Royal-Warren County Economic Development Authority (EDA) that Front Royal qualified for the New Market Tax Credit Program. Based upon this information, the Front Royal Town Council authorized and proceeded with the construction of the Front Royal Police Department (FRPD); furthermore, the EDA would facilitate the New Market Tax Credit Program on behalf of the Town of Front Royal in order to construct the FRPD.

After the fact, the Town of Front Royal was notified that the Town of Front Royal did not qualify for the New Market Tax Credit Program for the construction of the FRPD; therefore, the EDA funded construction using conventional financing. On November 15, 2019, the Town of Front Royal was provided a letter from the EDA that the EDA will hold payment requisitions related to the Police Department Project until the Town of Front Royal pays the disputed principal and interest due on the project.

In order to complete the FRPD and not further penalize contractors and vendors, Council is requested to approve payments to Dustin Construction, Moseley Architects, & JTS LLC totaling \$492,284.34 using Town of Front Royal funds previously budgeted for the Police Department Project.

Staff shall obtain signed waiver of lien from Dustin Construction prior to release of payment. Waiver of lien shall document original contract amount including change orders less previous net billings and amount of current payment due.

Councilman Meza moved, seconded by Councilman Gillispie that Council move that without waiving any right or causes of action, the Town has with respect to any party or outstanding lawsuit the Town may have, which rights and causes of action the Town expressly reserves, he moved that Council approve the payment of \$492,284.34 to vendors Dustin Construction, Moseley Architects and JTS LLC for construction of the Police Department Project. He further moved that Council approve using funds previously budgeted for the Police Department Project and release payment to Dustin Construction after signed waiver of lien is obtained.

Councilman Meza clarified that the summary read by Ms. Berry was important, as it pointed out that the EDA was choosing to withhold payment from the contractor while the Town and the EDA determined the details. He noted that the Town does not wish to hold the payments hostage and the Town has elected to pay the amounts to the contractors in order to release those companies and finalize the companies payment amounts.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
 No – N/A
 Abstain – N/A
 Absent – N/A

BY ROLL CALL

COUNCIL APPROVAL – Request for Water and Sewer from Equus Capital Partners, LTD in Route 340/522 Corridor on Winchester Road

Summary: Council is requested to approve the request for water and sewer from Equus Capital Partners LTD in Route 340/522 Corridor on Winchester Road. The Warren County Board of Supervisors approved a resolution requesting the Town provide water and sewer service to the property on November 6, 2019.

Councilman Meza moved, seconded by Councilman Thompson, move that Council approve the request for water and sewer from Equus Capital Partners LTD in Route 340/522 Corridor on Winchester Road.

Councilman Thompson announced that the company would bring about 50-100 jobs in the area. Councilman Gillispie pointed out that the water and sewer in the Corridor is already accounted for.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A

BY ROLL CALL

CLOSED MEETING - PERSONNEL

Motion to Go Into Closed Meeting

Councilman Holloway moved, seconded by Councilman Meza, that Town Council convene and go into Closed Meeting for Discussion and consideration of performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of Town Council, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A

Motion to Certify Closed Meeting at its Conclusion

Councilman Thompson moved, seconded by Councilman Meza, that Town 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 – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A

BY ROLL CALL

There being no further business, the Vice Mayor declared the meeting adjourned at 8:10 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council

COUNTY OF WARREN



County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630

Phone: (540) 636-4600
FAX: (540) 636-6066
Email: tlogan@warrencountyva.net

Taryn G. Logan, AICP
Deputy County Administrator

Memorandum

BOARD OF SUPERVISORS

CHAIR
Cheryl L. Cullers
*South River
District*

VICE-CHAIRMAN
Archie A. Fox
*Fork
District*

Tony F. Carter
*Happy Creek
District*

Walter J. Mabe
*Shenandoah
District*

Delores R. Oates
*North River
District*

Dr. Edwin C. Daley
*Interim County
Administrator*

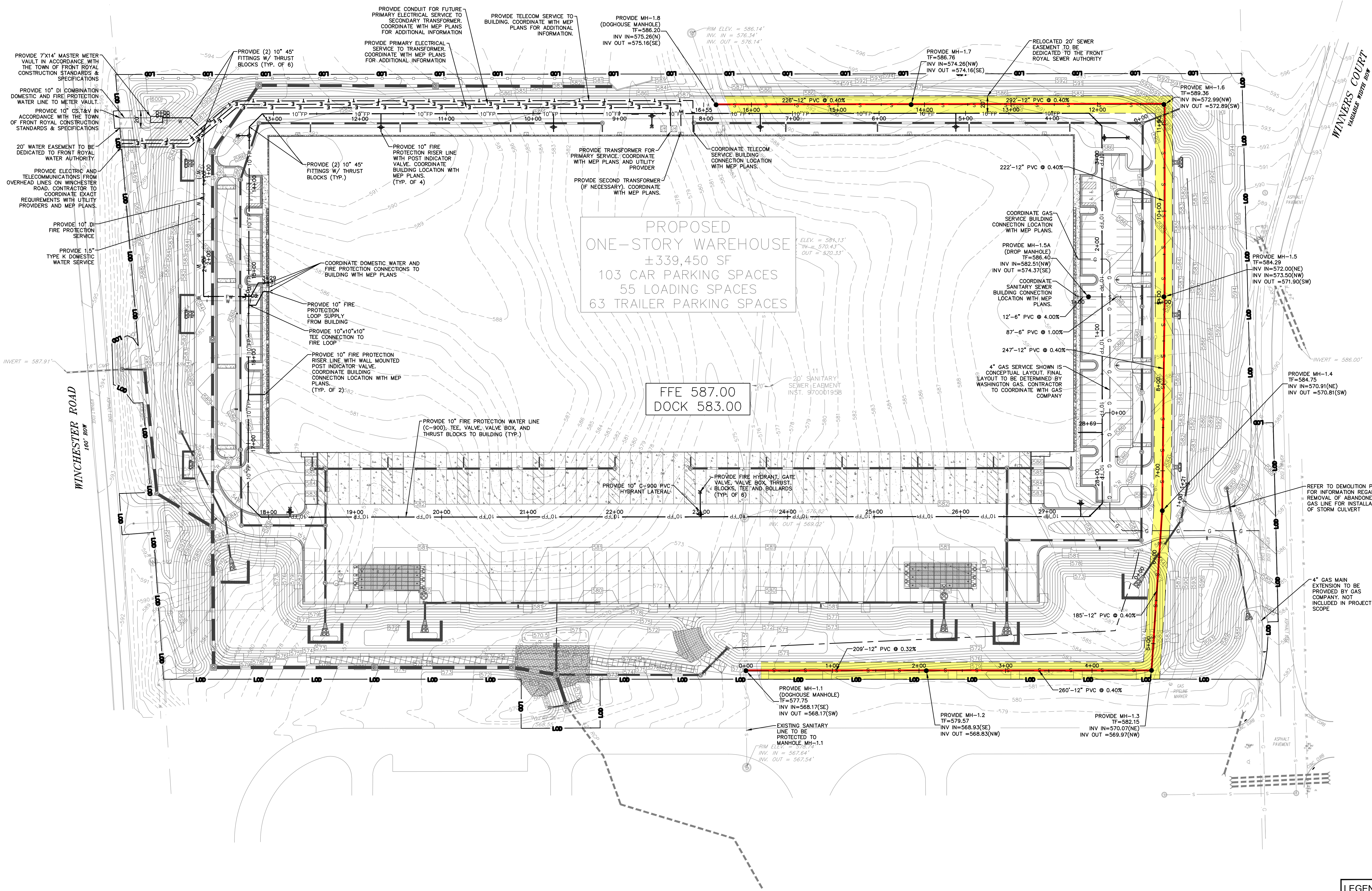
TO: John Knott, III, Equus Capital Partners
FROM: Taryn Logan, Deputy County Administrator *TGL*
DATE: May 19, 2021
RE: Approval of Final Site Plan in the Industrial (I) Zone
Equus Warehouse

Per Section 180-64(A) of the Warren County Zoning Ordinance, the Equus site plan is approved by the Warren County Planning Department. The property is zoned Industrial (I) and identified on tax map 4, as parcel 45.

As we have discussed, please submit architectural renderings for the building and the fence at the time of building permit submittal in accordance with the conditional use permit and the County's Highway Overlay District ordinance. There are also other proffer requirements to be fulfilled during the occupancy permit phase.

Please let me know if you have any questions. We are looking forward to continuing to work with you on this project.

TGL



Prepared By/Return To:

Erin Moore Thiebert, VSB No. 51083
Walsh, Colucci, Lubeley & Walsh, P.C.
4310 Prince William Parkway, Suite 300
Prince William, Virginia 22192

Warren County Tax Map No. 4 45

DECLARATION OF CONSENT AND SUBORDINATION

THIS DECLARATION OF CONSENT AND SUBORDINATION ("**Declaration**") is made and entered into as of the _____ day of _____, 2021 by SAMUEL I. WHITE, P.C., a Virginia professional corporation ("**Trustee**"), GRANTOR/GRANTEE; and TRISTATE CAPITAL BANK, a Pennsylvania financial institution, GRANTOR/GRANTEE as beneficiary ("**Tristate**"), and VA INLAND PORT, LLC, a Pennsylvania limited liability company ("**Borrower**"), GRANTOR/GRANTEE for indexing purposes only.

WHEREAS, Borrower owns that certain parcel of real property identified as Warren County, Virginia Tax Map Parcel 4 45 (the "**Property**"), by virtue of that Special Warranty Deed dated April 30, 2021 and recorded among the Warren County, Virginia land records as Instrument No. 210003914; and

WHEREAS, pursuant to that Credit Line Deed of Trust, Assignment of Rents and Leases and Fixture Filing dated April 26, 2021, and recorded among the aforesaid land records as Instrument Number _____ (the "**Deed of Trust**"), Borrower conveyed the Property to Trustee for the benefit of Beneficiary, and it is the desire of Beneficiary and Trustee to execute this Declaration evidencing consent to the vacation and creation of an easement and to subordinate the lien of the Deed of Trust as it applies to the easement created over the Property by that Deed of Vacation and Easement and its accompanying exhibit recorded in the aforesaid land records immediately prior to this Declaration (the "**Easement Deed**").

THIS DECLARATION WITNESSETH that Beneficiary and Trustee, by their signatures affixed hereto, do consent to the vacation and creation of the easement and subordinate the lien of the Deed of Trust as it affects the easement created by the Easement Deed over the Property. In all other respects, the Deed of Trust shall remain in full force and effect.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

BENEFICIARY:

TRISTATE CAPITAL BANK,
a Pennsylvania financial institution

By: [Signature]

Name: David Segal

Title: SVP

STATE/Commonwealth of Pennsylvania:

COUNTY/CITY OF Delaware/Villanova:

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction on
July 27, 2021 by David Segal [Name],
S.V.P. [Title] of Tristate Capital Bank.

[Signature]
Notary Public

My Commission Expires: 02/26/2022

Notary Registration Number: 1281971

Commonwealth of Pennsylvania - Notary Seal
Susan E. Hagan, Notary Public
Delaware County
My commission expires February 26, 2022
Commission number 1281971
Member, Pennsylvania Association of Notaries

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

TRUSTEE:

SAMUEL I. WHITE, P.C.,
a Virginia professional corporation, Trustee

By: Emmanuel D. Voces, VP
Name: Emmanuel D. Voces
Title: VP

COMMONWEALTH OF VIRGINIA :
COUNTY/CITY OF Virginia Beach :

The foregoing instrument was acknowledged before me in my aforesaid jurisdiction on
October 1, 2021 by Emmanuel D. Voces [Name],
V.P. [Title] of Samuel I. White, P.C., Trustee.

Jennifer M. Tadlock
Notary Public

My Commission Expires: April 30, 2025

Notary Registration Number: 7929773





Council Consent Agenda Statement

Item # 10B

Meeting Date: December 13, 2021

Agenda Item: Resolution to Appoint Town Manager as Acting Building Official

Summary: Council is requested to approve a Resolution that would appoint Town Manager Steven Hicks as the Town of Front Royal's Acting Building Official with the understanding that the Town Manager shall not become the permanent Building Official but shall resign from the position of Acting Building Official immediately upon the hiring and appointment of a Building Official, as presented.

Budget/Funding: None

Meetings: Work Session held December 13, 2021, right before the regular meeting

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Town Council approve a Resolution that would appoint Town Manager Steven Hicks as the Town of Front Royal's Acting Building Official with the understanding that the Town Manager shall not become the permanent Building Official but shall resign from the position of Acting Building Official immediately upon the hiring and appointment of a Building Official, as presented.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____

RESOLUTION

APPOINTMENT OF ACTING BUILDING OFFICIAL

WHEREAS, Town Code Section 9-100 (D) states, in part: “[a]t such time that Town Council may establish a Building Department and a Board of Appeals, the Town Manager shall appoint a Building Official to administer and enforce the Building Code”; and,

WHEREAS, on June 1, 2021, the Town Council resolved to establish a Building Department, otherwise to be known as the Building Codes and Environmental Division; and,

WHEREAS, the Virginia Uniform Statewide Building Code (“VUSBC”) requires every local building department to have a building official, and requires that any such building official meet certain qualifications; and,

WHEREAS, based upon the current Town Manager’s representations, the current Town Manager has the requisite combination of education and experience to meet the qualification requirements for a building official under the VUSBC; and,

WHEREAS, in order to open the Building Department prior to the hiring and appointment of a Building Official by the Town Manager, the Town Council desires to appoint the Town Manager as Acting Building Official with the understanding that the Town Manager shall not become the permanent Building Official but shall resign from the position of Acting Building Official immediately upon the hiring and appointment of a Building Official.

NOW, THEREFORE BE IT RESOLVED, that the Town Council appoints Steven Hicks, Town Manager, as Acting Building Official, effective upon passage.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2021 upon the following recorded vote:

[vote and signatures following page]

Lori A. Cockrell __ Yes __ No

Gary L. Gillispie __ Yes __ No

Letasha T. Thompson __ Yes __ No

E. Scott Lloyd __ Yes __ No

Joseph E. McFadden __ Yes __ No

Amber F. Morris __ Yes __ No

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

DRAFT



Council Consent Agenda Statement

Item # 10C

Meeting Date: December 13, 2021

Agenda Item: Resolution to Adopt Schedule of Fees for Building Department

Summary: Per Town Code Chapter 9-302, Town Council reserves the right to adopt and publish a schedule of fees for services rendered by the Building Code Official. Council is requested to approve a resolution that adopts the commercial and residential Schedule of Fees for the Town's Building Department, as presented.

Budget/Funding: None

Meetings: Work Session held December 13, 2021, right before the regular meeting

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Town Council approve a resolution that adopts the commercial and residential Schedule of Fees for the Town's Building Department, as presented.

Approved By: _____

Moved _____ **Seconded** _____

Cockrell _____ **Gillispie** _____ **Lloyd** _____ **McFadden** _____ **Morris** _____ **Thompson** _____



TOWN OF FRONT ROYAL

Building Permit Fees Residential

STANDARD FEES

Minimum Fee	50.00
New, Manufactured or Industrialized	.15 sq. ft.
Addition	.15 sq. ft.
Alteration	.15 sq. ft.
Renovation	.15 sq. ft.
Re-Roofing (if required)	45.00
Re-Siding (if required)	45.00
Replacement Windows (if required)	45.00
Fireplace	45.00
Re-Inspection	45.00
Special/Partial Inspection	45.00
Stop Work Order Release	45.00
Work Started Without Permit	50.00

MODIFY OR CHANGES TO

Re-Review of Approved Plans	45.00
Approved Permits	25.00
Plan Replacement 5.00 per page (max 25.00), plus copy charges	

PERMIT RENEWAL

After 1 st year – additional 6 months	25.00
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CHIMNEY

Pre-Fab or Masonry (1 flue & 1 appliance)	45.00
Each Additional Flue	5.00
Relining	45.00

ACCESSORY STRUCTURES/MISC

Garage – Attached or Detached	.15 sq. ft.
Storage Building (larger than 150 sq. ft.)	.15 sq. ft.
Deck	45.00
Sign	45.00
Demolition	45.00
Moving Buildings/Structures	45.00

CERTIFICATE OF OCCUPANCY (CO)

New with Building Permit	N/C
New with Existing Structure	100.00
Temporary CO	50.00
Renewal	50.00

PLUMBING

Minimum Fee (up to 15 fixtures)	45.00
Per Fixture Over 15	5.00
Water Service Connection	45.00
Sewer Service Connection	45.00
Water/Sewer Connection Combined	45.00
Manufactured/Modular Connection	45.00
Well/Septic Lines (Re-Connect), each	5.00
Backflow Preventer, each	10.00

MECHANICAL

Central Heat, Heat Pump or Heat & A/C up to 60k BTU, per system	45.00
Each Additional 60k BTU	5.00
Air Conditioning up to 5 Tons, Per System	45.00
Each Additional Ton	5.00
Supplemental System to Main, each	45.00
Moving Buildings/Structures	15.00

STORAGE TANKS

Minimum	45.00
Up to 2 @ 500 gal each or less, A/G, U/G with piping	45.00
Each Additional less than 500 gal	10.00
Greater than 500 gal each, above or below ground with piping	45.00
Gas Appliances and Piping to Regulator	45.00
Gas Lines Only	45.00
Combination Inspection – Tank, Piping, Appliance	45.00

POOLS

In Ground	.15 sq. ft.
Above Ground	45.00

ELECTRICAL

Administrative Cost	10.00
<i>Electrical Permits Require a Separate Application and Fee Payable to MIDDLE DEPARTMENT INSPECTION AGENCY</i>	

MISCELLANEOUS

Application to Local Appeals Board	100.00
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TOWN OF FRONT ROYAL

Building Permit Fees Commercial

STANDARD FEES

Minimum Fee	75.00
New, Manufactured or Industrialized	.20 sq. ft.
Addition, Alteration	.20 sq. ft.
Renovation or Repairs	.08 sq. ft.
Construction Trailer	60.00
Re-Roofing	minimum 60.00 .03 sq. ft.
Re-Inspection	45.00
Special/Partial Inspection	45.00
Stop Work Order Release	75.00
Work Started Without Permit	200.00

MODIFY OR CHANGES TO

Re-Review of Approved Plans	250.00
10.00 per page, max	
Approved Permits, per occasion	25.00
Plan Replacement - 10.00 per page, plus copy charges	

PERMIT RENEWAL

After 1 st year – additional 6 months	25.00
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CERTIFICATE OF OCCUPANCY (CO)

New with Building Permit	N/C
New with Existing Structure	100.00
Temporary CO	50.00
Renewal	50.00
Change of Use	100.00

MISCELLANEOUS

Demolition	45.00
Moving Buildings/Structures, original site	45.00
Pole Light Bases (4 Bases, 1 Footer Inspection)	45.00
Each Additional Base	5.00
Tents	75.00
Cell Tower, Tank, or similar Structure, each	75.00
Antennas, each	45.00
Phased Permit Approval, each	250.00
Application to Local Appeals Board	100.00

PLUMBING

Minimum Fee (up to 10 fixtures)	55.00
Per Fixture Over 10	5.00
Heating/Cooling System Water Piping	10.00
Building Roof Drains	10.00
Storm Sewer Laterals	10.00
Water Service Connection	45.00
Sewer Service Connection	45.00
Water/Sewer Connection Combined	45.00
Manufactured/Industrialized Connection	45.00
Backflow Preventer, each	10.00

MECHANICAL

Central Heat or Combination, up to 60k BTU	55.00
Each Additional 60k BTU	5.00
Air Conditioning, up to 5 Tons	55.00
Each Additional Ton	5.00
Hood System, each (see suppression if applies)	55.00
Elevators, each	45.00
Fire/Smoke Dampers, each	45.00
Ductwork	45.00

STORAGE TANKS

Minimum	55.00
Up to 2 @ 500 gal each or less, A/G, U/G with piping	55.00
Each Additional less than 500 gal	10.00
Greater than 500 gal, each, (above or below ground with piping)	55.00
Gas Appliances and Piping to Regulator	55.00
Gas Lines Only	55.00
Combination Inspection – Tank, Piping, Appliance	55.00

ELECTRICAL

Administrative Cost	10.00
<i>Electrical Permits Require a Separate Application and Fee Payable to MIDDLE DEPARTMENT INSPECTION AGENCY</i>	

FIRE PROTECTION SYSTEMS

Fire Alarm Systems, each (minimum)	55.00
Each Fixture/Appliance	.10
Fire Detection System, each (minimum)	55.00
Each Fixture/Appliance	.10
Fire Suppression System (Sprinkler, Hood, etc), each (minimum)	75.00
Each Head	.15
Fire Pumps, each	75.00
Stand Pumps, each	75.00
Special Suppression System, each	75.00

SIGNS

Billboard, Marquee, Pole	45.00
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AMUSEMENT RIDES

Kiddie	25.00
Circular or Flat Rides 20' in height	35.00
Spectacular	55.00
Coasters 30'	150.00



Council Consent Agenda Statement

Item # 10D

Meeting Date: December 13, 2021

Agenda Item: Update Resolution Pertaining to Establishment of a Town Building Department

Summary: Town Council approved a resolution at a Special Meeting held June 1, 2021, to establish the Building Codes and Environmental Division. After further review of this resolution, it has been determined that the resolution needed to be updated for clarity in specific areas. These areas include:

- The name of the department as it reads in the Town Code from Building Codes and Environmental Division to Town Building Department
- Specify the establishment of a Local Board of Building Codes as stated in Town Code
- Clarify that the Town is in the process of being designated as a Virginia Erosion and Sediment Control Program and Virginia Stormwater Management Program authority by DEQ
- Request Warren County to continue regulating land disturbing activities until the State can regulate on the Town's behalf and the Town follows the appropriate steps to be designated as its own authority

Council is requested to approve an updated resolution as it pertains to the Town's Building Department, as presented.

Budget/Funding: None

Meetings: Work Session held December 13, 2021, right before the regular meeting

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Town Council approve an updated resolution as it pertains to the Town's Building Department as presented.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____

UPDATED RESOLUTION

For the establishment of a Town Building Department

WHEREAS, Town Council approved a resolution at a Special Meeting held June 1, 2021 to establish the Building Codes and Environmental Division; and,

WHEREAS, Town Council desires to update that resolution for clarification and specificity; and,

WHEREAS, Town Council continues their desire to establish a Town Building Department and a Local Board of Building Code of Appeals (LBBCA), herein referred to generally as the “Board of Appeals”, to administer and enforce the mandatory provisions of the Virginia Uniform Building Code, including Part I, Construction Code, and Part II, Rehabilitation Code to protect the health, safety and general welfare of the public; and,

WHEREAS, the Department is to provide minimum standards of the Virginia Uniform Statewide Building Code to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings, structures and certain equipment within this jurisdiction; and,

WHEREAS, duties of the Department include the review and the issuance of building permits and conducting the required building inspections for final approval before occupancy or use; and,

WHEREAS, the Department maintains the safety and appearance of the Town's existing structures and properties through routine inspections and code compliance throughout the Town and responds to complaints about building, structures, and property code violations; and,

WHEREAS, the Department works with residents, businesses, and the development community to protect natural resources and enhance communities while accommodating growth and development; and,

WHEREAS, the Department is responsible for ensuring that the engineering, construction, and maintenance of the Town’s storm water sewer system and facilities meet certain standards for the environment, and improvement of stormwater runoff; and,

WHEREAS, the Department’s intent is to issue applicable land disturbing activity permits and in accordance with the requirements of the Commonwealth’s Virginia Stormwater Management Act and Construction General Permit Regulations; and,

WHEREAS, the Town is in the process of being designated as a Virginia Erosion and Sediment Control Program (VЕСP) and Virginia Stormwater Management Program (VSMP) authority by the Department of Environmental Quality (DEQ); and,

WHEREAS, the Town is requesting Warren County to continue to regulate land disturbing activities on the Town’s behalf until the Town and State can reach an agreement for the State to regulate land disturbing activities on the Town’s behalf, while the Town follows the appropriate steps to be designated its own authority; and,

NOW THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Front Royal, Virginia, that Town Council approve this updated resolution regarding the establishment of a Town Building Department pursuant to Town Code Chapter 9.

APPROVED:

Chris W. Holloway, Mayor

Attest:

Tina L. Presley, Clerk of Town Council

THIS RESOLUTION was approved at the Special Meeting of the Town of Front Royal, Virginia, Town Council conducted on June 1, 2021 upon the following recorded vote:

Joseph McFadden	<u>Yes/No</u>	Gary L. Gillispie	<u>Yes/No</u>
Scott Lloyd	<u>Yes/No</u>	Jacob L. Meza	<u>Yes/No</u>
Lori A. Cockrell	<u>Yes/No</u>	Letasha T. Thompson	<u>Yes/No</u>

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____



Council Consent Agenda Statement

Item # 10E

Meeting Date: December 13, 2021

Agenda Item: Update Resolution Pertaining to Stipends for Front Royal EDA and Local Board of Building Code Appeals

Summary: Council approved a resolution January 25, 2021, that set monthly stipends for meetings attended by the Planning Commission, Board of Architectural Review and Board of Zoning Appeals. Since the establishment of the Front Royal Economic Development Authority and the Building Code Department two more boards are being created (Front Royal EDA and Local Building Code of Appeals). Council is requested to approve the attached resolution as presented.

Budget/Funding: None

Meetings: Work Session held December 13, 2021, right before the regular meeting

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Town Council approve a resolution that adds the stipends for the Front Royal EDA and the Local Board of Building Appeals, as presented.

Approved By: _____

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____

UPDATED RESOLUTION
TO SET STIPENDS FOR VARIOUS BOARDS THAT INCLUDE PLANNING
COMMISSION, BOARD OF ZONING APPEALS, BOARD OF ARCHITECTURAL
REVIEW AND FRONT ROYAL ECONOMIC DEVELOPMENT AUTHORITY

WHEREAS, Town Council approved a resolution on January 25, 2021 that set stipends for the Planning Commission, Board of Architectural Review (BAR) and Board of Zoning Appeals (BZA); and,

WHEREAS, Town Council wishes to update that resolution by setting stipends for the Board of Building Code Appeals and the Front Royal Economic Development Authority (Front Royal EDA) pursuant to Town Code Chapter 9 and Chapter 16 respectively; and,

NOW THEREFORE BE IT RESOLVED that the Mayor and the Town Council approve the stipends as follows and effective upon passage.

Planning Commission - \$100.00 per monthly meeting attended
Board of Zoning Appeals - \$75.00 per monthly meeting attended
Board of Architectural Review – \$50.00 per monthly meeting attended
Local Building Board of Appeals - \$50.00 per monthly meeting attended
Front Royal Economic Development Authority – \$200.00 per monthly meeting attended

There will be no stipend for additional meetings and members must attend their monthly meeting to receive their stipend.

APPROVED:

Chris W. Holloway Mayor

ATTEST:

Tina L. Presley, Clerk of Council

[vote and signatures following page]

This Resolution was approved at the Regular Meeting of the Town of Front Royal, Virginia Town Council conducted on _____, 2021 upon the following recorded vote:

Lori A. Cockrell __Yes __No

Gary L. Gillispie __Yes __No

Letasha T. Thompson __Yes __No

E. Scott Lloyd __Yes __No

Joseph E. McFadden __Yes __No

Amber F. Morris __Yes __No

Approved as to Form and Legality:

Douglas W. Napier, Town Attorney

Dated: _____

DRAFT



Council Agenda Statement

Item # 11A

Meeting Date: December 13, 2021

Agenda Item: Appointments to the Front Royal Economic Development Authority

Summary: Town Council re-enacted Chapter 16 (Industrial Development Authority) on July 13, 2020, to establish and create an Economic Development Authority, also known as the Front Royal EDA pursuant to Title 15.2, Chapter 49 of the Industrial Development and Revenue Bond Act of the Code of Virginia. Council is requested to appoint members to the Front Royal Economic Development Authority

Budget/Funding: None

Meetings: Various closed meetings since early 2021

Proposed Motion: I move that council approve a resolution that appoints members to the Front Royal Economic Development Authority as presented that includes appointments of _____ term ending December 13, 2022; _____ term ending December 13, 2022; _____ term ending December 13, 2023; _____ term ending December 13, 2023; _____ term ending December 13, 2024; _____ term ending December 13, 2024; and _____ term ending December 13, 2025.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____



Council Agenda Statement

Item # 11B

Meeting Date: December 13, 2021

Agenda Item: Resolution/Appointments to the Environmental Sustainability Advisory Committee (ESAC)

Summary: Town Council re-enacted Chapter 156 (formerly Urban Forestry) on August 23, 2021, to Environmental Sustainability and to create an Environmental Sustainability Advisory Committee (ESAC). ESAC is a 5-member board consisting of three (3) council-appointed at-large residents, (1) high school senior and (1) town employee who is also the chairman. The chairman is Town Arborist Jim Osborn, and the high school senior will be selected by the Town Manager at a later time. Council is requested to appoint three members to the Environmental Sustainability Advisory Committee (ESAC).

Budget/Funding: None

Meetings: Various closed meetings since early 2021

Proposed Motion: I move that council appoint members to the Environmental Sustainability Advisory Committee as presented that includes appointments of _____ term ending December 13, 2022; _____ term ending December 13, 2023; _____ term ending December 13, 2024.

Moved _____ *Seconded* _____

Cockrell _____ *Gillispie* _____ *Lloyd* _____ *McFadden* _____ *Morris* _____ *Thompson* _____



Council Agenda Statement

Item # 12

Meeting Date: December 13, 2021

CLOSED MEETING

Motion to Go into Closed Meeting

I move 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) 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, specific to the Local Board of Building Code Appeals and the Front Royal Board of Zoning Appeals, in accordance w/ Subsection A. 1.

Motion to Certify Closed Meeting at its Conclusion

[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]

I move 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 Town 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.

Moved _____ Seconded _____

Cockrell _____ Gillispie _____ Lloyd _____ McFadden _____ Morris _____ Thompson _____