



TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, August 29, 2022

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.

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilman Zachary Jackson
Councilwoman Amber F. Morris
Councilman Letasha T. Thompson

APPOINTED STAFF PRESENT: Acting Town Manager BJ Wilson
Deputy Town Attorney George Sonnett
Clerk of Council Tina L. Presley

ABSENT: Interim Town Manager Kathleen Leidich

RECOGNITIONS/PROJECT UPDATE

Retired employee Freddie Jenkins was unable to attend tonight's meeting.

Mayor and Council recognized Douglas Jones for his 14 years of service on the Planning Commission.

Officer Bryan House was recognized by Director of the Department of Social Services Jon Martz for going above and beyond for a woman that needed help and was presented with an excellence award.

Director of Public Works Robbie Boyers gave Council a Projects Update.

Curb & Gutter Installation Project – Installation of 9,000 of CG6 curb and gutter and CG9 driveway aprons on 10 streets, this project is 85% complete and will be completed mid-September 2022.

W. Duck St Drainage Project – GEI has completed the replacement of the 18" to 30" culvert and added storm drain boxes and curb and gutter. This was paved last week, and the project is now complete.

N. Royal Ave Paving Project – Kick'in Asphalt has completed paving and the line painting and thermo plastic work has been finish. They also paved four secondary streets, Forrest Hill Drive, Valleyview Drive, Virginia Ave and W. 16th St. The paving contractor will return the fist of September 2022 to continue paving.

610B & 612 W. 11th St Storm Drain Upgrade Project – Town has the signed right-of-entry agreement from the WCEDA, the precast storm drain structure was delivered last week from CP&P so we can install the last 15' of pipe. This should be complete by mid-September 2022.

Braxton Rd & Manassas Ave Waterline Upgrade Projects – The bid open was July 28th at 2pm, we received a total of 5 bids with Bushong Contracting Corp being the lowest bid at \$448,982.00. This item is on consent agenda for approval tonight.

John Marshall Hwy Waterline Upgrade Project – Town held a pre-bid meeting on Thursday, August 11th and had three different contractors attend. The bid opening for this project will be held on Tuesday, August 30th at 2pm.

Robinhood Lane PRV Vault Replacement Project – Still another 6 weeks out for delivery due to the traffic bearing hatch. Vault weighs 24,000 LBS so a crane will be needed to set the vault.

Richmond Rd PRV Vault Replacement Project – The vault drawings are completed and we're finishing up the bid documents, we plan to have this out to bid by the first of September 2022.

Redundant Waterline Project – The bid opening is rescheduled from August 24 to August 31, 2022, due to questions from contractors regarding the project and construction plans.

Custom Storm Drain Lids – The 25 custom storm drain lids have been installed on E. Main St, we're going to go back and repaint the frames in the existing storm boxes before winter, so it matches better.

Virginia Department of Agriculture – Had a contractor spraying for the Spotted Lantern Fly in the Front Royal area the Wednesday 24th and Thursday 25th weather permitting.

Front Royal- Warren County Anti-Liter Council Funding – The town received \$5,150.00 to be able to purchase two 96-gallon bear proof trash containers for the Luray Ave Boat Landing. These containers should be here mid-October.

PUBLIC HEARING – Special Use Permit for a Special Exception to Allow a Private Street to Improve Traffic Flow through Parcels at 508 Kendrick Lane from Poe's River Edge LLC & Eagle Sky Industrial Park LLC

Mayor Holloway opened the public hearing.

Joe Brogan advised Council that he was representing Poes' River Edge LLC and Eagle Sky Industrial Park LLC and would be available for any questions.

Vice Mayor Cockrell questioned how the owner is aware that the street was a private street if the land in question were ever sold. It was confirmed that it is written in the deed and the Road Maintenance Agreement was one of the four contingencies upon approval of the Special Use Permit.

Mayor Holloway closed the public hearing.

Councilwoman Thompson moved, seconded by Councilman Gillispie that Council approve a Special Use Permit Application from Poe's River Edge LLC and Eagle Sky Industrial Park LLC for a Special Exception to allow a new private street to improve traffic flow through parcels located at 508 Kendrick Lane (tax map 20A 1-3-5A 1 and 20A 1 3 4) contingent upon the following conditions: 1) this Special Use Permit is authorized for a 20-foot-wide private street to be constructed to the aforementioned standards, as indicated on the "Overall Private Street Plan", submitted to staff on July 27, 2022 and located on tax map parcel #20A1-3-5A1 and #20A1 3 4.; 2) The applicant agrees to comply with Town standards for the location of utilities; 3) The applicant shall provide a copy of the Road Maintenance Agreement to staff at the time of site plan approval; 4) A Master Development Plan be submitted if parcel tax map #20A1-3-5A1 is further subdivided.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

CONSENT AGENDA ITEMS

Vice Mayor Cockrell moved seconded by Councilwoman Morris to move G – Resolution to Authorize GDS Associates to Execute the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP) to Business Items #5.C.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL**Contract Award for Waterline Upgrades at Braxton Road & Manassas Avenue**

Council awarded a contract to Bushong Contracting Corp in the amount of \$448,982.00 to provide services to perform waterline upgrades on Manassas Avenue and Braxton Road.

Contract Award for Bridge Inspections Services & Reports

Council approved the award of a contract for Annual Bridge Inspections and Reports for the Town's Department of Public Works to Mattern & Craig Engineering Surveyors for a period of one year with the option to renew for 4 (four) additional one-year periods.

Contract Award for Compensation Study/Employee Handbook Update Services

Council approved a contract award for a compensation study and employee handbook update services for the Town's Department of Human Resources to Paypoint HR in the amount of \$32,500.00.

Purchase of Kendrick Lane Substation Transformer

Council approved the purchase of an electric transformer in the amount of \$612,933.00 from Virginia Transformer Corporation.

Resolution Declaring End of Covid-19 Communicable Disease Local Emergency

Council declared the end of COVID-19 Communicable Disease Local Emergency in the Town of Front Royal

Condemnation Resolution for Redundant Waterline in Rt 522 N. Corridor

Council approved a Condemnation Resolution for the redundant waterline proposed for the Route 522 N Corridor as presented.

~~**Resolution to Authorize GDS Associates to Execute the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP)**~~ MOVED TO BUSINESS ITEMS

Waiver of Curb, Gutter, Sidewalk on Crisman Drive

Council approved the waiver of curb, gutter and sidewalk installation at 1340 Crisman Drive, pursuant to Town Code Chapter 148-850. C. and D.

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

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMSAppointment to the Planning Commission

Vice Mayor Cockrell moved seconded by Councilwoman Thompson that Council appoint Daniel S. Wells to the Front Royal Planning Commission to a four-year term beginning September 1, 2022 and ending August 31, 2022.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Designation of Town's FOIA Officer

Vice Mayor Cockrell moved seconded by Councilman Jackson that Council designate the Clerk of Council as Freedom of Information Act (FOIA) Officer for the Town of Front Royal.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Resolution to Authorize GDS Associates to Execute the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP) MOVED FROM CONSENT

Councilwoman Thompson moved seconded by Councilwoman Morris that Council approve a resolution authorizing GDS Associates to Execute the 2023-2025 Fixed Volume Energy Supply Schedule with American Municipal Power (AMP) as presented.

Finance Director BJ Wilson explained the not to exceed costs have increased since the August 22nd meeting.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

6. CLOSED MEETING – Consultation with Legal Counsel

Councilman Gillispie moved seconded by Councilman Jackson that Town Council convene and go into Closed Meeting for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel specifically, setting a date for a special election as required by Virginia Code §24.2-226, pursuant to §2.2-3711(A)(8) of the Code of Virginia.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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:]

Councilwoman Morris moved seconded by Councilman Jackson 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, Jackson, Morris, and Thompson

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Gillispie moved seconded by Councilwoman Thompson that Council direct the Deputy Town Attorney to petition the Warren County Circuit Court to issue a writ of election for a special election to fill the vacancy now existing on Town Council, and, with such vacancy occurring within 90 days of the next general election and with Council not wishing to incur the expense of a "stand alone" special election, Council further directs that the petition include a request that the special election be held on the date of the second such general election, November 7, 2023, pursuant to Virginia Code §24.2-226(A).

Councilwoman Morris advised that the Town consulted with outside legal counsel, Martin Crim, Vanderpool, Frostick & Nishanion, PC. for an opinion on the withdrawal of Mr. McFadden's resignation. She advised that a portion of the opinion stated that it was questionable whether the Council could refuse to accept a resignation after the deadline of his revocation. She reminded Council that the request for withdrawal occurred four (4) days later not the same day. She emphasized that the Town Council needs to effectively work and govern the Town of Front Royal and it needs to be done with a full body of Council.

Councilwoman Thompson agreed that a second opinion was sought and emphasized the need to work with a full body of Council.

Councilman Gillispie opined that by accepting Mr. McFadden back onto Council would open up legal issues.

Vice Mayor Cockrell opined that Council were five (5) people who represent the citizens and Mr. McFadden was elected by the citizens. She advised that she was not comfortable with deciding whether his resignation was effective or not. She suggested an Attorney General's opinion voicing concerns over the votes taken since his resignation and the issue of whether the resignation was valid or not has not be clearly validated.

Mayor Holloway reminded Council that the citizens voted Mr. McFadden to Council and that Mr. McFadden let the citizens down not the Town Council. He reminded Council that they have received two legal opinions on this issue (in-house and outside legal counsel). He voiced concern that every vote would be challenged and that the Council does not have the authority to allow him back on Council.

Councilman Jackson recognized the arguments on both sides that included asking for an Attorney Generals' Opinion as well as keeping government moving forward. He noted that he was torn on his vote and would therefore be abstaining.

Vote: Yes – Councilmembers, Gillispie, Morris, and Thompson

No – Vice Mayor Cockrell

Absent – N/A

Abstain – Councilman Jackson

ROLL CALL

Adjourned by Mayor at 7:59pm.

Approved by Town Council
Date: 9/26/22-----