



TOWN COUNCIL REGULAR MEETING MINUTES

November 28, 2022 @ 7:00PM in the 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 led by Councilman Sealock

ROLL CALL PRESENT: Mayor Chris W. Holloway
Vice Mayor Lori A. Cockrell
Councilman Gary L. Gillispie
Councilwoman Amber F. Morris
Councilman Duane R. "Skip" Rogers
Councilman R. Wayne Sealock
Councilwoman Letasha T. Thompson

APPOINTED STAFF PRESENT: Town Attorney George M. Sonnett, Jr.
Clerk of Council Tina L. Presley

APPROVAL OF MINUTES – Councilman Gillispie moved, seconded by Councilwoman Morris that Council approve the minutes of the following meetings of Town Council: Joint Work Session with FREDA of October 17th; Regular Meeting of October 24th; Special Meeting of November 9th and Work Session of November 14th, 2022.

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

No – N/A

Absent – N/A

Abstain – Councilman Sealock

ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA – None

RECOGNITIONS/AWARDS/REPORTS –

Director of Public Works Robbie Boyer gave his monthly Projects Report:

Public Works Infrastructure Update November 28, 2022

Braxton Rd & Manassas Ave Waterline Upgrade Projects – This bid was approved by Town Council on August 29 and the contracts have been signed by Bushong Contracting Inc and the material on order. The project should start in early January of 2023 and should take about three months to complete.

John Marshall Hwy Waterline Upgrade Project – Town received a total of 5 bids with Bowman-Griffin General Contractors LLC out Hillsville, VA being the low bidder at \$229,550.00. This project has been approved by town council on September 26, 2022, and currently waiting on the signed contract. The contractor is working on getting all the material needed for this project.

Robinhood Lane PRV Vault Replacement Project – Still another two weeks out on the hatch due to the traffic bearing weight requirement. These will push the vault delivery out to mid-December Vault weighs 24,000 LBS so a crane will be needed to set the vault.

Richmond Rd PRV Vault Replacement Project – This item was approved by town council on October 24, 2022, to award the purchase to Fortline Waterworks and approval to allow Bushong Contracting to install the vault once delivered. Delivery is scheduled for early March 2023.

Redundant Waterline Project – The bid opening was held on August 31, 2022, we received two bids for this project. Snyder Environmental was the low bidder, this received Town Council approval on October 24th for 18 million. The contract has been signed and we're currently waiting for the contractor to get their materials needed and provide us with a project schedule.

W. 12th St waterline Upgrade – We're currently working on bids specs and drawing to upgrade the existing water main on W. 12th St between N. Royal Ave and Virginia Ave. We hope to have this out to bid by late December 2022.

Primary and Secondary Street Paving – The town's paving contractor has currently completed 96% of the paving and is currently working to finish up the rest on N. Commerce Ave and E. Stonewall Drive by the end of these week. The line painters will be work over the next two weeks to get everything wrapped up with paving until spring. This project consisted of paving on 24 different streets.

Front Royal-Warren County Anti-Liter Council Funding – The Town has received the two 96-gallon bear proof trash cans for the Luray Ave boat landing. These was purchased with \$5,150.00 that was donated by the anti-liter council, these cans have been installed and secured to concrete pads. This project is 100% completed.

Happy Creek Stream Bank – On December 19th there was 30 volunteers from the ESAC committee and other organizations like Tree Stewards, Beautification committee, Izaak Walton League, Piedmont Environmental council planted 450 young seedlings. There will be another planting on December 10th at Lions Community Park and Gertrude Miller Park.

Sanitary Sewer Repairs Project – The mandatory pre-bid meeting was held on October 13 virtual; the bid opening was on Wednesday October 26 at 2pm we received one bid from Snyder Environmental for \$4,947,300.00. This project consists of 25,000 linear feet of CIPP lining and 192 sewer laterals will be lined replaced. The bid is council agenda for approval tonight October 28, 2022.

VDOT Funded Projects -

N. Shenandoah Ave Lighting Project – RK&K engineering is updating the pole light footers design and the estimate, once this is completed and the town receives the signed agreement from VDOT this project will be ready for bid. The original estimate from the engineer was \$600,000.00 for this 50/50 revenue sharing project.

E. 8th St Bridge Replacement – The town is waiting on the signed agreement back from VDOT so the project plans can be put out to bid for this revenue sharing project has a price estimate of 2.8 million.

Happy Creek Rd Improvements Phase 2 – The VDOT Central office is reviewing the application and making comments so the application can be updated accordingly, the cost estimate for this project is \$12,733,831.00. The town will have to wait till June 2023 to see if project gets funded. This Smart Scale project engineering would begin in 2025 and construction wouldn't start until 2031 be ten years out.

Councilman Gillispie questioned the construction of the redundant waterline. Mr. Boyer noted that it was slated to begin in the spring. Councilwoman Thompson questioned the South Street Project. Mr. Boyer noted that it was slated to contain islands and lighting due to the many fatalities in that area.

PUBLIC HEARINGS

Special Use Permit for Short-Term Rental at 200 E. Main Street – Doug Ichiuji

Mayor Holloway opened the public hearing. Mr. Ichiuji advised that he was available for questions. The public hearing was closed and was opened to Council.

Vice Mayor Cockrell moved seconded by Councilman Gillispie that Council approve a request from Doug Ichiuji for a Special Use Permit for a short-term rental at 200 E. Main Street (tax map 20A8-4-33).

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Special Use Permit for Short-Term Rental at 206 Lee Street – Minnick Group

Mayor Holloway opened the public hearing. The applicant advised that she was available for any questions. The public hearing was closed and was opened to Council.

Councilwoman Morris moved seconded by Councilwoman Thompson that Council approve a request from The Minnick Group for a Special Use Permit to allow a short-term rental at 206 Lee Street (tax map 20A7-4-91A), contingent upon installation of a driveway to accommodate three (3) vehicles.

Councilwoman Morris questioned and voiced concern of the parking contingency. Town Attorney George Sonnett read an excerpt from Chapter 148 that explained the parking requirement for this request, noting that there was no place “physically” for parking.

Councilman Gillispie noted that he supported short-term rentals but voiced concern that if three couples were to reserve the short-term rental there would be no parking for the residents on the street.

Councilwoman Thompson noted the large amount of on-street parking in her own neighborhood. She advised that the special use permits for short-term rentals were complaint based.

Councilwoman Morris that the request before them would be for a three-night maximum length of stay.

Vice Mayor Cockrell advised that there was no extra parking on Lee Street which was different than the situation on Chester Street that Council approved a few weeks ago.

Councilman Rogers questioned whether there was any community input at the Planning Commission meeting. Since there was not, he reiterated that the process was complaint based.

Councilman Sealock advised that Lee Street is smaller than some other streets in Town and that there were cars parked on that street all the time.

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie and Sealock

No – Councilmembers Morris, Rogers and Thompson

Absent – N/A

Abstain – N/A

ROLL CALL

No – Mayor Holloway to break the tie

Councilwoman Morris moved seconded by Councilwoman Thompson that Council approve a request from The Minnick Group for a Special Use Permit to allow a short-term rental at 206 Lee Street (tax map 20A7-4-91A),

Vote: Yes – Councilmembers Morris, Roger and Thompson

No – Vice Mayor Cockrell, Councilmembers Gillispie and Sealock

Absent –N/A

Abstain – N/A

ROLL CALL

Yes – Mayor Holloway to break the tie

Special Use Permit for Daycare at 1111 N. Shenandoah Avenue – LifePoint Church

Mayor Holloway opened the public hearing. John Kenney of LifePoint Church advised that he was available for any questions. The public hearing was closed and open to Council.

Councilwoman Thompson moved seconded by Councilwoman Morris that Council approve a request from LifePoint Church for a Special Use Permit for a daycare to be located on the first floor of the church at 1111 N. Shenandoah Avenue (tax map 201A1-444-12A,13,14,15,16,17) contingent upon the following conditions:

- *This Special Use Permit is authorized for a daycare to be located at 1111 N. Shenandoah Ave*
- *The applicant will adhere to all licensing requirements stipulated by Department of Professional and Occupational Regulation (DPOR)*
- *The applicant shall obtain any necessary permits from Warren County prior to commencing the use.*
- *The applicant will provide staff with hours of operation and a traffic flow diagram prior to commencement of the use.*

Council voiced excitement and appreciation on the opening of a daycare.

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

No – N/A

Absent –N/A

Abstain – N/A

ROLL CALL

FY23 Budget Amendment for Outstanding Purchase Orders

Mayor Holloway opened the public hearing. No one spoke and the public hearing was closed and opened to Council.

Councilwoman Morris moved seconded by Councilwoman Thompsons that Council approve a budget amendment in the amount of \$14,641,631.39 to carry forward unpaid balances on purchase orders not completed as of June 30, 2022 and to carry funds forward to fiscal year 2023.

Councilman Gillispie explained that all unpaid balances have been budgeted but may be incomplete projects.

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

No – N/A

Absent –N/A

Abstain – N/A

ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Michael Shotten, 305 William Vincent Road Bentonville, voiced concern over the lack of sidewalks on West Criser Road specifically referring to the amount of school children that walk to and from school and were pushed to using the roadway. He presented Council with a handout noting his concerns.

Council advised Mr. Shotten that Council has discussed the concerns he mentioned at great lengths in their work session and thanked him for reminding them of the great importance of safety in the area.

REPORTS**A. Town Manager Report – None****B. Town Council Reports –**

Vice Mayor Cockrell advised that she attended the Happy Creek Planting Day and was able to plant a tree and commented on the large crowd that attend as well as the many bags of trash collected. She also attended the Bridge Dedication where important information was shared about Joseph Warren. She commented on the large crowd that attended the Tree Lighting that was switched on by Officer Rachel Martin. She invited everyone to the upcoming Merry Market and Parade next weekend.

Councilman Gillispie thanked Mr. Shotten for his concerns and encouraged him to make the same comments to the new council next year. Vice Mayor Cockrell noted that the new councilmembers were in attendance tonight and heard Mr. Shotten's concerns.

Councilwoman Morris welcomed Councilman Sealock.

Councilman Rogers reiterated that the Tree Lighting was "awesome" and thanked the business owners and community for their participation. Mr. Rogers commented on the newspaper article pertaining to Joseph Waltz noting that circumstances happen and asked that Council convene in a special meeting to get everything back on track and move quickly.

C. Mayor Report – Mayor Holloway reiterated that the Tree Lighting was a huge success. He encouraged everyone to attend the parade next weekend and welcomed Councilman Sealock.

CONSENT AGENDA ITEMS**A. HEPTAD Request for One Year Extension to Submit Development Plan**

Council approved a one-year extension to HEPTAD to file a Development Plan, pursuant to Town Code 175-37.18.

B. FY23 Budget Amendment to Accept Community Flood Preparedness Grant Funds from DCR

Council approved a FY23 Budget Amendment in the amount of \$90,000 to receive funds from the Department of Conservation & Recreation (DCR) to fund a H&H Studies to Update FEMA Maps Application.

C. FY23 Budget Amendment for the Purchase of a Three-Phase Pad Mounted Transformer

Council approved a Budget Amendment in the amount of \$45,230.00 for the purchase of a three-phase pad mounted transformer for the Department of Energy Services from WEG Transformers USA.

D. Nutrient Reduction Performance Monetary Assessment Payment to DEQ

Council approved payment to the Commonwealth of Virginia Department of Environmental Quality (DEQ) in the amount of \$82,000 for noncompliance with the Total Phosphorus Performance Standards for the Water Quality Improvement Fund Grant the Town of Front Royal received related to upgrade the Town's Wastewater Treatment Plant.

E. Purchase of Commercial Mower for Horticulture Department

Council approved the purchase of a new Kubota ZD 1211 zero turn commercial mower in the amount of \$15,175.72 from Winchester Equipment Company to replace a 2003 ZD28 model mower for the Horticulture Department to be used for mowing Town property and rights of way.

F. Award Bid for Sewer Rehabilitation Project

Council approved awarding a bid for the 2022 sewer rehabilitation project to Synder Environmental Services in the amount of \$4,947,300.00.

G. Asset Transfer to Warren County Public Works Department of a Retired Town Bucket Truck

Council approved the asset transfer of a 1999 C8500 Bucket Truck that was retired by the Town's Energy Services Department in 2021 to the the Warren County Public Works Department for their regular maintenance of parks, athletic fields & schools.

H. Resolution to Update Employee Handbook to Add Juneteenth Holiday

Council approved an update to the Town of Front Royal Employee Handbook to add Juneteenth, June 19th, to the list of current holidays listed in Chapter 5.IV Holiday Leave.

I. Purchase of Wastewater Treatment Plant Influent Pumps

Council approved the sole source purchase of four (4) influent pumps in the amount of \$387,815 from Sherwood Logan Associates to replace four aged and failing influent pumps in the Wastewater Treatment Plant (WWTP) pumping station.

Vice Mayor Cockrell moved seconded by Councilwoman Morris that Council approve the consent agenda as presented.

Vice Mayor Cockrell advised that she was happy to work with the County on the asset transfer of the bucket truck to Warren County.

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

No – N/A

Absent –N/A

Abstain – N/A

ROLL CALL

BUSINESS ITEMS –A. Reappointment to Environmental Sustainability Advisory Committee (ESAC)

Councilman Sealock moved seconded by Councilman Gillispie that Council reappoint Hershel L. Finch to the Environmental Sustainability Advisory Committee to a four-year term ending December 13, 2026.

CLOSED MEETING

Councilwoman Morris moved seconded by Councilman Gillispie that Council convene and go into Closed Meeting for

- 1) the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, specifically the Town Manager pursuant to §2.2-3711(A)(1) of the Code of Virginia, and,*
- 2) the discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically an offer to lease Town Property, pursuant to §2.2-3711(A)(3) of the Code of Virginia, and,*
- 3) the 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, an Agreement with Discover Front Royal, as required by Virginia Code §24.2-226, pursuant to §2.2-3711(A)(8) of the Code of Virginia. Following the Closed Meeting. I further move that Council may take further action in open session.*

Vote: Yes – Vice Mayor Cockrell, Councilmembers Gillispie, Morris, Rogers, Sealock 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:]

Councilman Gillispie moved seconded Councilwoman Morris 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, Morris, Rogers, Sealock and Thompson

No – N/A

Absent –N/A

Abstain – N/A

ROLL CALL

Councilwoman Morris moved seconded by Councilman Gillispie that Council, there being no executed Town Manager Contract, appoint Finance Director BJ Wilson as Interim Town Manager effective immediately with a salary increase of 10%.

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

No – N/A

Absent –N/A

Abstain – N/A

ROLL CALL

Meeting adjourned at 9:25pm.

Approved by Town Council

Date: 12/12/22