



## PICTURES FOR COUNCIL/STAFF BEGINS AT 5:30PM

### REGULAR TOWN COUNCIL MEETING

Monday, February 8, 2021 @ 7:00pm in Warren County Government Center

*Due to Executive Order #72 and Order of Public Health Emergency Nine, Common Senses Surge Restrictions, Certain Temporary Restrictions due to COVID-19, from Governor Northam.*

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL Mayor Holloway \_\_ Vice Mayor Cockrell \_\_ Gillispie \_\_ Lloyd \_\_ McFadden \_\_ Meza \_\_ Thompson \_\_

4. APPROVAL OF MINUTES for Work Session of January 19, 2021 and Regular Council Meeting of January 25, 2021

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vice Mayor Cockrell \_\_ Gillispie \_\_ Lloyd \_\_ McFadden \_\_ Meza \_\_ Thompson \_\_

5. RECEIPT OF PETITIONS and/or CORRESPONDENCE FROM THE PUBLIC

Public speakers/Council Members must use the same civility, decorum, orderly behavior, relevancy of comments to the subject at hand, and appropriate language in addressing Town Council as they would use in addressing a Judge in a Court of Law. No profanity, vulgar, or sexist language, or irrelevant commentary, is allowed. (*Robert's Rules, §43, pp. 379-382; Steinburg v. Chesterfield Cty. Planning Com'n. 527, F. 3d (4<sup>th</sup> Cir.) 2008; Eichenlaub v. Township of Indiana, 385 F. 3d 274 (3d Cir. 2004).*) -see page 2-

6. REPORTS

a. Report of Special Committees or Town Officials and Town Manager

*Presentation from Front Royal/Warren County EDA Chairman Jeff Browne*

b. Requests and inquiries of Councilmembers.

c. Report of the Mayor

- *Appointments to Audit and Finance Committee*

- *Appointments to 2021 Town Scholarship Committee*

7. PROPOSALS FOR ADDITION/DELETION OF ITEMS

8. APPROVAL OF CONSENT AGENDA ITEMS

A. Approval – Budget Amendment/Intra-Fund Transfer for Purchase of Refuse Truck

B. Approval – Initiating Resolution – Zoning Text Amendments, Apartments, C-2 District.

C. Approval – Budget Amendment for Bear-Proofing Refuse Containers

D. Approval – Bid for Various Types of Concrete

E. Approval – FY21 Budget Amendment Donation from Norfolk Southern Foundation

Moved \_\_\_\_\_ Second \_\_\_\_\_ Vice Mayor Cockrell \_\_ Gillispie \_\_ Lloyd \_\_ McFadden \_\_ Meza \_\_ Thompson \_\_

9. PUBLIC HEARING – Ordinance Amendment to Town Code Chapter 4-1, 4-4 and 4-19 (*1<sup>st</sup> Reading*)

10. APPROVAL – COVID-19 Municipal Utility Relief Program Amended Agreement with Warren County

11. APPROVAL – Budget Amendment and MOA with Warren County for Wayfinding Signs

12. CLOSED MEETING – Personnel and Consultation with Legal Counsel

SWH

## TOWN COUNCIL AND PUBLIC PRESENTATION DECORUM REQUIREMENTS

During all portions of a Regular Town Council Meeting, including its Public Presentations portion, the following requirements of decorum by both public speakers and Town Council Members must be followed. These are the requirements: Town Code, *Robert's Rules of Order* (incorporated into Town Code), and Federal Court Decisions interpreting First Amendment Constitutional Law on Free Speech.

1. The Mayor, as the presiding officer of Town Council, shall enforce the rules of procedure, preserve order and decorum, and appoint all Committees. (*Town Code 4-8*)
2. Every member of the Council shall address the presiding officer before speaking, confine himself to the question before the body and avoid all personal or indecorous language. (*Town Code 4-12*)
3. Public speakers and Council Members must use the same civility, decorum, orderly behavior, relevancy of comments to the subject at hand, and appropriate language in addressing Town Council as they would use in addressing a Judge in a Court of Law. No profanity, vulgar, or sexist language, or irrelevant commentary, is allowed. (*Robert's Rules, §43, pp. 379-382; Steinburg v. Chesterfield Cty. Planning Com'n. 527, F. 3d (4<sup>th</sup> Cir.) 2008; Eichenlaub v. Township of Indiana, 385 F. 3d 274 (3d Cir. 2004.)*)
4. There can be no personal attacks. A speaker can condemn the nature or likely consequences of a proposed measure in strong terms, but under no circumstances can he attack or question the personalities or the motives of another member. The measure, but not the man, is the subject of debate. (*Same Authority as above*)
5. A speaker may not speak to any matter that is the subject of a public hearing during that same Regular Meeting. (*Robert's Rules, § 43, pp. 379-382*)
6. A speaker who violates 2., 3., 4., or 5. Above should be promptly asked to stop speaking in that fashion by the Mayor. If such speaker does not promptly so stop, the Mayor should ask the Sergeant at Arms (Police Officer) to remove such speaker, forcibly if necessary, and even charged with a misdemeanor crime. Federal court decisions have established that public policy in maintaining civility and decorum during the public comment sessions of its public meetings, both to ensure the efficient conduct of the people's business and to maximize citizen participation in the discussion, override the speaker's First Amendment rights of free speech. Governmental bodies may enforce policies against personal attacks in furtherance of a legitimate governmental purpose to preserve order and decorum in meetings, so long as they do not use the personal attack policy as a pretext to squelch a particular substantive viewpoint. (*Robert's Rules, § 43, pp. 379-382; Steinburg v. Chesterfield Cty. Planning Com'n. 527, F. 3d (4<sup>th</sup> Cir.) 2008; Eichenlaub v. Township of Indiana, 385 F. 3d 274 (3d Cir. 2004.)*)

Town Attorney July 2020



## TOWN COUNCIL WORK SESSION MINUTES

Tuesday, January 19<sup>th</sup>, 2021 at 7:00 PM

Town Hall Conference Room

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](http://www.frontroyalva.com).

**Overview of the Process When a Freedom of Information (FOIA) Request is Received** – Town Attorney, Doug Napier, cited the Virginia State Code regarding the Freedom of Information Act (FOIA) and reviewed the steps Town Staff must take when responding to FOIA requests. He explained that not all FOIA requests are free and the town will charge when it requires staff time that equals greater than \$250.00. He also noted that, in the first 19 days of calendar year 2021, the town had received 91 FOIA Requests.

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### ADDITION OF ITEM TO THE AGENDA

*Councilman Gillispie moved, seconded by Vice Mayor Cockrell, to add Agenda Item "Resolution to Amend Stipends for Boards/Commissions."*

Vote: Yes – Councilmen Cockrell, Gillispie, Lloyd, McFadden, Meza & Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

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**Review of FY21 Revenues & Contingencies** – Finance Director, BJ Wilson, gave council an update on town revenues. He proposed a recommendation to release \$187,365.00 of contingencies from the street fund due to two payments received from VDOT. He also noted that the number of delinquent utility accounts had lowered significantly due to Social Services Fuel Assistance Program.

Councilman Meza asked if utility rate increases would need to be considered in the event of a 'suffering enterprise funds.' Mr. Wilson explained that a 2% water rate increase had already been delayed for one year due to the pandemic and was scheduled to go into effect on July 1<sup>st</sup>, 2021. Mr. Hicks mentioned the additional option of using funds from the unassigned fund balance, however, that they should refrain from doing so as much as possible.

SWT



Mr. Hicks informed council that he would be presenting his budget recommendations during their next scheduled Work Session.

**Zoning Ordinance – Apartment Use and Development Regulations** – Planning and Community Development Director, Tim Wilson, presented Council with a recommendation to change the ordinance regarding apartment building development in the historic district. The change would allow Council to review the use of an apartment building greater than 6 units on a case-by-case basis. Council all agreed to change the wording to “apartment building greater than 8 units,” and move forward with the ordinance change.

**Resolution to Amend Stipends for Boards/Commissions** – Per the recommendation of Town Manager Hicks, the stipends for Town Boards and Commissions were adjusted to align with Warren County. Additionally, stipends would only be given per meeting attended, rather than per month. Council all agreed to add the stipend amendments as presented to their consent agenda.

**Continued Discussion for Ordinance Amendment to Chapter 4-19 – Order of Business for Regular Council Meetings** – Mayor Holloway suggested Council adjust their meeting schedule to allow one work session and one regular meeting per month. He added his wish to allot 30 minutes prior to each regular meeting for correspondence from the public. Councilman Gillispie also proposed Council conduct the Moment of Silence prior to the Pledge of Allegiance.

Vice Mayor Cockrell noted several conversations she had with citizens regarding their discomfort with being required to publicly state their address during Council Meetings. Town Attorney, Doug Napier, recommended citizens be asked to state only the town or county within which they reside. Councilman Thompson added that, due to fewer meetings per month, the Town Code should be adjusted to eliminate the need for two official readings.

**Open Discussion** – Councilman Lloyd presented Council with his three goals regarding the future of the Town, one of which involved the renaming of a street located within Town limits. Mr. Hicks stated that he would like to get a better understanding of the required process for street name changes. Councilman Gillispie expressed his reservations, mentioning the associated costs for the citizens and businesses located on the street.

Mayor Holloway requested Town Staff explore the possibility of opening its own Building Inspections Office. Councilman Gillispie expressed his support and requested he be included in the process.

Mayor Holloway also suggested the Town offer a water & sewer lateral repair program for town residents. He proposed the Town complete the work and allow homeowners to add a payment plan to their utility bills in exchange for a lien on their home.

Mayor adjourned this portion of the work session at 8:52 P.M. and Council went into closed session.

#### **Closed Meeting – Consultation with Legal Counsel and Litigation**

*Vice Mayor Cockrell moved, seconded by Councilman Gillispie, that Town Council go into Closed Meeting for the following purposes:*



*(1) Regarding a letter of intent as to Town-owned property, pursuant to Sections 2.2-3811. A.3 and A.5 of the Code of Virginia, the discussion of 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; and concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.*

*(2) Pursuant to Sections 2.2-3711. A. 7 and A. 8 of the Code of Virginia, regarding the Afton Inn, the Town's lawsuit against the Economic Development Authority and Jennifer McDonald, Jennifer McDonald's Bankruptcy, consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel*

Vote: Yes – Councilmen Cockrell, Gillispie, Lloyd, McFadden, Meza & Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

*Councilman Gillispie moved, seconded by Councilman Meza, that the Mayor and Council certify that to the best of each member's knowledge, as recognized by each Mayor and 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 the Mayor and Council, and that the vote of each individual member of the Mayor and Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.*

Vote: Yes – Mayor Holloway, Councilmen Cockrell, Gillispie, Lloyd, McFadden, Meza & Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

PRESENT: Mayor Holloway, Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, Meza, and Thompson, Town Manager Steven Hicks, Town Attorney Doug Napier, Deputy Clerk of Council Mary Ellen Lynn, Finance Director BJ Wilson, Planning and Community Development Director, Information Technology Director Todd Jones, members of the public and press.

Approved by Town Council

Date: \_\_\_\_\_



## TOWN COUNCIL REGULAR MEETING MINUTES

January 25, 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](http://www.frontroyalva.com).

**Moment of Silence was led by Vice Mayor Cockrell**

**Pledge of Allegiance was led by Councilman McFadden**

**ROLL CALL PRESENT:** Vice Mayor Lori A. Cockrell  
Councilman Gary L. Gillispie  
Councilman E. Scott Lloyd  
Councilman Joseph E. McFadden  
Councilman Jacob L. Meza  
Councilman Letasha T. Thompson

**ABSENT:** Mayor Chris W. Holloway

**APPOINTED STAFF PRESENT:** Town Manager Steven W. Hicks  
Town Attorney Douglas W. Napier  
Clerk of Council Tina L. Presley (via remote)

**APPROVAL OF MINUTES** - *Councilman moved seconded by Councilman Lloyd that Council approve the Regular Council Meeting minutes of January 11, 2021 as presented.*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

### **RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC**

*(comments may be heard in their entirety on the Town's website by accessing video of the same date)*

Paul Gabbert, 1221 Valley View Dr, gave his comments regarding actual litigation, proposed Town Building Inspection Office, cutting of trees along Happy Creek, renaming a street after Donald Trump, appointment of the vice mayor, violations of Town Charter regarding non-partisan elections and signs for the hospital.

Karen Patton, Front Royal, voiced concern over not being able to obtain statistical information from law enforcement and social services regarding the children in homes where people have been arrested. She suggested that Council stop fighting amongst themselves and help the community improve lives.

Swift

**REPORTS****a. Report of Special Committee of Town Officials and Town Manager**

Town Manager Hicks advised that the Town Hall will re-open on February 1, 2021. The weather will determine whether Town Hall will close early or open late.

**b. Requests and Inquiries of Council Members**

Councilman Gillispie responded that the actual litigation mentioned earlier was turned over to the Virginia Municipal League (VML) the same day it was brought to Council's attention. He noted that he was at the polls on election days supporting all the candidates.

Councilman Thompson responded that the actual litigation mentioned was taken seriously. She explained that a Town Building Inspection Office is being considered due to not getting quick enough responses from the County. She noted that she did not see an engineering report pertaining to the cutting of trees along Happy Creek. She voiced her disagreement for renaming a street due to the hardship of residents of having to change their address. She advised that she was not caught off guard regarding the Vice Mayor appointment. She voiced concern over children passing away due to the widespread drug epidemic in our community. She suggested that the funds collected from a PILOT program with Valley Health could be used towards community efforts to assist everyone involved with the drug epidemic not just the ones who get arrested.

Councilman McFadden explained about the internal Building Inspections Office, noting that while he was on the Planning Commission a rental inspection ordinance was discussed but not approved; however, he explained that the building inspection office is an extension of that. He suggested that the community look at it as part of the Town's future by taking care of blighted buildings and not waiting on the County to take care of our problems. He suggested a monthly report with numbers and to place on a work session on what the council can do.

Councilman Lloyd acknowledged Ms. Patton's comments and assured the public that the naming of streets does not take priority over the drug epidemic in this community and apologized if that was the impression that the Council was giving. He voiced his sincere commitment to do whatever necessary to address it.

Councilman Gillispie advised that a committee has been formed in the community to combat the drug epidemic in Front Royal and Warren County. He noted that a number of agencies including law enforcement are trying to get ahead of this.

Vice Mayor Cockrell voiced appreciation to those who reached out to her and her family for the loss of her father last week.

**c. Report of the Mayor** – Due to Mayor Holloway being ill, there was no report. It was noted that the appointments would be made by the Mayor at the next meeting.

**PROPOSALS FOR ADDITION/DELETION OF ITEMS** – None

Councilman Meza moved second by Councilman McFadden to allow a gentleman to speak since he missed the time that allowed citizens to comment.

VOTE: unanimous (NO ROLL CALL)



Shaun O'Reilly voiced his delight that Council was proposing to name a street after Donald Trump.

#### CONSENT AGENDA ITEMS

A. FY21 Budget Transfer Release of Street Contingency Funds

*Council approved a FY21 budget transfer to release \$187,365.00 from the street fund contingencies and transfer funds to previously removed line items & street reconstruction for paving.*

B. Resolution to Increase Stipends for Boards/Commissions

*Council approved the Resolution pertaining to Amending Stipends for Planning Commission, Board of Zoning Appeals (BZA) and Board of Architectural Review (BAR) as presented.*

C. Authorization to Sell Excess Property through Private Sale

*Council authorized the sale of excess property (surplus Kendrick and Happy Creek Transformers) through private sale.*

D. Award for Legal Services including Bond Counsel for Upcoming I & I Abatement and Redundant Waterline Bond and Potential Bond Validation

*Council approved an award for legal services to Estes Law and Consulting, PLLC for a total amount not to exceed \$31,000.00, that includes \$12,500 for the completed services of bond counsel for the I & I Abatement bond, and \$13,500.00 for the redundant waterline bond, and a potential bond validation of \$5,000.00.*

E. FY21 Budget Amendment for Insurance Reimbursement

*Council approved a FY21 budget amendment totaling \$7,644.53 for insurance reimbursements to offset unexpected expenses incurred by the Town for structural and vehicle damages.*

*Councilman Meza moved seconded by Councilman Thompson that Council approve the consent agenda as presented.*

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

APPROVAL – Authorize to Advertise for Public Hearing for McKay Springs Property: Approval of Letter of Intent and Approval of Sales Process

*Councilman Thompson moved seconded by Councilman McFadden that Town Council authorize that a public hearing upon the question of the sale of the McKay Springs property be held after two (2) publications in a newspaper published or having general circulation in Front Royal be had. I further move that bids be received in accordance with Town Code 1-22. A. 1. and Va. Code § 15.2-2102.*

Councilman Meza commented that this was a great example of the Town and County working together.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

**CLOSED MEETING** – Personnel – Boards and Commissions (Urban Forestry Advisory Commission, Front Royal-Warren County Joint Tourism Committee and Board of Architectural Review)

**Motions to Go Into Closed Meeting**

Councilman McFadden moved second by Councilman Thompson I move that Council go into Closed Meeting for the purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific, public officers, appointees or employees of a public body, specific to the Urban Forestry Advisory Commission, the Front Royal-Warren County Joint Tourism Committee and the Board of Architectural Review, pursuant to Section 2.2.3711.A.1. of the Code of Virginia

Vote: Unanimous (NO ROLL CALL)

**Motion to Certify Closed Meeting at its Conclusion**

Councilman Gillispie moved seconded by Councilman Meza that the 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 the Council, and that the vote of each individual member of the Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Approved by Town Council

Date: \_\_\_\_\_



## Council Agenda Statement

Item # 8A

Meeting Date: February 8, 2021

**Agenda Item:** Budget Amendment/Intra-Fund Transfer for Purchase of Refuse Truck

**Summary:** As a result of the COVID-19 health pandemic the amount of solid waste disposed by Town of Front Royal residents has significantly increased. The increase in solid waste has put a strain on equipment which has resulted in an increase in mechanical failures of refuse trucks; as well as the need for making additional trips to the transfer station and installation of weights. The Town would like to purchase a new refuse truck using General Fund Balance reserves in the amount of \$181,204.00.

Council is requested approve a budget amendment and intra-fund transfer in the amount of \$181,204.00. Furthermore, Council is requested to award the amount of \$181,204.00 to Richmond Machinery for the purchase of a new refuse truck that will replace a truck in the existing fleet.

**Budget/Funding:** FY21 Budget Amendment

1000-3510110	General Fund Appropriated Funds Forward	\$181,204.00
9790-49019	General Fund Transfer to Refuse Fund	\$181,204.00
4203-3510105	Refuse Fund Transfer from General Fund	\$181,204.00
4203-47005	Refuse Motor Vehicles	\$181,204.00

**Meetings:** Work Session held February 4, 2021

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

**Proposed Motion:**

**Agenda Item:** I move that Council approve a budget amendment and intra-fund transfer in the amount of \$181,204.00. I further move to award the amount of \$181,204.00 to Richmond Machinery for the purchase of a new refuse truck that will replace a truck in the existing fleet.

Approved By: SWH

Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_

SWH





# Town of Front Royal, Virginia

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Purchasing, Department of Finance

## MEMORANDUM

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**Date:** January 12, 2021  
**To:** Tina Presley, Senior Executive Assistant  
**From:** Alisa Scott, Purchasing Manager  
**RE:** Request to add Consent Agenda item to Town Council's Regular Meeting

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Purchasing received a request from Fleet Maintenance to procure a 25 cubic yard rear load refuse collection truck. The procurement method used was competitive sealed bidding pursuant to the Virginia Public Procurement Act (VPPA). On Tuesday, January 5<sup>th</sup>, 2021, I held a bid opening and received three (3) bids.

Richmond Machinery is the lowest responsive and responsible bidder in accordance with the VPPA. Attached to this memo, is a memo from Don McPaters, Fleet Maintenance Director recommending the award to Richmond Machinery, as well as the bid tabulation.

Staff recommends that Council review and award \$181,204.00 to Richmond Machinery upon the successful delivery of the refuse truck.

Please add this consent agenda item to the next available Regular Town Council agenda.

Funding for this project will come from the following line items: 4203-47005.

Purchasing, Department of Finance  
102 E Main Street  
Front Royal, VA 22630  
Website: [www.frontroyalva.com](http://www.frontroyalva.com)  
Phone 540-636-6889

	RICHMOND MACHINERY & EQUIPMENT CO INC	Equipment Works Inc	Mid-Atlantic Waste Systems	Mid-Atlantic Waste Systems
Lot 1 : Lot 1				
1 - 25 CUBIC YARD REAR LOAD REFUSE COLLECTION TRUCK	\$181,204.00	\$201,747.00	\$216,100.00	\$218,600.00
Total For Lot 1 : Lot 1	\$181,204.00	\$201,747.00	\$216,100.00	\$218,600.00
Total Bid	\$181,204.00	\$201,747.00	\$216,100.00	\$218,600.00



## Council Agenda Statement

Item # 8B

Meeting Date: February 8, 2021

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**Agenda Item:** Initiating Resolution for Zoning Text Amendments, Apartments, C-2 District

**Summary:** Council and staff previously discussed proposed changes in the C-2 Downtown Business District zoning regulations to make apartment use and other multi-family dwelling use more attainable by allowing a greater number of multi-family units by right and providing Council with greater flexibility in the permitting of apartments by special use permit. Town Council can initiate the formal process to amend the regulations of the Zoning Ordinance as described above by adoption of a resolution as required by 15.2-2286 of the Code of Virginia. Attached is an initiating resolution for the described proposed amendments. If adopted by Council, the ordinance amendments will be prepared and forwarded to the Planning Commission for public hearing and recommendation at their March 17, 2021 meeting to be followed by public hearing and action by Council.

**Budget/Funding:** N/A

**Meetings:** Work Session held January 19, 2021

*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 Council adopt a Resolution to formally initiate proposed text amendments to the use regulations of the Front Royal Zoning Ordinance, C-2 Downtown Business District, pertaining to the permitting of apartments and multi-family dwellings, as presented.

Approved By: SwH

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Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_

SwH



## RESOLUTION

### **A RESOLUTION INITIATING PROPOSED TEXT AMENDMENTS TO THE REGULATIONS OF THE FRONT ROYAL ZONING ORDINANCE PERTAINING TO THE PERMITTING OF APARTMENTS AND MULTI-FAMILY DWELLINGS IN THE C-2 DOWNTOWN BUSINESS DISTRICT**

**WHEREAS**, the Town of Front Royal has a downtown business district that is central to the historic, social, and economic identity of the Town and its future prosperity; and,

**WHEREAS**, the unique nature and existing physical development of the downtown district warrants its own zoning district with regulations tailored to promote the complementary coexistence of historical preservation and new development; and,

**WHEREAS**, it is increasingly recognized that a thriving and successful downtown means more than just being a place that is an attractor of businesses and visitors, but also a place where people choose to live and reside.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Front Royal, Virginia, in the furtherance of promoting the public necessity, convenience, general welfare, and for good zoning practice does hereby initiate amendments to the by-right and special use permit regulations of the C-2 District pertaining to apartments and other multi-family dwelling uses to increase administrative permitting opportunities and greater flexibility in special use permitting to promote residential life as part of a successful and sustainable downtown development strategy.

**BE IT FURTHER RESOLVED**, that staff prepare an Ordinance to amend the by right and special use permit regulations of the C-2 District as required and otherwise deemed appropriate to best accomplish these public purposes and that such Ordinance be forwarded to the Planning Commission as soon as practical for required public hearing and the transmittal of a recommendation for consideration by this Council.

Adopted this 8<sup>th</sup> day of February 2021.

APPROVED:

\_\_\_\_\_  
Chris W. Holloway, Mayor

Attest:

\_\_\_\_\_  
Tina L. Presley, Clerk of Council

Lori A. Cockrell	<u>Yes/No</u>
Letasha T. Thompson	<u>Yes/No</u>
E. Scott Lloyd	<u>Yes/No</u>

Gary L. Gillispie	<u>Yes/No</u>
Jacob L. Meza	<u>Yes/No</u>
Joseph E. McFadden	<u>Yes/No</u>

Approved as to Form and Legality:

\_\_\_\_\_  
Douglas W. Napier, Town Attorney

Dated: \_\_\_\_\_



**Town of Front Royal, Virginia  
Council Agenda Statement**

**Item # 8C**

**Meeting Date: February 8, 2021**

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**Agenda Item:** FY21 Budget Amendment for Bear Proofing Refuse Containers

**Summary:** Council is requested to approve a FY21 budget amendment in the amount of \$2,500.00 to receive funds from the Virginia Department of Wildlife Resource to be used for bear proofing refuse containers.

**Budget/Funding:**

4203-3310010	Solid Waste Grant Proceeds	- \$2,500.00
4203-47001	Solid Waste Machinery & Equipment	- \$2,500.00

**Meetings:** N/A

**Staff**

**Recommendation:** Approval \_\_\_\_\_ Denial \_\_\_\_\_

*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 Council approve a FY21 budget amendment in the amount of \$2,500.00 to receive funds from the Virginia Department of Wildlife Resource to be used for bear proofing refuse containers. I further move that Council authorize the Town Manager execute the agreement on behalf of the Town.

Approved By: Swift

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Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_

Swift



**Matthew J. Strickler**  
*Secretary of Natural Resources*

**COMMONWEALTH of VIRGINIA**  
*Department of Wildlife Resources*

**Ryan J. Brown**  
*Executive Director*

January 28, 2021

Robert B. Boyer  
Director of Public Works  
Town of Front Royal  
[rboyer@frontroyalva.com](mailto:rboyer@frontroyalva.com)

Dear Mr. Boyer:

Congratulations! The Virginia Department of Wildlife Resources is pleased to award \$2,500 through the Virginia BearWise Community Cost-Share Program for your project to bear proof trashcans. Fred Frenzel, DWR District Biologist, will be in touch to discuss this project.

Please find attached an agreement that will need to be completed and signed, first by you and then by DWR. Please complete all fields except the project number, sign the agreement, and return to DWR at [bearwise.va@dwr.virginia.gov](mailto:bearwise.va@dwr.virginia.gov). Once the agreement is fully executed by both parties, the transfer of funds will begin. Please expect a minimum of 30 days for the transfer of funds.

The DWR appreciates your engagement on human-bear conflict prevention in your community. If you have any questions regarding this program or your project, please do not hesitate to contact Fred Frenzel at [fred.frenzel@dwr.virginia.gov](mailto:fred.frenzel@dwr.virginia.gov) or me at [nelson.lafon@dwr.virginia.gov](mailto:nelson.lafon@dwr.virginia.gov).

Sincerely,

Nelson Lafon,  
Forest Wildlife Program Manager

Cc. Fred Frenzel





**VIRGINIA  
DEPARTMENT OF WILDLIFE RESOURCES  
BEARWISE COMMUNITY COST-SHARE AGREEMENT**

Project# \_\_\_\_\_

**THIS AGREEMENT** is between the COMMONWEALTH OF VIRGINIA DEPARTMENT OF WILDLIFE RESOURCES, hereinafter referred to as **"DWR"**, and \_\_\_\_\_ hereinafter referred to as **"Partner."** DWR hereby agrees to provide cost-share funds necessary to mitigate negative human-bear encounters on or within the PARTNER'S property. The Project described below is located at:

Project location Description \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ County \_\_\_\_\_

Partner Contact \_\_\_\_\_

Business Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_ BMU(s) \_\_\_\_\_

**SUBJECT TO THE FOLLOWING MUTUALLY AGREED UPON TERMS AND CONDITIONS:**

1. DWR shall provide funding in the amount of \_\_\_\_\_ to the Partner for the purpose of \_\_\_\_\_ (the "Project").
2. The Partner agrees to complete the Project by June 1 of the fiscal year in which the funds were received from DWR.
3. The Partner will fill out a Project Completion Summary Form (form will be provided to Partner by DWR) to DWR's BearWise Virginia Program on or before June 1, \_\_\_\_\_. Submit the Project Completion Summary Form to [bearwise.va@dwr.virginia.gov](mailto:bearwise.va@dwr.virginia.gov).
4. Once approved by DWR, the Project Summary Completion Form will serve as written documentation showing when the project was completed.
5. If the Partner anticipates the inability to complete the Project by the June 1<sup>st</sup> deadline, the Partner may request a time extension for the Project through a written request submitted to the BearWise Virginia Program ([bearwise.va@dwr.virginia.gov](mailto:bearwise.va@dwr.virginia.gov)) by May 15 of the current fiscal year. The request for extension must include a progress report with expected completion date, a description of delays or challenges encountered, and any remedial actions taken. DWR retains the right to deny further funding or decline to extend the deadline. If the deadline is not extended, the Partner is responsible for repaying all funds provided.
6. The Partner shall maintain the Project in good working order at the Project site for a period of five years from the date of Project completion. Should significant damage occur to the Project during the five years after Project completion, the Partner will repair or replace the Project as necessary to return the Project to working order at no cost to DWR.
7. DWR reserves the right to inspect the Project site during the five-year period after Project completion. If DWR notifies the Partner that the Project is not functioning properly, the Partner will work in good faith to repair the

Project within a reasonable time period as approved by DWR. Failure to make such repairs may result in a violation of Virginia Administrative Code 4VAC15-40-282 "Unauthorized Feeding of Bear", may result in DWR requiring that the Partner repay some or all of the funds provided for the Project, and disqualify the Partner from future funding from the Virginia BearWise Community Cost Share Program for a minimum of 1 year at DWR's discretion.

8. Special conditions and/or considerations granted under this agreement are as follows:
  - a. Unpreventable ingress of animals causing damage to the Project will be reviewed by DWR upon notice from the Partner, and DWR may assist on a case-by-case basis with corrective action.
  - b. If, within the first year after completion of the Project, the Partner reports damage to materials due to malfunction, DWR may choose to assist with repair or replacement of the Project subject to available funding and causation.
9. This agreement may only be modified or terminated by mutual written consent of authorized representatives of each party. Any termination of the contract before the five-year term or before completion of the Project will require the Partner to repay DWR in whole or part at DWR's discretion.
10. The Partner acknowledges that DWR is subject to the Virginia Freedom of Information Act (the "Act") (Va. Code § 2.2-3700 *et. seq.*) and that this agreement and other written materials and information pertaining to this agreement may be public records as defined by the Act.
11. Each party to this agreement is responsible for the negligent acts or omissions of its own employees and agents in the performance of this agreement. Neither party is the agent of the other party, and neither party assumes any responsibility on behalf of the other party for the consequences of any act or omission of a third person who is not a party to this agreement.
12. This agreement is based on the understanding that the DWR is a recipient of federal funds from the U. S. Fish and Wildlife Service and will not discriminate on the basis of gender, race, color, national origin, or disability in any of its programs, services, activities, or facilities. All programs of the DWR are subject to: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; and Title II of the Americans with Disabilities Act of 1990.
13. This agreement contains all of the terms and conditions agreed upon by the parties. No other understandings regarding the subject matter of this agreement shall be deemed to exist or to bind either of the parties hereto unless agreed to in writing by both parties.

The parties hereto have executed this agreement as below subscribed.

\_\_\_\_\_  
PARTNER's Signature

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
DWR Representative Signature

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
DWR Executive Management Signature

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
Date



**Town of Front Royal, Virginia  
Council Agenda Statement**

**Item # 8D**

**Meeting Date: February 8, 2021**

**Agenda Item:** Bid for Various Types of Concrete

**Summary:** Council is requested to approve a bid for various types of concrete from Rockingham Redi-Mix in various amounts as presented in the attached memo from the Purchasing Manager.

**Budget/Funding:** Funding has been budgeted for and is available for the following line items: 4102-45407; 4102-47907; 4102-47909; 4500-45407; 4500-45477

4203-3310010	Solid Waste Grant Proceeds	- \$2,500.00
4203-47001	Solid Waste Machinery & Equipment	- \$2,500.00

**Meetings:** N/A

**Staff**

**Recommendation:** Approval\_\_\_\_ Denial\_\_\_\_

**Proposed Motion:** I move that Council approve a bid for various types of concrete from Rockingham Redi-Mix in various amounts as presented in the attached memo from the Purchasing Manager.

Approved By: SwH

Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_

SwH





# Town of Front Royal, Virginia

Purchasing, Department of Finance

## MEMORANDUM

**Date:** January 29, 2021  
**To:** Tina Presley, Senior Executive Assistant  
**From:** Alisa Scott, Purchasing Manager  
**RE:** Request to add action item to Town Council Consent Agenda

Purchasing received a request from the Department of Public Works to competitively bid out firm fixed pricing on various types of concrete. New this year was requesting vendors agree to a 12-month contract with the option of four renewals on the anniversary date and negotiating vendor-requested price increases. Any subsequent price increases shall be approved by both parties and shall coordinate with the Bureau of Labor Statistics' Cost Performance Index (CPI) for Ready Mix Concrete Product Code 13330101.

On January 22, 2021 I recorded a bid opening and received two bids with Rockingham Redi-Mix, Harrisonburg, VA being the lowest responsive and responsible bidder on all of the various types of requested concrete.

Historical spending for this commodity reaches the requirement for Council review and award. Staff recommends awarding Rockingham Redi-Mix the contract for various mixes of concrete at the following prices:

<u>B Mix Concrete</u>	<u>\$115.00/cy</u>
<u>A Mix Concrete</u>	<u>\$117.00/cy</u>
<u>A-3 Mix Concrete, REGULAR SAND</u>	<u>\$118.00/cy</u>
<u>A-3 Mix Concrete, NATURAL SAND</u>	<u>\$120.00/cy</u>
<u>A-4 Mix Concrete, NATURAL SAND</u>	<u>\$123.00/cy</u>
<u>EXPOSED AGGREGATE MIX CONCRETE</u>	<u>\$150.00/cy</u>
<u>Short Load Fee (less than 5 cy)</u>	<u>\$100/load</u>

Purchasing, Department of Finance  
102 E Main Street  
Front Royal, VA 22630  
Website: [www.frontroyalva.com](http://www.frontroyalva.com)  
Phone 540-636-6889

Attached to this memo is a recommendation memo from Robbie Boyer, Public Works Director, and the bid tabulation. Please add this item to the consent agenda at Council's next available Regular Town Council Meeting.

Funding has been budgeted for and is available in the following line items: 4102-45407; 4102-47907; 4102-47909; 4500-45407; 4500-45477.

# Memo



## Town of Front Royal Public Works

**TO:** Alisa Scott, Purchasing Manager  
**FROM:** Robert Boyer, Public Works Director  
**CC:** Steve Scheulen, Infrastructure Manager  
**DATE:** January 25, 2021  
**RE:** Recommendation for concrete bid approval

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Public Works has reviewed the two bids received for the purchase of various types of concrete to be used by the Public Works Department for Town projects. We would recommend moving forward with the low bid from Rockingham Redi-Mix Inc. The Town has used their concrete for several years without any issues- their scheduling is always prompt and quality of the concrete has always been very good.

There is funding in the current budget. If you have any questions or need any further information just let me know.



	Rockingham Redi-Mix Inc	Titan Virginia Ready Mix
Lot 1 : Lot 1		
1 - B Mix Concrete	\$115.00	\$128.00
2 - A Mix Concrete	\$117.00	\$129.00
3 - A-3 Mix Concrete, Regular Sand	\$118.00	NO BID
4 - A-3 Mix Concrete, Natural Sand	\$120.00	\$133.00
5 - A-4 Mix Concrete, Natural Sand	\$123.00	\$141.00
6 - Exposed Aggregate Mix Concrete	\$150.00	\$161.00
7 - Short Load Fee (Load Less Than 5 CY)	\$100.00	\$125.00



**Town of Front Royal, Virginia  
Council Agenda Statement**

**Item # 8E**

**Meeting Date: February 8, 2021**

**Agenda Item:** FY21 Budget Amendment Donation from Norfolk Southern Foundation

**Summary:** Council is requested to approve a FY21 budget amendment in the amount of \$2,000.00 to receive funds from the Norfolk Southern Foundation's Local Discretion Grant Program to be used for community goodwill, diversity, and safety awareness.

<b>Budget/Funding:</b>	1000-3410001	General Fund Revenue Grant Proceeds	\$2,000
	1205-45447	Tourism Downtown Events	\$2,000

**Meetings:** N/A

*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 budget amendment in the amount of \$2,000 to receive funds from the Norfolk Southern Foundation's Local Discretion Grant Program to be used for community goodwill, diversity, and safety awareness.

Approved By: SWH

Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_

# LOCAL DISCRETION GRANT PROGRAM

NORFOLK SOUTHERN FOUNDATION

The Local Discretion Grant Program is a dedicated, Division-based small contributions program (\$1,000 - \$5,000) that helps promote community goodwill, diversity, and safety awareness at the local level. This program enables Norfolk Southern to enhance relationships with the communities in which our employees work and live, and allows local NS facilities and employees to take credit for good corporate citizenship. Local Discretion giving supplements rather than replaces the traditional funding programs of Norfolk Southern Foundation and enables Division representatives to personalize corporate contributions.

ALL QUALIFYING ORGANIZATIONS INTERESTED IN OBTAINING LOCAL DISCRETION GRANT FUNDING SHOULD MAKE CONTACT WITH THOSE LOCAL NS EMPLOYEES WITH WHOM THEY HAVE PROFESSIONAL AFFILIATIONS OR CONNECTIONS. NSF ENCOURAGES LOCAL DIVISION REPRESENTATIVES TO GIVE BACK TO THOSE ORGANIZATIONS WITH WHOM THEY HAVE WORKING RELATIONSHIPS AND PARTNERSHIPS. AS SUCH, NSF DOES NOT PROVIDE CONTACT NUMBERS FOR LOCAL DIVISION REPRESENTATIVES.

Local Discretion Grants are awarded only to eligible organizations located within Norfolk Southern Corporation territory. To be eligible, an organization must have IRS-designated 501(c)(3) status or be an IRS-designated 170(c) municipality entity (city, town, county etc.) or a department of such a municipal unit (i.e. fire department). Norfolk Southern Foundation greatly appreciates the work our first responders contribute to the community. Norfolk Southern values its relationship with first responders across our 22-state territory and established the Local Discretion giving program, in part, to recognize and support such groups.

Within the above mentioned restrictions, eligible organizations typically would include:

- Volunteer fire and EMS services, municipal fire, police, and EMS departments or other first-responder units or organizations that may assist the railroad
- Educational organizations that provide literacy assistance and safety awareness
- Certain community service organizations that promote community development, health and welfare, and other social services, Examples: food banks, free clinics, homeless programs, etc.
- Environmental organizations that deal with land/air/water conservation issues that might relate to Norfolk Southern operations
- Arts & culture organizations providing programming open to the public (including libraries)

#### APPLICATIONS WILL NOT BE ACCEPTED FROM:

- Organizations not in the NS territory (must be served by Norfolk Southern to be considered)
- Organizations that do not have a 501(c)(3) or 170(c)(1) IRS letter
- Individuals or organizations established to help individuals
- Religious affiliated organizations
- Fraternal, social, military or veterans organizations
- Political or lobbying organizations
- Public or private elementary and secondary schools, & PTAs
- Fundraising events, telethons, races or benefits
- Amateur, civic, or professional Sports or athletic organizations, clubs or activities
- Community or private foundations, or other organizations that merely redistribute to other eligible organizations aggregated contributions
- Disease-related or health-focused organizations
- Mentoring programs
- Boy and Girl Scouts programs or similar organizations
- Animal organizations
- Non-US based charities & initiatives
- Organizations whose programs have an international and/or national scope
- Civic leagues
- Referral or consulting agencies and organizations

PLEASE DO NOT SUBMIT LOCAL DISCRETION GRANT APPLICATIONS DIRECT TO THE NS FOUNDATION

THE FUNDING FOR THIS PROGRAM IS DISCRETIONARY AND BASED ANNUALLY ON NS FOUNDATION BUDGET

#### FOR MORE INFORMATION

If you have general questions concerning the NSF Local Discretion Grant Program, please contact Katie Fletcher, Executive Director at the NS Foundation office via phone at 757.629.2881 or via email at [katie.fletcher@nscorp.com](mailto:katie.fletcher@nscorp.com).

NSF LOCAL DISCRETION GRANT GUIDELINES







## Council Agenda Statement

Item # 9

Meeting Date: February 8, 2021

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**Agenda Item:** PUBLIC HEARING – Ordinance Amendment to Town Code Chapter 4-1, 4-4 and 4-19 *(1<sup>st</sup> Reading)*

**Summary:**

Council is requested to affirm on its first reading an ordinance to amend Town Code Chapter 4-1, 4-4 and 4-19. If approved on its second reading Council will have two meetings per month (one work session and one regular meeting) a month, ordinances will require only one reading instead of two and the order of business will allow a quorum of Council to decide the order of business during their first meeting in January for the upcoming year. If approved on the second reading the order of business for calendar year 2021 will be determined at Council's meeting in March.

**Budget/Funding:** None

**Meetings:** Work Sessions held January 4 and January 19, 2021

**Proposed Motion:** I move that Council affirm on its first reading an ordinance to amend Chapter 4-1, 4-4 and 4-19 as presented.

Approved By: 

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Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_

**ORDINANCE TO AMEND FRONT ROYAL TOWN CODE CHAPTER 4 PERTAINING  
TO CHAPTER 4-1 TIME OF MEETINGS, CHAPTER 4-4 READING AND  
PUBLICATION OF ORDINANCES AND CHAPTER 4-19 ORDER OF BUSINESS**

**WHEREAS**, the Front Royal Town Council is requesting to amend Sections of Town Code Chapter 4 Administration of Government that pertains to the time of Council meetings, reading of ordinances and order of business; and,

**WHEREAS**, if approved Town Council will have one Regular Meeting per month and one Work Session per month; Ordinances will require only one reading and the order of business will allow a quorum of Council to decide the order of business during their first regular meeting in January for the upcoming year:

**WHEREAS**, upon approval Town Council may decide the order of business during their next regular meeting in March 2021 for the year 2021 and future Councils will decide the order of business during their regular meeting in January for the upcoming year; and,

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

**4-1 TIME OF MEETINGS**

A. The Council shall hold ~~one its~~ regular meetings in the Warren County Government Center on the ~~second and~~ fourth Mondays of each month at 7:00 p.m.; provided however, ~~that there shall be only one (1) such~~ the regular meeting in the month of December of each year, ~~and it~~ shall be on the second Monday of that month, held as the same time and in the same place.

B. In the event that a regular Town Council meeting shall fall on a date designated as a Town holiday, then the regular Council meeting shall be held on the following day (Tuesday) at 7:00 p.m. with location being in the Warren County Government Center or Town Hall whichever is available.

C. In the event that a regular Town Council meeting cannot be conducted at the regular time or location due to circumstances beyond the Town's control, the alternative meeting date shall be the following Monday at 7:00 p.m. in the Warren County Government Center or Town Hall whichever is available.

**D. The Council shall hold one work session in the Town Hall on the second Monday of each month at 7:00 P.M.; provided the work session in the month of December of each year shall be on the first Monday of that month, held as the same time and in the same place. In the event that a work session cannot be held due to circumstance beyond the Town's control the Council has the option to cancel the work session or reschedule the work session to another date and time.**



#### 4-4 READING/PUBLICATION OF ORDINANCES & EMERGENCY ORDINANCES

A. The Clerk of Council shall, upon receipt of ordinances requiring a public hearing, cause such publication as legally prescribed. The public hearing shall be scheduled for the first available meeting after the completion of the publication requirements.

B. Ordinances, ~~except routine or emergency measures,~~ shall be adopted at the first reading. ~~read at two (2) separate meetings of the Council and may be enacted at the second reading.~~ Ordinances may be read by title only and not verbatim.

~~C. Ordinances which receive an affirmative vote following the first reading shall be read at a separate meeting of Council. The affirmative vote following the first reading shall be a non-binding vote.~~

D. **C.** Ordinances which fail to pass during the first reading of Council, shall fail at that time and shall not be placed on a subsequent meeting agenda for twelve months unless one of the following occurs: (1) there is a change in the membership of Council, (2) one councilmember who initially voted against the ordinance concurs with its placement on the agenda, (3) an ordinance that was defeated for the lack of a second is again placed on the agenda with the concurrence of any councilman who did not make the initial motion for approval.

~~E. Ordinances which Council has deemed are of a routine or emergency nature may be adopted at the first reading provided upon the concurrence of four (4) members of the Town Council, who vote to waive the second reading requirement and pass the item on its first and final reading.~~

F. **D.** Emergency ordinances shall take effect immediately upon their passage. An emergency ordinance is an ordinance passed by the Council for the immediate preservation of the public peace, property, health, welfare, safety or morals. No ordinance granting, enlarging or affecting any franchise or amending or repealing any ordinance fixing any property tax rate or assessment shall be an emergency ordinance. Ordinances pertaining to the appropriating of money or levying taxes or licenses, or reconsideration of matters at special meetings shall be considered as provided in Town Charter Section 13.

#### 4-19 ORDER OF BUSINESS; PLACEMENT/APPROVAL OF ITEMS ON AGENDAS

##### A. ORDER OF BUSINESS

~~1. At every regular meeting of the Council, the order of business shall be as follows:~~

~~Pledge of Allegiance~~

~~Moment of Silence~~

~~Roll Call~~

~~Approval of the Minutes of previous meetings~~

~~Receipt of Petitions and/or correspondence from the public~~

~~Reports~~

~~—— a. Report of Special Committees or Town Officials and Town Manager.~~

~~—— b. Requests and Inquiries of Council members.~~

~~—— c. Report of the Mayor~~



~~— d. Proposals for addition/deletion of items to the Agenda.~~

~~Consent Agenda Items:~~

~~Items for Approval:~~

~~Closed Meeting items (if applicable)~~

1. At the first regular meeting of Town Council, Town Council, by majority vote of a quorum of all members of Council, shall decide upon the order of business for all regular meetings of Town Council for that upcoming calendar year. The order of business shall be reduced to writing and certified by the Mayor and Clerk of Town Council.
2. The order of business shall not be departed from except by the consent of two-thirds (2/3) of the members of the Council present and voting.
3. Items which appear under the heading "Consent Agenda items" are intended to be routine business items which are not subject to individual debate or discussion, but are, instead, voted on as a group. However, at the time the presiding officer announces that the Consent Agenda portion of the order of business has been reached, any member of Council may request that any individual items or items may be removed from the Consent Agenda, and such item or items shall, thereafter, become the first item or items considered under the "Items for Approval" portion of the order of business.
4. At every work session meeting of the Council, the order of business shall be determined by the Mayor, or in his absence, the Vice Mayor.

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  
E. Scott Lloyd        ☐ Yes ☐ No

Jacob L. Meza            ☐ Yes ☐ No  
Letasha T. Thompson    ☐ Yes ☐ No  
Joseph E. McFadden     ☐ Yes ☐ No

A public hearing on the above was held on \_\_\_\_\_, having been advertised in the Northern Virginia Daily on January 23 and 30, 2021.

Approved as to form and legality:

\_\_\_\_\_  
Douglas W. Napier, Town Attorney

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_



## Council Agenda Statement

Item # 10

Meeting Date: February 8, 2021

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**Agenda Item:** APPROVAL – COVID-19 Municipal Utility Relief Program Amended Agreement with Warren County

**Summary:** The Commonwealth of Virginia Department of Housing and Community Development has extended the deadline for the COVID-19 Municipal Utility Relief Program. Council is requested to approve an amended agreement for the COVID-19 Municipal Utility Relief Program with the County of Warren; extending the agreement from December 30, 2020 until December 31, 2021.

**Budget/Funding:** 1000-3310010 General Fund Revenue Grant Proceeds  
9790-45417 General Fund Contingencies COVID Expense

**Meetings:** December 14, 2020

**Staff**

**Recommendation:** Approval\_\_\_\_ Denial\_\_\_\_

**Proposed Motion:** I move that Council approve an amended agreement with COVID-19 Municipal Utility Relief Program with the County of Warren, extending the agreement to December 31, 2021. I further move that Council authorize the Mayor to sign the amended agreement.

Approved By: Switt

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Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_



Ralph S. Northam  
Governor

R. Brian Ball  
Secretary of  
Commerce and Trade

## COMMONWEALTH of VIRGINIA

DEPARTMENT OF  
HOUSING AND COMMUNITY DEVELOPMENT

Erik C. Johnston  
Director

### Memorandum

To: Municipal Utility Directors; and City, County, and Town Chief Administrative Officers  
From: Erik Johnston, Director, Virginia Department of Housing and Community Development  
David Von Moll, Comptroller, Virginia Department of Accounts  
Date: January 11, 2021  
Re: Deadline extension for (1) return of CRF to DOA and (2) submission of required certification and certification addendum

This memo is to inform you that **the previously established deadline of February 19, 2021, for returning any unspent funds as part of the COVID-19 Municipal Utility Relief Program has been extended to December 31, 2021.**

**Additional deadlines related to the administration of this program are contained in this memo, so please carefully read through this memo in its entirety.** We also encourage all participating municipal utilities and their partner city or partner county (where applicable) to print and retain a copy of this memo for their records.

Item 5 of the original certification contained the following language:

Any funds that are not expended or that will not be expended on necessary expenditures incurred before December 30, 2020, by the municipal utility or its grantee(s), must be returned to Commonwealth of Virginia no later than January 29, 2021, and that the Commonwealth of Virginia is entitled to invoke State Aid Intercept to recover any such unexpended funds.

The Virginia Department of Housing and Community Development (DHCD) and the Virginia Department of Accounts (DOA) hereby affirm and attest that any existing or future certification containing the previous language referenced above shall be interpreted and enforced as if the new due date of December 31, 2021, was in the certification language. Accordingly, Item 5 for any existing and future certification that is reviewed and approved by DHCD with subsequent distribution by DOA, shall now read and/or be interpreted as follows:

Any funds that are not expended or that will not be expended on necessary expenditures incurred before December 31, 2021, by the municipal utility or its grantee(s), must be returned to Commonwealth of Virginia no later than December 31, 2021, and that the Commonwealth of Virginia is entitled to invoke State Aid Intercept to recover any such unexpended funds.

We encourage any municipal utility and partner city or county that has not yet submitted their certification through the certification portal to update the language in item 5 to reflect the December 31,



2021, date; however, submissions that contain the old date are still sufficient and shall be interpreted and enforced in accordance with this new date.

Please note that the December 31, 2021, deadline for returning unspent funds shall also function as the end of the "covered period" for which eligible arrearages may be addressed. **Accordingly, for purposes of the COVID-19 Municipal Utility Relief Program, the "covered period" will now cover the period of March 1, 2020, to December 31, 2021.**

Finally, as it relates to receiving your utility's award amount that was reflected in the December 7, 2020, award letter, **you are required to submit your complete, signed certification and certification addendum to DHCD through the certification portal no later than 5:00 p.m. on Tuesday February 16, 2021, in order to receive your funds.** The certification portal can be accessed at the following link:

<https://survey.alchemer.com/s3/6053803/COVID-19-Municipal-Utility-Relief>

**AMENDED AGREEMENT FOR THE USE OF  
FEDERAL CARES CORONAVIRUS RELIEF FUNDS**

**THIS AGREEMENT for the Use of Federal Cares Coronavirus Relief Funds (the “Agreement”)**, made this \_\_\_\_ day of \_\_\_\_\_, 2020 by and between the County of Warren, a political subdivision of the Commonwealth of Virginia, (herein after referred to as the “County”) party of the first part, and the Town of Front Royal, a political subdivision of the Commonwealth of Virginia, (hereinafter referred to as the “Town”) party of the second part;

**WITNESSETH:**

**WHEREAS**, the United States Congress passed, and the President signed the *Coronavirus Aid, Relief and Economic Security (“CARES”) Act of 2020* (the “Act”); and,

**WHEREAS**, the Act provided funding for a number of different programs to address the COVID-19 pandemic; and,

**WHEREAS**, a primary component of the Act is the provision of \$150 billion in assistance to state, local, territorial and tribal governments for the direct impact of the COVID-19 pandemic through the establishment of the Coronavirus Relief Fund (“CRF”); and,

**WHEREAS**, the Town has been notified that it has been awarded federal Coronavirus Aid, relief, and Economic Security Act (CARES Act) funds pursuant to the Appropriation Act mandated State Corporation Commission application process in the amount of \$88,109.00 to assist with municipal utility customer relief for all eligible customers of Town of Front Royal, and

**WHEREAS**, expenditure of the funds is subject to be used only for qualifying expenses as defined by the COVID-19 Municipal Utility Relief Program, the expenditure of the funds will be audited and any funds expended for purposes other than as provided by the Act will have to be repaid and returned to the Commonwealth of Virginia; and,

**WHEREAS**, the parties hereto wish to confirm that the expenditure of the funds from CRF is limited to the uses established in the COVID-19 Municipal Utility Relief Program and that the funds distributed to the Town will be subject to refund and return by the Town and not by the County;

**NOW THEREFORE THE PARTIES HERETO DO HEREBY AGREE AS  
FOLLOWS:**

- 1) That the County will distribute to the Town the sum of \$88,109.00 from the CRF funds distributed to the County, contingent upon the Town using such funds for expenses that are reimbursable under the COVID-19 Municipal Utility Relief Program, upon the Town providing the Certification for Receipt of Coronavirus Relief Fund Payments document to the County, and that the Town comply with all other applicable laws and County requirements concerning the expenditure of the funds,. County will issue funds to the Town or provide written explanation if funds are not reimbursable, within ten (10) days upon receipt of documentation of expenses.
- 2) That the funds distributed to the Town by the County may only be used for the direct costs associated with the COVID-19 Municipal Utility Relief Program, as those expenses qualify and as defined and limited by the Program. These are specifically limited to costs that:
  - a) assist municipal utility customers experiencing economic hardship due to the COVID-19 pandemic;
  - b) utility customers that attest of the COVID-19 economic hardship
  - c) Arrearages owed by eligible customers owed from March 1, 2020 through December 30, 2020
  - d) funds may only be used to provide direct assistance to customer accounts over 30 days in arrears during the March 1, 2020 through December 30, 2020
  - e) Up to 5% of the allocation may be used for direct administrative costs to support management of relief program.

The Town shall refrain from providing dual benefit to customers who have already received some level of assistance through other existing programs funded by the CARES Act for the same months of arrearages.



- 3) That the Town shall keep, maintain and provide to the County all necessary documentation to ensure compliance with the federal, state and County requirements.
- 4) Except as otherwise provided herein, distribution by the Town is at its sole risk. Except as otherwise provided herein, should the appropriate federal or state authorities determine that the Town improperly expended such funds for purposes that do not qualify under the Act the Town must promptly return and repay the amount of the funds subject to the improper expenditure to the County. The County shall not be required to appeal or contest any determination by the federal or state authorities that such funds were improperly expended, unless the Town requests the County to appeal or contest such determination by the federal or state authorities that such funds were improperly expended, in which case the Town will assume all costs, expenses, and risks of such appeal, and will hold the County harmless from same.
- 5) Should the Town not incur costs for all of the Town's distribution of CRF funds on or before ~~December~~ November 30, 2020~~1~~, the Town shall promptly return such funds to the Commonwealth. The Town shall fully comply with all requirements of the Act and fully cooperate with the County, the Commonwealth of Virginia, and the United States of America in the use of the Town Distribution, including any and all audits.
- 6) Except as otherwise provided herein, the parties agree that the Town shall reimburse the County within ten (10) days of request from the County for any expenditure of funds by the County necessitated by the failure of the Town to fully comply with this Agreement, with the Act, or incurred as a result of an allegation or inquiry by the state or federal government that the Town failed to comply with the Act, including any costs, such as audit fees, attorney's fees, or other expenses and any amounts that the County may be required to refund because of the violation by the Town of the Act or the improper expenditure of the Town Distribution. If

such reimbursement is not provided within ten (10) days of such request, interest at the judgment rate shall be paid by the Town to the County.

- 7) In order to secure repayment of any amounts due hereunder to be reimbursed to the County by the Town, the Town agrees that any amount due hereunder, if not paid within ten (10) days of notification and request to pay, may be withheld by the County from any funds due the Town which passes through the County or the office of the County Treasurer. This may include sales taxes, real estate taxes, personal property taxes, court fines and fees, septage fees, state or federal revenues, or any other funds of any kind or character which the County Treasurer collects on behalf of the Town and remits to the Town, or which the County possesses for any period of time. Furthermore, the Town agrees that any amount due hereunder, if not paid within ten (10) days of notification and request to pay, may be withheld by the County from any funds due the Town from the County under any agreement between the County and the Town now in existence or to be agreed to in the future, including but not limited to all amounts owed under the Amendment to Voluntary Settlement Agreement Between the County of Warren, Virginia, and the Town of Front Royal, Virginia, Regarding the Compromise for Pilot Meals and Lodging Taxes dated April 11, 2018.
- 5) In the event that any State or Federal authority finally determines that the County owes money as a result of actions of the Town in violation of this Agreement, the Town waives its right to and agrees not to assert any defense of statute of limitations, laches or any other time related defense. The parties agree that the remedies provided in this Agreement are not exclusive, and that the County preserves all causes of action against the Town related to the Town Distribution.
- 6) Any dispute concerning the performance or interpretation of this Agreement must be adjudicated in the General District or Circuit Courts of Warren County, Virginia, unless this matter has been removed by the United States of America or the Commonwealth of Virginia to the Federal Courts, in which case the matter may be adjudicated there.
- 7) This Agreement constitutes the entire understanding and agreement among the parties with respect to the matters set forth herein and/or therein and supersedes all

prior or contemporaneous understandings or agreements among the parties with respect to the subject matter hereof, whether oral or written.

- 8) If any provision of this Agreement is invalid, illegal or unenforceable, the balance of this Agreement remains in full force and effect. If, however, the provision of the Agreement held invalid, illegal or unenforceable is material to the whole Agreement then the entire Agreement is of no force or effect, unless the parties otherwise unanimously agree in writing.
- 9) This Agreement constitutes a fully negotiated agreement among sophisticated parties, with the assistance of legal counsel, and must not be construed and interpreted for or against any party thereto.

This Agreement has been duly authorized and approved by the Town Council of the Town of Front Royal and the Board of Supervisors of Warren County and the Chairman of the Board and the Mayor of the Town are authorized to execute the same.

**WITNESS** the following signatures:

\_\_\_\_\_  
Mayor  
Town of Front Royal, Virginia

\_\_\_\_\_  
Chairman  
Board of Supervisors of  
Warren County, Virginia

***[SIGNATURES OF CLERK AND OF COUNSEL NEXT PAGE FOLLOWING]***

Attest:

Attest:

\_\_\_\_\_  
Tina Presley, Clerk of Town Council

\_\_\_\_\_  
Emily Ciarrocchi, Clerk of Board of Supervisors

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
Douglas W. Napier, Town Attorney

\_\_\_\_\_  
Jason J. Ham, County Attorney





## Council Agenda Statement

Item # 11

Meeting Date: February 8, 2021

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**Agenda Item:** Memorandum of Agreement (MOA) and Budget Amendment for Wayfinding Signs Procurement with Warren County Approval

**Summary:** The Town of Front Royal has issued an Invitation for Bids to procure wayfinding signs within the Town limits and within Warren County limits. The proposed Memorandum of Understanding (MOA) authorizes the Town Manager to approve the award on behalf of Town Council and defines the method of payment to accept funds from Warren County for the procurement of their signs. Council is requested to approve and authorize the Mayor to execute the attached MOA with the County of Warren that authorizes the Town Manager to approve the award for wayfinding signs. Council is also requested to approve a budget amendment to receive funds from Warren County for the procurement of Warren County signs.

**Budget/Funding:**

9130-3410209	Special Projects Fund Revenue Reimbursement	\$104,000.00
9130-47019	Special Projects Fund CDBG Wayfinding Signs	\$104,000.00

**Meetings:** None

**Proposed Motion:** I move that Council approve and authorize the Mayor to execute the Wayfinding Signs Memorandum of Agreement (MOA) with Warren County that authorizes the Town Manager to approve the award for wayfinding signs on behalf of Council. I further move that Council approve a budget amendment in the amount of \$104,000.00 to receive funds from Warren County for the procurement of Warren County signs.

Approved By: Swift

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Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_

# Memorandum of Agreement

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*Of the Board of Supervisors of Warren County  
And the Town Council of Front Royal*

## **FRONT ROYAL–WARREN COUNTY WAYFINDING SIGNS AWARD**

This **MEMORANDUM OF AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, 2020 by and between the **Town Council of the Town of Front Royal, Virginia**, hereinafter referred to as the “Town”, and the **Board of Supervisors of the County of Warren, Virginia**, hereinafter referred to as the “County”, collectively hereinafter referred to as the “Parties”, stipulates that the County and the Town agree to the following:

### **I. PURPOSE**

The Parties contracted with Frazier & Associates to procure the services of wayfinding sign designs and construction intent documents as a deliverable. Upon design approval, the Town issued a competitive sealed bid, or Invitation for Bid (IFB) to fabricate the signs and procure all mounting hardware and posts for the trailblazing signs on behalf of the Parties.

Now the Parties desire to contribute financially to the lowest, responsive, and responsible bidder in accordance with the Virginia Public Procurement Act (V.P.P.A.) to their respective signs. The Town’s Purchasing Manager will provide an award recommendation to both Parties. The Town will move forward with the procurement of both parties’ signs contingent upon approval from the County.

The Parties wish to enter into a new Memorandum of Agreement to define the method of payment and to give authority to the Town Manager to approve the award due to the urgency required to spend Community Development Block Grant (CDBG) funding of \$104,000.00.

### **II. DEFINITIONS**

*Competitive sealed bidding* – is the method of contractor selection set forth in Va. Code § 2.2-4302.2.

*Responsible bidder* – is the person who has the capability, in all respects, to perform fully the contract requirements and the moral and business integrity and reliability that will assure good faith performance, and who has been prequalified, if required.

*Responsive bidder* – means a person who has submitted a bid that conforms in all material respects to the Invitation to Bid.

### **III. OBLIGATIONS**

The Town of Front Royal shall:

1. Issue the competitive sealed bidding on behalf of the Parties.
2. Recommend the lowest responsive and responsible bidder to the Parties.
3. Town Manager shall approve award on behalf of Town Council.
4. Issue the purchase order and receive the products on behalf of the Parties.
5. Inspect both Parties signs to assure specifications within the IFB have been met.
6. Pay all invoices and issue an invoice to the County for their wayfinding trailblazing signs.

The County of Warren, Virginia shall:

1. Pay all invoices from the Town for the County's wayfinding trailblazing signs.



**FOR THE COUNTY OF WARREN, VIRGINIA**

\_\_\_\_\_  
Cheryl L. Cullers, Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Dr. Edwin C. Daley, Interim County Administrator

Approved by the Front Royal Town Council on the \_\_\_\_ day of \_\_\_\_\_, 2021.

**FOR THE TOWN OF FRONT ROYAL, VIRGINIA**

\_\_\_\_\_  
Chris W. Holloway, Mayor, Town of Front Royal

Attest:

\_\_\_\_\_  
Tina L. Presley, Clerk of Town Council

Approved as to Form:

\_\_\_\_\_  
Senior Assistant County Attorney, County of Warren, Virginia

\_\_\_\_\_  
Douglas Napier, Town Attorney, Town of Front Royal



## Council Agenda Statement

Item # 12

Meeting Date: February 8, 2021

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**Agenda Item:** CLOSED MEETING – Personnel and Consultation with Legal Counsel

### Motion to Go into Closed

I move that Town Council go into Closed Meeting pursuant to Sections 2.2-3711. A. 1. and A. 8. of the Code of Virginia, respectively, to discuss the following:

- (1) The discussion, consideration, or interviews of the assignment, appointment, performance, or resignation of specific appointees of Town Council, specific to Boards and Commissions
- (2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically, disputed ownership of real property located on Hill Street in the Town of Front Royal in which the Town has a legal interest.

**Motion to Certify Closed Meeting at its Conclusion** *[At the conclusion of the Closed Meeting, immediately reconvene 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 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.

Approved By: \_\_\_\_\_

*SWH*

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Moved \_\_\_\_\_ Seconded \_\_\_\_\_

Vice Mayor Cockrell \_\_\_\_\_ Gillispie \_\_\_\_\_ Lloyd \_\_\_\_\_ McFadden \_\_\_\_\_ Meza \_\_\_\_\_ Thompson \_\_\_\_\_