



## REGULAR TOWN COUNCIL MEETING

Monday, March 22, 2021 @ 7:00pm in Warren County Government Center

*Due to Executive Order #72 (Amended 2/24/21) and Order of Public Health Emergency Nine, Common Senses Surge Restrictions, Certain Temporary Restrictions due to COVID-19 from Governor Northam there is limited seating*

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES –Work Sessions of 2/16 & 3/8, Regular Meeting of 2/22 & Special Meeting of 3/1
5. ADDITION/DELETION OF ITEMS
6. RECOGNITIONS/AWARDS – Pinning Ceremony of a Police Officer
7. PRESENTATIONS - None
8. PUBLIC COMMENTS (**COMMENTS NOT RELATED TO PUBLIC HEARINGS**)
9. PUBLIC HEARINGS
  - A. Rezone Approximately 2.1 Acres from R-1 Residential District to R-3 Residential District at Jefferson Avenue and Undeveloped Portion of Hillcrest Drive – Rockledge Development Co, LLC
  - B. Setting of 2021 Real Estate Property Tax Rate at \$0.13 per \$100.00 and Personal Property Tax Rate at \$0.64 per \$100.00 of Assessed Value Which Represents No Increase
10. REPORTS
  - a. Report of Town Manager
  - b. Report of Councilmembers
  - c. Report of the Mayor
11. CONSENT AGENDA ITEMS
  - A. Purchase of Radio Water Meters in the Amount of \$272,500.00
  - B. Resolution Requesting Department of Corrections to Schedule a Public Hearing for Proposed Lease of Office Space for Its Probation and Parole District #11 Sub Office at 842 N. Shenandoah Avenue
  - C. Proclamation for Sexual Assault Awareness Month
  - D. Installation of Curb and Gutter on Leach Street, Wines Street and Evelyn Court
  - E. Bid for Professional Annual Auditing Services
  - F. Budget Amendment for Contract Modification to Hydro-structures for Closed-Circuit Television (CCTV) Inspection of Sanitary Laterals
  - G. Laboratory Services for Water Treatment and Wastewater Treatment Plants
  - H. FY21 Budget Amendment/Intra-fund Transfer for CDBG Wayfinding Signs Project
12. BUSINESS ITEMS
  - A. Order of Business for Regular Council Meetings in 2021
13. CLOSED MEETING
14. POSSIBLE ACTION ON CLOSED MEETING ITEMS



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## TOWN COUNCIL WORK SESSION MINUTES

Tuesday, February 16th, 2021 at 6:30 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).

### Closed Meeting – Personnel, Actual Litigation and Consultation with Legal Counsel

*Vice Mayor Cockrell moved, seconded by Councilman Gillispie, that Town Council go into Closed Meeting pursuant to Va. Code Sections 2.2- 3711., in the following subsections indicated of that Code Section, to discuss the following matters:*

*(1) The disposition of publicly held real property, specifically the Afton Inn property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy 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. (A.3., A.8.)*

*(2) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, specifically, a lawsuit regarding Sections 6 .D. and 47 of the Town Charter, against the Town and a member of Town Council, and regarding a decision of Town Council denying a rezoning matter, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body.(A.7.)*

*(3) the purpose of assignment, appointment, promotion, performance, demotion, salaries, discipling, or resignation of specific, public officers, appointees or employees of a public body, specific to Boards and Commissions, pursuant to Section 2.2.3711.A.1. of the Code of Virginia*

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

No – N/A

Abstain – N/A

Absent – Councilmen Meza & Thompson

ROLL CALL

Councilman Meza joined the Closed Meeting at 6:57 P.M., followed by Councilman Thompson at 7:01 P.M.

*Vice Mayor Cockrell moved, seconded by Councilman Meza, that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia*



*Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.*

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

**Advertisement of 2021 Real Estate & Personal Property Tax Rate** – Finance Director, BJ Wilson, explained that the next fiscal year budget was built with no tax rate increase included. He noted that Real Estate and Personal Property Taxes can always be decreased from the advertised rates, but not increased. Councilman Meza wondered how long the Town had gone without an increase and recommended Town Staff include those statistics in the advertisement. Council all agreed to advertise both Real Estate and Personal Property taxes at the current rate.

**Utility Bill Presentation** – Customer Service Specialist, Tori Pugh, presented a Utility Bill Overview. It focused on the Town’s billing procedures, most recent rate increases, explanation of why utility consumption could be higher than normal and what citizens can do when faced with high bills. Council requested Town Staff advertise the Town’s Budget Plan.

**Rezoning Application for 2 Acres on Jefferson Avenue** – Planning and Community Development Director, Tim Wilson, brought forth a request from Rockledge Development to rezone a 2.1-acre parcel from R-1 Residential to R-3 Residential. If accepted the applicant would have the ability to construct duplex style homes on the property. Councilman Gillispie asked how many duplexes would be built. Mr. Wilson explained that the applicant had not yet decided on a specific development plan, but wanted to create affordable housing units to sell, not rent. Since the Planning Commission had already approved the application, Council agreed to move forward with the request.

**Proposed Amendment to Liaison Committee Policy** – Council all agreed to the proposed policy amendments as written.

**Pedestrian Crossing Signal at Warren Memorial Hospital** – Energy Services Director, David Jenkins, explained that he had been contacted by Valley Health, requesting the installation of a Pedestrian Crossing Signal at North Shenandoah Avenue and West 10<sup>th</sup> Street. Valley Health would purchase the device, which would be installed by the Energy Services Department and then become property of the Town of Front Royal. Councilman McFadden suggested the installation of additional signage to notify drivers of the upcoming crossing. Council gave Mr. Jenkins permission to move forward with the installation.

**Joint Towing Advisory Board Update** – Chief Magalis noted that Captain Ryman had filled a vacant position on the Joint Towing Advisory Board but required an official appointment from Council. Council all agreed to appoint Captain Ryman to the Board.

**Proposed Mask Ordinance** – Councilman Lloyd provided Council with a potential ordinance that would clarify the Governor’s Executive Order regarding masks. He explained that there was a lot of confusion in the community and that the adoption of an ordinance would benefit town citizens and employees.



Councilman Thompson stated she found the ordinance to be redundant and that Council should not interfere with the rights of business owners.

Councilman McFadden asked how Council could prevent the violation of the American with Disabilities Act (ADA). Councilman Thompson pointed out that most businesses offer alternative services such as curbside pick up and delivery. Councilman McFadden added that the adoption of an ordinance on the local level would be an opportunity to simplify and clarify the Executive Order. Councilman Lloyd agreed, adding that some businesses are clear on what is expected of them while others are not.

Councilman Meza asked Town Attorney Napier if it should be an ordinance or a resolution. Mr. Napier noted that the intent seemed 'more informative than punitive' and therefor would be best represented in the form of a resolution. Councilman Lloyd stated he would take Councils feedback and draft a resolution for Mr. Napier to review.

**Discussion Pertaining to a Proposed Medical Freedom Ordinance** – Councilman Lloyd noted that medical freedom in relation to the COVID-19 Vaccine was an 'area that the law had yet to articulate' and his hope was to 'get ahead of the trend' and be proactive. Councilman Thompson stated that she contacted the major local employers and none of them were requiring vaccination. Councilman Meza added his belief that local government should intervene as little as possible.

**Proposed COVID Seating Restrictions** – Councilman Lloyd explained that there had been criticism from members of the community that they were going beyond the requirements of the Executive Order when it comes to seating restrictions during Council Meetings and Work Sessions. He cited a recent Board of Supervisors Meeting that had social distancing inside the Board Room, yet the hallway was packed with people. Councilman Thompson suggested allowing families to sit together but still requiring some sort of spacing. Councilman Meza wondered if the intent was to open meetings completely or provide better guidelines that would allow for more seating capacity. He asked Mr. Napier if Council Meeting were exempt from the Executive Order completely. Mr. Napier stated that they were. He suggested the Town ask the County about removing the tape on the Board Room seats as a courtesy. Town Manager Hicks stated that he would discuss it with Interim Warren County Administrator, Ed Daley.

**Open Discussion** - Councilman McFadden stated he had been approached by citizens about the use of Solar Power, as well as the idea to implement a "Round Up Program" where utility payments could be rounded up and used as a donation for those in need.

Mayor adjourned the work session at 9:53 P.M.

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, Purchasing Manager Alisa Scott, Information Technology Director Todd Jones, members of the public and press.

Approved by Town Council

Date: -----





## TOWN COUNCIL REGULAR MEETING MINUTES

February 22, 2021 @ 7:00PM in Warren County Government Center

The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at [www.frontroyalva.com](http://www.frontroyalva.com).

### Moment of Silence

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

**ROLL CALL PRESENT:** Mayor Chris W. Holloway  
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

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

**APPROVAL OF MINUTES** – *Councilman Gillispie moved seconded by Councilman Meza that Council approve the Work Session Minutes of February 4 and Regular Council Meeting minutes of February 8, 2021 as presented.*

Vote: Yes –Unanimous

### **RECEIPT OF PETITIONS AND/OR CORRESPONDENCE FROM THE PUBLIC - NONE**

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

### **REPORTS**

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

Town Manager Hicks advised that the Gazebo Parking Lot would be closed on March 2<sup>nd</sup> to install the pavilion. He expressed his appreciation to Town Staff for the hard work during the snow removal. He announced that the Town received the Arbor Day Foundation Tree City 2020 Award and thanked Public Works Administrative Assistant Karen Williams and President of the Front Royal/Warren County Tree Stewards Melody Hotek for all their hard work to make this happen.

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

Councilman Meza stated that the pavilion would be a nice asset to downtown. Mr. Hicks advised that completion is expected around March 15, 2021.



Vice Mayor Cockrell asked Mr. Hicks to reach out to Interim County Administrator Daley to schedule an advance between the two entities to have a “meeting of the minds”.

Councilman Lloyd read the following portion of Stuart Bain’ parliamentary’s opinion Council received in early February regarding the appointment of Vice Mayor Cockrell. He asked that citizens contact him if they would like to see the entire opinion.

1. Were there were any irregularities in the appointment?
2. If there were any irregularities, what would have been the way to fix them?
3. Does the failure to address the irregularities during the meeting remove the opportunity to address it again?
4. Is there any actual value to re-doing the nomination in terms of improving its validity?
5. What should one do in the future if there are irregularities to be addressed?

For researching this opinion, I reviewed a link to the video recording of the meeting, an article from the Blue Ridge Herald questioning the manner of the Vice Mayor’s election, and the Town of Front Royal Municipal Code.

The Town of Front Royal Municipal code states in Section 4-6 that “*The proceedings of the Council, except as its own rules may otherwise provide, shall be governed by the rules of procedure described in Robert’s Rules of Order, 10th Edition*” I would be remiss in not advising you that the 10<sup>th</sup> Edition is no longer current. *Robert’s Rules of Order Newly Revised* is currently in its 12<sup>th</sup> edition. The current edition is meant to supersede previous editions. Page vii of the of the 12<sup>th</sup> edition states that *bylaws should be amended to prescribe “the current edition of Robert’s Rules of Order Newly Revised”* and includes a reference to example verbiage (RONR (12<sup>th</sup> ed.) 56:66). I highly recommend the Town Council act to amend the Town of Front Royal Municipal Code accordingly at its earliest opportunity to do so.

For the purposes of constructing this opinion, I will reference the current edition as I do not own a copy of *Robert’s Rules of Order Newly Revised 10<sup>th</sup> Edition*. While there may be differences between the two, I am confident that they are not so different as to impact the outcome of this opinion and would be happy to procure a copy of the 10<sup>th</sup> Edition to confirm if you deem it necessary.

For the first question, there were no irregularities in the appointment of the Vice Mayor. The method of appointment did not exercise the full breadth of methods available to the Town Council under *Robert’s Rules of Order* such as calling for nominations; however, it was a valid motion, received a second, and received the necessary votes to adopt. When electing officers, or adopting any motion, one of the most important parliamentary principles is that the will of the assembly be reflected in the outcome. In the case of the January 11<sup>th</sup> Vice Mayor’s appointment, a motion was made to appoint a specific member, and the motion was seconded and successfully adopted with four Council members voting in the affirmative and two Council members voting against. While it may be the custom of the Town Council to accept nominations for Vice Mayor, it is not necessary (RONR (12<sup>th</sup> ed.) 46:2).

For the second and fifth questions, when a member thinks that the rules of the assembly are being violated, they can make a *Point of Order* (RONR (12<sup>th</sup> ed.) 23) as an incidental motion. The chair of the assembly then determines whether or not the point of order is “well taken” or “not well taken” (or submits it to the assembly for decision) and can be overruled by a majority vote of the assembly if the chair’s ruling is appealed (RONR (12<sup>th</sup> ed.) 24). As for the timing of a *Point of Order*, it must be raised when the breach occurs (RONR (12<sup>th</sup> ed.) 23:5). Also note that if a member of an assembly is unsure as to whether or not a breach has occurred, the member can make a parliamentary inquiry of the chair (RONR (12<sup>th</sup> ed.) 33:3-5).

In relation to the election of the Vice Mayor, another option would have been to raise an *incidental motion* to specify the means of nomination (RONR (12<sup>th</sup> ed.) 31); however, this would only have been in order if it was made prior to the *main motion* that was made to elect the specific Council member. In lieu of a motion to specify the means of nomination, a Council member could also have nominated a member, thus implying the opening of nominations from the floor; however, the main motion to elect, not to nominate, the specific member was made instead.

For the third question, the failure to address the method of nominating or voting during the January 11<sup>th</sup> meeting precludes any further action on the matter.

As to the fourth question, there is no value in re-doing the nomination and election of the Vice Mayor. The motion to appoint the specific Council member was valid, seconded, and successfully adopted by a majority vote.

## c. Report of the Mayor – No Report



PROPOSALS FOR ADDITION/DELETION OF ITEMS – NoneCONSENT AGENDA ITEMS

A. Amendment to Liaison Committee Mission Statement and Policies

*Council approved the amendments to the Liaison Committee Mission Statement and Policies as presented, contingent upon the approval by the Warren County Board of Supervisors.*

B. Budget Amendment for Pedestrian Crossing Signal at Warren Memorial Hospital

*Council approved a budget amendment in the amount of \$4,753.26 to be reimbursed by Valley Health for the installation of a Pedestrian Crossing Signal in front of Warren Memorial Hospital at the intersection of 10th Street and Shenandoah Avenue. I further move that once installed the signal will become property of the Town and responsible for its maintenance and upkeep.*

C. Joint Town Advisory Board Appointment

*Council appointed Captain Jason Ryman to the Joint Towing Advisory Board to replace Sgt. Bryan Courtney to an unexpired term expiring June 25, 2022.*

*Councilman Gillispie moved seconded by Vice Mayor Cockrell that Council approve the consent agenda as presented.*

Vote: Yes – Unanimous

PUBLIC HEARING – Solicit input from the public to authorize the passage of an ordinance for the sale of the Town's portion of McKay Spring Property near the intersection of Reliance Road and Winchester Road and accept bids for the property.

No one spoke and the public hearing was closed.

*Vice Mayor Cockrell moved seconded by Councilman McFadden that Council approve the sale including an ordinance of the Town's portion of McKay Spring described as approximately 1.423 acres and located near the intersection of Reliance Road and Winchester Road to Boddie-Noell Enterprises, Inc. in the total amount of \$475,000.00.*

Councilman Gillispie stated that the Town has jointly owned this property for a number of years and it is finally becoming economic development.

Vice Mayor Cockrell confirmed that the Town will get their portion of the sale.

Mayor Holloway read the following into the record:

February 22, 2021

Steven Hicks  
Town Manager- Front Royal 102 E.  
Main Street  
Front Royal, Virginia 22630

*RE: McKay Springs, N/W Corner Reliance Rd & Winchester Rd, Warren County, VA*

Dear Mr. Hicks:



On behalf of Boddie-Noell Enterprises, Inc. we are pleased to provide the offer to purchase the property located at the subject intersection which consists of approximately 1.4253 acres for \$475,000.00. Boddie-Noell Enterprises, Inc. plans to develop and operate Hardee's restaurant as soon as it obtains its permits for its intended use. If you have any questions or comments, please do not hesitate calling my office 757-898-7890, cell 757-897-0994.

Sincerely,

Retail Advisors, Inc.

  
Rob Heaven  
Principal Broker

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

**APPROVAL** – Ordinance Amendment to Town Code Chapter 4-1, 4-4 and 4-19 (2<sup>nd</sup> Reading)

*Councilman Thompson moved seconded by Vice Mayor Cockrell 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 and further moved that Council authorize the Mayor to sign the amended agreement.*

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

No – Councilman McFadden

Absent – N/A

Abstain – N/A

ROLL CALL

**APPROVAL** – Order of Business for Regular Meeting Agendas

Councilman Gillispie moved seconded by Vice Mayor Cockrell that Council approve the Order of Business for Regular Meeting Agendas per Town Code Ordinance Amendment to Chapter 4-19 for the remaining calendar year March 2021 – December 2021.

Councilman Lloyd confirmed with Mr. Hicks that the public comment would not be recorded live but would be recorded and posted the next day.

Councilman Lloyd moved seconded by Councilman Thompson to amend the Order of Business to record the public comment portion of the meeting along with the rest of the agenda.

Vice Mayor Cockrell advised Council of citizen who did not feel comfortable stating their address as well as coming forward on live TV to speak against something. Councilman Thompson advised that currently whether its recorded live or posted next day does not protect anyone. There was much debate about stopping the public comment at 7:00 to begin regular meeting.

Mayor Holloway suggested continued discussion at the next work session. All Councilmembers withdrew their motions and seconded. NO VOTE

**APPOINTMENT** – Planning Commission

*Councilman Thompson moved seconded by Councilman McFadden to appoint Joshua L. Ingram to the Planning Commission to an unexpired term ending August 31, 2021.*

Councilmen Meza and Gillispie welcomed Mr. Ingram and thanked him for his service.

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



No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

**APPOINTMENT** – Board of Architectural Review (BAR)

*Vice Mayor Cockrell moved seconded by Councilman Thompson that Council appoint Collin Waters to the Board of Architectural Review (BAR) to a four-year term ending November 13, 2024.*

Councilman Meza thanked Mr. Waters for his service.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Mayor Holloway read the following press release.

***Council Approves establishing Front Royal Economic Development Authority***

Front Royal, VA (February 22, 2021) - The Front Royal Town Council is pleased to announce plans to establish the Front Royal Economic Development Authority (FREDA) March 15, 2021 and will be naming Town Manager, Steven Hicks as the Executive Director. The Town is currently seeking applicants to serve as members of the Board of Directors until March 31, 2021. Last year the Virginia General Assembly authorized the formation of the FREDA. Since that authorization, the Town has codified the Town EDA in Town Code. The decision to move forward with FREDA was not taken hastily or lightly. The Town's decision to move forward with its own independent EDA has more to do with the present and future rather than the past.

The Town has re-development and economic development needs now that Council does not believe the County's EDA is in the position to perform. Small businesses have been impacted by the pandemic and are in need of recovery. In addition, there are many empty storefronts now and Council hopes we can prevent more in the coming years. Having FREDA will also make it easier and quicker to improve the quality of life and appearance of Front Royal by addressing blighted properties through various tools and resources available to EDA's.

The challenges facing the current County EDA are significant. For example, on September 25, 2019, the EDA agreed to enter into a Confession of Judgment with The First Bank and Trust. The Confession of Judgment and supporting documentation appear to indicate the following:

- The sum for the judgment is \$9,015,742 at an annual interest rate of 6%
- The loan was a line of credit up to \$17 million
- Security for the loan in part stated, "Security agreement granting an interest in **all of borrower's accounts and government payments** and programs including but not limited to all **present and future payments** now or hereafter appropriated and **made or to be made by the Town of FrontRoyal, Virginia and/or the County of Warren, Virginia**, to the borrower...."

Based upon legal interpretation, this Confession of Judgment means all EDA assets not currently secured by another party are subject to the Confession of Judgment or in essence, property of The First Bank and Trust Company up to \$9M. This Confession of Judgment impairs buying property for the County or the Town unless the bank allows it. If the EDA enters into a lease, lease revenues would go to The First Bank and Trust Company. Due to the low creditworthiness of the EDA, it cannot obtain bonds, loans or other type of financing without the County and/or Town's direct involvement. Couple this Confession of Judgment with the EDA's insolvency, on-going litigation, lack of three years of audits and low creditworthiness, it will be difficult for the EDA to function as a traditional EDA for many years in order to help our community, specifically our Town.

The Front Royal Town Council is committed towards working in partnership with Warren County and its EDA. By no means should the Town's initiative to focus on the Town's re-development be construed as an unwillingness to work with the County. We just believe from a business perspective; formalizing FREDA is the only way the Town can focus on re-development with real results. The Town Council would consider joining the County's EDA in the future once all of the following takes place with the County's EDA:

1. It not only has produced missing audits, but previous and future audits need to be clean.
2. It is solvent.



3. The Confession of Judgment is released.
4. All possible criminal investigations and civil litigation has been concluded.
5. The Town taxpayers have recovered all misappropriated, stolen or fraudulently obtained assets by the EDA or its employee(s).

As part of the Town's FY22 Budget, the Town will be able to invest \$100,000 without sacrificing services to start FREDA. Additionally, the Town anticipates receiving over \$100,000 from the sale of real estate which will be re-invested into our Town.

In conclusion, considering the state of affairs with the County's EDA and in consideration of the Town's needs to expand its tax base through economic development and marketing, it is imperative that the Town move towards ramping up its own EDA as soon as possible.

If any member of the public or press has any further questions, please contact Todd C. Jones, Town Public Information Officer.

Adjourn: 7:38pm

The Work Session previously scheduled to follow immediately after the regular meeting was cancelled.

Approved by Town Council

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





## TOWN COUNCIL SPECIAL MEETING MINUTES

Monday, March 1<sup>st</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).

### ROLL CALL FOR MAYOR/TOWN COUNCIL

**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

Council discussed a date and time that would work for all members to attend their Council Advance.

**PUBLIC HEARING** – A Public Hearing, as required by Virginia Code Section 15.2-1800(B), to solicit input from the public regarding Town Council's intention to dispose of Town-owned real property located on Hill Street by private sale/exchange.

No one spoke.

*Councilman Mcfadden moved, seconded by Councilman Meza to close the Public Hearing.*

There was a unanimous sense of Council to close the Public Hearing.

*Councilman Gillispie moved, seconded by Councilman Thompson, that Town Council authorize the disposition of Town-owned real property, located on Hill Street and further described as "Lot 1, Jackson Subd", which is not a "public place", by private sale and/or exchange, and not by bid, pursuant to Town Code Section 1-22(C), with the Town Manager authorized to receive offers for same.*

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL



**APPOINTMENT** – Front Royal Economic Development Authority (FREDA) Executive Director

*Councilman Meza moved, seconded by Councilman Thompson, that Council appoint Steven W. Hicks as the Executive Director of the Front Royal Economic Development Authority (FREDA) in addition to his role as Town Manager at his current salary beginning March 15, 2021.*

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

No – Councilman McFadden

Abstain – N/A

Absent – N/A

ROLL CALL

Vice Mayor Cockrell adjourned the meeting at 7:13 PM.

Approved by Town Council

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





## TOWN COUNCIL WORK SESSION MINUTES

Monday, March 8<sup>th</sup>, 2021 at 6:30 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).

### Closed Meeting – Personnel and Consultation with Legal Counsel

*Vice Mayor Cockrell moved, seconded by Councilman Meza, that Town Council go into Closed Meeting pursuant to discuss the Front Royal EDA ("FREDA") Board of Directors, the relationship of the Town Police Department funding and the Warren EDA and the litigation between the Town and the Warren EDA and Personnel, pursuant to the following provisions of the Code of Virginia:*

- (1) Discussion and consideration of prospective candidates for appointment of specific public officers, appointees, or employees of the FREDA, pursuant to Section 2.2-3711. A. 1.*
- (2) 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; pursuant to Section 2.2-3711. A. 7*
- (3) Consultation with legal counsel employed or retained by Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A.*
- (4) The discussion and consideration of prospective candidates for employment and/or the assignment and appointment of specific public appointees or employees of the Town, pursuant to Section 2.2- 3711. A. 1. of the Code of Virginia.*

There was a unanimous consensus of Council to go into Closed Session.

*Councilman Lloyd moved, seconded by Councilman Meza, that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.*

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

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL



**FY21-22 Proposed Budget Additional Discussion** – Finance Director Wilson noted that there would be a Public Hearing for the proposed tax rates at the next regular council meeting. He added that a Public Hearing regarding the water and sewer rate increases would be held on April 26<sup>th</sup>, 2021. Mr. Wilson asked Council if they had any additional questions regarding the proposed budget. There were none.

**Update on Mayor's 100-day Goals**

- a. **Afton Inn** – Town Manager Hicks pointed out that the Afton Inn sale had already gone to closing and the project was moving forward.
- b. **Economic Development Authority** – Mr. Hicks stated that Town Staff was still accepting applications for the Front Royal Economic Development Authority and the next step would be for Council to interview and select candidates for the Board.
- c. **Blighted Building Program** – Mr. Hicks explained that there had not been much progress in finding a solution for blighted buildings, but that the Town's Planning and Zoning Department would continue to explore options.
- d. **Town Building Inspections Office** – Mr. Hicks presented Council with a hand-out that outlined recent new developments within town limits. He added that he had prior experience working as a Building Code Official and could temporarily step into the role if necessary. He explained that the Town would potentially still need a third-party to complete a cost analysis before officially deciding whether to move forward. Mayor Holloway pointed out that a Building Inspection Office would also help with the Blighted Building Program.
- e. **Credit Card Fees Elimination** – Mr. Hicks stated that Town Staff had been looking into the possibility of eliminating credit card fees and that it would cost the town an estimated \$300,000 - \$350,000. Councilman Meza asked if the Enterprise Fund overages could absorb the cost. He stated that, in the long-term, absorbing the fees would become 'the cost of doing business.' Councilman Lloyd pointed out that citizens currently have the option to pay with a check or cash to avoid having to absorb the fees. Vice Mayor Cockrell agreed and stated that she did not want to see all citizens have to pay for the choice of a few.

**Continued Discussion regarding the "Order of Business" for Regular Agendas** – A draft agenda prepared by Town Staff was presented to Council. Councilman Meza suggested either adding an opportunity for Council to speak directly after 'Public Comments' or moving the 'Reports of Councilmembers, Mayor and Town Manager' to fall directly after the 'Public Comment' Period. He stated the importance of Councilmembers having the opportunity to correct misinformation and address citizen concerns sooner, rather than at the end of the meeting. Council decided to move the 'Reports of Councilmembers, Mayor and Town Manager' to follow 'Public Comment's and 'Public Hearings.'

**Consideration of Agreement to Complete Afton Inn Property Work** – Town Attorney, Doug Napier, expressed that there had been some concern raised that 2 East Main Street LLC would not finish the Afton Inn Project in a timely manner. He explained that he had drafted an agreement that if the project was not completed within a thirty-month timeframe, they would be required to pay \$200 per day until completion. Mr. Hicks added that he had been in contact with 2 East Main Street LLC, and they were extremely excited and ready to get the project started. He explained that he would be involved in the site plan review, building inspection process, and hold bi-weekly meetings to help ensure their success. Mayor Holloway requested they come before Council to provide updates.

**Request a Public Hearing for Lease of Office Space for Probation and Parole** – Council all agreed to allow the Public Hearing.



**Update on Masks and Medical Freedom Resolution** – Councilman Lloyd expressed that there was some confusion among businesses regarding face coverings and what was required by Virginia’s Executive Order. He added that citizens with legitimate health concerns were not receiving necessary accommodations. He suggested Council adopt a formal resolution with the intent to educate the community and ‘speak to potential constitutional legal issues.’

Mayor Holloway pointed out that some states were already lifting mask mandates due to vaccinations. Councilman Thompson asked if businesses would be forced to comply if they did not feel comfortable doing so. She stated her belief that Council should not ‘be in the business of telling other people what to do with their business.’

Councilman Lloyd suggested the Town put something together that was purely informational to include with utility bills, and place on the Town’s website. Mayor Holloway added that those citizens who did not watch the Work Session could misinterpret their intent. Council decided not to move forward with the Resolution.

**Update on the Joint Board of Supervisors and Town Council Meeting Advance** – Council requested that Town Staff identify potential dates for the Joint Board of Supervisors and Town Council Advance. Councilman Meza suggested using polling software to help narrow down which date would work best for the majority of Supervisors and Councilmen.

**Special Events Ordinance, Policy, and Event Permit Application** – Purchasing Manager, Alisa Scott, explained that the current Special Event Permit process is handled through the Town Managers Office. She noted that the Town’s Tourism Firm, JLL, had developed a matrix that would score special events and categorize them as Community Development Events or a Tourism Events. She added that the Town, the Chamber of Commerce, and JLL would work together to identify criteria to include in the matrix that would help determine if an event would require a street closure.

**Open Discussion** – Councilman Thompson asked her fellow Councilman to begin thinking, with the drug epidemic in mind, about a potential PILOT with Valley Health as well as the implementation of a neighborhood watch program.

Town Manager Hicks noted that he had requested Town Staff, the Chamber of Commerce, and JLL to identify and plan a possible Town sponsored event or festival.

Mayor adjourned the work session at 9:42 P.M.

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, Purchasing Manager Alisa Scott, Information Technology Director Todd Jones, members of the public and press.

Approved by Town Council

Date: -----



9A





## Council Agenda Statement

Item # 9A

Meeting Date: March 22, 2021

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**Agenda Item:** Public Hearing - Rezoning Application #FRREZON 2372-2020 to Rezone Approximately 2.1 Acres at Jefferson Avenue and Undeveloped Portion of Hillcrest Drive - Rockledge Development Company, LLC

**Summary:** Council is requested to consider the approval of an application that proposes to rezone approximately 2.1 acres from R-1 Residential District to R-3 Residential District located at Jefferson Avenue and the undeveloped portion of Hillcrest Drive. The stated purpose of the rezoning request from Rockledge Development Company, LLC is to allow for duplex dwellings which is allowed in the R-3 District, but not the R-1 District, which in terms of residential use is limited to only detached single-family dwellings. The rezoning request is accompanied by a voluntary proffer limiting potential residential uses of the property to detached single-family dwelling and two-family/duplex structures and associated accessory uses only. The Planning Commission and the Zoning Administrator both recommend adoption of the requested rezoning conditioned upon the acceptance of the voluntary proffer.

**Budget/Funding:** N/A

**Meetings:** February 16, 2021 Town Council Work Session.

**Proposed Motion:** I move that Council approve Rezoning Application #2372-2020 from Rockledge Development Company, LLC that requests the zoning map reclassification of Tax Map Parcel 20A1-3-3A from Residential District R-1 to Residential District R-3 at Jefferson Avenue and the undeveloped portion of Hillcrest Drive contingent upon the acceptance of the written proffer dated January 23, 2021, limiting potential residential uses of the property to detached single-family dwelling and two-family/duplex structures and associated accessory uses only.

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

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

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



**TOWN OF FRONT ROYAL  
DEPARTMENT OF PLANNING & ZONING**



**TOWN COUNCIL OF FRONT ROYAL, VIRGINIA  
STAFF REPORT -REZONING APPLICATION #FRREZON -2372-2020**

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**APPLICATION #:**

FRREZON-2372-2020

**APPLICANT:**

Rockledge Development Co LLC – Doug  
Ichiuji and Aaron Hike

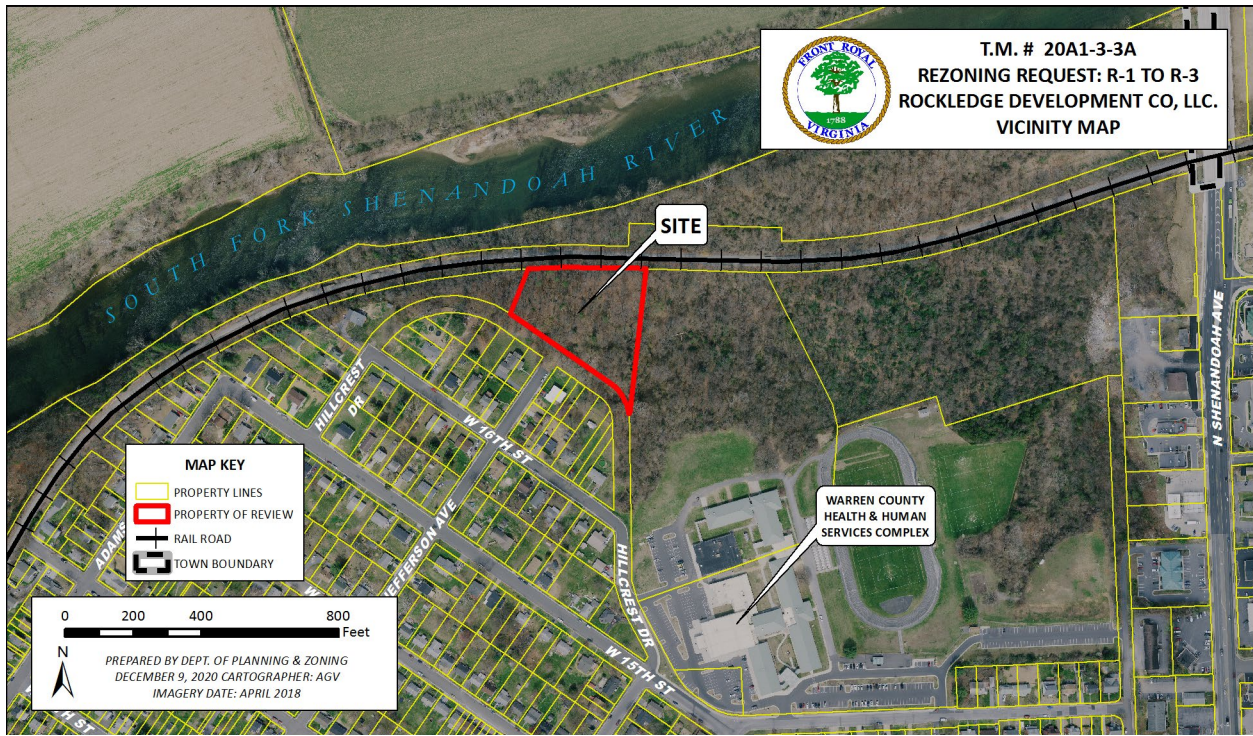
**SUMMARY OF REQUEST:**

The subject application proposes to rezone approximately 2.1 acres from R-1 Residential District, to R-3 Residential District. The stated purpose of the rezoning request is to allow for duplex dwellings which is allowed in the R-3 District, but not the R-1 District, which in terms of residential use is limited to only detached single-family dwellings. The rezoning request is accompanied by a voluntary proffer limiting potential residential uses of the property.

**GENERAL INFORMATION:**

<i>Site Addresses</i>	None. Vacant land.
<i>Property Owner(s)</i>	Rockledge Development Co, LLC
<i>Existing Zoning</i>	R-1 Residential District
<i>Proposed Zoning</i>	R-3 Residential District
<i>Tax Identification</i>	20A1-3-3A
<i>Location</i>	The property is located west of N. Shenandoah Avenue (Route 55, 340, 522) at the northern terminus of Jefferson Avenue bound by the undeveloped portion of right-of-way dedicated for Hillcrest Drive to the south and the railroad track to the north.









## INFORMATION ON THE APPLICATION:

### *Application Documents*

A list and brief description of the parts of Attachment A: **APPLICATION DOCUMENTS** and Attachment B: Letter from Applicant, and Attachment C, the written proffer, are provided below:

#### ATTACHMENT A: APPLICATION DOCUMENTS

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town.
- **Plat of Property.** A survey plat of the property exhibiting the property limits. No easements or encumbrances are noted on the plat.

#### ATTACHMENT B: LETTER FROM APPLICANT

- **Letter from Applicant.** The applicant states: "The rezoning request is being made to allow our development company, upon your approval, to build attractive modestly priced duplex homes that promotes home ownership, particularly for workforce citizens that support our community and town."

#### ATTACHMENT C: PROFFER



- **Written Proffer.** This rezoning application request does include the submittal of a proffer. The proffer, if accepted, would limit any future residential use and development of the property to only principal use detached single-family dwellings and/or two-family or duplexes and customary accessory uses commonly associated with these principal uses. The effect of this proffer would be to prohibit all other forms of residential uses, such as apartments and townhomes, that are presently allowed in the R-3 District. As discussed at the Planning Commission public hearing, staff has worked with the applicant revising the language of the proffer making it more precise and clearly enforceable. That revised written proffer dated January 23, 2021 is contained in this application packet for Council's consideration. The submittal of proffers is not a requirement of a rezoning application request and proffers are strictly voluntary and must be present in writing. Proffers may be accepted in full, accepted in part, or not at all. Any motion of approval of a rezoning including a submitted proffer(s) should indicate if the proffer is to be accepted in full, in part, or not at all. Proffers become a moot point under a motion to deny.

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This rezoning application proposes to rezone an approximately 2.1-acre parcel from Residential District R-1 to the Residential District R-3. The statements of intent of the two identified Districts as set forth in the Front Royal Zoning Ordinance are as follows:

**R-1 District, Zoning Ordinance Sec. 175-11.**

“The R-1 District is composed of quiet, low-density residential areas, plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, to provide areas for suitable expansion of the Town as facilities are provided and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.”

**R-3 District, Zoning Ordinance Sec. 175-28.**

“The R-3 Residential District is composed of medium-to-high density concentrations of residential uses. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for families desiring the amenities of apartment living and the convenience of being closest to



*Zoning and  
Surrounding  
Land Uses*

shopping, employment centers and other community facilities. Development is, therefore, limited to medium- to high-density concentration, and permitted uses are limited to single-family, two-family, and multifamily dwellings, plus selected additional uses, such as schools, parks, churches, and certain public facilities. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.”

The two most distinguishing differences between these two principal residential based zoning districts are density and the forms of residential uses allowed, which can vary in each district depending on how water and wastewater treatment are provided and what type of residential use is being proposed. In the R-1 District the only type of residential use that is allowed is detached single-family dwellings, and where public water and wastewater systems are available, the minimum lot size can be as small as 10,000 square feet. The R-3 District allows most all forms of residential structures including detached single-family dwellings, duplexes, and other multi-family uses including apartments, and townhomes. Apartments and townhomes afford the highest possible densities in the R-3 District. But with the submitted proffer, if accepted, these forms of multi-family residential development would not be allowed. The minimum lot size in the R-3 District for a single-family dwelling is 6,000 square feet, and for duplex structures the minimum lot size is 7,500 square feet.

*Town Comp.  
Plan*

The zoning district classification of properties adjoining to the north, west and south are all R-1 District. Property to the north and west where the railroad tracks and river are located is limited in area and undeveloped, and the property to the south consists of single-family dwellings and undeveloped residential subdivision lots. Property adjoining to the east is a large parcel classified R-3 District developed in part with existing government use. This parcel is wooded and undeveloped where it adjoins the property proposed for rezoning.

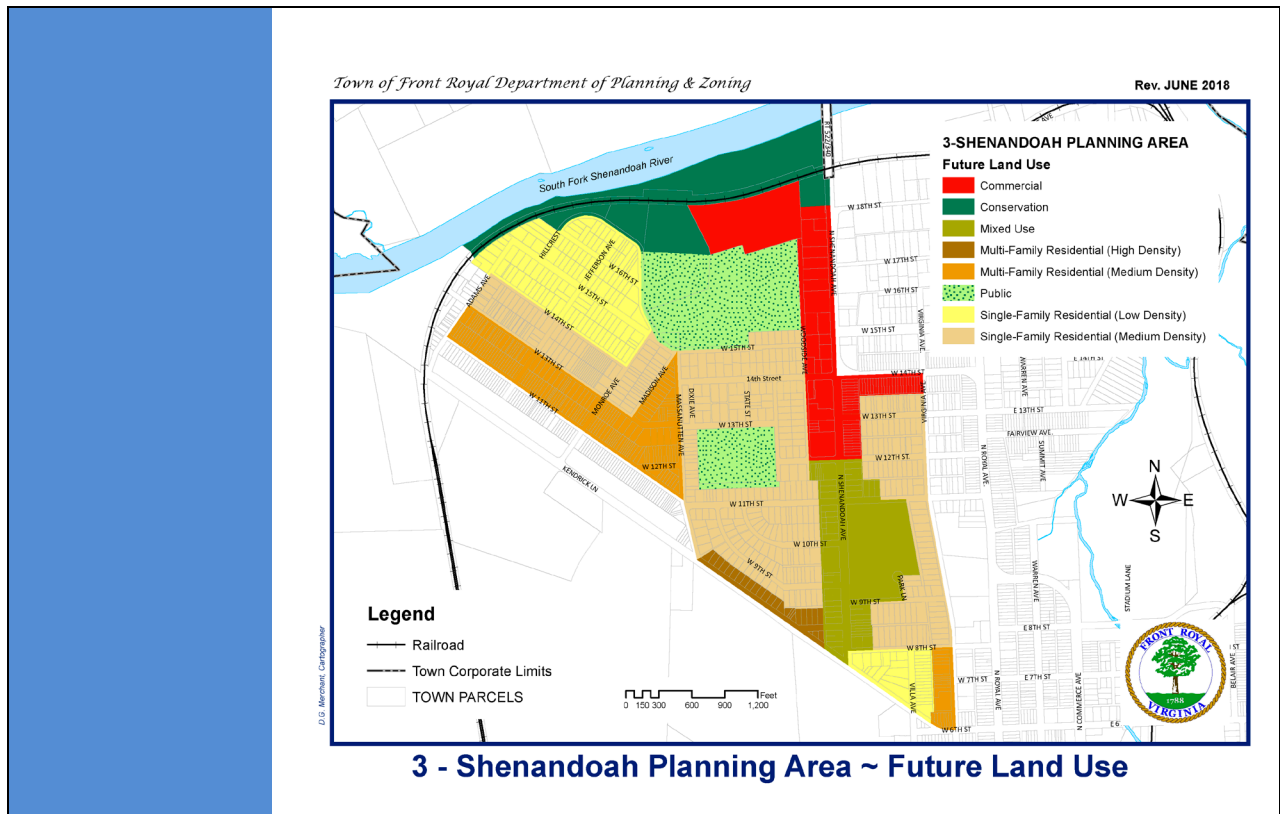
Under the “Housing and Neighborhoods” chapter of the Town Comprehensive Plan, the introductory goal of this chapter is as follows:

“Provide the opportunity for comfortable and adequate housing and encourage the improvement and protection of established neighborhoods.”

Future Land Use Map

The Town of Front Royal Comprehensive Plan future land use map for this area of the Town shows the subject parcel of the rezoning request being located within the Shenandoah Planning Area and shows the proposed future land use as Conservation.





## **Findings and Analysis**

The proposed rezoning is to reclassify an undeveloped 2.1-acre parcel from Residential District R-1 to Residential District R-3 District. The proposed rezoning is accompanied by a proffer that would limit the range of residential uses possible if reclassified to R-3 District. The proffer would prohibit the use of the property for apartment and townhouses. These two multi-family uses afford the highest potential number of residential unit densities in the R-3 District.

The R-1 District by design is a low-density residential zoning district. The R-3 District by design is a medium-high density residential district. But with the acceptance of the submitted proffer, the high-density residential uses (apartments, townhomes) of the R-3 District would not be allowed. The effect of the proffer would result in this R-3 District property being a low-to-moderate density site only allowing detached single-family dwelling and duplex structures.

The property is bounded on three sides by R-1 District zoned properties with existing development consisting of vacant parcels and lots with single-family dwellings. It is also bounded on the north by railroad line right-of-way and is in very close proximity to the South Fork of the Shenandoah River. The property adjoining to the east is a large parcel zoned R-3 District which is connected to and part of an established larger R-3 Zoning District. This adjoining R-3 District parcel is presently developed and occupied by governmental uses but is largely undeveloped and wooded where adjoining the property subject to rezoning. The proposed rezoning, with the accompanying proffer, is not found to be inconsistent with the zoning pattern found in the surrounding area or in conflict with existing development of properties. The property requested for rezoning is relatively small in size and adjoins and would become part of an already established R-3 Zoning



District. Taking into account the proffer, the rezoning proposal is viewed as a transitional area of medium-density residential development between properties that presently allow for low-density residential use and high-density residential use.

The subject property is part of the “Shenandoah Planning Area” of the Town’s Comprehensive Plan Future Land Use Map and is designated as “Conservation”. Neither the present R-1 Zoning District classification nor the proposed R-3 Zoning District classification is deemed consistent with this Future Land Use Map designation. Other properties in this planning area and in the immediate vicinity designated as Conservation by the Plan’s Future Land Use Map also carry R-1 Residential District zoning classification under the Town Zoning Ordinance. The proposed rezoning is not found to be inconsistent with the general provisions of the Plan or its goals as they pertain to residential use and development.

Public roads and utilities provide access to and are available to the site. The existing public infrastructure, and any needed additions or improvements thereto, are considered virtually the same for the development of the 2.1-acre parcel under either the R-1 District or the proposed R-3 District zoning classification.

The Zoning Ordinance also provides for a Residential District R-2 that is a medium-density residential zoning district that also allows duplex structures. The difference in development standards for duplexes in the R-2 District and the R-3 District are small, with the minimum lot size for duplexes in the R-2 District being 8,000 square feet and, in the R-3 District being 7,500 square feet. This small difference in development standards, coupled with the relatively small 2.1-acre site, has a minimal change in potential residential density. A major consideration in this application request to rezone to R-3 District is that there is an established R-3 District adjoining this parcel and this property would merge into and become part of that existing R-3 District. There is no R-2 District adjoining the property requested for rezoning. If rezoned to R-2 District, this property would become a single, 2.1-acre parcel, R-2 Zoning District in and of itself. As such, reclassification of the property to R-3 District was considered a better zoning practice based on existing zoning patterns and established zoning districts in this area.

### **Planning Commission Recommendation**

The Planning Commission, by unanimous vote taken after public hearing on January 20, 2021, recommends the adoption of the proposed zoning map reclassification as requested in the application, conditioned on the acceptance of the voluntary proffer limiting permitted uses, with such proffer to be modified with clearer language as recommended by staff. This revision of the proffer has been resubmitted in letter dated January 23, 2021 and is found acceptable by staff and satisfies the condition of the Planning Commission.

### **Staff Recommendation**

Based upon the above findings, staff recommends the adoption of the zoning map amendment reclassifying the identified 2.1-acre parcel from Residential District R-1 to Residential District R-3 as requested in the application, conditioned on the acceptance of the submitted written proffer dated January 23, 2021 limiting any future residential use and development of the property to principal detached single-family dwellings and/or two-family or duplex structures and their customary accessory uses only.





FRREZON 2372-2020

## REZONING APPLICATION

### APPLICANT

Aaron Hike & Douglas Ichini For 202-669-8087 (Doug)  
Name ROCKLEDGE DEVELOPMENT CO. LLC Phone 540 683 1923 (Aaron)  
Address 125 W 1ST ST, FRONT ROYAL, VA 22630  
E-mail dichini@gmail.com hikeconstruction@gmail.com

### PROPERTY OWNER OF RECORD

540 683 1923 (Aaron)  
Name ROCKLEDGE DEVELOPMENT CO. LLC Phone 202 669 8087 (Doug)  
Address 125 W 1ST ST, FRONT ROYAL, VA 22630

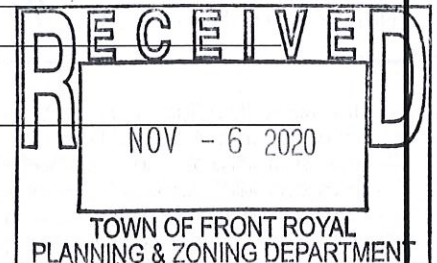
### PROPERTY DESCRIPTION

Location/Street Address 0 HILLCREST DR  
Number of lots: 1 Total Acreage 2.00  
Tax Map Identification for each parcel (Map, Section, Block, & Lot):  
20 A133A

Subdivision Name (if applicable) \_\_\_\_\_

### REQUEST

Existing Zoning R-1 Proposed Zoning R-3  
Existing Use VACANT LAND Proposed Use POPLAR HOMES





## ATTACHMENTS

The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

1. Application Fee (*Checks should be made out to the Town of Front Royal. Fees are as follows: 1 acre or less = \$500, over 1 acre = \$500 + \$100 per acre after 1<sup>st</sup> acre, Downzoning = \$400*)
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries (*8 copies and a digital copy*).
3. Environmental Site Assessment Phase I and Phase II (*unless waived by Director*).
4. Traffic Impact Analysis (*if required*)
5. Written proffers. Proffers are voluntary but should be submitted in a written format approved by the Director.
6. Statement of Justification. As a separate document, provide a statement or statements that explain why you believe the property should be rezoned.

## CERTIFICATION

I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.

  
Signature of Property Owner

  
Signature of Applicant (if different)

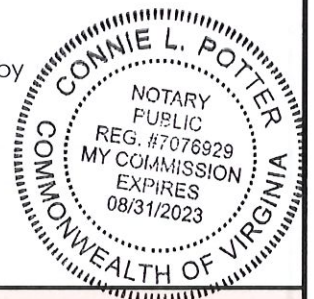
City/County of Warren, Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of November, 2020 by

FCHIAISI, Douglas  
(Name of person seeking acknowledgement)

  
Notary Public

Notary registration number: 9076929 My commission expires: 08/31/2023



## NOTICES

- Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
- Town Staff will place an advertisement in the local newspaper as required under Virginia Code § 15.2-2204.
- Town Staff will place a public hearing sign(s) at the location of the proposed rezoning.
- Submission of this application does not establish a vested right as outlined under Virginia Code § 15.2-2307.
- By submitting this application, the applicant grants permission to the Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.
- When the applicant is different than the fee simple property owner, the signature by the fee simple property owner on this application shall be considered as authorization for the applicant to act as an agent for matters concerning this application.

## OFFICE USE ONLY

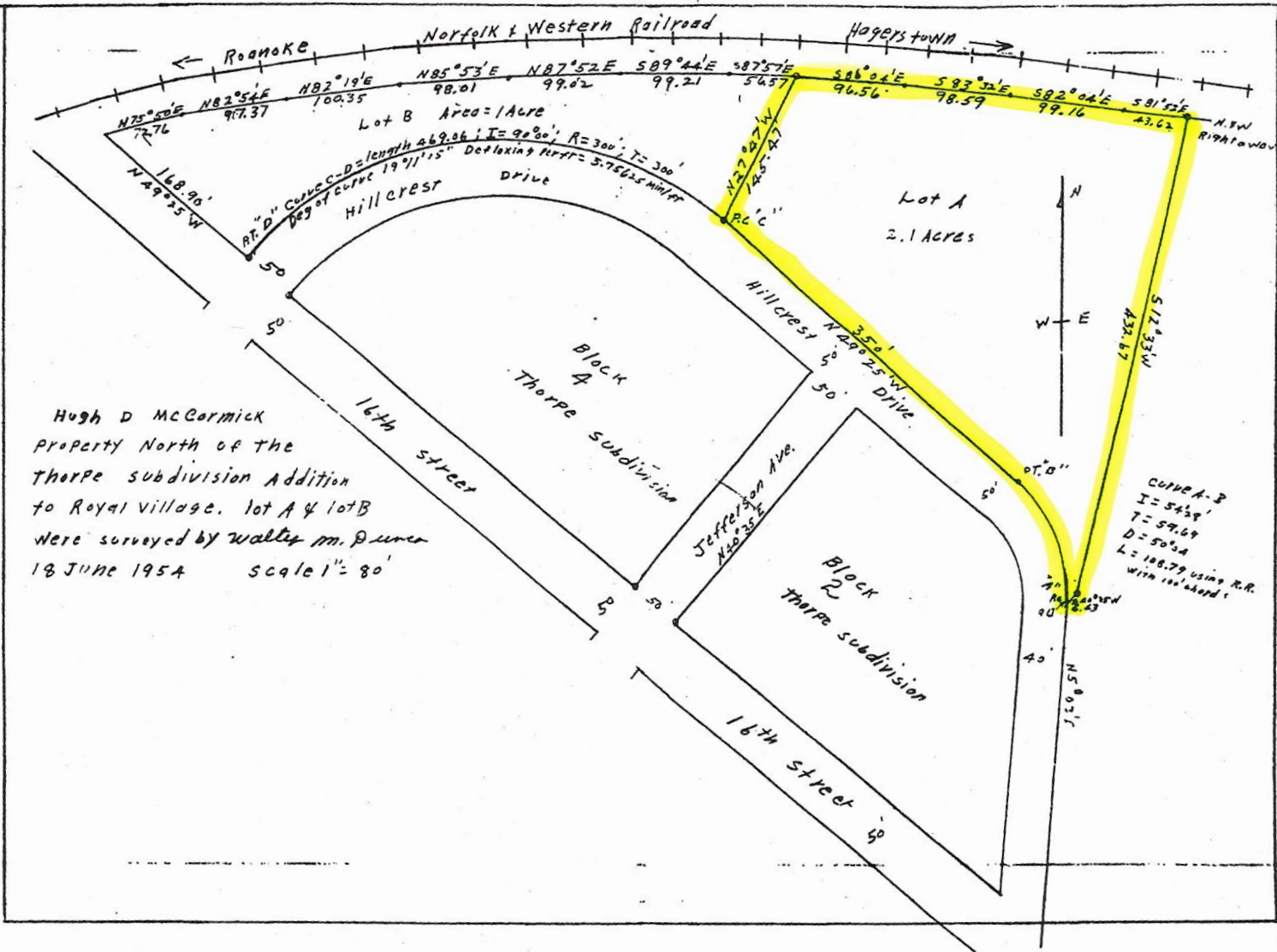
Receipt # 713823 Date Paid 11-06-2020 \$600-check # 1102  
Planning Commission Hearing Date: \_\_\_\_\_ Recommendation: \_\_\_\_\_  
Town Council Hearing Date: \_\_\_\_\_ Date Sent to Clerk: \_\_\_\_\_



TO DEED OF TRUST

HUGH D. MCCORMICK ET AL. TR.

D.B. 104; Page 243







Rockledge Development LLC

November 3, 2020

Mr. Tim Wilson  
Director, Department of Planning and Zoning  
Town of Front Royal  
102 East Main Street  
Front Royal, Virginia 22630

Dear Mr. Wilson,

On behalf of Rockledge Development Co. LLC, please find attached a rezoning application, requesting the reclassification of zoning for property 20A1 3 3A (0 Hillcrest Dr) from R-1 to R-3. As requested, eight copies of the survey/plat are also attached. Please also notice that the adjoining property 20A2 1 1 is currently zoned R-3.

The rezoning request is being made to allow our development company, upon your approval, to build attractive modestly priced duplex homes that promotes home ownership, particularly for workforce citizens that support our community and town.

If you have any additional questions, please let me know.

Many thanks to you and the Town Council for your consideration.

Sincerely,

Doug Ichiuji  
Principle  
Rockledge Development Co. LLC





Rockledge Development LLC

January 23, 2021

Mr. Tim Wilson  
Director, Department of Planning and Zoning  
Town of Front Royal  
102 East Main Street  
Front Royal, Virginia 22630

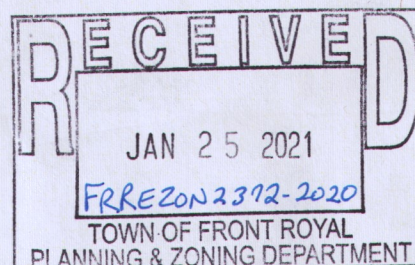
RE: Voluntary Proffer - Rezoning Application #FRREZONE 2372-2020  
Rockledge Development Company LLC.

Dear Mr. Wilson,

Rockledge Development Company LLC, does hereby voluntarily proffer that if the 2.1 acre parcel, located on Hillcrest Drive, and being the subject of the above referenced Rezoning Application is reclassified from Residential District R-1 to Residential District R-3, that the future use and development of this property will be limited to only detached single-family dwellings and/or two-family or duplex structures and customary accessory use buildings related to these two types of principal residential dwellings.

Sincerely,

Doug Ichiuji  
Principle  
Rockledge Development Co. LLC





9B





## Council Agenda Statement

Item #9B

Meeting Date: March 8, 2021

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**Agenda Item:** PUBLIC HEARING – Setting Fiscal Year 2021-2022 Tax Rates

**Summary:** Council is requested to adopt a real property tax rate at \$0.13 per \$100 assessed value which represents no increase from the current year's tax rate and the personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; and the personal property tax relief rate of 53% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524.

**Budget/Funding:** None

**Meetings:** Work Session held February 16<sup>th</sup>, 2021

**Proposed Motion:** I move that Council adopt a real property tax rate at \$0.13 per \$100 assessed value which represents no increase from the current year's tax rate and the personal property tax rate at \$0.64 per \$100 assessed value, which represents no increase over the current year's rates; and the personal property tax relief rate of 53% of value on the first \$20,000 of assessed value for qualifying vehicles with an assessed value greater than \$1,000; and a personal property tax relief rate of 100% for qualifying vehicles with an assessed value of \$1,000 or less, pursuant to Virginia Code §58.1-3524.

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

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

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



**11A**





## Council Agenda Statement

Item # 11A

Meeting Date: March 22, 2021

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**Agenda Item:** Purchase of Radio Water Meters in the amount of \$272,500.00

**Summary:** Council is requested to purchase 1,000 Neptune radio water meters from Core & Main in the amount of \$272,500.00 to complete the water meter change out program to automated meter reading for the entire water system.

**Budget/Funding:** Encumbered on purchase order #28992 in Public Works line item 9602-R47001 – Meter Reading - Water

**Meetings:** None

*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 the purchase of 1,000 Neptune radio water meters from Core & Main in the amount of \$272,500.00 to complete the water meter change out program to automated meter reading for the Town's entire water system.

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

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





# Town of Front Royal, Virginia

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Purchasing, Department of Finance

## MEMORANDUM

**Date:** February 24, 2021  
**To:** Tina Presley, Senior Executive Assistant  
**From:** Alisa Scott, Purchasing Manager  
**RE:** Request to Add Consent Agenda Item

---

Purchasing received a request from the Public Works Department to purchase 1,000 Neptune radio water meters. This purchase would complete the water change out program to automated meter reading for the entire water system.

This purchase from Core & Main qualifies as a sole source procurement in accordance with the Virginia Public Procurement Act because Core & Main is the only source practicably available to provide the Town's already standardized Neptune radio water meters. The Neptune water meters are already in use by the Town, and the remote reading radio devices which the Town currently uses will only work with these Neptune water meters. It would be unreasonably expensive to purchase any other type of water meter. Core & Main is the exclusive distributor for Neptune water meters for the Virginia, West Virginia, and Maryland markets.

Town Council is requested to review and approve the award to Core & Main for \$272,500.00, that is recommended by staff as a sole source procurement.

Attached to this memo is a recommendation memo from Robbie Boyer, Director of Public Works, sole source form, and sole source letter from Neptune. Please add this consent agenda item to the March 22<sup>nd</sup>, 2021 Town Council Regular Meeting.

Funding for this request is encumbered on purchase order number 28992, in the Public Works line item 9602-R47001 Meter Reading - Water.

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





Core & Main  
842 Panorama Road  
Montross, VA 22520  
Phone (804) 493-8085

Town of Front Royal

2/23/21

ATTN: Robert Boyer

E-mail: [rboyer@frontroyalva.com](mailto:rboyer@frontroyalva.com)

**SUBJECT: 5/8" T-10 METERS & EXPANSION CONNECTIONS**

**Your Cost:**

1000 – Straight 5/8x5/8 T-10 Meters, ProCoder)R900i	\$ 250.00 each
1000 – EC-1 – 5/8" Expansion connections	<u>\$ 22.50 each</u>
<b>TOTAL</b>	<b>\$272,500.00</b>

Thank you,  
Debbie Hennage  
Inside Sales

Cc: Charles Dye

**Local Knowledge**  
**Local Experience**  
**Local Service, Nationwide®**





## SOLE SOURCE JUSTIFICATION FORM

Requesting Department: Public Works – Water & Sewer  
Maintenance Department

Description of Commodities or Services: One thousand 5/8" Neptune R900I ECODER radio read water meters and one thousand 5/8" Expansion nuts

On the lines below initial all entries that apply to this procurement.

RBB Original manufacturer's equipment or parts subject to specific patent or copyright (Please attach supporting documentation)

RBB Equipment or parts not interchangeable with similar parts or equipment of another manufacturer (Please attach supporting documentation)

       Original manufacturer's parts required to maintain equipment warranty (Please attach copy of manufacturer's warranty)

       This is the only known equipment or part that meets the specialized needs of this department or perform the intended function (Please attach explanation)

       This is the only known vendor that can perform the repair, maintenance, or render the service. (Please attach supporting documentation)

RBB Commodities or services are only available from this vendor because of legal requirements. (Please attach explanation)

       None of the above apply (Please attach explanation)

Based on the above, I request that competitive purchasing procedures be waived and that the commodities or services be procured as a sole source procurement. I have obtained a price quote from this sole source vendor and the price has been determined to be fair and reasonable based on:

Circle one:     History Cost of similar commodities or services

Published prices                      Negotiated cost

The Town of Front Royal Procedures for Purchasing and Procurement Manual provides that written notification of a sole source purchase must be posted in a designated public area, published in a newspaper of general circulation, or posted on the Town of Front Royal web site.

Initiator: \_\_\_\_\_  
Signature

Date: 2-23-2021

Verification by Department Head: \_\_\_\_\_

Robert B. Boye  
Signature





April 2, 2020

To whom this may concern:

Neptune Technology Group Inc. sells and services Neptune meters, parts and AMR systems through trained and certified distributors throughout the United States and Canada.

Since reading systems are proprietary and they require dedicated meter system specialist to help them perform properly, it is imperative to have one master distributor in this region.

Core & Main, located in Martinsburg, WV is Neptune's exclusive distributor for the Virginia, West Virginia and Maryland markets.

Please let me know if I can be of further assistance.

Sincerely,

Jesse Loughney

Territory Manager- VA, WV, MD, DE



# Memo



## Town of Front Royal Public Works

**TO: Alisa Scott, Purchasing Manager**  
**FROM: Robert Boyer, Public Works Director**  
**C.C. B.J. Wilson, Finance Director**  
**DATE: February 23, 2021**  
**RE: Request to purchase R900I radio read water meters**

---

We would like to request moving forward with the purchase of one thousand (1,000) 5/8" Neptune R900I ECODER radio read water meters from Core & Main in Martinsburg, WV. Core & Main is the only authorized Neptune dealer for our area. With this purchase we should be able to complete the water meter change out program to Automated Meter Reading in the entire water system.

There is already funding for this purchase in 9602-R47001 under PO# 28992 to cover the purchase amount of \$272,500.00. This price also includes enough expansion nuts to install all one thousand water meters. If you have questions or need any further information just let me know.



11B





## Council Agenda Statement

Item # 11B

Meeting Date: March 22, 2021

---

**Agenda Item:** Resolution Requesting Department of Corrections to Schedule a Public Hearing for Proposed Lease of Office Space for its Probation and Parole District #11 Sub Office at 842 N Shenandoah Avenue

**Summary:** Council is requested to approve a Resolution that requests that the Department of Corrections hold a public hearing regarding the proposed lease of office space for its Probation and Parole District #11 sub-office at 842 N. Shenandoah Avenue. Council also authorizes the Mayor to sign the Resolution.

**Budget/Funding:** None

**Meetings:** Work Session held March 8, 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 approve a Resolution requesting the Department of Corrections to hold a public hearing regarding the proposed lease of office space for its Probation and Parole District #11 sub-office at 842 N. Shenandoah Avenue. I further move that Council authorize the Mayor and Clerk of Council to sign the Resolution and send to the address listed in the letter by April 26, 2021.

---

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

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





# COMMONWEALTH of VIRGINIA

HAROLD W. CLARKE  
DIRECTOR

*Department of Corrections*

P. O. BOX 26963  
RICHMOND, VIRGINIA 23261  
(804) 674-3000

January 26, 2021

CERTIFIED MAIL # 7018 1830 0001 5054 6913

Chris W. Holloway  
Mayor, Town of Front Royal  
P.O. Box 1560  
Front Royal, VA 22630



## Notice

PROPOSED LEASE OF OFFICE SPACE  
842 N. SHENANDOAH AVENUE, FRONT ROYAL, VA 22630

Dear Mayor Holloway:

In accordance with Section 53.1-67.4.B of the Code of Virginia (1950), as amended, notice is hereby given that the Virginia Department of Corrections is considering the lease of office space at 842 N. Shenandoah Avenue, Front Royal, VA 22630. No action will be taken for a period of at least 90 days from the date of this notice.

The Town Council is not required to, but may, request that the Department hold a public hearing regarding this proposed lease of office space for its Probation and Parole District # 11 sub-office. The request must be received by the Department no later than the close of business on April 26, 2021 (90 days from the date of this notice). The request must be authorized by the Town Council and signed by an authorized representative. A public hearing would then be held within the jurisdiction, if so requested. The request shall be sent to:

Lyman R. Brown  
Infrastructure and Environmental Management Unit  
Virginia Department of Corrections  
P.O. Box 26963  
Richmond, Virginia 23261-6963

Further, in accordance with the aforesaid Code Section 53.1-67.4.B, a copy of this notice is being mailed on this date to the adjacent landowner, as reflected in the GIS records of the County of Warren, Virginia, shown on the list attached to this notice.

If you have any questions regarding this notice, please contact me at 804-418-5642 or [lyman.brown@vadoc.virginia.gov](mailto:lyman.brown@vadoc.virginia.gov).

Sincerely,

Lyman R. Brown  
Real Estate Manager



Adjacent landowner:

Parcel Number 20A5 227 2

CERTIFIED MAIL # 7019 1640 0002 2308 2513

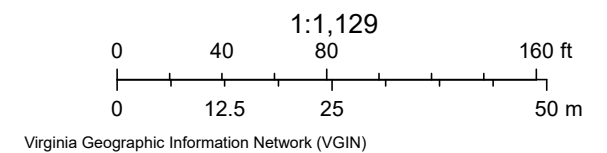
Biggs Investment LLC  
WM J. Biggs  
500 E. Main St.  
Front Royal, VA 22630



# 842 N. SHENANDOAH AVE.



March 10, 2021





## RESOLUTION

**To request the Department of Correction to hold a Public Hearing within the Jurisdiction**

**WHEREAS**, the Town Council has received a notice from the Commonwealth of Virginia Department of Corrections regarding a proposed lease of space for a Probation and Parole District #11 office at 842 N Shenandoah Avenue, Front Royal, VA; and,

**WHEREAS**, the Town Council is not required, but may request that the Department of Corrections hold a public hearing regarding the proposed lease; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Town Council of the Town of Front Royal that Council request that the Virginia Department of Corrections hold a public hearing in the Town of Front Royal pertaining to a proposed lease of space for a Probation and Parole District #11 sub-office at 842 N Shenandoah Avenue, Front Royal, Virginia.

APPROVED:

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

Attest:

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

---

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia, Town Council conducted on March 22, 2021 upon the following recorded vote:

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

Approved as to Form and Legality:

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

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



11C





## Council Agenda Statement

Item # 11C

Meeting Date: March 22, 2021

---

**Agenda Item:** Proclamation for Sexual Assault Awareness Month

**Summary:** Council is requested to approve a proclamation proclaiming April 2021 as The Laurel Center Sexual Assault Awareness Month in the Town of Front Royal

**Budget/Funding:** None

**Meetings:** None

*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 proclamation proclaiming April 2021 as The Laurel Center Sexual Assault Awareness Month in the Town of Front Royal.

---

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

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





# The Laurel Center

Intervention • Advocacy • Prevention

*P.O. Box 14, Winchester, VA 22604*

## **THE LAUREL CENTER SEXUAL ASSAULT AWARENESS MONTH PROCLAMATION**

**Whereas**, every 98 seconds someone in America is being sexually assaulted!

**Whereas**, Sexual Assault Awareness Month calls attention to the fact that sexual violence is widespread and impacts every community member of the Town of Front Royal and Warren County; and

**Whereas**, Rape, Abuse, and Incest National Network (RAINN) statistics regarding who the perpetrators are, confirm 93% of victims under the age of 18 know their perpetrators; 59% are acquaintances, 34% are family members, and 7% are strangers, and

**Whereas**, rape, sexual violence, and sexual harassment impact our community, and statistics show 1 in every 6 women and 1 in 33 men has been a victim of an attempted or completed rape in their lifetime, and

**Whereas**, child sexual abuse prevention must be a priority to confront the reality that 1 in 9 girls and 1 in 53 boys under the age of 18 experience sexual abuse or assault at the hands of an adult, and

**Whereas**, young people experience heightened rates of sexual violence, youth ages 12-17 make up 15% of the statistics, and

**Whereas**, we must work together to educate our community about sexual violence prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

**Whereas**, with leadership and education, we can be successful in preventing sexual violence in the Town of Front Royal and Warren County, by increasing education, awareness, and community involvement; and

*"Working together in our community to stop the cycle of domestic and sexual violence".*



**Whereas**, The Laurel Center- Sexual Assault Division has led the way in the Town of Front Royal and County of Warren in addressing sexual violence by providing FREE 24-hour hotline services to victims/survivors and secondary survivors, responding to emergency calls, offering on-going support and comfort to those impacted by sexual violence during medical exams, criminal proceedings, and empowering all impacted by sexual violence to chart their own course of healing; and

**Whereas**, the **Town of Front Royal** strongly supports the efforts national, state, and The Laurel Center, and every citizen, to actively engage in public and private efforts to prevent sexual violence. It's time for all of us to take appropriate action and support one another to create a safer environment for all. It's time we become the change.

**NOW THEREFORE BE IT RESOLVED**, that I, Chris W. Holloway, as Mayor of the Town of Front Royal and on behalf of the entire Town Council join The Laurel Center advocates and communities across the country in playing an active role to prevent sexual violence. Along with the United States Government and the State of Virginia, I do hereby proclaim April as "Sexual Assault Awareness Month!"

IN WITNESS WHEREOF, have hereunto set my hand and caused the seal of the Town of Front Royal to be affixed on this \_\_\_\_\_ day of \_\_\_\_\_.



*Signed*

*Attest*

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

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

"Working together in our community to stop the cycle of domestic and sexual violence".



11D





## Council Agenda Statement

Item # 11D

Meeting Date: March 22, 2021

---

**Agenda Item:** Installation of Curb and Gutter on Leach Street, Wines Street and Evelyn Court

**Summary:** Council is requested to approve a bid from Arthur Construction in the amount of \$129,500.00 for the installation of approximately 3,700 linear feet of curb and gutter on Leach Street, Wines Street and Evelyn Court.

**Budget/Funding:** Concrete Reconstruction line item 4500-47927

**Meetings:** None

*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 bid from Arthur Construction in the amount of \$129,500.00 for the installation of approximately 3,700 linear feet of curb and gutter on Leach Street, Wines Street and Evelyn Court.

---

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

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





# Town of Front Royal, Virginia

---

Purchasing, Department of Finance

## MEMORANDUM

---

**Date:** February 25, 2021  
**To:** Tina Presley, Senior Executive Assistant  
**From:** Alisa Scott, Purchasing Manager  
**RE:** Request to add action item to Town Council Agenda

---

Purchasing received a request from the Department of Public Works to competitively bid out installing approximately 3,700 linear feet of curb and gutter on Leach Street, Wines Street, and Evelyn Court. On February 23<sup>rd</sup>, 2021, I held a public bid opening and received six bids in accordance with the Virginia Public Procurement Act.

There was a low bid tie, and the winner was determined by a coin toss with a witness, in accordance with the Commonwealth of Virginia's *Agency Procurement & Surplus Manual*, which provides procurement guidance for counties, towns and cities.

Arthur Construction is the lowest responsive and responsible bidder. Staff recommends awarding Arthur Construction \$129,500.00 for the successful completion of curb and gutter for the above listed streets. Attached to this memo is a recommendation memo from Robbie Boyer, Public Works Director, and the bid tabulation. Please add this consent item to Council's March 22<sup>nd</sup>, 2021 Regular Town Council Meeting.

Funding has been budgeted for and is available in the Concrete Reconstruction line item 4500-47927.

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



# Memo



## Town of Front Royal Public Works

**TO: Alisa Scott, Purchasing Manager**  
**FROM: Robert Boyer, Public Works Director**  
**CC: Steve Scheulen, Infrastructure Manager**  
**DATE: February 25, 2021**  
**RE: Memo of recommendation for curb & gutter installation**

---

We have reviewed the low bid for installation of CG-6 curb and gutter per linear foot that was submitted by Arthur Construction Co Inc at a cost of \$129,500.00. This project cost covers the installation of curb and gutter along Leach St, Northview St, Wines St and Evelyn Ct. This work is in conjunction with the Towns paving plan to improve the secondary streets and allow for better drainage in these areas.

The department has the funding to cover the cost of this project in the streets department budget, we would recommend moving forward with awarding this project to Arthur Construction Co Inc.



IFB Curb Gutter Installation  
Tuesday, February 23, 2021  
Town of Front Royal, VA

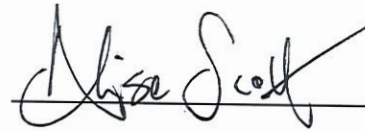
	ASHBURN CONTRACTING CORPORATION	Arthur Construction Co Inc	M&F Concrete Inc	Finley Asphalt & Sealing Inc	Kee Construction Services LLC	G B Foltz Contracting Inc
Lot 1 : Lot 1						
1 - PER LINEAR FOOT INSTALLATION OF CG-6 CURB & GUTTER						
	\$129,500.00	\$129,500.00	\$173,493.00	\$214,600.00	\$215,525.00	\$237,873.00
Total For Lot 1 : Lot 1	\$129,500.00	\$129,500.00	\$173,493.00	\$214,600.00	\$215,525.00	\$237,873.00
Total Bid	\$129,500.00	\$129,500.00	\$173,493.00	\$214,600.00	\$215,525.00	\$237,873.00

Coin Toss with a Witness Winner:  
Arthur Construction



Witness Signature

Bids Tabulated by:





# TOWN OF FRONT ROYAL CURB AND GUTTER PROJECT LIMITS



40 20 0 40 80  
Feet

PREPARED BY PLANNING & COMM. DEV. DEPT.  
MARCH 15, 2021 CARTOGRAPHER: AGV  
IMAGERY DATE: APRIL 2018

## MAP KEY

- PROJECT LIMITS
- PROPERTY LINES





11E





## Council Agenda Statement

Item # 11E

Meeting Date: March 22, 2021

---

**Agenda Item:** Bid for Professional Annual Auditing Services

**Summary:** Council is requested to approve professional auditing services of Mitchell & Co., P.C. through the sole source procurement method by establishing a new contract for services.

**Budget/Funding:** Town Council Professional Services line item 1101-43002 with following pricing

Year Ending June 30	Staff Hours	Fees
2021	550	\$43,750
2022	550	\$43,750
2023	580	\$45,250
2024	580	\$45,250
2025	600	\$47,500.

**Meetings:** None

*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 professional auditing services of Mitchell & Co., P.C. through the sole source procurement method by establishing a new contract for services.

---

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

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





# Town of Front Royal, Virginia

Purchasing, Department of Finance

**Date:** March 8, 2021  
**To:** Tina Presley, Senior Executive Assistant  
**From:** Alisa Scott, Purchasing Manager  
**RE:** Request to add action item to Town Council Agenda

Purchasing received a request from the Department of Finance to solicit a Request for Proposals (RFP), a procurement method of competitive negotiation, for professional auditing services. On February 25<sup>th</sup>, the Town received four proposals.

Mitchell & Co., P.C., submitted a proposal for auditing services to the Town and the newly formed Front Royal Economic Development Authority. Mitchell & Co., P.C., is the Town's current Independent Contractor for professional auditing services.

The attached letter from Doug Napier, Town Attorney, demonstrates how the procurement of auditing services through the sole source method is in accordance with the Virginia Public Procurement Act (VPPA). Professional auditing services serve at the pleasure of Council. Staff recommends Council procure the professional auditing services of Mitchell & Co., P.C. through the sole source procurement method by establishing a new contract for services. This auditing services RFP contained a clause for renewable terms. "Any contract resulting from this RFP shall have a term limit of one (1) year and may be renewable for four (4) additional one-year terms at the option of the Town."

Please add this consent item to Council's March 22<sup>nd</sup>, 2021 Regular Town Council Meeting.

Funding has been budgeted for and is available in the Town Council Professional Services line item 1101-43002; pricing schedule as follows:

<u>Year Ending June 30</u>	<u>Staff Hours</u>	<u>Fees</u>
2021	550	\$43,750
2022	550	\$43,750
2023	580	\$45,250
2024	580	\$45,250
2025	600	\$47,500.

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



TOWN OF FRONT ROYAL  
OFFICE OF THE TOWN ATTORNEY

Douglas W. Napier  
Town Attorney

George M. Sonnett, Jr.  
Assistant Town Attorney

Brandi N. Cameron  
Legal Assistant

102 EAST MAIN STREET  
FRONT ROYAL, VIRGINIA 22630  
P.O. BOX 1560  
TELEPHONE 540.635.7872  
FACSIMILE 540.635.4281

March 5, 2021

BJ Wilson  
Director of Finance  
Town of Front Royal  
Town Hall

Re: Procurement of Auditing Services

BJ,

After researching and thinking about this matter, the sole source statute, Va. Code § 2.2-4303, copied below, seems tailor-made for re-retaining Mitchell & Co. as the auditor for the Town under the circumstances the Town currently finds itself. The Town is now and has been for some time in very complex litigation with the Warren County Economic Development Authority and Jennifer McDonald, which in all likelihood will continue to be on-going for years, especially because there is likely to be on-going federal criminal investigations and prosecutions of those entities. The amount of historical and financial knowledge Mitchell & Co. has gained of those entities and their relationship to the Town would be unreasonably difficult and expensive to replicate if the Town attempted to replace Mitchell & Co. with a new auditing firm. In addition, Mitchell & Co. has consistently provided excellent and timely professional auditing services to the Town, and has given the Town no reason to expect any different results in the future. It is my opinion that the Town would be doing a financial and professional disservice to Town taxpayers, to Town Council, and to Town staff, to attempt to replace the Town's auditing firm at this juncture point. In my opinion, re-retaining Mitchell & Co by following the sole source method approved in Va. Code § 2.2-4303 of the Virginia Public Procurement Act, which I copy below, is preferable under these circumstances to the requests for proposals method, which is also permitted under that Act. In my opinion, Mitchell & Co. is the only auditing source practicably available to the Town under the circumstances.

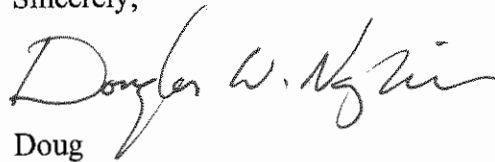
***Va. Code § 2.2-4303. Methods of procurement.** —E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive*



*negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.*

Please let me know if you have any questions.

Sincerely,

  
Doug

*Douglas W. Napier*  
Town Attorney  
Town of Front Royal, VA  
VSB No. 16136  
P.O. Box 1560  
102 E. Main Street  
Front Royal, VA 22630  
Tel. 540.635.7872  
Direct 540.622.7732  
FAX 540.635.4281  
[dnapier@frontroyalva.com](mailto:dnapier@frontroyalva.com)



11F





## Council Agenda Statement

Item # 11F

Meeting Date: March 22, 2021

---

**Agenda Item:** Budget Amendment for Contract Modification to Hydro-Structures for Closed Circuit Television (CCTV) Inspection of Sanitary Laterals

**Summary:** Council is requested to approve a contract modification to Hydro-Structures LLC for closed-circuit television (CCTV) inspection of sanitary laterals that add specific streets to the inspection work in the amount of \$168,325.00. The CCTV work is needed before milling and paving primary and secondary roads listed as a priority within the paving plan.

**Budget/Funding:** FY22 budget amendment to allocate sewer fund reserves (9801-3510110 Waste Water Treatment Appropriated Funds Forward) to 9801-47998 Sewer Line Maintenance I & I Abatement

**Meetings:** None

*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 budget amendment in the amount of \$168,325.00 to approve a contract modification to Hydro-Structures LLC for closed-circuit television (CCTV) inspection of sanitary laterals that add specific streets to the inspection work in the amount of \$168,325.00.

---

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

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





# Town of Front Royal, Virginia

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Purchasing, Department of Finance

## MEMORANDUM

---

**Date:** March 10, 2021  
**To:** Tina Presley, Senior Executive Assistant  
**From:** Alisa Scott, Purchasing Manager  
**RE:** Request to add item to Town Council Agenda

---

At its April 27<sup>th</sup>, 2020 Regular Council Meeting, Council approved a contract to Hydrostructures, LLC for Closed-Circuit Television (CCTV) inspection of sanitary laterals as a result of competitive bidding, or Invitation for Bid.

The Town and Hydrostructures have mutually agreed to a contract modification that add specific streets to the inspection work based on unit pricing from the original contract. This CCTV work is needed before milling and paving primary and secondary roads listed as a priority within the paving plan. This work may or may not result in additional work for the Town's sewer maintenance division to repair or replace Orangeburg laterals depending on the results of the CCTV reports.

The total cost to perform CCTV investigations from Hydrostructures is \$168,325.00 and work will begin immediately upon approval.

Staff recommends Council award the contract modification to Hydrostructures for the successful completion of CCTV inspections. Please add this recommendation to Council's March 22<sup>nd</sup>, 2021 Regular Meeting agenda.

Funding for this service will require Town Council to approve a FY22 budget amendment to allocate sewer fund reserves (9801-3510110 Waste Water Treatment Appropriated Funds Forward) to 9802-47998 Sewer Line Maintenance I&I Abatement in the amount of \$168,325.00.

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





# Town of Front Royal, Virginia

Purchasing, Department of Finance

## **Town of Front Royal Contract Modification: 2019 SANITARY SEWER CCTV INVESTIGATION**

The Town of Front Royal and Hydrostructures, LLC., hereby wish to modify the contract to provide all equipment, materials, labor, and mobilization for CCTV investigations, effective April 28<sup>th</sup>, 2020.

Whereas:

The Town of Front Royal Purchasing Department and the Department of Public Works wishes to exercise its option to add additional streets to the original contract in accordance with the specifications, unit pricing and all terms and conditions through May 28<sup>th</sup>, 2021 for a total amount of \$168,325.00 per the attached proposal.

HYDROSTRUCTURES, LLC.

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

TOWN OF FRONT ROYAL

BY: \_\_\_\_\_

NAME: Steven W. Hicks

TITLE: Town Manager

DATE: \_\_\_\_\_

APPROVED AS TO FORM

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

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





# HYDROSTRUCTURES®

March 10, 2021

Mr. Robert Boyer  
Director of Public Works  
Town of Front Royal  
P.O. Box 1560  
Front Royal, VA 22630

**Re: Proposal for Additional Field Services  
CCTV Inspection of Sewer Mains and Laterals for 2021 Street Paving  
Town of Front Royal, VA**

Dear Mr. Boyer:

Background/Purpose

Hydrostructures has been requested by the Town of Front Royal to perform additional sewer cleaning and CCTV inspection of sewer mains and laterals in areas included in the Town's 2021 Street Paving program. This work will be completed in accordance with the pricing and contract requirements included in the previous 2019 Sanitary Sewer CCTV Investigation project.

Per information provided by the Town, the proposed work includes the following areas:

1. N. Royal Ave – Between W. 14th St and E. 6th St - 27 laterals
2. N. Commerce Ave – Between Happy Creek Bridge and E. 2nd St - 10 laterals
3. E. 6th St – Between N. Commerce Ave and N. Royal Ave - 11 laterals
4. Leach St/Northview St – Between Horseshoe Dr and Dead end - 17 laterals
5. Braxton Rd – Between Leach St and Polk Ave - 22 laterals
6. Wines St – Between Braxton Rd and Leach St - 14 laterals
7. Evelyn Ct – Between Wines St and Dead end - 5 laterals
8. Hamilton Circle – Between Manassas Ave and Manassas Ave - 23 laterals
9. Viscose Ave – Between W. Main St and W. Main St - 49 laterals
10. Horseshoe Dr – Between Easterly St and Easterly St - 30 laterals
11. Forest Hill Dr – Between W. Strasburg Rd and W. Duck St - 9 laterals
12. Parkview Dr – Between Beeden Lane and E. Criser Rd
13. West 9<sup>th</sup> St. – Between Virginia Ave. and N. Shenandoah Ave. – 11 laterals
14. Easterly Street – Between Wines St. and East Stonewall Dr. – 4 laterals



15. Park Lane – Between West 9<sup>th</sup> St. and Dead end – 3 laterals

### **Fee Estimate**

Hydrostructures will provide the indicated services (including all labor, materials and equipment) for the unit prices included in the original 2019 Sanitary Sewer CCTV Investigation contract

1. Bond/Mobilization Cost	\$3,300.00
2. CCTV Inspection with Light Cleaning (<12") 18,200 LF @ \$3.00/LF	\$54,600.00
3. Root Removal and/or Heavy Cleaning 35 Hours @ \$350.00/HR	\$12,250.00
4. Remove Protruding Lateral 12 @ \$250.00/EA	\$3,000.00
5. Preliminary Assessment of Laterals 235 EA @ \$225.00/EA	\$52,875.00
6. CCTV Inspection of Laterals 4,700 LF @ \$9.00/LF	\$42,300.00

**Total Estimate Fee** **\$168,325.00**

### **Project Schedule**

For the work discussed above we have prepared a proposed project schedule:

Receive Council Approval..... March 22, 2021  
Mobilize Crew to Front Royal.....April 5, 2021  
Complete Field Work (assume 6 weeks work) .....May 14, 2021  
Final Data Submittal..... May 28, 2021

The mobilization date of April 5, 2021 is worst case scenario and assumes the crew that will perform this work doesn't complete their current project until April 2. They could potentially mobilize a week earlier on March 29 if they complete that work early. Data submittals will be made on a weekly basis and will follow 2 weeks behind field work.

We are excited for the opportunity to work with the Town of Front Royal on this important project. If you have any questions or need an additional information please call me at your convenience.

Sincerely,

*Michael S. Koonce*

Michael S. Koonce, P.E.  
Manager



11G





## Council Agenda Statement

Item # 11G

Meeting Date: March 22, 2021

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**Agenda Item:** Laboratory Services for Water Treatment and Wastewater Treatment Plants

**Summary:** Council is requested to approve the bid for laboratory services for the Water and Wastewater Treatment plants in the following amounts based on lots:

- Pace Analytical, LLC for the total of lots 2,3,5,6, and 7 - \$10,700.00
- Inboden Environmental Services for the total of lot 8 - \$45,790.40
- Greenway Environmental Laboratory for the total of lot 9 - \$2,530.00

**Budget/Funding:** 9601-43077 Water Plant Lab Testing and 9801-43007 Wastewater Treatment Plant Lab Testing

**Meetings:** None

*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 the bid for laboratory services for the Water and Wastewater Treatment plants in the following amounts based on lots:

- Pace Analytical, LLC for the total of lots 2,3,5,6, and 7 - \$10,700.00
- Inboden Environmental Services for the total of lot 8 - \$45,790.40
- Greenway Environmental Laboratory for the total of lot 9 - \$2,530.00

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

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





# Town of Front Royal, Virginia

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Purchasing, Department of Finance

## MEMORANDUM

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**Date:** March 12, 2021  
**To:** Tina Presley, Senior Executive Assistant  
**From:** Alisa Scott, Purchasing Manager  
**RE:** Request to add action item to Town Council Agenda

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Purchasing received a request from the Department of Public Works' Water Treatment Plant and Waste Water Treatment Plant to competitively bid out laboratory services. On February 19<sup>th</sup>, 2021, I held a public bid opening and received five (5) bids in accordance with the Virginia Public Procurement Act.

In order to properly assist in the review and to serve in awarding a contract that is in the best interest of the Town, the Town contracted with RK&K, subject matter experts in laboratory services and analysis. RK&K's scope of work was to review the submitted bids and determine an award based on the lowest responsive and responsible bidder. Per RK&K's attached Award Recommendation, staff recommends awarding specific lots for laboratory services as follows:

- Pace Analytical, LLC for the total of lots 2, 3, 5, 6, and 7 - \$10,700.50
- Inboden Environmental Services for the total of lot 8 - \$45,790.40
- Greenway Environmental Laboratory for the total of Lot 9 - \$2,530.00

Please find attached RK&K Award Recommendation and bid tabulation. Please add this consent item to Council's March 22<sup>nd</sup>, 2021 Regular Town Council Meeting.

Funding has been budgeted for and is available in the following line items: 9601-43077 Water Plant Lab Testing and 9801-43007 Wastewater Treatment Plant Lab Testing.

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



**VENDOR SPREAD SHEET**



Town of Front Royal, VA

**IFB Laboratory Services**  
**Bid Opening Date: 2/23/21**  
**Opening Time: 1:00 PM**

	<b>Inboden Environmental Services Mt. Jackson, VA</b>	<b>Enthalpy Analytical Richmond, VA</b>	<b>Mid-Atlantic Laboratory Services Port Royal, VA</b>	<b>Pace Analytical, LLC Beaver, WV</b>	<b>Greenway Environmental Laboratory Winchester, VA</b>
<b>Water Treatment Plant Lots</b>	<b>LOT PRICE</b>	<b>LOT PRICE</b>	<b>LOT PRICE</b>	<b>LOT PRICE</b>	<b>LOT PRICE</b>
Lot 2	\$940.00	\$564.50*	\$1,522.00	\$679.50	\$813.50
Lot 3	\$4,200.00	\$2,098.40*	\$2,350.00	\$1,830.00	\$1,980.00
Lot 5	\$295.00*	\$216.00*	\$460.00	\$355.00	\$345.00*
Lot 6	\$4,400.00	\$2,080.00*	\$5,168.00	\$2,400.00	\$3,040.00
Lot 7	\$17,146.00	\$4,524.00*	\$8,488.00	\$5,436.00	\$7,878.00
<b>Waste Water Treatment Plant Lots</b>	<b>LOT PRICE</b>	<b>LOT PRICE</b>	<b>LOT PRICE</b>	<b>LOT PRICE</b>	<b>LOT PRICE</b>
Lot 8	\$45,790.40	\$53,254.00*	No Bid	\$36,266.00*	\$63,325.00
Lot 9	\$850.00*	\$2,520.00*	No Bid	\$2,750.00	\$2,530.00

**\*DENOTES NON-RESPONSIVE BID**

The **VENDOR SPREAD SHEET** is generated from the initial, raw information collected. No award decision has been made.

*Alisa Scott*  
**Prepared by: Alisa Scott, CPPB, VCO, PMP**

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





2100 East Cary Street, Suite 309  
Richmond, VA 23223  
Phone 804.782.1903  
www.rkk.com

March 12, 2021

Ms. Alisa Scott  
Manager of Purchasing  
Town of Front Royal  
102 E. Main Street  
Front Royal, VA 22630

**Re: Award Recommendation – Firm Fixed Pricing on Various Types of Laboratory Samples (IFB #4514)**

Dear Alisa:

On Thursday, February 19<sup>th</sup>, the Town of Front Royal (Town) received bids for the Firm Fixed Pricing on Various Types of Laboratory Samples (IFB #4514) contract. The purpose of this contract is to secure one or more vendor(s) to supply physical, chemical, and bacteriological analytical testing services for the Town's water and wastewater plants. Costs were requested for a total of seven (7) individual lots of testing services, of which five (5) were water (Lots 2, 3, 5, 6, and 7) and two (2) were wastewater (Lots 8 and 9) related.

Bids were received from the following bidders:

- Inboden Environmental Services
- Enthalpy Analytical
- Mid-Atlantic Laboratory Services
- Pace Analytical, LLC
- Greenway Environmental Laboratory

Four of the five bids received were overall responsive and responsible; however, some individual Lots bid were not, causing elimination of those Lots for consideration. A detailed bid tabulation is enclosed.

Pace Analytical, LLC was the lowest responsive and responsible bidder for Lots 2, 3, 5, 6, and 7. RK&K contacted the three references Pace Analytical provided in their bid; Pace received mostly favorable comments and were recommended for this contract. One of their references mentioned that the company had intermittent issues; however, this reference gave an overall positive review of Pace. RK&K recommends the awards of Lots 2, 3, 5, 6, and 7 services to Pace Analytical in the amounts of \$679.50, \$1,830.00, \$355.00, \$2,400.00, and \$5,436.00, respectively.



**Award Recommendation – Firm Fixed Pricing on  
Various Types of Laboratory Samples (IFB #4514)**

Inboden Environmental Services (IES) submitted the lowest responsive and responsible bid for Lot 8. References provided by IES noted they have a great working relationship with IES and would highly recommend them. RK&K recommends that IES be awarded Lot 8 in the amount of \$45,790.40.

Greenway Environmental Laboratory was the lowest responsive and responsible bidder for Lot 9. Greenway was positively recommended by their provided references. RK&K recommends that Greenway be awarded Lot 9 in the amount \$2,530.00.

Please note that Enthalpy Analytical was the lowest bidder for some lots. However, Enthalpy was not responsive nor responsible in their bid due to lumping all logistical costs into Lot 8 rather than proportionately distributing amongst all lots. Enthalpy Analytical also indicated that they were only interested in an award of the full scope of work. This makes it difficult to compare their lot prices to the other companies, as well as violates the Invitation for Bids criteria.

In summary, RK&K recommends the following:

<b>Lot</b>	<b>Vendor</b>	<b>Award Amount</b>
Lot 2	Pace Analytical, LLC	\$679.50
Lot 3	Pace Analytical, LLC	\$1,830.00
Lot 5	Pace Analytical, LLC	\$355.00
Lot 6	Pace Analytical, LLC	\$2,400.00
Lot 7	Pace Analytical, LLC	\$5,436.00
Lot 8	Inboden Environmental Services	\$45,790.40
Lot 9	Greenway Environmental Laboratory	\$2,530.00

RK&K appreciates the opportunity to review these bids for the Town. Please reach out to us should you have any further questions.

Sincerely,  
**Rummel, Klepper & Kahl, LLP**



Mary O. Sawitzki, P.E.  
Project Manager

Cc: Brian Finerfrock, P.E.  
Jeffrey Kapinos, P.E.



11H





## Council Agenda Statement

Item # 11H

Meeting Date: March 22, 2021

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**Agenda Item:** FY21 Budget Amendment & Intra-Fund Transfer for CDBG Wayfinding Signs Project

**Summary:** Since the Town was awarded the Community Development Block Grant (CDBG) in 2018, staff has been working diligently to make progress by spending this grant funding on special projects. Along with the new pavilion, façade improvements, and murals, wayfinding signs throughout the town and county are also included in the funding program.

The Town has spent \$26,175 of CDBG wayfinding funds to design the monument, trailblazing, and parking signs to Frazier. Staff from both the County and Town split the sign fabrication and installation into 2 phases; Phase I: Trailblazing signs, which are vehicular directional signs. Phase II: Monument/Entry and Parking Signs. This decision was made due to the urgency of completing the project within the CDBG funding deadline and the timeline for completing trailblazing signs versus monument signs which are comprehensively more expensive and take longer to install.

On behalf of both the Town and County, through a wayfinding procurement Memorandum of Agreement, the Town solicited and received 9 competitive bids. The lowest responsive and responsible bidder was \$234,400.00 for both Town and County signs. Of this total, the County has 18 signs for a total amount responsible for \$84,900.00 and the Town has 37 signs for a total responsible for \$149,770. The remaining CDBG funding for the wayfinding project is \$112,000.00. The Town still requires \$37,500 in funds to cover its signs and \$8,000 to cover additional project oversight for engineering.

Council is requested to approve a FY21 Budget Amendment and Intra-Fund Transfer in the amount of \$45,500.00.

**Budget/Funding:**

9790-49999	General Fund Reserve for Contingencies	<\$45,500.00>
9790-49015	General Fund Transfer to Special Project Fund	\$45,500.00
9130-3510105	Special Project Fund Transfer from General Fund	\$45,500.00
9130-47016	Special Project Fund Wayfinding Signs	\$45,500.00

**Meetings:**

*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 and Intra-Fund Transfer in the amount of \$45,500.00 for wayfinding signs.

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

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

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



12A





## Council Agenda Statement

Item # 12A

Meeting Date: March 22, 2021

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**Agenda Item:** Order of Business for Regular Council Meetings in 2021

**Summary:** On February 22<sup>nd</sup> Council approved various amendments to Town Code Chapter 4 one of which was the Order of Business (4-19), that allows a quorum of Council to decide the Order of Business for Regular Meetings during their first meeting in January for the upcoming year and for the year 2021 to begin in March and end in December. Council discussed this at their February 22<sup>nd</sup> meeting, but chose to discuss further at their March 8<sup>th</sup> work session.

**Budget/Funding:** None

**Meetings:** February 22<sup>nd</sup> Regular Meeting and March 8<sup>th</sup> work session

**Proposed Motion:** I move that Council approve the Order of Business as presented for the remainder of calendar year 2021.

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

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





## REGULAR TOWN COUNCIL MEETING

Monday, March 22, 2021 @ 7:00pm

Warren County Government Center

*Due to Executive Order #72 (Amended 2/24/21) and Order of Public Health Emergency Nine, Common Senses Surge Restrictions, Certain Temporary Restrictions due to COVID-19, from Governor Northam there is limited seating*

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
5. ADDITION/DELETION OF ITEMS
6. RECOGNITIONS/AWARDS
7. PRESENTATIONS
8. PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)
9. PUBLIC HEARINGS
10. REPORTS
  - a. Report of Town Manager
  - b. Report of Councilmembers.
  - c. Report of the Mayor
11. CONSENT AGENDA ITEMS
12. BUSINESS ITEMS
13. CLOSED MEETING



13





## Council Agenda Statement

Item # 13

Meeting Date: March 22, 2021

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### Motion to Go Into Closed Meeting

I move that Town Council go into Closed Meeting under Section 2.2-3711 of the Freedom of Information Act of the Code of Virginia, as follows:

- (1) Regarding issues, including condemnation, concerning the possible acquisition of real estate for the redundant waterline in connection with the Route 522 North Corridor area:
  - A) Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, under subsection A. 3.
  - B) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, under subsection. A. 6.
  - C) Consultation with legal counsel employed or retained by Town Council and briefings by staff members or consultants regarding specific legal matters, including probable litigation, requiring the provision of legal advice under subsections A. 7 and 8.
- (2) Regarding the proper legal exercise of law enforcement jurisdiction and operations within the corporate limits of the Town, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, under subsection A. 8.
- (3) Regarding claimed or potential financial obligations, whether legal or moral, by the Warren County EDA of the Town, consultation with legal counsel employed or retained by Town Council and briefings by staff members or consultants regarding specific legal matters, including actual and probable litigation, requiring the provision of legal advice, under subsections A. 7 and 8.
- (4) Regarding the discussion or consideration of the disposition of publicly held real property, specifically the vacation of a portion of a public right of way near Commonwealth Avenue, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- (5) The purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, more specifically Town-owned property located on Hill Street, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 A. 3. of the Code of Virginia.

### 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.

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

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



14





## Council Agenda Statement

Item # 14

Meeting Date: March 22, 2021

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**Agenda Item:** Possible Action Items after Closed Meeting

**Summary:** Council may come out of the closed meeting to take action on a couple of items

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

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