



## TOWN COUNCIL REGULAR MEETING MINUTES

February 8, 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 McFadden

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** – *Vice Mayor Cockrell moved seconded by Councilman Meza that Council approve the Work Session Minutes of January 19, 2021 and Regular Council Meeting minutes of January 25, 2021 as presented.*

Vote: Yes –Unanimous

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

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

Cornelia Banks, 117 E. 16th Street, wife of former Mayor George E. Banks introduced Gene Kilby and turned her remaining time over to Mr. Kilby.

Gene Kilby, 836 Shenandoah Shores Road, voiced his concern over Council considering naming or renaming a street after Donald Trump. He opined that while it would be unusual it would further divide the community and objected to the consideration. He voiced many concerns of the Trump administration. He suggested that if Council were to consider naming or renaming a street such as Commerce Avenue it should be after a major contributor of the community and mentioned that that Mr. George E. Banks was the first African American to serve on Council and to serve as Mayor in Front Royal. He gave the Council a history of the service of Mr. Banks and when and how he became an activist to serve on the Town Council and in the

community. He voiced concern that the community was going backward instead of forward. He encouraged Council to keep George Banks on their minds as they consider naming or renaming a major street and reminded them that as councilmembers and leaders of the community, they have the responsibility to bring the community together.

Debra Siksay, 118 W Stonewall Drive, suggested that if Council were going to spend taxpayers' dollars they should consider naming a street after a citizen who has made a difference in the community, noting that there was no better choice than George Banks to begin the process.

Suetta Freeman, 74 Michelle Road, described Mr. Bank's character as being responsible, honest, passionate, and level-headed since she worked very close with him on various community projects. She encouraged Council to consider Mr. Banks when renaming Commerce Avenue.

Stevie Hubbard, 1169 Elm Street, encouraged Council to not rename a major road after Donald Trump, but suggested instead for them to consider those who have paid dearly for the community including those during the segregation/desegregation years. She opined that the suggestion of naming a street after Donald Trump was offensive and suggested that naming a street after Mr. Banks would be an amazing first step.

Bruce Rapport, 300 W Main Street, reminded Council that Mr. Trump had never "stepped foot" in Front Royal and that Mr. Banks was an upstanding citizen and a better choice. He raised the concern of increasing water and sewer rates in the next two years by \$3.50 per month. Town Manager Hicks clarified that it was \$1.50 increase per month now and \$2.00 increase per month in 2023. Mr. Rapport also suggested that commercial rates should be considered to help alleviate the "pain" on the taxpayers. He voiced concern over Council reducing their regular meetings from twice a month to once a month and asked that Council be focused on the needs of the people. He voiced concern over the talk of illicit drugs and its connection to marijuana. He encouraged Council to appoint someone from the Town to work with the current Front Royal/Warren County Economic Development Authority. He asked how he could get help from the community to refurbish the Elks Club.

Town Manager Hicks clarified and corrected previous information to Mr. Rapport and the public that the increase in water and sewer rates for residential bills would be \$3.00 over a two-year period and noted that this was a 5-year water plan from the consultants.

A.D. Carter III, Front Royal, advised Council of the history of his service in the Vietnam War and his life in general especially when he moved to Front Royal. He acknowledged George Banks by calling him a "dynamite Mayor who lived it". He encouraged togetherness and advised that he would be praying for the Town, the Council and the citizens herein, voicing hope that we would grow like a family.

Tom Sayre, 835 Shenandoah Shores Road, advised Council that in addition to George Banks and other courageous acts of African Americans in Warren County there was another one and read an excerpt about Servant of God Augustine Holton 1854-1897 an African American Saint.

Noel Williams, Front Royal, encouraged Council not to name any streets after Donald J. Trump, but only after people in Town who contributed to the community.

Reverend Al Woods, 1616 Edgemont Avenue, reminded Council of "IN GOD WE TRUST" that was written on the wall above them and the flags placed by them were symbols that give meaning and purpose that

should be instilled in all of them, as well as virtues we should all abide by. He encouraged Council to move forward in Christian love and do for all God's children.

### **REPORTS**

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

Town Manager Hicks thanked the Police Department, Public Works Department, Fleet Management and Water/Wastewater Crews for always being ready to keep the roads clear. He also noted that the Town Business Offices will be closed on President's Day February 15<sup>th</sup> and Council's Work Session will be held Tuesday, February 16, 2021.

#### **REPORT - CHAIRMAN OF FRONT ROYAL/WARREN COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA)**

Clerk of Council Presley passed out a hand-out to Council and Town Staff from Jeff Browne, Chairman of the Front Royal/Warren County EDA. Mr. Browne gave a history of the EDA, that included the scandal that surrounds the EDA. He advised Council of serious measures in place so that the past would not happen again that included 1) the County insisting on third party bookkeeping and check writing; 2) adopting a series of policies that included transparency and accountability; 3) EDA Staff taking care of economic development and the County taking care of lawsuits and other issues 4) cooperating fully in the criminal cases to bring the guilty to justice and 5) working hard in the civil proceedings to recover assets.

Mr. Browne talked briefly about the EDA's staff Executive Director Doug Parsons and Office Manager Gretchen Henderson. He gave an overview of the various projects the EDA is currently working on 1) refinancing their bank loans for lower interest rates; 2) bringing small business loans back; 3) working with the Town on the amount of interest owed on the police station loan; 4) finishing the accounting process for Leach Run Parkway; 5) working on 2018 and 2019 audits; 6) working on adopting a strategic plan to help local businesses grow and attract businesses in manufacturing of logistics and technology; 7) working to refinance loans; 8) working on plans to sell EDA-owned properties in the Town and the County; 8) starting to work with owners of commercial properties to market their properties; and 9) hoping to coordinate with the Town and County on strategic goals to get the kinds of business we want here.

Mr. Browne gave Council an overview of results: 1) hosted a Commercial Real Estate Open House where commercial realtors toured Town, County and EDA properties in the Town's trolley that resulted in selling of Stokes Mart and Main Street apartments as well as County property; 2) a drone manufacturer (Silent Falcon) based at the County airport; 3) selling property to Hardees on a jointly owned property with the Town and County known as McKay Springs; 4) purchase of Afton Inn is anticipated to close next week; and 5) current agreement with a manufacturing medical company to purchase a building on Baugh Drive.

Mr. Browne advised that the EDA is not bankrupt, noting that by law and Virginia State Code they cannot go bankrupt nor can the EDA be dissolved until all debts are paid in full. He explained that the EDA is technical insolvent which means it cannot pay all of its bills without the support of the County and thanked the County Board of Supervisors for stepping up to help them. Mr. Brown clarified that the EDA is not too busy fighting lawsuits to promote economic development. He explained that the EDA made a deliberate decision to keep staff to focus on economic development issues. He advised that the EDA Board has members with skills in finance, construction, marketing and management.

He assured Council that the EDA could help the Town acquire property for economic development under the same extent as a functioning Town EDA. He advised Council that towns do not require an EDA to borrow money since they can borrow under a general obligation bond up to 10% of the assessed value of town real

estate and by passing a resolution after a public hearing. Towns can also borrow on its moral obligation for revenue bonds by making annual appropriations which does not count against the 10% real estate limit. He explained that counties are more restricted since they can borrow funds by going through a referendum, accept funding for schools, borrow with revenue bonds, short-term borrowing or go through the EDA using the annual appropriation with the county's moral obligation. In conclusion Mr. Browne noted that the EDA cannot undo the past but can learn from the mistakes and make sure there are policies and procedures in place to prevent tragedy from happening again. He encouraged that the Council and the EDA learn to work together better and communicate better.

Councilman Thompson questioned the (15) properties that were listed on the handout and whether the EDA would make any profit if they were sold. Mr. Browne advised that all the monies would go toward paying off the mortgages.

Councilman Gillispie thanked Mr. Browne for attending and voiced concern that the citizens were just made aware of the nine-million-dollar confession of judgement from First Bank. Mr. Browne agreed that everything sold or leased by the EDA would go to First Bank to pay off the nine million dollars owed. Mr. Gillispie opined that the confession of judgement leaves the EDA powerless since the EDA cannot buy property for the Town or County unless the bank allows it. He stated that the EDA cannot obtain any type of financing without the County. Mr. Gillispie questioned the plan for the EDA going forward. Mr. Browne advised that the EDA continues to sell properties to reduce the debt and continue to bring economic development. Mr. Browne confirmed that the last audit of the EDA was 2017 and they were close to completing 2018.

Councilman McFadden questioned the financial process when all three parties (Town/County/EDA) sold property. Mr. Browne explained that the Town and County would each get their share and the EDA's share would go to the bank. Mr. McFadden further questioned the Afton Inn proceeds. Mr. Browne gave the history of the Afton Inn, that included the validity or invalidity of the Memorandum of Agreement (MOA) and construction project of nearly \$500,000. Mr. McFadden asked that Mr. Browne pass along information regarding why the MOA was approved after signing the agreement he had spoken about and not before.

Mayor Holloway confirmed that the EDA was aware of the MOA and it was valid. Mr. Browne advised that the EDA did not pass a resolution. Mr. Holloway questioned that If the bank agreed would the EDA be agreeable to share the proceeds from the Afton Inn with the Town. Mr. Browne reminded Council that the Town Attorney approached the bank without EDA's permission and asked that question and the answer was no. Mr. Browne advised that the EDA has no problem with the Town getting any of the proceeds from Afton Inn but should be based on what the laws says it should be. Mr. Holloway reminded Mr. Browne that the Town gave up two buildings and voiced concern over the \$500,000 already spent on the rehabilitation of the building. He noted that Town citizens deserve something out of this. Mr. Browne reminded Council that the Town would be getting a beautiful building.

Councilman Cockrell acknowledged that the Town citizens are also County citizens and are all victims of the past. She questioned where to go from here referring to the nine-million-dollar judgement and the value of the (15) properties listed on the handout. Mr. Browne advised that they have some rental properties but not enough to cover the principle on nine million dollars and to sell as much property as they can to reduce the overall debt as well as being mindful to help economic development.

Councilman Gillispie questioned that if the County paid for the EDA Staff, how does the EDA Board of Directors ensure that there is no conflict of interests between the EDA Staff and the County. Mr. Browne advised that there were a lot of EDAs that are part of a local government entity since they are no different than a Town or County department. Councilman McFadden confirmed that the Town does not pay for any EDA services.

Councilman Meza thanked Mr. Browne for attending and addressing Council and agreed that the EDA has a good Board and executive director. Mr. Meza questioned what the difference was between the EDA borrowing on a moral obligation (through county or town) and what the EDA would have done five years ago. Mr. Browne advised that the moral obligation was not based on anything related to EDA only the entity. (Town or County) He noted that the police department and IT Federal loans are moral obligation loans noting there was not enough collateral to cover the loan. Councilman Meza opined that in the last few years we were shifting to moral obligation loans as a way to purchase property assuming that the collateral was enough. Mr. Browne could not speak to what happened five years ago but there was a big emphasis on getting a variety of different loans and the most recent ones have had a moral obligation attached to them. Mr. Meza confirmed with Mr. Browne that the moral obligation is essentially the same as the Town and County acting as guarantors and if you default on the loan you are not going to get a loan again.

Councilman Meza question whether part of the EDA's strategic goals on refinancing all their properties was a way to refinance because the County is now essentially the moral obligation guarantor of the loans. Mr. Browne advised that most of the loans being refinanced are ones that have collateral. Mr. Meza stated that the EDA is not bankrupt its insolvent but thanks to the County the EDA is able to continue operating. Mr. Meza questioned that because the EDA moved under the County it is now picked up by the taxpayers to continue operating. Mr. Browne advised that the EDA was semi-independent. He clarified that the EDA was not a profit-making entity like a department of a governing body and therefore is not a County department. He reiterated that the EDA staff are paid by the County. Councilman Meza questioned how the County helped the EDA during its insolvency. Mr. Browne reiterated that they are paying many of the bills comparing it to when the Town used to pay a monthly sum into EDA's operating expenses. Councilman Meza again thanked Mr. Browne for attending the meeting and expressed the continuance of talking with the EDA. Mr. Browne stated that more communication was a way to get through some issues.

Mayor called a 10-minute recess.

b. Requests and Inquiries of Council Members

Councilman Thompson thanked everyone who attended tonight's meeting and that they were heard by Council that no one wanted a street named after Donald Trump. She agreed that the Town needed more unity and to concentrate on local heroes for naming new streets. She thanked Mr. Kilby for his history lesson.

Councilman Gillispie remembered his history with George Banks in that he gave him a high five with a smile on his face and working with him at the polls. He considered him as friend who was honorable, humble and had great integrity.

Vice Mayor Cockrell thanked Town Staff who worked on the streets Super Bowl Sunday. She remembered Mr. Banks serving on council and after retiring from UPS he was her children's school bus driver. She thanked everyone for attending and helping to remember George Banks.

Councilman Lloyd thanked everyone for attending tonight's meeting. He explained that it was his suggestion to rename a street during a work session's open discussion and was not aware of the internet coverage and how that might be perceived. He stated that it was not his most important project only a thought to receive feedback. He mentioned that there were a few streets in Town named after presidents which was really the category the suggestion came from. Mr. Lloyd noted that the feedback tonight may be a better idea and voiced appreciation for everyone's sincerity. He advised that his contact information was available online and he would be happy to sit down and talk about it.

Councilman Meza voiced his appreciation to Mr. Kilby for his positive and well-constructed criticism by suggesting an alternative, noting he should be a model for all citizens who disagree with council.

c. Report of the Mayor – Mayor Holloway expressed his enjoyment of listening to all the speakers. He concurred with Councilman Meza regarding Mr. Kilby. He noted that while the discussion regarding renaming a street to Donald Trump was on the February 16, 2021 agenda, he did not agree with it. He thanked staff for their hard work during the storm and for what is yet to come.

Mayor Holloway appointed Councilmen Meza and McFadden To the Audit and Finance Committee  
Mayor Holloway appointed Councilmen Gillispie and Thompson to the Town Scholarship Committee

#### PROPOSALS FOR ADDITION/DELETION OF ITEMS –

**Councilman Gillispie moved seconded by Vice Mayor Cockrell to add three items to the closed meeting.**

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

#### CONSENT AGENDA ITEMS

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

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

B. Initiating Resolution for Zoning Text Amendments, Apartments, C-2 Districts

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

C. FY21 Budget Amendment for Bear Proofing Refuse Containers

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

D. Bid for Various Types of Concrete

*Council approved a bid for various types of concrete from Rockingham Redi-Mix in various amounts as presented in the attached memo from the Purchasing Manager.*

E. FY21 Budget Amendment Donation from Norfolk Southern Foundation

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

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

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

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

No one spoke and the public hearing was closed.

**Councilman Thompson moved seconded by Councilman Meza that Council affirm on its first reading an ordinance to amend Chapter 4-1, 4-4 and 4-19 as presented.** (original motion)

Councilman Lloyd advised that he still favored two readings of ordinances, noting that it gives the public time to understand the process of drafting an ordinance. Mayor Holloway and Councilman Meza both clarified that ordinances are always discussed at a work session, but the second reading that requires a vote will be eliminated. Councilman Lloyd favored the reality of the second reading as it gives the public extra time to hear the exact language.

**Councilmen Lloyd moved seconded by Councilman McFadden to amend the motion to remove 4-4 but keep all the other amendments.** (motion to amend original motion)

Councilman Thompson explained that if the second reading is removed the ordinance would not be approved for approximately two months due to the meetings only being held once a month. She reminded Council that the ordinances are sent out to the public with edits ahead of time giving them time to read it and make their public comments. She stated that reading through it twice is redundant and slows down things considerably.

Councilman McFadden questioned whether anything would be changed to ensure that citizens would have an opportunity to read the ordinance in advance, since we are shortening the process. Town Manager Hicks explained that nothing will change advertising it only removes redundancy, and Staff supported the amendment for the sake of efficiency and helping items to move forward. He suggested deferring items back to a work session if there are concerns before a vote.

Vote on Motion to Amend Original Motion:

Yes – Councilmen Lloyd and McFadden

No – Vice Mayor Cockrell, Councilmen Gillispie, Meza and Thompson

Absent – N/A

Abstain – N/A

ROLL CALL

Vote on Original Motion:

Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, Meza and Thompson  
 No – McFadden  
 Absent – N/A  
 Abstain – N/A

ROLL CALL

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

**Councilman McFadden moved seconded by Councilman Meza 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, McFadden, Meza and Thompson  
 No – N/A  
 Absent – N/A  
 Abstain – N/A

ROLL CALL

**APPROVAL** – Memorandum of Agreement (MOA) and Budget Amendment for Wayfinding Signs Procurement with Warren County Approval

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

Vote: Yes – Vice Mayor Cockrell, Councilmen Gillispie, Lloyd, McFadden, Meza and Thompson  
 No – N/A  
 Absent – N/A  
 Abstain – N/A

ROLL CALL

**CLOSED MEETING** – Personnel and Consultation with Legal Counsel

Councilman Gillispie moved seconded by Councilman Thompson that Town Council go into Closed Meeting pursuant to Sections 2.2-3711. A. 1., A.3., A.7 and A. 8. of the Code of Virginia, respectively, to discuss the following:

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



- (3) 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 negotiation 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.B)
- (4) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual litigation, specifically, a lawsuit against the Town where such consultation of briefings in open meeting would adversely affect the negotiating or litigating posture of the public body (A.7.)
- (5) The purpose of assignment, appointment, promotion, performance, demotion, salaries, discipline, or resignation of a specific public officers, appointees, or employees of a public body pursuant to Sections 2.2-3711. A. 1 of the Code of Virginia.

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

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Councilman Cockrell moved seconded by Councilman Gillispie 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: Unanimous

#### **COUNCIL CAME BACK IN OPEN SESSION**

Councilman Cockrell moved seconded by Councilman Gillispie that Council direct that Town Staff advertise for public hearing the Hill Street property for sale that the Town owns, and to carry out the intent of the 1975 Hill Street Project. The public hearing to be heard the next applicable date.

VOTE: Unanimous

Approved by Town Council

Date: 2/22/21