

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on April 13, 2020, via WebEx. Public comments were received via email by Acting Clerk of Council Tina L. Presley by 4:00pm on Monday, April 13, 2020. All comments received were forwarded to Town Council before the meeting.

COUNCIL APPROVAL – Consent to Depart from the Regular “Order of Business” for All Regular Council Meetings Scheduled Via WebEx

Councilman Gillispie moved, seconded by Councilman Holloway that Council approve the departure from the regular “Order of Business” during all regular Council Meetings scheduled via WebEx, and, until such time as Town Council resumes meetings held in-person. Councilman Gillispie further moved that all public comments be submitted via Clerk of Council by 4:00pm the day of the Regular Council Meeting during this time.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie Holloway, Meza and Thompson
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

ROLL CALL for MAYOR/TOWN COUNCIL

PRESENT (via WebEx): Mayor Eugene R. Tewalt
Vice Mayor William A. Sealock
Councilman Lori A. Cockrell
Councilman Chris W. Holloway
Councilman Jacob L. Meza
Councilman Letasha T. Thompson
Town Attorney Douglas W. Napier
Interim Town Manager Matthew A. Tederick
Acting Clerk of Council Tina L. Presley

(The above represent municipal officers of the Town of Front Royal as stated in Town Charter Section 4)

APPROVAL OF MINUTES

Councilman Cockrell moved, seconded by Councilman Holloway to approve Work Session Minutes of March 2, March 30 and April 6, 2020 and Regular Council Meeting Minutes of March 9 and March 23, 2020, as presented

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza and Thompson
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL

REPORTS**a. Report of special committees or Town Officials and Interim Town Manager**

Interim Town Manager Tederick gave a brief update on Town operations during the Pandemic. He reviewed a breakdown of three major categories the Town is operating on: 1) preparation phase, 2) enduring phase and 3) recovery phase. He explained that the Town has completed the preparation phase and is currently in the enduring phase. While in the enduring phase, the recovery phase has begun by planning recovery to citizens and businesses.

He advised Council that a Budget Work Session is planned for Monday, April 20th and a Special Meeting to vote on the 2nd Reading of the tax rate would be held one day next week.

b. Requests and inquiries of Council members.

Councilman Gillispie thanked the residents of Front Royal for taking social distancing guidelines seriously. He noted that the Council will be working the next few weeks to help ease the burden of residents and businesses. He asked that we stay positive, patient and help those around you when able; and, we will come out of this [pandemic] stronger.

c. Report of the Mayor

Mayor Tewalt apologized to the residents of Front Royal that Town Council has had to use WebEx for their meetings. He encouraged them to continue staying home and be safe.

d. Proposals for addition/deletion of items to the Agenda – N/A

Town Attorney read the following into the record with regard to 5B “Resolution for a Deed of Easement for Sanitary Sewer Utilities – HEPTAD, LLC”

TOWN OF FRONT ROYAL
OFFICE OF THE TOWN ATTORNEY
102 EAST MAIN STREET
P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630
TELEPHONE 540.635.7872
FACSIMILE 540.635.4281

George M. Sonnett, Jr.
Assistant Town Attorney
gsonnett@frontroyalva.com

Douglas W. Napier
Town Attorney
dnapier@frontroyalva.com

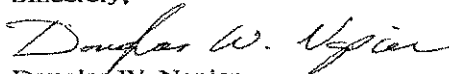
Braudi N. Cameron
Legal Assistant
bncameron@frontroyalva.com

April 13, 2020

To the Mayor, Members of Town Council, and to the public generally:

Pursuant to Va. Code § 2.2-3115. I, I have a personal interest in transactions involving Heptad, LLC, that have or may come before the Town. Several years before I was appointed Town Attorney, and while I was in private practice, I gave legal advice to and drafted legal formation paperwork for the developer of that entity. As a result of that I acquired a small fractional ownership share in the company, which owns real estate in the Town that is currently for sale. Therefore I have a financial interest in Heptad, LLC, which will be realized upon its sale to a third party. According to Va. Code § 2.2-3112.A. 4., while I legally may participate in the transaction because this request would affect the public generally, even though my personal interest as a member of the public may also be affected by that transaction, indeed, granting a sanitary sewer easement to the Town benefits the public, to avoid any appearance of impropriety, I decline to participate in giving legal advice to Town Council or Town staff in this matter, as I have always done in the past.

Sincerely,


Douglas W. Napier
Town Attorney

cc: Tina Presley Clerk of Town Council

Mayor Initial 

CONSENT AGENDA ITEMS –

A. COUNCIL APPROVAL – Donation to FRIBA for Love Letters

Council approved the donation of \$4,000 to the Front Royal Business Alliance (FRIBA) to purchase LOVE letters to be placed permanently in the Village Commons/Gazebo Area in Downtown Front Royal, said letters to be painted by the Local Artisan Trail volunteer artists and to be installed and maintained by the Town of Front Royal.

B. COUNCIL APPROVAL – Resolution for a Deed of Easement for Sanitary Sewer Utilities – HEPTAD, LLC

Council approved a Resolution for Deed of Easement for a 20-foot Sanitary Sewer Easement to be dedicated to the Town of Front Royal on property over the land of HEPTAD, LLC designated at Tax Map 20A21-2 Parcel 1, Happy Creek Magisterial District on Leach Run Parkway.

C. COUNCIL RECOMMENDATION FOR RE-APPOINTMENT – BZA – Hensley

Council recommended John Edwin Hensley to the Judge of the Warren County Circuit Court for re-appointment to the Board of Zoning Appeals (BZA) to a five-year term, said term expiring May 1, 2025.

D. COUNCIL APPROVAL – Amendments to Downtown Revitalization Project (CDBG) By-Laws/Members of the Façade Advisory Board and Façade Improvement Program Design

Council approved amendments to the Downtown Revitalization Project (CDBG) documents: “By-Laws & Members of Façade Advisory Board” and “Façade Improvements Program Design” that was formerly approved by Town Council in 2018, as presented. I further move that Council direct the Interim Town Manager to execute all necessary documents related to these documents.

E. COUNCIL APPROVAL – Proclamation – Sexual Assault Awareness Month

Council approved a Proclamation proclaiming April 2020 as “The Laurel Center Sexual Assault Awareness Month” in the Town of Front Royal.

F. COUNCIL APPROVAL – Resolution to Delay Charges for Real Estate and Personal Property Tax Penalties and Interest

Council approved a Resolution to delay charges for penalties and interested related to 2020 Real Estate and Personal Property Taxes by a period of 90 days due to implications of COVID-19 on the Town citizens, as presented.

Councilman Holloway moved, seconded by Councilman Meza that Council approve the Consent Agenda Items as presented.


Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Mayor Initial 

TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA**A RESOLUTION TO APPROVE A DEED OF EASEMENT
FROM HEPTAD, LLC FOR SANITARY SEWER UTILITIES**

WHEREAS, Heptad, LLC (“Heptad”), a Virginia limited liability company, is the owner in fee simple of real property situated along Leach Run Parkway in the Happy Creek Magisterial District, Town of Front Royal and Warren County, VA, (the “Property”); and

WHEREAS, Heptad desires to grant and convey to the Town of Front Royal, Virginia, a municipal corporation (the “Town”) a perpetual privilege and rights-of-way easement over the Property as set forth in that certain Deed of Easement for Sanitary Sewer Utilities dated September 11, 2019 (“Deed of Easement”), a copy of which has been signed by Heptad, LLC, by its Manager, Ronald Llewellyn, and which copy is attached hereto & incorporated herewith; and

WHEREAS, Town Council of the Town of Front Royal, Virginia (“Town Council”), on behalf of the Town, as a municipal corporation and political subdivision of the Commonwealth of Virginia is willing to accept said Deed of Easement and to accept said perpetual privilege and easement of rights-of-way (“Easement”) over the Property as set forth in that certain Deed of Easement; and

WHEREAS, this Easement will yield significant public benefit to the citizens of the Town, the County, and the Commonwealth; and

WHEREAS, Town Council has determined that the restrictions (“terms and conditions” of the grant) set forth in said Deed of Easement (the Restrictions) will preserve and protect in perpetuity the beneficial use of the Property by the Grantor and the privilege and rights-of way Easement over the Property in favor of the Town.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ENACTED by Town Council that the said Deed of Easement from Heptad which gives, grants and conveys to the Town such privilege and Easement in perpetuity for rights-of-way for sanitary utilities subject to the Restrictions (“terms and conditions” of the grant) as set forth in said Deed of Easement, is hereby accepted by Town Council on behalf of the Town as set forth in said Deed of Easement.

This Resolution shall be effective immediately upon enactment.

Mayor Initial ERL



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 County of Warren**; 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, 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, County of Warren** by increasing education, awareness, & community involvement; and

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, Eugene R. Tewalt, 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!"

Mayor Initial 

RESOLUTION

Regarding the extension of due date for real estate & personal property taxes

WHEREAS, the Town of Front Royal Municipal Code Section 75-44 (B) declares a penalty of 10% of the tax past due or ten dollars (\$10.00), whichever is greater, shall be added to any tax not paid by the aforesaid due date, provided that in no case may the penalty exceed the amount of the tax assessed. In addition, interest shall be added to any delinquent taxes and penalties at the rate of 10% per year, with interest commencing on the first day of the month following the date on which any such taxes became due and payable.

WHEREAS, the Town intends to extend the date in which penalties and interest shall commence for the 2020 Real Estate Taxes and Personal Property Taxes for a period of 90 days from the date on which any such taxes become due and payable.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Town Council of the Town of Front Royal, Virginia, that Town Council approves this resolution regarding the extension of penalty & interest for 2020 Real Estate Taxes and Personal Property Taxes, as presented.

COUNCIL APPROVAL – DEQ Consent Order Issuance

Clerk read for the record:

Summary: Council is requested to approve a Consent Order from the Virginia Department of Environmental Quality (DEQ) to implement specific actions to correct issues that have resulted in violations of the Virginia Pollutant Discharge Elimination System (VPDES) permit issues to the Town’s Wastewater Treatment Plant (WWTP) that occurred over the past year. These Violations were due largely to very high flows through the WWTP during heavy rain events when storm water and ground water leaked into the sewage collection system. These high flows resulted in the discharge of suspended solids to the Shenandoah River in amounts greater than allowed by the VPDES permit. As a result of these violations, DEQ and Town staff met to discuss actions the Town can take to reduce the high flows to the WWTP and reduce or eliminate the permit violations. These are documented on the Consent Order which also includes a civil charge of \$38,615.00. DEQ agreed to allow the Town to perform a Supplemental Environmental Project (SEP) in lieu of paying the full civil penalty to the Treasurer of Virginia. The SEP proposed by the Town is a streambank and channel restoration project in Happy Creek between E. Prospect Street and South Street. The civil penalty is \$3,915.00.

Councilman Gillispie moved, seconded by Councilman Holloway that Council approve the Consent Order issued by the Department of Environmental Quality (DEQ) received April 2020 that includes paying a civil penalty of \$3,915.00 and allowing the Town the Supplemental Environmental Project (SEP) that includes a streambank and channel restoration project in Happy Creek between E. Prospect Street and South Street, as presented. I further move that Council direct the Interim Town Manager to execute all documents associated with the Consent Order.

Vote: Yes – Councilmen Sealock, Cockrell, Gillispie, Holloway, Meza and Thompson

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL

Mayor Initial 

Councilman Holloway moved seconded by Councilman Meza that the Mayor declare the meeting adjourned at 7:14PM

APPROVED:


Eugene R. Tewalt, Mayor

ATTEST:


Tina L. Presley Clerk of Council

Councilman Holloway moved, seconded by Meza approved the Regular Council Meeting minutes of April 13, 2020 on April 27, 2020.

Mayor Initial 