TOWN COUNCIL REGULAR MEETING MINUTES

May 22, 2023@ 7:00PM in the Warren County Government Center

The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com for a limited time.

Moment of Silence
Pledge of Allegiance led by Town scholarship winners Landon Pond and Benjamin Windt.
ROLL CALL BY CLERK OF COUNCIL

PRESENT: Mayor Lori A. Cockrell
Councilwoman Melissa DeDomenico-Payne
Councilman Joshua L. Ingram
Councilwoman Amber F. Morris
Councilman H. Bruce Rappaport
Councilman Duane R. "Skip" Rogers
Vice Mayor R. Wayne Sealock

OTHERS PRESENT: Clerk of Council Tina L. Presley
Town Manager Joseph E. Waltz
Town Attorney George M. Sonnett, Jr.

APPROVAL OF MINUTES – *Vice Mayor Sealock moved seconded by Councilwoman Morris that Council approve the Regular Meeting minutes of April 24, 2023, Work Session Minutes of May 1 and May 8 and Special Meeting minutes of May 1, 2023, as presented.*

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock
No – N/A
Absent – N/A
Abstain – N/A ROLL CALL

ADDITION/DELETION OF ITEMS FROM THE AGENDA OR REVISION TO ORDER OF BUSIINESS – None

RECOGNITIONS/AWARDS/REPORTS –

A. Proclamation for National Public Works Week –

Councilman Rappaport moved seconded by Councilwoman Morris that Council approve a Proclamation proclaiming May 21 – 27, 2023 as National Public Works Week in the Town of Front Royal, as presented.

Mayor Cockrell read the proclamation. Councilwoman Morris gave a shout out to the Public Works employees acknowledging her gratefulness for their hard work.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock
No – N/A
Absent – N/A Abstain – N/A ROLL CALL

B. Award of Town Scholarship Winners – Mayor Cockrell announced the winners of the 2023 Town Scholarships: Landon Pond, Benjamin Windt and Tyler Burhans. They were awarded $1,000.00 each with applause and congratulations from Council.

PUBLIC HEARINGS

A. Ordinance to Amend Town Code Chapter 175-137 Fees, Charges and Expenses to Add the Application Fee of $400.00 for Processing a Local Board of Building Code Appeals (LBBCA) Application

Mayor Cockrell opened the public hearing. There were no speakers. The public hearing was closed.

Councilwoman Morris moved seconded by Vice Mayor Sealock that Council approve an ordinance to amend Town Code Chapter 175-137 Fees, Charges and Expenses to add the application fee of $400.00 for processing a Local Board of Building Code Appeals (LBBCA) application, as presented.

Councilwoman Morris noted that the $400.00 fee was in line with the County of Warren and other localities and is used to assist in staff's time and the stipend paid to the LBBCA board members.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock
No – N/A
Absent – N/A
Abstain – N/A ROLL CALL

B. Ordinance to Amend Town Code Chapter 98 Business, Professional and Occupational Licensing to Add the Definitions of Mobile Food Unit and New Business; Add Additional information to License Requirement and Add Mobile Food Unit to Licensing Peddlers and Itinerant Merchants

Mayor Cockrell opened the public hearing. There were no speakers. The public hearing was closed.

Councilman Ingram moved seconded by Councilwoman DeDomenico-Payne that Council approve an ordinance to amend Town Code Chapter 98-2 Business Professional and Occupational Licensing to add the definitions of "Mobile Food Unit" and "New Business"; add additional information to Chapter 98-3 License Requirement and add "Mobile Food Unit" to Chapter 98-61 Licensing Peddlers and Itinerant Merchants to incorporate additional legislation enacted by the Code of Virginia §58.1-3715.1 regarding mobile food units, as presented.

No Discussion

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock
No – N/A
Absent – N/A
Abstain – N/A ROLL CALL

PUBLIC COMMENTS (COMMENTS NOT RELATED TO PUBLIC HEARINGS)

Clare Schmitt, 337 W. 10th Street, reminded Council that the agreement was to be discussed in the closed meeting tonight had been ongoing for months. She asked that Council come out of the closed meeting with a decision to approve or not approve the agreement as it was almost the end of the fiscal year and funding needed to be allocated.

Ellen Aders, 219 E. Prospect Street, echoed Mrs. Schmitt's comments. She voiced concern about the miscommunication between the Town, Discover Front Royal and the County. She reminded Council of the allocation of funding to be spent on Phase II of the Visitor Center that will be lost if not used by the end of the calendar year. She urged that a decision be made to move forward.

Scott Lloyd, 1049 Happy Creek Road, gave Council a brief justification for the nine chickens he had currently on his property that was against Town Code regulations. He asked that Council revisit the ordinance to increase the number of chickens allowed in Town limits.

REPORTS

A. Town Manager Report – Mr. Waltz gave the following presentation.

Mayor Cockrell questioned the number of those who used automatic payment method. Director of Finance advised that it was less than 1%. Councilman Rappaport questioned how visitors were calculated. Mr. Waltz advised that it was calculated manually. Council commented on how the meals and lodging tax was close to budget.

B. Town Council Reports –

Councilwoman DeDomenico-Payne wished everyone a safe Memorial Day Weekend and to remember those who served.

Councilman Rogers thanked the members of Discover Front Royal for their comments tonight. He recognized their hard work and looked forward to working through the issues. He thanked Niki Foster, Executive Director of the Chamber of Commerce and everyone who volunteered and participated in the Wine/Craft Festival to make it a huge success. He voiced his concern that "open discussion" had been removed from the work session agendas indefinitely and requested that the Mayor place it back on the agenda. He explained that it was an opportunity to speak about issues that were on Council's minds.

Vice Mayor Sealock thanked the members of Discover Front Royal for their comments tonight. He commented on the "good show" of volunteers at the Wine/Craft Festival and the Police Department for their presence during the festival.

Councilwoman Morris thanked the members of Discover of Front Royal for their comments tonight. She thanked Mr. Lloyd for his concerns pertaining to the number of chickens allowed in Town and asked to be added to an upcoming work session. She commented on the success of the Family Fun Day Parade and the Wine/Craft Festival, the beauty of the red/white/blue flowers planted and the Adopt-A-Street Program. She noted that it was at the Mayor's discretion to continue "open discussion" on future work session

agendas. She gave an update on the Transportation Subcommittee meeting stating that issues are being addressed with Norfolk/Southern Railroad, Virginia Department of Transportation, Town Council, County Board of Supervisors and developers/contractors all being in the same room for discussion.

Councilman Ingram reiterated what Councilwoman Morris stated regarding the subcommittee. He advised that he attended a Commonwealth Transportation Meeting recently and talked to several people about the Smart Scale Program for Happy Creek Road Phase II. He also mentioned the funding for the Shenandoah Rail Trail.

Councilman Rappaport thanked the members of the Discover Front Royal for their comments and expressed hope that there will be a conclusion. He stated that he believed in one Economic Development Authority.

C. Mayor Report – Mayor Cockrell listed the events that she attended and thanked those involved in making them a success: Nacho Party on Main Street hosted by Downtown Front Royal; Family Fun Day hosted by Willie/Nina Huck; Wine/Craft Festival hosted by the Chamber of Commerce. She advised that none of the events could be "pulled off" without the assistance of volunteers and Town staff, commenting on the amount of planning and work involved. She reminded the public that there were two openings on the Front Royal Economic Development Authority (FREDA) and a Special Election for two seats on Town Council in November, with a deadline to get on ballot of august 18th.

CONSENT AGENDA ITEMS

A. FY23 Budget Amendment and Budget Transfer for Additional Revenue for Projects

Council approved a FY23 Budget Amendment in the amount of $480,000 to account for revenues that exceeded FY23 budgeted amounts and to approve a FY23 Budget Transfer in the amount of $248,000 from the General Fund to Street Fund to allocate additional funds for the Town to move forward with a Transportation Plan, Criser Road Sidewalk Project, and Paving Projects.

B. Bid for Remanufactured 500KVA Three-Phased Pad-Mounted Transformer for Fleet Maintenance Bldg

Council approved a bid for a remanufactured 500 kVA Three-Phase Pad-Mounted Transformer, for the Fleet Maintenance Department in the amount of $25,625.00 from Jerry's Electric, Inc.

C. Bid for Breakers and Voltage Regulators for Happy Creek Substation Expansion Project

council approved a bid for (2) 15.5 KV, 1200A Outdoor Circuit Breakers to Meyers Controlled Power in the amount of $60,336.00 and (6) 7.62 KV, 250KVA, 328A Single Phase Voltage Regulators to Howard Industries in the amount of $206,730.00 for the Happy Creek Substation Expansion Project.

D. Bid for Dump Body, Hoist and Hydraulic System for Public Works Dump Truck

Council approved a bid for the purchase of a dump body, hoist and hydraulic system for the Public Works dump truck from Godwin Manufacturers in the amount of $54,832.60.

E. FY2022-2023 Write Off for Bad Debt

Council approved the removal of 5 years or older of outstanding accounts receivable (bad debts) totaling $47,314.36 (151 utility accounts) from the Town's ledger for the remainder of fiscal year 2022-2023.

Councilman Ingram moved seconded by Councilwoman Morris that Council approve the Consent Agenda as presented.

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock
No – N/A
Absent – N/A
Abstain – N/A ROLL CALL

BUSINESS ITEMS - None

CLOSED MEETING

Councilwoman Morris moved seconded by Vice Mayor Sealock that Town Council convene a closed meeting, pursuant to Sections 2.2-3711 and 2.2-3712 of the Code of Virginia, for the following purposes:

1) *pursuant to §2.2-3711(A)(1) of the Code of Virginia, for the discussion, consideration, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body, more specifically, appointments to fill vacancies on the Front Royal EDA; and,*
2) *pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, for 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, more specifically, actual litigation between the Town of Front Royal and the Warren County EDA; and,*
3) *pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, for 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, 1) proposed agreements for promotion of economic interests and tourism with Discover Front Royal, Inc. and Warren County, and 2) proposed proffer amendments for Anna Swan Estates (HEPTAD LLC).*

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock
No – N/A
Absent – N/A
Abstain – N/A ROLL CALL

Councilwoman Morris left at 10:28pm

Councilman Ingram moved seconded by Councilman Rogers 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 – Councilmembers DeDomenico-Payne, Ingram, Rappaport, Rogers, Vice Mayor Sealock
No – N/A
Absent – Councilwoman Morris (left at 10:28pm)
Abstain – N/A ROLL CALL

Meeting adjourned at approximately 10:35pm.

Approved by Town Council
Date: 6/26/23