



TOWN COUNCIL WORK SESSION MINUTES

Monday, August 14, 2023

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 for a limited time.

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: Town Manager Joseph E. Waltz
Town Attorney George M. Sonnett, Jr.
Clerk of Council Tina L. Presley
Various members of the staff and public

Introduction to UHY LLP Auditing Services – Director of Finance BJ Wilson introduced Thomas Ray from UHY LLP who gave a brief introduction of his company. He went through a presentation "Financial Statements Audit Presentation Fiscal Year Ended 6/30/2023" that included: 1) About UHY; 2) UHY Team; 3) Scope of Services; 4) UHY's Audit Approach; 5) Significant Risks of Material Misstatement; 6) UHY's Accounting Procedures & Policies Approach; 7) Building the Relationship; 8) UHY's Communications Approach; and 9) Timeline for 2023. It was confirmed that the Finance/Audit Committee would be meeting with the auditors as they have done in the past.

Mr. Ray urged Council to communicate with UHY on anything they may have concerns about. He noted that while a large amount of the auditing can be done virtually, onsite can be done as much as the Town can facilitate.

Old Business

School zone speeding and enforcement. Cooperative procurement of photo speed monitoring device and all related support services, including consulting, operations, and administration pursuant to Virginia Code §46.2-882.1. – Town Attorney George Sonnett advised Council that the agreement in the agenda packet was a rough draft and that he had in his possession the cooperative agreement that Blue Line signed, noting it was much cleaner and tighter. He confirmed that fewer changes would be needed now that he has seen the signed agreement. He explained that the agreement was between Blue Line and another locality who put out the Request for Proposals (RFP), noting that is why cooperative procurement works. Mr. Sonnett advised that once Council decided to go forward with Blue Line, he would vet the agreement and make

certain all Council's questions were answered. Councilman Rogers suggested that Council put an RFP out for a short turn around.

Councilwoman Morris asked what the major differences were between the draft agreement Council received and the signed agreement. Mr. Sonnett advised that the term of the agreement was four (4) years versus two (2) and the fee was \$15.00 versus \$25.00 collected. He confirmed that both agreements could be terminated without cause but not during the first year.

Council questioned what would happen if legislation changed after the agreement was signed. While it was not clear what would happen, Mr. Sonnet felt like a sunset clause would be initiated and there would be no additional costs. He advised that he would check on this to make sure.

Mayor Cockrell questioned the appeals process. Mr. Sonnett advised that it would be similar to contesting a parking ticket which was within seven (7) days and identified as an administrative appeal meaning no court costs since it was not a criminal citation. It was suggested that the true cost of appeals be reviewed. Mr. Sonnett noted that court costs cannot be negotiated. Chief Magalis explained the difference between contested citations and appealed, noting that there were very few people who had contested the citations in other localities.

There was much discussion between the two companies (Blue Line and Altumint) and what they offered including but not limited to costs of (cameras, infrastructure, upfront, etc), technology, and appeals.

Council asked that the signed agreement be sent to them for their review.

Councilwoman DeDomenico-Payne voiced concern on all the negative feedback. Councilwoman Morris opined that law and order should be in the public and for Council to not be afraid of backlash since everyone agrees that protecting children is a priority. Vice Mayor Sealock stated that this was a mechanism with the potential to slow people down.

Mayor Cockrell asked Council whether they wanted an RFP or move forward with Blue Line. Town Manager Joe Waltz recommended Blue Line but Council had the option to put out a RFP. Vice Mayor Sealock questioned the monthly cost associated with Altumint. Councilwoman DeDomenico-Payne suggested Blue Line with the condition that they meet the priorities of Council in the agreement. Councilman Rogers stated that it was Council's fiduciary responsibility to define requirements. Councilman Ingram stated that Blue Line was the better option, noting that the bottom line was that Council was paying for a service. Councilman Rogers reiterated that Council was to look at the bottom number for both companies and do their due diligence. Councilwoman DeDomenico-Payne was fine with proceeding with Blue Line and negotiating the agreement.

Mayor Cockrell suggested asking other jurisdictions who had the cameras what they wished they knew before signing the agreement. Councilman Rappaport suggested having Altumint present before Council to see how flexible they were. Councilwoman Morris respectively asked that this item not be placed on another agenda because staff had given their recommendation. Vice Mayor Sealock agreed.

It was confirmed to place under the consent agenda on the 28th authorizing staff to revise the agreement with Blue Line and come back to Council at a later time to approve the agreement as revised. Mr. Sonnett cautioned Council that if they were to begin looking at other contracts/agreement they would have to put out an RFP to open up the process to other vendors.

Mayor Cockrell advised that there was a consensus to move forward with Blue Line. Mr. Waltz advised that it would be placed on the August 28th Consent Agenda authorizing the Town Attorney to negotiate an agreement with them and then bring it back to a September work session with a vote on an executed agreement thereafter. Mr. Sonnet advised that the contract could be tailored but not competitively negotiated.

Front Royal EDA Proposed MOU that Dictates Support Services – Town Manager Joe Waltz advised that he had been working with the FREDa to get them back up and running. He explained that they would be revising the bylaws so that they matched the Town Code as well as presenting a proposed Memorandum of Understanding (MOU) between the Town and FREDa dictating staff support services. He recommended moving forward with the MOU and bringing it back to Council for review. Mayor Cockrell and Councilwoman Morris gave a brief history with the past FREDa and Mr. Waltz had direction to move forward.

Public Hearing Slated for August 28th

Special Use Permit to Paint Two Murals Larger than 60 square feet located at 1314 N. Royal Avenue – William Kryssing – Director of Planning Lauren Kopishke advised that the applicant purchased the property in April and submitted plans for mural renderings in July. Town Attorney George Sonnett read the Town Code that defined artistic murals as a sign with the maximum (60) square footage allowed and anything larger required a special use permit which the Director of Planning could not grant administratively. Ms. Kopishke showed the mural renderings explaining that one side of the building would be (210) square feet and the other would be (400) square feet, noting that an additional submittal was needed for the commercial sign advertising their business. It was confirmed that the Planning Commission was holding their public hearing on Wednesday, August 16th. Mayor Cockrell confirmed that Council would hold their public hearing on August 28th.

Vice Mayor Sealock updated Council on what the mural renderings honored. Councilman DeDomenico-Payne questioned the murals on Main Street. Ms. Kopishe explained that they were regulated through the Historic District, noting that the request before them was in the Entrance Corridor.

There was a brief discussion on the tastefulness of art in general along with color and picture choices. Mr. Sonnett reminded Council that the issue tonight was the size of the mural “sign”. He explained that the Zoning Ordinance focused on health, safety and welfare, noting that murals were defined as a sign that may divert attention to motorists which was why the size was regulated to keep control.

Town Manager Joe Waltz advised that it has been advertised as a public hearing on the August 28th.

Consent Agenda Items for August 28th

Electric Cost of Service Analysis and Rate Study – Finance Director BJ Wilson advised Council that an RFP was issued to review the Town’s electric rates that included: 1) commercial demand; 2) net metering for solar and 3) connection fees for new development. He noted that the last analysis/study was in 2018 and it was good standard practice to review every five (5) years. Council agreed to place on August 28th Consent Agenda.

Purchase of a Standby Generator for the Energy Services Department – Purchasing Manager Michelle Campbell advised that this was through cooperative contracting, funds were available, and staff recommended its approval. Council agreed to place on August 28th Consent Agenda.

Bid for Water and Wastewater Chemicals FY24 – Purchasing Manager Michelle Campbell advised that this bid was placed every year and this year eight (8) responses were received. She noted that four (4) were approved for fixed pricing. Mr. Wilson advised that other localities piggyback off this bid due to it being a hard bid to put together.

CLOSED MEETING

Councilwoman Morris moved seconded by Councilman Rappaport 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, the Clerk of Council, and,*
- 2) *pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically, portions of North Street and adjacent unimproved alleyway, 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, Swan Farm/HEPTAD proposed proffer amendments; and,*
- 4) *pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, more specifically, Town of Front Royal v. Front Royal Warren County EDA, et al. and Front Royal Warren County EDA v. Town of Front Royal.*

Vote: Yes – Councilmembers DeDomenico-Payne, Ingram, Morris, Rappaport, Rogers, Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Motion to Certify Closed Meeting at its Conclusion

[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]

Councilman Ingram moved seconded by Councilwoman DeDomenico-Payne 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, Morris, Rappaport, Rogers, Vice Mayor Sealock

No – N/A

Absent – N/A

Abstain – N/A

ROLL CALL

Adjourned meeting at 10:45pm.

Approved by Town Council

Date: 8/28/23