

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on February 13, 2017, in the Warren County Government Center's Board Meeting Room. Mayor Tharpe led Council and those attending in the Pledge of Allegiance to the flag and a Moment of Silence. The roll was called at 7:00 p.m.

PRESENT: Mayor Hollis L. Tharpe
Councilman John P. Connolly
Councilman Bébhinn C. Egger
Councilman Jacob L. Meza
Councilman Christopher S. Morrison
Councilman Eugene R. Tewalt
Town Attorney Douglas W. Napier
Interim Town Manager Joseph E. Waltz
Clerk of Council Jennifer E. Berry, CMC

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Councilman Tewalt moved, seconded by Councilman Egger moved that Council approve the Regular Council Meeting minutes of January 23, 2017 as presented.

Vote: Yes - Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No - N/A

Abstain - N/A

Absent - N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Donald Cochrane, 11 Richmond Road, presented the following to Council:

When my house was built in 1974, the original owners had every expectation of living in a quiet neighborhood, far enough away from the downtown area. This was changed with two pen strokes. The first by Mr. Tewalt who signed off on the UPS building permit in 1977, turning it from a small garage into a large distribution center. The lighter shaded area on the building shown on the fold out page of the information you were given shows the original section of the building and the darker is the distribution center addition. The second was the Town Council's in 2006, amending the noise ordinance and grandfathering UPS.

The thick complaint file in the Police Department, combined with the even thicker file in the Town Hall attests to the fact, this has not gone well. The homeowners of Richmond and Portsmouth Roads have not been treated well or fairly by either UPS or the various Town Council's we elected to represent us. I myself was called an outsider by Council Member McDonald when he attempted to embarrass me during one Town Council meeting.

UPS continues to be a problem to this day. Their trucks come in and out of the compound at all hours of the night. They honk their horns greeting each other and when they back up. They yell conversations at each other over the drone of the engines. They throw boxes into the trucks

making loud thumping noises. There is a beeper on several of the trucks that beeps as they back up. The most destructive is then they drag the front skids of the trailers on the pavement, reverberating through the ground and into the homes, causing stress cracks in the brick work and causing pictures on the wall to go askew.

When confronted, the various managers say they will talk to the drivers. This might last a couple of days, perhaps a week and then they return to business as normal. I think it's quite reasonable to expect the same quality of life in my neighborhood that you have in yours and the noise ordinances of 1965 and 1986 should have protected us. I'm asking you to put an end to this and rescind the noise ordinance revision of 2006 and return sections 106-8 subsection B, paragraph 4 to the noise ordinance.

Bernice Lawson, of 7 Richmond Road, stated that she and her son are renters in the Town and were not told about the noise issue. She noted that her son is disabled and when the UPSA trailers "drop" and the tractors are disconnected the noise makes it quite difficult to sleep. She noted that the noise is beyond upsetting to her and her son in their home.

Barry Ligas, of 3 Richmond Road, commented that the noise is quite a high concern, noting that he is perhaps 30 feet away from the UPS site. He noted that he has spoken to UPS and it stops for a couple of days and then it resumes. Mr. Ligas stated that the noise must end.

Allen Taylor, of 217 Grove Farm Road, noted that he is a Chamber member and he was presented information on the Community Block Development Grant and he requested Council's support for the CBDG. Mr. Taylor noted that it was a multi-faceted program with many façade upgrades as well, with over all improvements for the area. Mr. Taylor stated that it would be very little cost to the Town and he reiterated his request for Council's support.

Mike McCool, of 125 W. 8th Street, stated that the Springsted contract for hiring the Town Manager was on the agenda. He noted that the last few hirees from this company and other consultants were no longer employed by the Town and he opined that Council has the adequate skill set and a highly skilled Human Resources Department and a consultant should not be used. He noted that there were resources available through Virginia Municipal League and applicants were available. Mr. McCool expressed support of using in-house resources and noted that Springsted should not be used for hiring of the Town Manager.

Interim Town Manager Joseph Waltz noted that:

- President's Day is Monday February 20th; he noted that the refuse days are rescheduled and the Business Office will be closed in observance; and
- Bridge work continues and he asked that everyone keep their eyes open and alert, as road safety is everyone's responsibility.

Brendan Davis, the Executive Director of the Northern Shenandoah Valley Regional Commission, reviewed the revised website pertaining to Regional Tourism. He stated that the regional outdoor recreation map identifies the assets the area has throughout the Shenandoah area. Mr. Davis stated that they intend to update the categories, such as Boating & Fishing, monthly in order to keep the materials constantly fresh. He stated that the new website is shenandoahvalleyoutdoors.com and he would encourage everyone to try out the site and download the app for their smart phone as well.

Brandy Rosser, of Warren County, presented the following report to Council:

Community Development

Building Inspections Software - Staff went live with the EnerGov building inspections and zoning software in November. Configuration is now beginning for the public facing phase of the software called Citizen Self Service. This feature of the software will allow citizens to apply for permits online, view public record permits, manage their permit activity, and much more.

Development Review Committee - The Development Review Committee met on January 25th. The Committee discussed projects in the County including:

- Industrial rezoning request on Rt. 340/522 North
- Wal-Mart Canopy Addition

The Committee also discussed Town projects including:

- Ressie Jeffries Renovations
- Potential new restaurant
- Microbrewery on West Main Street

The Committee will meet again on February 22nd.

Project Update

2nd Middle School - The project is approximately 74% complete.

- 100% of slab-on-grade complete
- Electrical duct bank complete
- Light pole conduits are complete
- Light pole bases are complete
- Masonry walls are complete
- Brick work is 99% complete
- Roof dried in with coping and ridge venting in progress
- Curb and gutter is 99% complete
- Concrete sidewalks in progress with 20% complete
- Plumbing rough-in complete
- Electricians are running overhead conduit throughout building 95% complete with rough-in
- Duct work is 85% complete throughout building
- Sprinkler installation ongoing throughout Areas A, B, C, D, E and F. 95% rough-in complete
- Site work is 95% complete
- Building has temporary heat on

- Window installation started
- Roof Top Units are installed
- Electrical switch gear has arrived and is being installed
- Landscaping plantings (trees) are being installed
- Segmental retaining walls are complete
- Kitchen cool/freezer and hood system are installed
- Painting has commenced
- Ceiling grid installation/lights has commenced with large portions of area A and B complete

Health and Human Services Complex - The project to renovate the gym bathrooms has started. The project is approximately 95% complete and will be completed by the end of February.

Ressie Jeffries Elementary School - Work on the roof replacement, building addition, and parking lot expansion has commenced. Work will progress as allowed by weather and conditions through the winter. The estimated completion date is October 2017.

Rivermont Fire Station - The preliminary design contract with Moseley has been signed and the survey of the property and associated topo are being developed by the surveyor. County staff is awaiting completion of the evaluation of the existing discharge system at the Airport and its potential use/expansion to serve the proposed fire station.

VDOT/Totten Lane Turn Lane Project - The project is currently out to bid. The project should be set to go to construction in late winter.

McKay House - The contractor completed the roofing project in December. The entire facility has a new standing-seam black metal roof. The project has been inspected and approved by the Virginia Department of Historic Resources and staff is in the process of requesting the \$25,000 grant reimbursement.

Jonas Snow Storm - Earlier this month the County was notified that we had received final approval from FEMA for the disaster assistance funding for the 2016 snowstorm in the amount of \$198,065.58. This amount represents 92% of the request that was submitted. The County, Town of Front Royal and some of our sanitary districts will be receiving reimbursement funds.

Project	Ad/Bid Date	Cost	Estimated Completion Date	Status
FRWC Airport Obstruction Removal	Summer 2016	\$804,000	Spring 2017	Contract Awarded/ DEQ Permit Obtained
South Fork Bridge	9/2013	\$74,700,000	Fall 2017	Under Construction
Morgan Ford Bridge	12/2016	\$9,713,152	Spring 2018	Under Construction

Guardrail Projects	N/A	\$142,140	Winter 2016	Under Construction
Leach Run Parkway	6/2015	\$10,648,083	Summer 2017	Under Construction
Totten Lane – Turn lane Project	Summer 2016	Unavailable	Spring 2017	12/27 Bid Date
2nd Warren County Middle School	Winter 2015	\$44,100,000	Summer 2017	Under Construction
Freezeland Road Kiss-n-Ride	Fall 2014	Unavailable	Spring 2017	Under Construction
Health and Human Services Complex – Gym Bathroom Renovation	Summer 2016	\$50,000-\$100,000	February 2017	Under Construction
Ressie Jeffries Renovations	Fall 2016	\$4,485,300	Fall 2017	Under

David Jenkins, Interim Department of Energy Resources, noted that the Solar Project construction began in November and the panels are on schedule. He stated that there were 24 local community members hired for that project. He stated that Branch Highways and the Department have been working with transformer installation and street light work for Leach Run Parkway. Mr. Jenkins stated that the pole inspection found 30 bad poles and the Department has repaired all and will replace another 10 poles. He noted that the Middle School construction will have permanent service in a few days and remove the temporary electric service.

Councilman Connolly thanked Mr. Jenkins and asked the solar timeline completion estimate. Mr. Jenkins noted that April is the solar project estimate for completion.

Councilman Egger asked that the UPS noise complaint issue be placed on an upcoming worksession for discussion.

Councilman Tewalt asked about the 21 items that were sent to the Delegates earlier in the year, and he noted that the matter should continue to be looked into. He noted that particularly the dilapidated building measure needed to be strongly addressed. He added that the building issue strongly needed to be resolved with the assistance with our Delegates.

Mayor Tharpe asked if there were any proposals for additions or deletions to the agenda.

Councilman Connolly moved, seconded by Councilman Meza that Council add a Closed Meeting to the agenda relating to staffing the Police Department and Consultation with Legal Counsel.

Vote: Yes - Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No - N/A

Abstain - N/A

Absent - N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call)

CONSENT AGENDA - NONE

PUBLIC HEARING to Receive Public Comment on Possible Sale of Town Real Estate - Portion of 15th Street - Cool Harbor Motel

Summary: Council is requested to receive comments and concerns from the public as to the possible sale of the Town's improved real estate of approximately 675 square foot land parcel with improvements (being a small portion of the existing Cool Harbor Motel), being an unpaved portion of 15th Street. This real estate is located at 141 and 143 W. 15th Street on the north side of W 15th Street, and is more particularly shown on a plat of survey titled "ALTA/ACSM LAND TITLE SURVEY FOR PARCEL 'B', LOTS 9-11, LOT 8-A-1, AND LOT 5-A-1, LIBER:246 FOLIO: 506, WARREN COUNTY, VIRGINIA, prepared by Fitzroy J. Bertrand, L.S. Rec. No. 900255, dated 2/18/2016.

Mayor Tharpe opened the public hearing.

Mike McCool, of 125 W. 8th Street, stated that right of ways were difficult to obtain and the Town is allowing someone that violated the Town ordinance to request that the Town bail them out. He noted that this was basically a variance and it was not a viable reason to sell off the property. Mr. McCool noted that the Town would change greatly over the years and without knowing the upcoming changes, then the lease should stand rather than sell the parcel of land.

As no one else came forward to speak, the public hearing was closed.

COUNCIL APPROVAL - Resolution for the Vacation and Conveyance of a Portion of W.15th Street - Cool Harbor Motel

Summary: Due to a portion of the Cool Harbor Motel being built on a 675 square foot

portion of W. 15th Street that is Town-owned, many years ago, Section 18, paragraph 4 of the Town Charter authorizes Town Council to "narrow" streets in Front Royal and Virginia Code §15.2-2006-2008 provides that municipal charters may provide for alteration or vacation of public streets in a manner differing from

the methods provided by general law (Town Vacation of Streets/Alleys Policy) and the part thereof to be vacated need not be sold at bid but may be purchased by any abutting property owner. Therefore, Council is requested to consider approval of a resolution that the 675 square foot portion of W. 15th Street be vacated and conveyed to Arihanna Corporation dba Cool Harbor Motel for the sum of \$100.00 and that the current lease with Solid Gold, Inc. dba Cool Harbor be null and void upon final execution of the vacation and conveyance, as presented. Council is requested to direct the Mayor, Town Manager and Town Attorney to execute all necessary documents.

Councilman Connolly moved, seconded by Councilman Meza that Council approve a resolution to vacate and convey a 675 square foot portion of W. 15th Street to Arihanna Corporation dba Cool Harbor Motel for the sum of \$100.00 and that the current lease with Solid Gold, Inc., dba Cool Harbor Motel be null and void, as presented. He further moved that the Council direct the Mayor, Town Manager and Town Attorney to execute all necessary documents.

Councilman Tewalt noted that the Town had previously allowed an easement and a lease on the property and he would support that; though he would not support the sale of the property. He stated that the property also had a swimming pool on Town right of way at one time as well. Mr. Tewalt stated that the structure did not need to remove the property, though the property should not need to be sold.

Councilman Connolly stated that the Town has a piece of a building and that area of street is over 100' wide and the Town can certainly handle that change. He noted that the current owners did not create this issue and this is a highly unusual situation. Mr. Connolly stated that there was no need to have the business knock down their building, a business owner that pays Town taxes and adds to the community.

Councilman Sealock noted that the property line is completely confusing. He stated that the mistake was made many years ago. He stated that the property does not seem to revert back to the Town if it is ever sold, according to the paperwork in the packet - and he would like that to be.

Councilman Meza echoed Mr. Connolly's comments. He noted that the small business owner is attempting to obtain a loan and this decades old problem and the Town has already made the problems to relinquish the land when the building was built. Mr. Meza stated that it was 9' from a 100' street. He stated that it was helping the Town tax base, allowing a business to flourish and he hopes that great development occurs in the area one day.

Councilman Tewalt stated that he is not saying the structure should be torn down. He noted that he is suggesting that the right of way remain, rather than selling the property. He noted that it was ludicrous to sell the property for \$100 as it was definitely worth more than \$100.

Councilman Egger expressed her agreement with Councilmen Meza and Connolly. She noted that she would also express agreement with Mr. Sealock and asked for clarification from Town Attorney Napier.

Mr. Napier noted that it could be added, though it would constitute a title issue with the title company and the loan company, he would imagine, and it would constitute an encroachment. He noted that it would most likely create a large issue with the title.

Councilman Egger noted that she was prepared to move forward as presented.

Vote: Yes - Connolly, Egger and Meza

No - Sealock and Tewalt

Abstain - Morrison

Absent - N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call)

MOTION FAILED: Super Majority vote needed

COUNCIL APPROVAL - Sale of Town Real Estate at 520 E. 6th Street

Summary: At the January 9, 2017 regular Council meeting, Council received public input

pertaining to the possible sale of the Town's improved real estate located at 520A E. 6th Street (Tax Map No 20A4721) and approved a resolution authorizing the sale. The property has been advertised for sale and bids have been accepted. Tonight Council is requested to open bids and take desired action.

Mayor Tharpe called Purchasing Agenda, Cindy Hartman, forward to read the offers:

- **Hike Construction , BG Plumbing, Artic Air : \$275,000**
 - o *It was later determined that this bid was received after the deadline, and void.*
- **Adventure Enablers , formerly REV3: \$200,000**
- **B&P Land Holdings: \$150,000**
- **Front Royal VFW: Offer the exchange of their property at the river site**

Councilman Egger moved, seconded by Councilman Connolly, that Council go into Closed Meeting at the close of regular meeting tonight to discuss the disposition of publicly held real property, specifically, the Town's improved real estate located at 520A E. 6th Street (Tax Map No 20A4721), pursuant to Section 2.2-3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Vote: Yes - Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No - N/A

Abstain - N/A

Absent - N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL - Executive Search Consulting Services Contract - Springsted, Inc.

Summary: Council is requested to consider approval of Option 1 of the Executive Search Consulting Services Contract with Springsted, Inc. from the Commonwealth of Virginia Contracted Executive Search Firms, in the amount of \$16,500 plus \$4,500 for single position for a total of \$21,000, as presented.

Councilman Meza moved, seconded by Councilman Connolly that Council approve Option 1 of the Executive Search Consulting Services Contract with Springsted, Inc. from the Commonwealth of Virginia Contracted Executive Search Firms, in the amount of \$16,500 plus \$4,500 for single position for a total of \$21,000, as presented.

Councilman Meza noted that the Town has had constructive back and forth debate regarding the Town Manager position and including the cost of the \$21,000 cost of securing a firm. He stated that with the Town Manager position is currently vacant, and the Town is not using the budgeted funds for said salary of about \$80,000.

Councilman Meza stated that the Town has a wonderful Human Resources Department; however, manpower is an issue to consider though. He noted that for the Town Manager position it is very important with many steps, including the vetting process, and the Department had other projects ongoing: the compensation study, internal working on benefits analysis, employee satisfaction related to evaluations, job description updates, retention data - all this with only two individuals. Mr. Meza noted that the employees should be treated fairly and the two Human Resources employees should not be overtaxed.

Councilman Sealock stated that he spoke with the Human Resources Director, and he was reassured that she could thoroughly handle the Town Manager hiring process. Mr. Sealock stated that he would like to see someone from this area and he guaranteed that it can be handled and the \$21,000 amount for the Springsted study would not be spent. He added that the Human Resources Director had noted that her projects and duties have lessened somewhat, and he felt that she had the capabilities to handle the hiring process.

Councilman Connolly commented that the search firm for the vetting of the candidate is important and the Town Manager selection was significant. He noted that because the Council is going to make the choice, he would prefer to cast a large net in order to gather the appropriate candidates and this has nothing to do with the Human Resources Department abilities. He stated that the net should be

thrown out wide, and if the right person comes from across the country, then so be it.

Councilman Egger stated that she would vote in favor of the consultant and she stressed that the end choice resides with Council - not the firm. She noted that many hires have been made from both the consultant and also from using in-house resources.

Vote: Yes - Connolly, Egger and Meza
No - Morrison, Sealock and Tewalt
Abstain - N/A
Absent - N/A
Mayor Tharpe - No, to break the tie

(By Roll Call; MOTIO FAILED)

COUNCIL APPROVAL - Compensation/Classification Study - Paypoint HR
Summary: Council was presented with three proposals for a compensation and classification study at previous work session. Council directed staff to engage Paypoint HR to evaluate their bid. After evaluating, staff recommends moving forward with Paypoint HR. Council is requested to consider approval of a Compensation -Classification Study to be performed by Paypoint HR in the amount of \$25,750.

Budget/Funding: Compensation Study (1202 - 43002) Human Resources- Professional Services

Councilman Connolly moved, seconded by Councilman Egger that Council approve a Compensation and Classification Study to be performed by Paypoint HR in the amount of \$25,750.

Councilman Connolly noted that this funding had been worked into the budget and it was a necessary process to bring the Town up to date and reflect appropriate numbers for the employees.

Vote: Yes - Connolly, Egger, Meza, Morrison, Sealock and Tewalt
No - N/A
Abstain - N/A
Absent - N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL - Budget Amendments and Transfer to Slurry Seal Secondary Roads
Summary: Council is requested to consider approval of several Budget Amendments and Transfer to slurry seal secondary roads as shown below.

Budget/Funding: 1) Budget Amendment to appropriate \$300,063.00 from General Fund Balance and Budget Transfer to Highway Maintenance for Slurry Sealing

2) Budget Amendment to add \$31,370.00 to General Fund Revenue from Warren County PILOT Revenue Received and Budget Transfer to Highway Maintenance for Slurry Sealing

3) Budget Transfer \$68,500.00 from General Fund Contingency to Highway Maintenance for Slurry Sealing

1000 - 3510110 General Fund - Appropriated Funds Forward - \$300,063
1000 - 3121211 General Fund - Warren County Pilot Fee - \$31,437
9790 - 49999 GF Contingencies/Transfers - Reserve for Contingencies - \$68,500
9790 - 49006 GF Contingencies/Transfers - Transfers to Street Fund - \$400,000
4500 - 3240407 Highway Maintenance - Transfer from General Fund - \$400,000
4500 - 47956 Highway Maintenance - Slurry Seal Projects- \$400,000

Councilman Egger moved, seconded by Councilman Tewalt that Council approve Budget Amendments and Transfers (as listed) for slurry seal of secondary roads.

Councilman Tewalt noted that the streets in Town have deteriorated and funding needs to be placed to revive the streets to keep them maintained. He stated that to have the matter addressed as soon as possible was quite important.

Vote: Yes - Connolly, Egger, Meza, Morrison, Sealock and Tewalt

No - N/A

Abstain - N/A

Absent - N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

CLOSED MEETING - Police Department, Employment, Investment of Public Funds, Consultation of Legal Counsel & Disposition of Real Property

MOTION TO GO INTO CLOSED SESSION

Councilman Connolly moved, seconded by Councilman Egger, that Council go into closed meeting to discuss matters related to staffing and compensation of the Front Royal Police Department, including:

(1) Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, salaries, or resignation of specific public officers, appointees, or employees of any public body, pursuant to Section 2.2-3711.A.1 of the Code of Virginia.

(2) The 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, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia.

(3) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia; and

To discuss the disposition of publicly held real property, specifically, the Town's improved real estate located at 520A E. 6th Street (Tax Map No 20A4721), pursuant to Section 2.2-3711. A.3., where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Vote: Yes - Connolly, Egger, Meza, Morrison, Tewalt and Sealock

No - N/A

Abstain - N/A

Absent - N/A

(Mayor Tharpe did not vote as there was no tie to require his vote)

(By Roll Call)

MOTION TO CERTIFY CLOSED SESSION

Councilman Connolly moved, seconded by Councilman Tewalt, 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 - Connolly, Egger, Meza, Morrison, Tewalt, Tharpe and Sealock

No - N/A

Abstain - N/A

Absent - N/A

(By Roll Call)

6th STREET PROPERTY VOTE

Councilman Connolly moved, seconded by Councilman Egger, that Council accept the bid from Adventure Enablers, formerly REV3, in the amount of \$200,000 for the 520 E. 6th Street property.

Vote: Yes - Connolly, Egger, Meza, Morrison, Tewalt, Tharpe and Sealock

No - N/A

Abstain - N/A

Absent - N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 9:03 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council