



TOWN COUNCIL WORK SESSION MINUTES

Monday, July 10, 2017 @ 6:00pm
Warren County Government Center

CLOSED MEETING - Interviews for Council Vacancy

Motion to Go Into Closed Meeting

Pursuant to Va. Code Section 2.2-3711. A.1. of the Freedom of Information Act, Councilman Connolly moved, seconded by Councilman Tewalt that Town Council go into closed meeting to discuss, consider, and interview prospective candidates for appointment to fill the vacancy on Town Council occasioned by the resignation of former Town Council Member Bébhinn Egger.

Vote: Yes – Connolly, 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)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Vice Mayor Tewalt seconded that Town 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 Action 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

Vote: Yes – Connolly, Meza, Morrison, Sealock, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

PRESENT: Mayor Tharpe, Vice Mayor Tewalt, Councilman Connolly, Councilman Morrison, Councilman Meza, Councilman Sealock and Clerk of Council Berry.

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on July 10, 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 Jacob L. Meza
Councilman Christopher S. Morrison
Councilman William A. Sealock
Councilman Eugene R. Tewalt
Town Attorney Douglas W. Napier
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 Connolly moved, seconded by Councilman Meza moved that Council approve the Regular Council Meeting minutes of June 26, 2017 as presented.

Vote: Yes – Connolly, 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)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Donald Cochrane, of 11 Richmond Road, noted that the last stanza of the Pledge of Allegiance is 'justice for all' though it does not seem that there is 'justice for all'. He stated that the issues with the noise study seem to have backed the Town into a corner and for over 16½ years, he and his neighbors have brought forward the matter and the problems are still there.

Bernice Lawson, of 7 Richmond Road, stated that she has spoken to the Town over the years. She noted that everyday she tries to go into her backyard and enjoy her deck, which is only 22 feet from the fence where the trucks from UPS bother her terribly. Ms. Lawson stated that there is no justice in this situation

Mr. Waltz stated that due to the weather delay last week, there would be two movies this week at the gazebo; Tuesday and Thursday evening. He invited everyone in the community to come downtown to enjoy.

Jeremy Camp, Town Planning & Zoning Director, noted that the day to day work tasks are very high for the Planning Office. He stated that so far this year, there were 193 zoning permits, and the current pace will exceed the annual high thus far. Mr. Camp stated that the business licenses are also very high at, at 101 for the midpoint of the year. He noted that the Town has had 12 new home permits issued for the year and more homes coming seem to be the trend.

Mr. Camp explained that customer service inquiries are very high as well, and the Planning Staff works very closely with the Warren County Building office, the Town's Community Development Director, and the Economic Development Authority to assist in every viable way.

Mr. Camp noted that the Killahevlin Bed & Breakfast was purchased, a Thai Restaurant on Main Street would be opening, the Village Sub Shop has opened, and the Vibe Properties projects on Main Street was working on a new pub restaurant and a bakery as well. He added that a new office building will also be renovated on Main Street also. Mr. Camp stated that Town Staff recently met with Senator Kaine's office, provided a tour and answered questions about area projects. He noted that the Town/County building department software continues to be worked on, and the Code Enforcement work is very busy. He encouraged those with concerns to contact the Planning & Zoning Office. Mr. Camp noted that they awaited word on the Community Block Grant decision in late summer. He stated that lane striping would be completed soon at the Ressie Jeffries Elementary School and a new entrance plan would be in effect. In response to Councilman Meza's question, Mr. Camp noted that most calls in the Planning Office are documented, though it was impossible to track them all.

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

CONSENT AGENDA – NONE

PUBLIC HEARING – Ordinance Amendment to 4-53 Residency of Town

Employees (1st Reading)

Summary: Council is requested to affirm on its first reading an Ordinance to amend and reenact Front Royal Town Code Chapter 4-53 pertaining to Residency of Town Employees, as presented.

Mayor Tharpe opened the public hearing. As no one came forward to speak, the public hearing was closed.

Vice Mayor Tewalt moved, seconded by Councilman Sealock that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Chapter 4-53 pertaining to Residency of Town Employees, as presented.

Vice Mayor Tewalt noted that he would like to further make changes with the other Directors as well and he will take what is presented and bring the issue back at a later time.

Councilman Connolly voiced support of relaxing the ~~retirements~~ requirements for Town employees, so his position was the opposite from Mr. Tewalt's concerns. He noted that it would be difficult to find quality candidates in the future with these restrictions. Councilman Meza stated that he would love to hire local talent, though he does not believe in forcing individuals to move into the Town or County.

Councilman Sealock noted that when you pay an individual six figures, then those funds should go to this community and they should live and spend within this area. If they cannot accept their community as their home, then perhaps this should not be their place of employment.

Councilman Meza noted that he did not want to force an individual to live here. He added that he did see the logic behind the Town Manager and the Chief of Police living here.

Councilman Connolly moved to strike the Planning Director, Human Resources Director, Tourism Director, and the IT Director; and to move the Town Engineer to #6 in the list.

The Motion Died for the lack of a Second.

Vote: Yes – Sealock and Tewalt

No – Connolly, Meza and Morrison

Abstain – N/A

Absent – N/A

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

(By Roll Call; MOTION FAILED)

**COUNCIL APPROVAL – Tourism Zone Performance Agreements –
Vibe Properties LLC**

Summary: Council is requested to approve two Tourism Zone Performance Agreements for Vibe Properties LLC for their two (2) rehabilitation projects located at 120-124 E. Main Street and 205 E. Main Street, as presented. Both projects qualify for tourism zone incentives based on Town Code 75-74(C). A Performance Agreement is required to be approved by Town Council before any incentives are provided.

Councilman Connolly moved, seconded by Councilman Meza that Council approve two Tourism Zone Performance Agreements for Vibe Properties LLC for their two (2) rehabilitation projects located at 120-124 E. Main Street and 205 E. Main Street, as presented.

Councilman Connolly noted that these proposed businesses were exactly what the Town had hoped for when the Tourism Zones were written and he wished them great success.

Vote: Yes – Connolly, Meza, Morrison and Sealock

No – N/A

Abstain – N/A

Absent – Egger & Tewalt

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

(By Roll Call)

REQUEST FOR PUBLIC HEARING: In order to adopt Resolution to authorize the initiation of condemnation (eminent domain) proceedings of temporary construction easements on the property of Stephen C. Lockhart to allow the construction of Criser Road Bridge across Happy Creek

Summary: Town Council has determined that the public safety and interest require that the Criser Road Bridge, spanning Happy Creek at the intersection of Criser Road and Remount Road (U.S. Route 522 South) is in need of replacement, due to its age and deteriorated condition. To that end, the Town engaged Mattern & Craig, engineers, to assist the Town in planning and building the Bridge. Attached is a plat prepared by Timothy W. Caldwell, Land surveyor, dated 6/1/2017, which shows the land on the property of Stephen C. Lockhart that will be needed to be taken for the Bridge project. The larger triangular cross-hatched area to the west, which states “NEW TEMPORARY CONSTRUCTION EASEMENT (1,710 Sq. Ft.) only needs to be a temporary construction easement, and when construction for the Bridge

is completed, Mr. Lockhart's property can be completely restored and returned to him in pristine condition.

The smaller triangular cross-hatched area, just to the east, which states "N 41° 55' 44" W 29.68" is already paved, and once construction is completed, will be returned to Mr. Lockhart in the same condition as before.

Town staff offered Mr. Lockhart \$10,000 for a temporary construction easement for the small portion the Town needs for construction on the west side of his property shown on the cross-hatched part of the plat the Town previously sent him, as well as the smaller triangular cross-hatched area on the east side of his property at the junction of Criser Road and Remount Road. Conversely, based on the comparable values you obtained, the Town offered Mr. Lockhart's \$25,000.00 to purchase outright, to obtain fee simple title, to these two areas. The Town's thinking was that if it owned this property, it would be advantageous to both the Town and to Mr. Lockhart in maintaining the Bridge and repairing it in the event of flood damage. Mr. Lockhart rejected both these offers. He also made clear he was not interested in conveying to the Town a temporary construction easement. Mr. Lockhart made it clear that he might only be interested in an outright conveyance, in fee simple, to the Town of those two pieces of land it needs for the combined sum of \$100,000, as sum of money which, if paid by the Town, would be a gross waste of taxpayers' money. The law pertaining to condemnation (eminent domain proceedings is that prior to initiating condemnation proceedings, the governing body shall, after a public hearing, adopt a resolution or ordinance approving the proposed public use and directing the acquisition of property for the public use by condemnation or other means. The resolution or ordinance shall state the use to which the property shall be put and the necessity therefor. The Town Attorney is asking that Town Council authorize advertisement for a public hearing, once a week for two weeks.

Councilman Connolly moved, seconded by Vice Mayor Tewalt that Council authorize for public hearing, once a week for two consecutive weeks, the attached proposed Resolution, in such local newspapers as is usually used for advertisements for public hearings by the Town of Front Royal.

Vote: Yes – Connolly, 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 – Liaison Committee Meeting Items

Summary: Council is requested to approve the addition and/or subtraction of any items to the Liaison Committee Meeting Agenda scheduled for July 20, 2017.

Councilman Meza moved, seconded by Vice Mayor Tewalt, moved to approve the Liaison Committee as presented:

1. Development Review Committee
2. Avtex Property – Main Street Extension
3. Wastewater Treatment Plant/Septage Receiving Facility

4. Consideration of Joint Towing Board
5. McKay Property Update
6. Building Inspections Software
7. Warren County's In - Town Projects
8. Tethering of Dogs in Extreme Weather

Vote: Yes – Connolly, 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 – Clerk of the Works Contract

Summary: Council is requested to approve the bid from JTS LLC in the amount of \$173,400.00 for the construction of the new Police Department.

Councilman Meza moved, seconded by Councilman Connolly that Council approve the bid from JTS LLC in the amount of \$173,400 for the construction of the new Police Department.

Councilman Meza noted that the matter was less than 2% of the entire total project cost. He noted that hiring a dedicated individual to watch over this project and watch over the construction was responsible and economical. Mr. Meza added that the Town would hire out, as they do not build structures of this magnitude, and the contract would allow flexibility and control. He added that he appreciated what Staff has brought forward.

Vice Mayor Tewalt asked about the funds for the proposal. Mr. Waltz noted that the funds were available in the budget. Councilman Sealock noted that it was a necessary position to protect the Town, adding that the Town does not have a Town Engineer to cover this type of project.

Vote: Yes – Connolly, 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 – Purchase of power transformer for Manassas Substation

Summary: On Tuesday, June 13, 2017, a bid opening for the purchase of a new medium power transformer for the Manassas Substation. The town received 6 responses. The lowest quotation received was from Virginia Transformer Corporation. Southeastern Consulting Engineers recommends award for the purchase of a new medium power transformer for the Manassas Substation be made to Virginia Transformer Corporation, for a cost of \$340,528.00.

Budget/Funding: Funding is available in the Department of Energy Services line item 9401-R47937 "Manassas Substation #1", in the amount of \$227,782.96. This is funding carried forward from FY17. The balance of the cost, \$112,745.04 will be from the FY18 line item 9401-4 793 7.

Vice Mayor Tewalt moved, seconded by Councilman Sealock that Council approve the bid from Virginia Transformer Corporation for a medium power transformer in the amount of \$340,528.00 for Manassas Substation.

Vote: Yes – Connolly, 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)

CLOSED MEETING

*Councilman Connolly moved, seconded by Councilman Meza that Town Council that Town Council go into closed meeting for the following purposes, in relation to the Afton Inn property and the vacant Town Council position: **1)** Discussion or consideration of the disposition of publicly held real property, 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; **2)** Discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711. A. 5. of the Code of Virginia; **3)** Discussion and consideration of resignation of a Town Council Member and the appointment of prospective candidates for appointment to fill the vacant Town Council position, pursuant to Section 2.2-3711.A.1 of the Code of Virginia; and **4)** Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, including possible pursuing a special election for a Town Council Member, pursuant to Section 2.2-3711. A. 7. of the Code of Virginia.*

Vote: Yes – Connolly, 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)

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

No – N/A

Abstain – N/A

COUNCIL MEETING MINUTES

July 10, 2017

Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 7:33 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council