

TOWN COUNCIL WORK SESSION
Monday, December 11, 2017 @ 6:00pm
Warren County Government Center

1. CLOSED MEETING – 1) Disposition of Public Held Property, 2) Discussion of Town Employee Compensation Study, and 3) Potential Public-Private Partnership

Motion to Go Into Closed Meeting:

Councilman Connolly moved, seconded by Vice Mayor Tewalt, that Council convene and go into Closed Meeting for the following purposes: 1) the disposition of publicly held real property, specifically, the sale or vacation of Town right of way to the applicant, George E. Sloane, Sr., to that 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. behind his house, portion of the unimproved alley that runs directly This portion of the unimproved alley is 20 feet wide and 100 feet in length. The applicant's property is located at 35 E. 17th Street (TM#20A3 369, lots 7 and 8). It is at the corner of E. 17th Street and Belmont Avenue; and 2) with respect to discussion and potential implementation of the results of a Town employee compensation study with respect to specific Town employees: (a) Discussion and consideration of the assignment, appointment, promotion, or performance of specific appointees or employees of the Town, pursuant to Section 2.2-3711.A.1 of the Code of Virginia and (b) 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) Discussion and consideration of a potential public-private partnership under the provisions of The Public-Private Education Facilities and Infrastructure Act of 2002, related to potential development at or near the intersection of Shenandoah Avenue and the new bridge at the south end of the South Fork of the Shenandoah River, under the following specific provisions of the Freedom of Information Act: (a) 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; and (b) 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.

Vote: Yes – Connolly, Gillispie, 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 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, Gillispie, 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 Gillispie, Councilman Morrison, Councilman Meza, Councilman Sealock, Town Manager Waltz, Town Attorney Napier, and Clerk of Council Berry.

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on December 11, 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 Gary L. Gillispie
Councilman Jacob L. Meza
Councilman Christopher S. Morrison
Councilman William A. Sealock
Vice Mayor 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.)

Vice Mayor Tewalt moved, seconded by Councilman Sealock moved that Council approve the Regular Council Meeting minutes of November 27, 2017 as presented.

Vote: Yes – Connolly, Gillispie, 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

Pearl Nickens, Jr. of 110 W. 18th Street, thanked Mayor and Council for their assistance presented a letter of appreciation and award for the demonstration that was that held recently for the Summer Sunshine children. It was noted that the Summer Sunshine program was a program for children for those children that with developmental issues and all services were offered free to children. The group noted how thankful they were for the charity demonstration and the donations raised for the children in need. Mr. Nickens, Teila Ledford, Shari Truax, and Grandmaster H. Y. Kwon presented Mayor Tharpe with the certification of appreciation.

Town Manager, Joseph Waltz, noted that the Business Office would be closed on Friday, December 22 and Monday December 25. He noted the changes in the refuse and recycling collection schedules for the holiday week.

Councilman Tewalt wished everyone a Merry Christmas and a Happy New Year.

Mayor Tharpe and Council presented a plaque recognizing the retirement of long time employee Cindy Hartman, Town Purchasing Agent. Mayor Tharpe and Council congratulated her and thanked her for her years of service to the Town of Front Royal.

Mayor Tharpe introduced Charlee Allman who sang three Christmas songs for the citizenry and those present.

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

CONSENT AGENDA

- A. COUNCIL APPROVAL – EnerGov Fee Collection MOA
- B. COUNCIL APPROVAL – Resolution for VDOT Revenue Sharing Applications for FY18-19
- C. COUNCIL APPROVAL – Bid for Redi-Mix Concrete for Calendar Year 2018
- D. COUNCIL APPROVAL – Bid for Fuels and Oil for Calendar Year 2018
- E. COUNCIL APPROVAL – Purchase of Various Sized Water Meters for Inventory Stock
- ~~F. COUNCIL APPROVAL – Award Contract for Construction Materials Testing Services for New Police Department~~
- G. COUNCIL APPROVAL – Purchase of Police Vehicles

Vice Mayor Tewalt moved, seconded by Councilman Morrison that Council approve the consent agenda as presented.

Councilman Sealock asked that Council discuss Item 7F construction of Materials Testing Services for the new Police Department separately.

Vote: Yes – Connolly, Gillispie, 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 – Award Contract for Construction Materials Testing Services for New Police Department

Summary: Council is requested to approve the award of a contract to ECS Mid-Atlantic, LLC through the Virginia Department of General Services, Department of Engineering and Buildings State Contract, for Construction Materials Testing Services in an amount not to exceed \$78,000.

Councilman Sealock moved, seconded by Vice Mayor Tewalt, that Council approve the award of a contract to ECS Mid-Atlantic, LLC through the Virginia Department of General Services, Department of Engineering and Buildings State Contract, for Construction Materials Testing Services in an amount not to exceed \$78,000.

Town Attorney Napier suggested that Council should add the standard wording in the contract, in paragraph number 25, that enables the Town to terminate at the Town's convenience and that the Town would compensate

Councilman Connolly moved, seconded by Councilman Sealock, to amend the motion as suggested by the Town Attorney to include the standard wording paragraph 25.

Vote: Yes – Connolly, Gillispie, 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; On Motion to Amend)

Vote: Yes – Connolly, Gillispie, 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; On Motion as Amended)

COUNCIL APPROVAL – Approve an Ordinance to Vacate a Portion of an Alley – 208 W. Duck St – Jerry Bell, Jr. (2nd Reading)

Council is requested to adopt on its second and final reading of an ordinance to conditionally vacate a portion of an alley located behind 208 W. Duck Street to Jerry Bell, Jr., as presented.

Councilman Connolly moved, seconded by Vice Mayor Tewalt that Council adopt on its second and final reading an Ordinance to conditionally vacate a portion of an alley located behind 208 W. Duck Street to Jerry Bell, Jr., as presented.

Vote: Yes – Connolly, Gillispie, 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)

AN ORDINANCE TO CONDITIONALLY VACATE A PORTION OF THE TOWN OF FRONT ROYAL’S RIGHT-OF-WAY FOR AN ALLEY NEAR 208 WEST DUCK STREET IN THE TOWN OF FRONT ROYAL, VIRGINIA.

WHEREAS, the Town Council of the Town of Front Royal, Virginia, has received a request from Jerry Bell, Jr., who resides at 208 West Duck Street in said Town, to conditionally vacate a portion of the Town’s unimproved, and unused by the public, alley located on the north side of his lot (**Tax Map # 20A114 11B**, street address 208 West Duck Street, Lot 5A-1 in said Town, as shown on that certain plat titled “Plat of Boundary Line Adjustment for Lot 5A-1, A Portion of Lots 5 and 6 of the Riverton Lots for Richard McCoy”, dated September 5, 1991, prepared by Darryl G. Merchant, L. L. S., which is of record in the Clerk’s Office of the Circuit Court of Warren County, Virginia, in Slide Book 160 at Page H, hereinafter referred to as the “Property”), in said Town, more particularly described as that portion of said alley which is located directly adjacent to and to the north of the Property, the portion to be vacated beginning on the West side of the Property and the boundary line of the parcel identified as **Tax Map # 20 A 114 11**, and terminating on the East side of the Property at the boundary line of the parcel identified as **Tax Map # 10A114 10**, each line of beginning and ending across said alley to be a straight line continuing from the West and East sides, respectively, of the Property across said alley as if the Property originally had been created longer in a north-south direction in the width of the alley, and such that, after said portion of said alley is vacated, the

Property will now be directly be bounded to the north by the lot described as **Tax Map # 20A114 11C**, said portion of alley requested to be vacated to hereinafter referred to as “Part of Alley”, said Part of Alley being approximately 97.79 feet long in an East-West length and approximately 25 feet wide in a North-South width.

WHEREAS, the said Jerry Bell, Jr., has further requested that the Town to convey the Part of Alley to him.

WHEREAS, the said Town Council and its Staff have investigated said requests and have found that the Part of Alley requested for vacation and conveyance is not used by the Town or its citizens for public rights-of-way, and contains no public Town utility easements or other public improvement; and

WHEREAS, pursuant to the Town’s ordinance and standard procedures for said requests, and as required by Sections 15.2-2006, *et seq.*, and 15.2-2100, *et seq.*, of the Code of Virginia, 1950, a required \$100.00 application fee has been collected and paid into the Town’s General Fund; letters of this proposed vacation have heretofore been sent to property owners who are effected by the proposed vacation and conveyance; the Town Manager and the aforesaid applicant have reached a price for the Part of Alley to be conveyed; and the Town has appointed a Viewer’s Committee who have personally reviewed the area to be vacated and conveyed and who have filed a written Report with the Town recommending the vacation and conveyance; and, after conducting a duly advertised Public Hearing on the said vacation and conveyance, Town Council now finds it appropriate and in the best interests of the Town to adopt this Ordinance and to hereby vacate and convey the Part of Alley to the said Jerry Bell, Jr., upon the terms and conditions hereinafter specified.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Front Royal, Virginia, that the following portion of the Town’s unimproved, and unused by the public, alley, being the Part of Alley aforesaid, more particularly described as located on the north side of his lot (**Tax Map # 20A114 11B**, street address 208 West Duck Street, Lot 5A-1 in said Town, as shown on that certain plat titled “Plat of Boundary Line Adjustment for Lot 5A-1, A Portion of Lots 5 and 6 of the Riverton Lots for Richard McCoy”, dated September 5, 1991, prepared by Darry G. Merchant, L. L. S., which is of record in the Clerk’s Office of the Circuit Court of Warren County, Virginia, in Slide Book 160 at Page H, hereinafter referred to as the “Property”), in said Town, more particularly described as that portion of said alley which is located directly adjacent to and to the north of the Property, the portion to be vacated beginning on the West side of the Property and the boundary line of the parcel identified as **Tax Map # 20 A 114 11**, and terminating on the East side of the Property at the boundary line of the parcel identified as **Tax Map # 10A114 10**, each line of beginning and ending across said alley to be a straight line continuing from the West and East sides, respectively, of the Property across said alley as if the Property originally had been created longer in a north-south direction in the width of the alley, and such that, after said portion of said alley is vacated, the Property will now be directly be bounded to the north by the lot described as **Tax Map # 20A114 11C** (hereinafter

referred to as “Part of Alley”), said Part of Alley being approximately 97.79 feet long in an East-West length and approximately 25 feet wide in a North-South width. Are hereby conditionally vacated, on conditions and terms hereinafter described, and when said terms and conditions are satisfied, said Part of Alley will be unconditionally conveyed to the said Jerry Bell, Jr.

AND BE IT, FURTHER, ORDAINED AND ENACTED that this vacation is conditioned upon the said Jerry Bell, Jr. obtaining a plat and survey of the Part of Alley, said plat and survey to be prepared by a licensed Virginia Land Surveyor, said plat of survey to be obtained at the expense of Jerry Bell, Jr., and the recordation thereof at the expense of the Jerry Bell, Jr., and to be filed in the land records of the Circuit Court of Warren County, Virginia; and the Town Manager and Town surveyor shall, if appropriate, sign and thereby approve the aforesaid plat of survey, and that the Town Attorney shall forthwith prepare a good and sufficient Special Warranty Deed for the Part of Alley, to be signed on behalf of the Town Council by the Mayor, with the Town’s Official Seal to be thereunto affixed and attested to by the Clerk of Town Council, and with a copy of the said approved plat of survey to be a part thereof, as well as an attested copy of this Ordinance, and that the said Town Attorney shall further, upon receipt of payment in the amount of Two Thousand Five Dollars (\$2,500.00), plus the costs to advertise the Public Hearing, deliver the deed for the Part of Alley;

Upon vacation and conveyance of the Part of Alley, the Part of Alley so vacated and conveyed hereby will become an integral part of said Property (Lot 5A-1) for all purposes and shall not be conveyed separately from the Property and shall not be a separate building lot.

AND BE IT, FURTHER, ORDAINED AND ENACTED that, if the aforesaid plat and survey and said sums are not delivered to the Town Attorney within one (1) year from the date of the adoption of this Conditional Ordinance by the said Jerry Bell, Jr., he shall report same to this Council, and this Conditional Ordinance shall be void.

Upon payment of said sum and recordation of said deed and plat and this Conditional Ordinance, the conditions to this Ordinance shall expire, and this Ordinance and conveyance shall thereupon become Unconditional. This Ordinance shall be effective upon passage.

COUNCIL APPROVAL – Ordinance Amendment to Chapter 138 “Solicitors, Peddlers, Itinerant Merchants” Pertaining to the Application Process (2nd Reading)

Council is requested to adopt on its second and final reading an ordinance to amend Chapter 138 “Solicitors, Peddlers, Itinerant Merchants” to streamline the application process and satisfy the Town customer service goals. Since Council reviewed the proposed amendments at their November 6, 2017 Work Session staff learned that food trucks (itinerant merchants and peddlers) are not allowed to operate at the hospital because it is located within the R-3 Zoning District. In light of appearing more business friendly for food trucks staff is suggesting adding “hospital” as a place of sale under

Town Code 138-8 (138-9 in draft amendment; highlighted in green on page 8). Other amendments noted as presented.

Vice Mayor Tewalt moved, seconded by Councilman Connolly, that Council adopt on its second and final reading an ordinance to amend Chapter 138 "Solicitors, Peddlers, Itinerant Merchants", as presented.

Vote: Yes – Connolly, Gillispie, 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 Amendment –Outstanding Purchase Orders
(2nd Reading)

Council is requested to adopt on its second and final reading an amendment to the FY2018 Budget concerning a list of outstanding purchase orders that the Finance Department has compiled totaling \$17,939,093.36 based on the final audit results that need to be carried forward to the FY20-18 budget cycle to complete unfinished projects.

Budget/Funding: Funding will be offset from the appropriate fund balance reserves for each fund indicated, the revenue for these projects have been connected in the previous budget cycle.

General Fund \$ 518,544.07
Special Projects 524,435.78
Electric Fund 962,321.21
Sewer Fund 10,532,847.61
Water Fund 3,801,208.58
Solid Waste Fund 51,184.28
Street Fund 1,548,551.83
TOTAL \$17,939,093.36

Councilman Meza moved, seconded by Councilman Sealock that Council adopt on its second and final reading an amendment to the FY2018 Budget concerning a list of outstanding purchase orders that the Finance Department has compiled totaling \$17,939,093.36 that need to be carried forward to the FY18-20 budget cycle to complete unfinished projects.

Vote: Yes – Connolly, Gillispie, 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 APPOINTMENTS – Audit and Finance Committee

Summary: The Audit and Finance Committee is composed of the Mayor, two Council members, the Finance Director, the Town Manager and the Town's

Auditor. Council is requested to appoint two Council members to the Audit and Finance Committee, said terms ending December 31, 2018.

Councilman Gillispie moved, seconded by Councilman Morrison that Council re-appoint Councilman Jacob L. Meza and Vice Mayor Eugene R. Tewalt to the Audit and Finance Committee along with the Mayor, Town Manager, Finance Director and the Town's Auditor, said terms to expire December 31, 2018.

Vote: Yes – Connolly, Gillispie, 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 APPOINTMENTS – Joint Tourism Advisory Committee

Summary: Council approved an Memorandum of Agreement (MOA) with the County of Warren for a Joint Tourism Advisory Committee on November 13, 2017. As part of the agreement Council is requested to appoint three members to the Committee. Tonight Council is requested to appoint two (2) of those three members to a 4-year term. The third member (representative from a lodging property) will be appointed at a later time.

Vice Mayor Tewalt moved, seconded by Councilman Connolly, that appoint Garry Green, Business Owner of Mountain Trails and Kerry Barnhart, Main Street Property Owner to the Joint Tourism Advisory Committee, each to a four-year term, said terms to expire December 11, 2021.

Vote: Yes – Connolly, Gillispie, 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)

There being no further business, the Mayor declared the meeting adjourned at 7:34 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council

Council returned to their earlier closed work session.