

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 22, 2018, in the Warren County Government Center's Board Meeting Room. Mayor Tharpe and Cub Scout Troop #118 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 (*via telephone*)  
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, MMC

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

*Councilman Gillispie moved, seconded by Vice Mayor Tewalt to approve the Regular Council Meeting minutes of October 9, 2018 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)

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#### **RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC**

Mike McCool, of 125 W. 8<sup>th</sup> Street, thanked the Town and specifically Town Manager Joe Waltz for the work involved in supporting the 300 individuals who participating in the Zombie Walk 2018. He noted that the downtown restaurants were busy that evening and the Fireball Arcade was quite crowded as well. Mr. McCool added that overall the event went great and he is grateful for the Town Police Officers and the events supported by the Town of Front Royal.

Town Manager, Joseph Waltz noted that scheduling of the asphalt for the Criser Road bridge is now October 30<sup>th</sup> for proposed completion. He also invited everyone in the community to Hometown Halloween scheduled for October 31<sup>st</sup>. Mr. Waltz stated that should a business like to participate they may contact Felicia Hart at the Town Hall.

Brandi Rosser, General Services Director, presented the following report on behalf of Warren County:

Warren County Annual Residential Cleanup/Household Hazardous Waste Cleanup Day – Warren County will hold its annual Residential and Household Hazardous Cleanup Day on Saturday, October 27, 2018 from 8:00 A.M. to 2:00 P.M. Open containers for bulky items, such as old furniture & appliances, will be at three (3) County locations including the VDOT Park n' Ride located on Dismal Hollow Road at Linden, the Transfer Station located on Shangri-La Road (Rt. 613) (2.1 miles East off Rt. 340 South) at Bentonville, and Shenandoah Farms Fire Department (3 miles North of Howellsville Road & Blue Mountain

Road). Oil and paint will be accepted at the Transfer Station and passenger tires will be accepted at Transfer Station up to a max of 20 tires. Household Hazardous Waste Collection will be held at the Front Royal Fire Department located at 221 North Commerce Avenue, Front Royal. Items that will be accepted include: cell phones, antifreeze, pesticides, insecticides, pool chemicals, drain cleaners, solvents, strippers, aerosols, battery acid, household cleaners, dry cell batteries, car batteries, paint thinners, adhesives, and fluorescent light bulbs. The County will not accept: tires, explosive materials, biological or radioactive waste, and asbestos-laden materials. As a reminder, all vehicles must display current Warren County or Town of Front Royal windshield decal or County waste decal. Board/Committee Openings – The County currently has the following committee and board openings that are being advertised:

- Front Royal Golf Club Advisory Committee – Two members
- Warren County Board of Building Code Appeals – Two members (North River and Happy Creek) and one alternate member
- Warren County Social Services Advisory Board – Two Members (Fork and Happy Creek Districts)
- Warren County Community Policy and Management Team (Parent Rep)
- Economic Development Authority – One member
- Board of Equalization – Five members

Reassessment – Wingate Appraisal will finish up the remaining parcels in the limits of the Town of Front Royal this week. In the next couple weeks, Wingate will be running edits and data reports to assure the values are as good and error free as they can be prior to mailing notices of assessment change. Notices should be mailed around early November and will show hearing location, dates and times of hearings, the proposed assessment, previous assessments, percentage of change, as well as the levy. The administrative hearings, also known as the assessor's hearings, should begin in early to mid- November. They expect the hearings and reviews to take most of the month of November with about two weeks of advertised hearing dates. Owners will typically be notified of the result of their appeal during December which is when the Reassessment Book is run and delivered to the Clerk of Court and Commissioner of the Revenue along with the recapitulation which will be forwarded to the Department of Taxation.

Development Review Committee – The Development Review Committee met on September 26, 2018.

The Committee discussed projects in the County including:

- The site plan for the proposed commuter lot in Linden.
- Proposed brewery expansion at Backroom Brewery.
- The site plan for the Chapel at Christendom College.
- The Committee also discussed Town projects including:
  - Update on Afton Inn. They are moving forward on the existing building, and paperwork is forthcoming to the Town Planning office.
  - Update on the former Stokes building on Main Street. It will be the Main Street Market. They have obtained a business license from the Town.
  - The building permit is under review for the Dunkin Donuts on South Street.

The Committee will meet again on October 24th, 2018.

Tourism Committee – The Joint Tourism Committee met on October 10th. The Committee recommended approval of a Tourism grant in the amount of \$5,000 per year for 5 years for the Backroom Brewery Expansion subject to the stipulated job and investment numbers. It is hoped that a contract for the design of the Wayfinding Signage project will be completed in the next month.

#### Project Updates

Warren County Transfer Station – The Warren County Transfer Station was reopened this morning. It had been closed for replacement of the tipping floor October 17th through October 20th. Thank you to Town staff for working with the County in handling its waste while the project was being completed.

Rivermont Fire Station – The Board of Supervisors, at its meeting on October 16th, approved a conditional use permit for a new station at a site located off Route 615 (Airport Road) and across the street from the Front Royal-Warren County Airport. The Planning Commission, at its meeting on October 10th, found that the proposed facility is substantially in accord with the adopted Warren County Comprehensive Plan. The well for the facility has already been drilled, and the County has submitted a Notice of Proposed Construction or Alteration to the FAA due to the fact that the property is currently part of the Airport Layout Plan and was purchased using Virginia Department of Aviation grant funding.

Fire and Rescue Training Facility – County staff is working with Pennoni on a site plan for a proposed fire and rescue training facility, complete with modular burn building, on the ESA site located off Route 55 East. We hope to have a conditional use permit application for the facility submitted within the next 30-45 days.

Thompson Kiss-and-Ride – County staff will complete construction of the bus shelter by November 1st in advance of winter weather. This will complete construction of the facility until we fundraise for the playground project.

VDOT/Marlow-Silek Revenue Sharing Project – The project is substantially completed. County staff hopes to be able to complete final acceptance of the project this fall and approve final payment to the contractor.

VDOT/Morgan Ford Bridge – The bridge and roadway opened to traffic on January 22nd and was substantially completed by June 1, 2018 per the contract. The bridge approaches were damaged again during the September flooding, and temporary repairs have been completed. Additional repairs will be made prior to the scheduling of a ribbon cutting ceremony.

Lake Front Road Revenue Sharing Project – VDOT started construction on this project on September 4th. They installed the box culvert on October 11th and still plan to have the project completed by early November.

Health and Human Services Complex – The Board of Supervisors, at its meeting on April 3rd, awarded a contract to Juniper Construction for improvements to portions of the building to accommodate the Registrar's Office and the Brighter Futures alternative school program. The contractor began work the week of June 4th. The current schedule has the school portion completed by November 2nd and the Registrar by mid-November.

Commercial Projects – Work continues on the following projects:

\* Marriott/TownePlace Suites – Winter 2018 Completion

County is currently reviewing site plans for:

\* Taco Bell – Riverton Commons

\* Valvoline – Riverton Commons

The Burger King is no longer being proposed for Linden.

In response to Councilman Meza's questions, Ms. Rosser stated that the applications for Boards & Commission are available on the County of Warren website.

Mayor Tharpe stated that Ribbon Cutting for Criser Road bridge is tentatively set for November 10<sup>th</sup>.

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

**CONSENT AGENDA ITEMS – Roll Call Vote Required**

A. COUNCIL APPROVAL – Bid – Water Meters

B. COUNCIL APPROVAL – Bid – Road Salt

C. COUNCIL APPROVAL – Town Manager Vacation Time

*Councilman Gillispie moved, seconded by Vice Mayor Tewalt, to approve the Consent Agenda 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)

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**COUNCIL APPROVAL – Ordinance Amendment to Repeal Chapter 9-1 and Re-Enact in its place “Buildings and Maintenance Codes” and Amend Chapter 145 by Relocating Chapter 9-2 (2nd Reading)**

Summary: Council is requested to adopt on its second and final reading an Ordinance to Repeal Chapter 9-1 *“Removal, Repair, etc. of Certain Buildings and Structures”* and Re-Enact in its place *“Buildings and Maintenance Codes”* and Amend Chapter 145 *“Structures, Dangerous”* by Relocating Chapter 9-2 *“Removal, Repair Etc of Buildings and Other Structures Harboring Illegal Drug Use”* to 145-4, as presented. If approved, Chapter 9-1 would be amended in its entirety, replacing it with: Article 1: Building Code Regulations, providing for the administration and enforcement of the mandatory provisions of the Uniform Statewide Building Code including Part 1 (Construction Code) and Part II (Rehabilitation Code); Article 2:

Maintenance Code Regulations, adopting optional provisions of the Uniform Statewide Building Code including the Part III (Virginia Maintenance Code) without a rental inspection program; and Article 3: General, containing general administration and enforcement provisions of Chapter 9. This amendment reserves the Town's right to establish a Town Building Department and a Local Board of Building Code Appeals (LBBCA); and designates the County of Warren to administer the building code, as

previously established by an agreement in 1983, until such time that the Town may establish a building department. Chapter 9 would be further amended by relocating Article 9-2 *“Removal, Repair Etc. of Buildings and Other Structures Harboring Illegal Drug Use”* to Chapter 145-4.

*Councilman Connolly moved, seconded by Councilman Meza, that Council adopt on its second and final reading an Ordinance to Repeal Chapter 9-1 “Removal, Repair, etc. of Certain Buildings and Structures” and Re-Enact in its place “Buildings and Maintenance Codes” and Amend Chapter 145 “Structures, Dangerous” by Relocating Chapter 9-2 “Removal, Repair Etc. of Buildings and Other Structures Harboring Illegal Drug Use” as 145-4 as presented.*

Vote: Yes – Connolly, Gillispie, Meza, Morrison and Sealock

No – Tewalt

Abstain – N/A

Absent – N/A

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

(By Roll Call)

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**COUNCIL APPROVAL – Budget Transfer and Resolution to Approve the Financing of Equipment for the Radio Communication System for the Police Department**

**Summary:** On September 10, 2018 Council approved a budget amendment in the amount of \$545,000 for the purchase of a radio communications system from Motorola Solutions for the Police Department. Council also directed Staff to gather information regarding the possibility of an external or internal loan to fund the project. Council is requested tonight to approve a budget transfer and a Resolution to finance the full amount of \$545,000 with VML/VACo Financing and make annual payments of \$63,305.46 for a period of ten (10) years for the radio communications system for the Police Department.

**Budget/Funding:** Budget Transfer

1000-3410001 – General Fund Bond Proceeds - \$545,000

1000-3510110 – General Fund Appropriated Funds Forward - <\$545,000>

*Vice Mayor Tewalt moved, seconded by Councilman Gillispie that Council approve a budget transfer and a Resolution to finance the full amount of \$545,000 with VML/VACo Financing and make annual payments of \$63,305.46 for a period of ten (10) years for the radio communications system for the Police Department.*

Councilman Meza stated that he spoke with the Town’s Finance Director and he thanked Mr. Wilson for looking into the various options for the Town’s other avenues to Finance the purchase. He requested that if the Town could pay off the loans more quickly with other financing options, then his hope would be that that pay off take place.

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)

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FRONT  
ROYAL, VIRGINIA, APPROVING THE FINANCING OF EQUIPMENT  
AND THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS  
PREPARED IN CONNECTION THEREWITH**

The Town Council of the Town of Front Royal, Virginia (the "Council") has determined it is in the best interest of the Town of Front Royal, a body politic of the Commonwealth of Virginia (the "Town") to undertake the financing of a new public safety radio system (the "Project"), and the Finance Director has now presented a proposal for the financing of such Project.

US Bancorp Government Leasing and Finance ("USBGLF") has indicated its willingness to provide financing for the Project in accordance with its proposal dated September 12, 2018. The amount financed shall not exceed \$550,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.389%, and the financing term shall not exceed ten years from closing.

THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FRONT ROYAL, VIRGINIA:

1. The recitals above are found and determined to be a part of this resolution.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Town Manager is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Town Manager is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Town Manager shall approve, with the Town Manager's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.
5. To the extent necessary, the Town intends that the adoption of this resolution will be a declaration of the Town's official intent under Treas. Reg. §1.150-2 (the "Reimbursement Regulations") promulgated under the Internal Revenue Code of 1986, as amended, to reimburse

expenditures for the project. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict.

7. This resolution shall take effect immediately.

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#### **COUNCIL APPROVAL – Write Off for Bad Debt**

**Summary:** Council is requested to approve the removal of seven years or older of outstanding accounts receivable (bad debts) on the Town's ledger in the amount of \$166,191 from enterprise and general fund liability accounts. This value includes 358 utility accounts. All recourse of attempting to collect these amounts has been completed.

**Budget/Funding:** No funding is needed since this journal entry will affect balance sheet lines only.

*Vice Mayor Tewalt moved, seconded by Councilman Sealock that the Town Council approve the removal of seven years or older of outstanding accounts receivable (bad debts) on the Town's ledger in the amount of \$166,191 from enterprise and general fund liability accounts as presented.*

Councilman Sealock voiced concern with the current Finance policy of collecting old debt. He noted that the Town should examine the current policy to see how else the Town can go down every possible avenue to obtain ungathered funds. He asked that the Town place the matter on the worksession for review.

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)

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#### **COUNCIL APPROVAL – Rt. 522 N Redundant Water Main Feasibility Study Proposal for Phase I from CHA**

**Summary:** The Town would like to increase the reliability of the water supply in the Route 522 North Corridor, therefore, a detailed feasibility study is required to determine the most cost effective and constructible route for a redundant waterline. CHA will provide the feasibility analysis by a series of technical memorandums (TM) for review in various phases. Council is requested to approve the Proposal that includes Phase I Technical Memorandums for an amount of \$43,900.

*Councilman Gillispie moved, seconded by Councilman Connolly that Council move that Council approve the Redundant Water Main Feasibility Study Proposal for Phase I from CHA as presented.*

## COUNCIL MEETING MINUTES

October 22, 2018

Vice Mayor Tewalt asked when the matter would return to Council. Mr. Waltz stated that it may return to Council in 3-6 months.

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)

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There being no further business, the Mayor declared the meeting adjourned 7:25 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council