



## TOWN COUNCIL WORK SESSION MINUTES

Monday, November 19, 2018 @ 7:00pm  
Town Hall Council Chambers

### **1. F.R.V. Fire Department Request for Financial Assistance on Utility Account** – *Town Manager*

**SUMMARY:** The Front Royal Volunteer Fire Department has requested financial assistance in an unspecified amount from the Town of Front Royal for the electric portion of their utility bill at 221 N. Commerce Avenue. The Town of Front Royal currently does not charge for water or sewer service to the Fire Departments located on Rockland Road and Commerce Avenue. The Fire Department located on Commerce Avenue is billed for electric and garbage services with an average monthly bill of \$2,341.50 (electric: \$1,925.50). The Fire Department located on Commerce Avenue does not currently have a water meter, so the water usage for the property is unknown at this time.

The Fire Department located on Rockland Road consumes approximately 7,000 gallons of water each month. The average total bill for the Fire Department located on Rockland Road would be about \$342.16; which includes the monthly two-inch meter charge and out-of-town rates.

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**From:** "Front Royal Volunteer Fire Department" <[frvfdoffice@comcast.net](mailto:frvfdoffice@comcast.net)>

**Date:** October 16, 2018 at 12:04:17 PM EDT

**To:** <[JWaltz@frontroyalva.com](mailto:JWaltz@frontroyalva.com)>

**Subject:** work session

Mr. Waltz

The Front Royal Volunteer Fire Dept. would like the opportunity to speak at the November 19<sup>th</sup> 2018 work session to request financial assistance on the electric portion of the Fire Company's utilities bill at 221 N. Commerce Ave Front Royal VA.

Respectfully,

Harry Kisner Jr.

President

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### **Council Discussion:**

Mr. Kisner noted that it was between \$3,000 per month and they were requesting relief from the Town. He stated the Fire Department was about to purchase a new engine and there was a very short amount of funding at the end of the month. Other Fire Department members stated that there was a large amount each month that they were short and they requested any assistance that the Town Council could possibly provide.

Mr. Kisner stated that the Fire Department continues their bingo fundraiser program, the above room rental, as well as their annual carnival, though funding remains incredibly tight.

Vie Mayor Tewalt asked if they have approached the County for assistance. Mr. Kisner noted that they have approached Warren County though they have yet to hear back at this time. Mr. Tewalt explained that the Town and County came to an agreement in 1998 where functions such as the fire department, the parks, and the library would all be handled fully by the County of Warren. Vice

Mayor Tewalt added that the Town has continued to remain true to the agreement, adding that the Town residents are already paying for those functions as they are pay County taxes as well as Town taxes. He stated that should the Town begin funding items through the County then other items then he would not be in favor.

Councilman Gillispie asked if it could be funded for the next year. Mr. Kisner noted that they are requesting any type of assistance they could obtain from the Town. Mr. Wilson stated that they were on the same rate as the commercial entities, not a residential rate. Mr. Waltz noted that there were no grants for Warren Heritage Society that they were able to find. Council chose to have Mr. Meza's questions to be answered, and then Mayor Tharpe stated that it would return to worksession at a later time.

## **2. Ordinance Amendment Request from David Downes to Exempt 14 and 16 Chester Street from the off-street parking requirements of the Town Code** – *Director of Planning/Zoning*

**SUMMARY:** David Downes, the owner of 14 and 16 Chester Street (see aerial below), submitted an application for Town Council to consider amending the Town Code to exempt his property from the requirement to have off-street parking. This would be similar to the current exemption that applies to E. Main Street and on E. Jackson Street beside the courthouse (148-870.A.17). The applicant's property currently qualifies for a separate, "lesser", exemption that applies to all legally existing commercial and industrial buildings (175-127). This exemption does not require the Mr. Downes to meet the off-street parking quantity requirements of the Town Code, but it does require that existing parking not be eliminated. Therefore, the applicant is required to maintain the rear parking area of his property, and use it in conjunction with the businesses on the property (Beer Museum and Offices).

The Planning Commission unanimously recommended against the requested change after a public hearing held on September 19, 2018. During the public hearing a significant number of people spoke in favor of the Beer Museum. A few people also spoke in opposition to the request. The Planning Commission commended the Beer Museum's for their success at the location. However, the Planning Commission did not believe that it was appropriate to add more exemptions in the downtown area for any uses or properties until a parking strategy was developed to address the increasing demand in parking in the downtown area. There were three drafts included for consideration at the public hearing.

### **Council Discussion:**

Mr. Camp presented the following report to Council:

### **Request By David Downs For Exemption To Off-Street Parking Background:**

- Mr. Downes (Beer Museum) obtained approval to locate the beer museum at 16 Chester Street on 3/17/16. No additional off-street parking spaces were required at that time because the property qualified for the parking lot exemption of Town

Code 175-127. This ordinance allows existing sites to be used as they are. It requires that existing parking be kept and maintained.

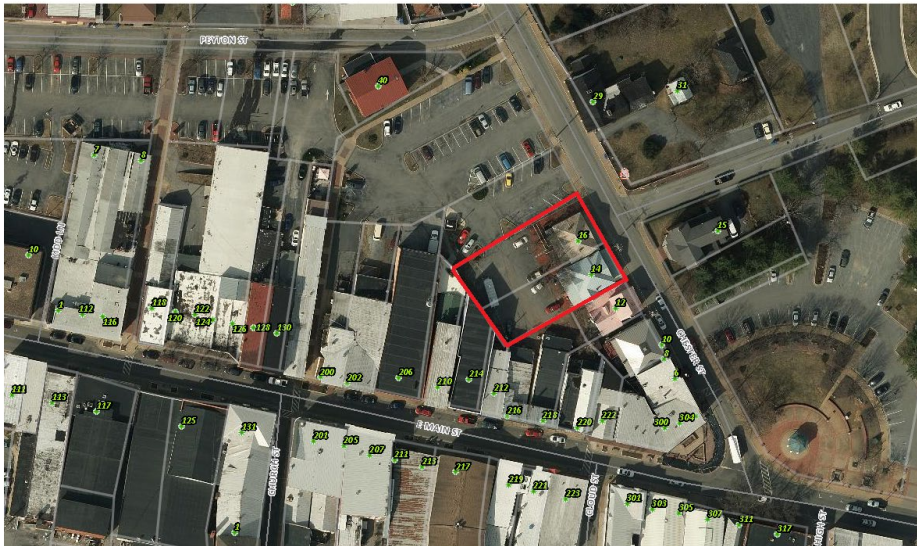
- A separate parking exemption applies under Town Code 148-870.A.17. that only applies to E. Main Street and the portion of Jackson Street behind the Courthouse.

Request:

- The Applicant now would like to remove the rear parking area for a larger beer garden. He requests that the Town include his portion of Chester Street to the exemption of Town Code 148-870.A. 17 so he is not required to even maintain his existing parking, as stipulated under 175-127.

Planning Commission Action:

The Planning Commission prepared three draft options but ultimately did NOT recommend any of these.



In response to Council questions, Mr. Camp stated that the Planning Commission is interested in updating the Regional Commission's study with the emergence of new businesses downtown. He added that the Planning Commission was not eager to give away downtown parking spaces. Mr. Camp stated that with the newly installed fence up behind the structures, it has essentially become private parking for the Beer Museum. He noted that Council is being asked to review the matter at a public hearing. Mr. Camp stated that the Planning Commission does not recommend any of the options suggested by the applicant.

Mr. Sealock asked about the required amount within the fenced area; Mr. Camp stated that what is currently there is what is required. Vice Mayor Tewalt stated that what is there currently should be required, as it is pre-existing. He noted that the Town cannot require more. Council discussed using the spaces on the side of the building and the picnic table area behind the fencing. After brief discussion, Council did not come to a consensus on the parking matter.

**3. HEPTAD, LLC – Request for 1-Year Extension to Submit Development Plan – Dir P&Z**

**\*\*\*Town Attorney Napier submitted a signed disclosure into the record and recused himself from this agenda item in full.\*\*\***

**SUMMARY:** Attached is a letter from Robert J. Light, legal counsel for HEPTAD, LLC. The letter is a request for the Town to extend the Town Code deadline for HEPTAD, LLC to submit a development plan. Specifically, Town Code 175-37.18 requires that a development plan be submitted within one (1) year of approval of the Master Land Use Plan. However, the Town Code allows this deadline to be extended by Town Council. Last year Town Council approved a one-year extension that expires in December.

HEPTAD, LLC is the owner of the proposed development referred to as Swan Estates, or simply as HEPTAD. This property was conditionally rezoned to the PND District in 2012. The proffers include a limit of 450 dwellings on the 98.25-acre property. The portion of the property on the east side of LRP is designated for commercial uses and adjoins the property owned by Valley Health. Cash proffers are included to the Town for construction of LRP and to the County for impact to the public school system. A future road connection to Westminster Drive is also included in the proffers.

**STAFF RECOMMENDATION:** If the extension is not approved by Town Council, this would mean that HEPTAD, or a future owner of the property, would be required to submit a new master plan for the project. Staff does not object to an extension of one year but urges the owner(s) to sell the property while the housing market is strong.

**Council Discussion:**

Mr. Camp presented the following presentation to Council:

Vice Mayor Tewalt asked about any State Laws affecting the situation. Mr. Camp noted that the Town has no conflict regarding the current request for extension.

**\*\*\*Town Attorney Napier submitted a signed disclosure into the record and recused himself from the Heptad agenda item in full.\*\*\***

**4. Proposed advertisement for invitation for bids pursuant to Va. Code §§15.2-2102 and 15.2-2103 for new, non-exclusive, franchises for cable television system and for fiber optic telecommunication system**— *Town Attorney*

**SUMMARY:** Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, (“Comcast”), did not pursue renewal of its non-exclusive cable franchise with the Town, pursuant to Va. Code §15.2-2108.30, which has now expired. Shenandoah Telephone Company (“Shentel”) had a non-exclusive, short-term, fiber optic telecommunication system, of limited scope with the Town and seeks a Town-wide franchise. Comcast and Shentel each desire to enter into new franchise agreements with the Town following completion of the advertisement for invitation for bids process. Full text versions of each proposed franchise would be prepared and made available to the public at the time of advertisement. Council is asked to provide direction to staff to proceed accordingly.

**STAFF RECOMMENDATION:** The Town Manager recommends advertising for invitation for bids pursuant to Va. Code §§15.2-2102 and 15.2-2103 for new, non-exclusive, franchises for cable television system and for fiber optic telecommunication system.

**Council Discussion:**

Mr. Napier explained that the agreement must be signed in order to allow Comcast to use the Town's poles and equipment/dictate the terms, cover any damage they may cause, etc. Council chose to place the matter on the upcoming agenda.

**5. Purchase and Financing of Refuse Truck** – *Director of Financing*

**SUMMARY:** The Department of Solid Waste would like to purchase a new Freightliner M2-112 with Loadmaster Excel 25s body at a cost of \$176,928.00 from Richmond Machinery based on the Town's invitation to bid results. VML VACo has been able to obtain financing for the Town at an interest rate of 3.85% for a 5-year term with annual payments totaling \$39,239.14 to purchase the truck. The FY2019 approved budget for the Solid Waste Department includes funding to cover the payment for the first year.

If approved, Town Council will also need to approve a budget amendment to receive the funds from the loan.

**BUDGET/FUNDING:**

**4203-341001 – Solid Waste Bond Proceeds \$176,928.00**

**4203-47001 – Solid Waste Building & Structures \$176,928.00**

**Council Discussion:**

Mr. Wilson noted that the Town would like to seek outside funding and it was put out to bid by VML/VaCO. He stated that it has been budgeted and the Town is going to place it in future budgets and finance the matter. He noted that the refuse budget is strong enough to handle it and the truck being replaced is quite old, a 2001. Mr. Waltz stated there were two trucks that needed to be replaced, adding that Mr. McPaters in Vehicle Maintenance said it was operational critical.

Mr. Meza asked about whether the Town had concerns about the refuse program continuing. He asked if the conversation should continue about whether the program should be ongoing with such

|  <p>VML/VACO - Equipment Leasing Program<br/>Town of Front Royal, Virginia<br/><i>Equipment Lease Purchase - Refuse Trucks</i></p> <p style="text-align: right;">Preliminary</p> |            |        |           |            |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------|-----------|------------|------------|
| Date                                                                                                                                                                                                                                                                | Principal  | Rate   | Interest  | Payment    | Balance    |
| 11/30/2018                                                                                                                                                                                                                                                          | -          |        | -         | -          | 176,928.00 |
| 5/30/2019                                                                                                                                                                                                                                                           | 16,213.70  | 3.850% | 3,405.86  | 19,619.57  | 160,714.30 |
| 11/30/2019                                                                                                                                                                                                                                                          | 16,525.82  | 3.850% | 3,093.75  | 19,619.57  | 144,188.48 |
| 5/30/2020                                                                                                                                                                                                                                                           | 16,843.94  | 3.850% | 2,775.63  | 19,619.57  | 127,344.54 |
| 11/30/2020                                                                                                                                                                                                                                                          | 17,168.19  | 3.850% | 2,451.38  | 19,619.57  | 110,176.35 |
| 5/30/2021                                                                                                                                                                                                                                                           | 17,498.67  | 3.850% | 2,120.89  | 19,619.57  | 92,677.68  |
| 11/30/2021                                                                                                                                                                                                                                                          | 17,835.52  | 3.850% | 1,784.05  | 19,619.57  | 74,842.16  |
| 5/30/2022                                                                                                                                                                                                                                                           | 18,178.86  | 3.850% | 1,440.71  | 19,619.57  | 56,663.30  |
| 11/30/2022                                                                                                                                                                                                                                                          | 18,528.80  | 3.850% | 1,090.77  | 19,619.57  | 38,134.50  |
| 5/30/2023                                                                                                                                                                                                                                                           | 18,885.48  | 3.850% | 734.09    | 19,619.57  | 19,249.02  |
| 11/30/2023                                                                                                                                                                                                                                                          | 19,249.02  | 3.850% | 370.54    | 19,619.57  | -          |
|                                                                                                                                                                                                                                                                     | 176,928.00 |        | 19,267.68 | 196,195.68 |            |

high costs. Mr. Waltz stated that even if the refuse program was to be outsourced, it would be a two year process at a minimum. He noted that the festivals, Main Street, the Town Farm and a trash vehicle would still need to be had.

Mr. Sealock noted that other options should be revisited and he agreed with Mr. Meza. Mr. Waltz stated that he has been reviewing other outsourcing options. Mr. Meza expressed his concern with buying another vehicle when the Town just purchased another truck. He stated that just because it is in the budget and the Staff would like it, it does not mean it is the right decision. Mr. Tewalt noted that he supported the needs of the Staff and he understands the concerns of Staff. Mr. Sealock voiced support of outsourcing.

## **6. Council Discussion/Goals - NONE**

## **7. Closed Meeting – Consultation with Legal Counsel**

### **Motion to Go Into Closed Meeting**

*Councilman Connolly moved, seconded by Vice Mayor Tewalt move that Council convene and go into Closed Meeting for the following purposes:*

- (1) The discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, pursuant to Section 2.2-3711. A. 5. of the Code of Virginia.*
- (2) Consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically, discussion of a proposed Resolution with respect to the consideration of legal mechanisms relating to handling debt service related to prior and current budget years regarding the Economic Development Authority, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.*

**\*\*Meza and Connolly exited during EDA discussion (#1).**

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

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### **Motion to Certify Closed Meeting at its Conclusion**

*Councilman Connolly moved, seconded by Councilman Gillispie 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 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 member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.*

Vote: Yes – Gillispie, Sealock and Tewalt

No – N/A

Abstain – N/A

Absent – Morrison

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

(By Roll Call)

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**PRESENT:** Mayor Tharpe, Vice Mayor Tewalt, Councilman Gillispie, Councilman Meza Councilman Connolly, Councilman Sealock, Town Manager Waltz, Town Attorney Napier, Clerk of Council Berry, Director of Planning Camp, Director of Finance Wilson, Director of Energy Services Jenkins, Police Captain Nicewarner, Interim Director of Environmental Services Boyer, Community Development Director Hart, IT Director Jones, members of the public and members of the press.

**ABSENT:** Councilman Morrison