

COUNCIL MEETING MINUTES

August 12, 2019

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on August 12, 2019, in the Warren County Government Center's Board Meeting Room. Mayor Tederick 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 Matthew A. Tederick
Councilman Gary L. Gillispie
Councilman Chris W. Holloway
Councilman Jacob L. Meza
Vice Mayor William A. Sealock
Councilman Eugene R. Tewalt
Councilman Letasha T. Thompson
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 Gillispie moved, seconded by Councilman Holloway that Council approve the Regular Council Meeting minutes of July 22, 2019 as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson

No – N/A

Abstain – N/A

Absent – N/A

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Linda Allen, of 15 Massie Street, submitted the following to Council:

In a public hearing held by the Board of Supervisors on April 10, 2019, citizen comments were recorded about the desirability or not, of changing the proposed Crooked Run West from commercial to residential. There are no citizen comments from that hearing that favor this change. The minutes from the public hearing describe a letter that the Board of Supervisors received from the developer's attorney which was sent to the Town. The letter noted the voluntary agreement between the County and the Town to provide water and sewer services to commercial development in the corridor. The letter asked if the governing bodies would agree to amend the agreement to include water and sewer service to residential. The letter also asked if the Town had sufficient public water to provide if the property were rezoned to residential.

If the water agreement between the County and the Town were amended to include residential, it would be a change that no longer restricts the Town's obligation to provide water to the corridor for commercial development only. The change would set a precedent. It may not matter how restrictively the agreement is written, once the change is made, it is a basis for argument in court to expand water and sewer throughout the county. While the comment is made by the developer team that we currently have the water, a report on water done by the Northern Shenandoah Valley Regional Commission, perhaps five or more years ago, led the expert reporting to recommend that the Town start to look for additional sources of water supply. Little if anything has been done on this point beyond a few words about the McKay spring which does not deliver sufficient water to cover the possible growth over time that changing the water agreement could need.

Water is but one issue of many tied up in this proposal without one scrap of adequate explanation and data for citizens to consider. For example, what do you suppose the effect on the town would be if the quite ambitious growth plan of the county diligently pursued would be? We need to think of the

effects or consequences of different decision paths. Another issue is the traffic plan. There is no available plan on their current proposal. The citizens who spoke of the road there and projected traffic volume and access to our major highway are quite clear that it is a difficult, even dangerous set of conditions. There is also the matter of proffers, where are they? Then, there is the matter of priorities about VDOT funds, our taxpayer monies, being spent on this development. There is the bone thrown to us citizens that workforce housing will be included in the development. Let us look together at the formula for increasing the rent over time and see if we can conclude that this is actually workforce housing. Note also that A.S. Rhodes Elementary School is at capacity which would indicate that we would have to consider building another elementary school-- up goes the debt service in the county budget.

Compare this to the fact that the town has an Urban Development zone and ample land for development. We have not had that development occur because we have not had the growth which would require our having a much larger housing inventory. This is the general area of the new hospital which would become a focal point that could generate demand for housing on town land. The elementary school in the area could accommodate more students. The cost of infrastructure with respect to water and sewer is less. For those who believe that we would make money on Crooked Run West as residential, it remains true that residential areas over time cost us more while clean, light industry adds to the revenue. It is still a truism we need to deal with. The cost of construction, then the subsequent maintenance of the infrastructure would be less in town.

This just scratches the surface of and some of the questions about the Crooked Run West proposal. What are you thinking and what is the county thinking when it is easy to know by the Interim Mayor, the developer, and the attorney leaving the town administration building together that something is being worked on about Crooked Run West. What we got from the developer is a sales pitch, a sloppy one at that. Please consider the hints herein of deeper issues that citizens need to know. What will you do to ensure that appropriate discussion does occur?

Fern Vasquez, of 120 Gloucester Road, presented the following to Council:

Good Evening and thank you for the opportunity to address you here this evening. I'm following up with the Council members this evening on requests that I presented to Council in March of this year when I brought to your attention that the town of Front Royal does not provide the type of residential electric meter that accounts for the electricity generated by solar panels. This requires the installation of a specific type of meter that allows the meter to run backward at times when the power generated from the use of solar panels exceeds the amount of power being used, and consumers who have solar panels installed can benefit by the credit to their electric bills. Since my address, the rates for electricity have been increased, so now it's even more of a priority to have this capacity. I'm just wondering if anything has been done to address this issue.

I also submitted for your review a plan created by the Mayors Vision Committee on growth for the Town of Front Royal. I believe the Town's ability to provide jobs with a living wage especially for the young people is critical to the future of the town. I'm just wondering if Town council members have given any thought to this. I am leaving a copy with the clerk for your reference and would like to hear some discussion on this in the future. The third issue I'd like to raise is one of paramount financial and environmental importance and will have important consequences for years to come. I believe that Council members will be deciding within the next several months whether the Town will undertake the huge financial responsibility of providing water from the town to the West Crooked Run development. The planning council has already voted against this project for very valid reasons. I ask you to cast your vote for the long-term interests of the citizens of this town and vote no.

Mayor Tederick asked Mr. Waltz to address the matter pertaining to the solar meters. Mr. Waltz stated that Ms. Vasquez was referencing net metering, which the SCC does not require the Town to install. He stated that there has not been much interest presently, though the Town has been looking into the possibility in the future.

Town Manager, Mr. Waltz, noted that they continued to do water improvements on 14th and Shenandoah Avenue, and after the water improvements are finalized, paving of the area would take place. He stated that the Town's switch from conventional recycling to single stream recycling continues. Mr. Waltz noted that the recycling of cardboard now requires that staples and tape are now to be removed from cardboard, which is a change and he asked the community to be patient as the changes occurred.

Chief Magalis presented Police Officer Matthew Erd to Council, and he noted that Officer Erd grew up in New Jersey and worked in US Customs for a time, as well as an EMT. Chief Magalis stated that Officer Erd is now on board with Front Royal after serving with the Washington DC Police Department, as well as a Northern Virginia law enforcement agency. Officer Erd was pinned by his better half, Officer Stephenson, of the Winchester Police Department.

Congratulations and thanks were extended from Council to Officer Erd and they welcomed him to the Town. Mayor Tederick noted that Police Officers run towards danger, while others were running away, and Front Royal was thankful for Officer Erd coming aboard to protect the Town citizenry.

Councilman Thompson shared a post from social media regarding David Deavers and the selfless measures that the young man took to save a life. Mayor Tederick called forward Mr. Deavers and he and Councilman Thompson presented David with a medal and certificate declaring that he was a *Front Royal Hometown Hero* for his recent heroic actions in saving a child's life.

Councilman Tewalt announced that he would be on the ballot for Front Royal Mayor and noted his telephone number for those who would like to talk to him on any issue pertaining to the Town.

Mayor Tederick stated that he met with area individuals regarding the Afton Inn. He noted that they were looking at options regarding the structure to determine the best avenue for the community.

Mayor Tederick stated that many have inquired about the proposed Crooked Run West project. He noted that the Town Council is gathering information and facts on the proposal. He stated that no decision has been made, though a business has approached the Town and he would like to thank the business and ask them questions regarding the project. Mayor Tederick stated that as soon as they can move forward one way or another the Town certainly will.

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

CONSENT AGENDA ITEMS

- A. COUNCIL APPROVAL – Bid for Okonite Cable for Leach Run Parkway Infrastructure
- B. COUNCIL APPROVAL - Resolution to Request Department of Corrections to Schedule a Public Hearing for a Proposed Lease for a Probation and Parole Office on Jackson Street
- C. COUNCIL APPROVAL – Budget Amendment to Receive Reimbursement and Increase Expenses Associated with Police Department Salaries from a Northwestern Community

Services Board Grant to Assist with Staffing a Regional Crisis Intervention Community Services Board

Councilman Gillispie moved, seconded by Councilman Holloway that Council approve the consent agenda as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tederick did not vote as there was no tie to require his vote)

PUBLIC HEARING – Ordinance to Amend Chapter 4-19 Pertaining to Order of Business and Placement and Approval of Items on the Agenda *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend and reenact Front Royal Town Code Chapter 4-19 pertaining to the order of business for Town Council meetings and the placement of items on the council agendas, as presented.

Mayor Tederick opened the public hearing; as no one came forward to speak, the public hearing was closed.

Councilman Thompson moved, seconded by Councilman Tewalt, that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Chapter 4-19 pertaining to the order of business for Town Council meetings and the placement of items on the council agendas, as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tederick did not vote as there was no tie to require his vote)

COUNCIL APPROVAL – Deed of Easement for Sanitary Sewer from Warren County School Board near Middle School on Heritage Drive.

Summary: Council is requested to approve a 20-foot Deed of Easement for Sanitary Sewer Utilities from the Warren County School Board near Warren County Middle School located on Heritage Drive, as presented.

Councilman Tewalt moved, seconded by Vice Mayor Sealock, that Council approve a 20-foot Deed of Easement for Sanitary Sewer Utilities from the Warren County School Board near Warren County Middle School located on Heritage Drive, as presented.

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A

Absent – N/A
(Mayor Tederick did not vote as there was no tie to require his vote)

CLOSED MEETING – Specific Legal Matters

Motion to Go into Closed Meeting

Councilman Holloway moved, seconded by Councilman Tewalt, that Council convene and go into Closed Meeting for consultation with legal counsel employed or retained by a public body regarding specific legal matters, specifically the Town/EDA lawsuit, requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia;

Vote: Yes – Gillispie, Holloway, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tederick did not vote as there was no tie to require his vote)

Motion to Certify Closed Meeting at its Conclusion

Councilman Gillispie 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 – Gillispie, Holloway, Meza, Sealock, Tederick, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – N/A

(By Roll Call)

There being no further business, the Mayor declared the meeting adjourned at 8:34 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council



**TOWN COUNCIL
WORK SESSION MINUTES
Monday, August 12, 2019
after Regular Meeting
Warren County Government Center**

1. Discussion Pertaining to the Joint Meeting with the Board of Supervisors on August 13th

Mayor Tederick reminded Council that the Joint Meeting was tomorrow at 6 p.m. at the Villa Avenue Community Center. He noted that the EDA was the bulk of the agenda from the County and Mayor Tederick disagreed, though it was not the best use of the Joint Meeting time. He noted that he would prefer not to have a one-way presentation from the EDA at tomorrow's meeting; though he asked Town Council their preference.

- Future of the EDA
- Join Forces/Legal Fees
- Joint Lawsuit
- Positive/Negative of Dissolving EDA

Mayor Tederick noted that he would delay placing the Citizens Committee on the agenda for tomorrow. Councilman Meza noted that he would prefer not to sit through the EDA presentation at this time, but rather answer questions about the disaster that has taken place in the community between the Town and County. Councilman Tewalt voiced his support with Mr. Meza, adding that the Town can meet at a later time with the EDA, as tomorrow is a question/answer time with Warren County. Vice Mayor Sealock voiced that the Town/County needs to give direction to the EDA and that discussion needs to take place first with the County.

Councilman Meza asked about potentially restructuring/dissolving EDA; Mayor Tederick noted that it on the agenda. Mr. Sealock stated that he wanted to know where the Town stood in the pecking order and he would like to know the answer to the Police Department and Afton Inn questions now; not next year.

2. Discussion on Permanent Financing for Police Department

SUMMARY: Currently the construction of the new police department is financed by the Front Royal-Warren County Economic Development Authority. In order to pursue permanent financing the Town must obtain a written payoff amount from the E.D.A. Town staff continues to work with the E.D.A. to obtain a written payoff amount for the construction of the police department and hopes to be able to file application with the Virginia Resource Authority's Pooled Financing Program in February 2020.

Memo from Finance Director, Mr. Wilson:

The V.R.A. pooled financing was selected by Town Council as being the primary option for the source of permanent financing on the construction of the new Police Department. The Town was not be in a position to make application to the Virginia Resource Authority by August 5, 2019 deadline. Staff is hopeful that we may be in a better position to make application for the next deadline of February 2020. The Town will need an official written payoff amount from the E.D.A. in order to obtain financing and an amount agreed to by both the Town & the EDA. The Town received a draft outline of expenses

associated with the Police Department Construction from the E.D.A. on July 24th, 2019; but the document does not match Town records and includes items that staff feels the Town should not be obligated to pay. Some of the disputed items include legal fees associated with a line of credit established October 2018, fees for draws taken, inspection fees, interest rates exceeding 1.5% annually, and an unknown charge to principal.

On August 2nd, 2019, I provided the E.D.A. with amounts that staff feels should be the Town's responsibility related to the construction of the Police Department. I am awaiting a reply from the E.D.A. Town staff continues to work with the E.D.A. to obtain an agreeable amount for which the Town owes the E.D.A. on the Police Department and intends to update Town Council when more information becomes available.

Council Discussion:

To answer Council's questions, Mr. Wilson stated that regardless of what route they choose, they will need the payoff amount. He noted that the draw schedule would need to be known in full, per VML. Mr. Wilson stated that there will be an interest component and because they are paying it to the EDA – THAT is the problem. The debt service is being paid by the EDA, per Mr. Wilson, and the documentation has not been provided by the EDA. Mayor Tederick noted that until the funding documents are provided by the EDA then the Town should not discuss the matter, as they cannot force the EDA by suing them for the information. Vice Mayor Sealock noted that this is a number one priority for the Town and the Town needs to know the Police Department amount.

3. Purchase of Vehicle for Horticulture Department

SUMMARY: Council has received a request from the Purchasing Manger to purchase one (1) 2019 Ford F250 pickup truck from Colonial Ford Truck Sales, Inc. on Virginia State Contract in the amount of \$33,610.70. The new pickup will replace a pickup truck with over 115,000 miles. The older vehicle will be pulled from the Town's fleet and added to the Town's public auction.

BUDGET/FUNDING: Horticulture Division of Public Works Department has a budgeted vehicle expense for this truck of \$40,000 in FY20 line item 44305-47005

Memo from Purchasing Agent, Mrs. Scott:

Purchasing responded to a request from the Director of Fleet Management to purchase one (1) 2019 Ford F250 pickup truck from Colonial Ford Truck Sales, Inc. on Virginia State Contract E194-73326. The new pickup truck will be replacing a pickup truck with over 115,000 miles. The older vehicle will be pulled from the Town's fleet and added to items for public auction. The Colonial Ford contract is competitively bid by the State of Virginia's Office of Fleet Management Services and authorizes localities to make such purchases to improve their own fleet.

Town Council is requested to approve this purchase that is recommended by staff in the amount of \$33,610.70. The Horticulture Division of the Public Works Department has budgeted a total vehicle expense for this truck of \$40,000. Funding is available in the Horticulture Division's FY20 line item 44305-47005.

Council Discussion: Councilman Meza asked about a fleet management program; Mr. Waltz stated that the Police Department has a fleet management program, though the other vehicles are on a case by case basis. Councilman Tewalt asked about why it was 250 truck; Mr. Boyer stated that they also

use it for snow removal. Mayor Tederick stated that the Town Manager needed direction on the vehicle as it was in the budget and this item was approved in the budget and now the detailed item was being discussed at worksession. Mayor Tederick asked if Council was changing the policy and he noted that he would like to see a list of capital items ready for purchase. Councilman Tewalt stated that the Council approved the budget and the Town Manager should have Council's support. Mr. Sealock asked why the Town had a Director running around in a larger truck. He asked if there was a plan for vehicles; Mr. Waltz noted that it was micromanaging to determine who goes in what vehicle. Mayor Tederick asked that the item go forward on the next agenda.

4. Council Goals

Mr. Waltz noted that the items should be ranked and Council could be prepared to review the items at Monday's goal setting worksession beginning at 5 p.m.

Ranking	Goals	
	Workforce Housing	
	Afton Inn	
	Crooked Run West	
	Happy Creek Area	
	Old Town Hall	
	Health Insurance	
	Code Enforcement	
	I & I issue	
	Streets and infrastructure improvement (curb, gutter, and sidewalks)	
	Local EDA effort	
	Property Maintenance	
	Pedestrian Safety	
	Parking (meters)	
	Compensation Study - Year 3 implementation	
	Rt. 522 Corridor Water Reliability/Redundancy project	
	EDA projects and finances (debt service)	
	EDA Lawsuit	
	Project budgets	
	Valley Health Pilot	
	Reduce Town Government Expense	

PRESENT: Mayor Tederick, Councilman Tewalt, Councilman Holloway, Councilman Thompson, Councilman Meza, Councilman Gillispie, Vice Mayor 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 Chief Magalis, Director of Environmental Services Boyer, Community Development Director Hart, IT Director Jones, members of the public and members of the press.