

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on August 26, 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 August 12, 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

There were no receipts of petitions or correspondence from the public.

Town Manager, Mr. Waltz, noted that they have about two weeks worth of work pertaining to the water improvements on 14th and Shenandoah Avenue, and after the water improvements are finalized, paving of the area would take place. He expressed his thanks for the patience of the public during the work.

Mr. Waltz described the new program that the Town began to recognize excellence within the work of our employees. He stated that the Pride in Performance Program started and there were many employees selected in the first morning alone. Mr. Waltz described how a huge error recently took place on a check written towards a utility account. He noted that Finance Employee Sharon Pendleton saw the error and immediately contacted the accountholder. He stated that after numerous unanswered calls, she returned the check with a letter and thankfully the account holder was extremely relieved and appreciative of the efforts of Sharon Pendleton, and presented her with a plaque naming her the First Star of the Month.

Councilman Thompson thanked Ms. Pendleton for her efforts, noting that she continually hears positive comments from citizens that have worked with Sharon and she knows that Ms. Pendleton goes the extra mile to help citizens.

Mayor Tederick noted that tomorrow the second Joint Meeting will be held with the Town, County, and EDA tomorrow at 6 p.m., at the Villa Avenue Warren County Community Center, as a follow up from the last meeting. Mayor Tederick stated that he looked forward to the full EDA report tomorrow with updates, as the last meeting had many good questions

Mayor Tederick noted that the EDA Reform Committee met and it was a good meeting. He stated that the Town hopes to work through the process and eventually the plan is to appoint a citizen's committee. Mayor Tederick explained that the citizen's committee will review the report and get the citizens involved in the review process.

Mayor Tederick noted that Town Staff inspected the old Town Hall at 16 N. Royal Avenue, and it was in fair condition to say the least. He thanked the Staff for their efforts, noting that he looked forward to the report regarding the structure.

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

Mayor Tederick asked Clerk of Council Berry to read the memo from Purchasing Manager Alisa Scott into the record pertaining to Consent Agenda Item B, which states:

From: Alisa Scott, Purchasing Manager

RE: Sole Source Procurement Written Determination

The Town's purchase of (300) 5/8" Neptune T-10- ProCoder R900i water meters in the amount of \$73,500 qualifies as a sole source procurement in accordance with the Virginia Public Procurement Act because Core & Main is the only source practicably available. The Neptune water meters are already in use by the Town, and the remote reading radio devices which the Town currently uses will only work with these water meters. It would be unreasonably expensive to purchase any other type of water meter. Core & Main is the exclusive distributor for Neptune water meters for the Virginia, West Virginia, and Maryland markets. The contract with Core & Main is anticipated to be awarded by the Town on or about August 26, 2019.

CONSENT AGENDA ITEMS – (ROLL CALL VOTE REQUIRED)

A. COUNCIL APPROVAL – Purchase of Vehicle for Horticulture Department

B. COUNCIL APPROVAL – Bid for Water Meters

To answer Councilman Gillispie's questions, Finance Director Mr. Wilson noted that these will not be the final purchase of meters for the Town. He noted that there will be additional purchases, with larger meters purchases, as well as this same smaller size.

Councilman Gillispie moved, seconded by Councilman Meza 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 – To Receive Public Comments/Concerns and Approve an Ordinance to Vacate a Portion of Carter Street – Chris Holloway *(1st Reading)*

Summary: Council is requested to receive comments and concerns from the public pertaining to the proposed vacation of an unimproved portion of Carter Street that is 136.05 feet x 40.00 feet (5,442 square feet) and located between Beeden Lane and Steele Avenue. If approved during the second reading, the applicant, Chris Holloway proposes to create five (5) townhouse lots facing Steele Avenue. The unimprovement proposed to be vacated contains a Town water and sewer main that would require an easement to maintain or repair the utility main as needed.

Mayor Tederick opened the public hearing.

Councilman Holloway recused himself from the matter, as he is the applicant.

Cherry Nickens, of 132 Steele Street, noted that she had concerns with the application as presented, as there were already many that used the street as a turn around location. She stated that when the vehicles turned around, they used her front yard as part of the turn around.

As no one else came forward to speak, the public hearing was closed.

Councilman Gillispie moved, seconded by Councilman Meza, that Council affirm on its first reading an Ordinance to conditionally vacate an unimproved portion of Carter Street that is 136.05 feet x 40.00 feet and located between Beeden Lane and Steele Avenue, conditioned upon approval of an easement to the Town to maintain or repair the utility main that is contained in the unimproved portion of Carter Street.

Councilman Tewalt noted that the Town had reviewed the site and the Town does feel it has value to the Town though the turn arounds will have to be minimized. He noted that some Councilmen feel that there could be drainage issues, and that needs to be addressed, and he expressed that the drainage would be handled during that zoning process.

Mayor Tederick stated while Mr. Holloway is a member of Council, he is also a Town citizen as well and he has a right to acquire right of way through the vacation process just as other citizens. He added that it is not unusual for members of the public to apply for this type of adjustment and other vacation applications are coming up as well. Mayor Tederick added that in response to Ms. Nickens concern, the turn around issue may be remedied with the development in the area.

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

No – N/A

Abstain – Holloway

Absent – N/A

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

PUBLIC HEARING – Ordinance to Amend Chapter 134-71 Pertaining to Utility Account Payments and Termination of Service *(1st Reading)*

Summary: Council is requested to affirm on its first reading an Ordinance to amend and reenact Front Royal Town Code Chapter 134-71 pertaining to utility account payments and termination of service, in an effort to decrease the Town's bad debt on utility accounts. If approved on the second reading, there will be an increase in minimum deposit amounts required for utility service and an addition of personal guaranty on business utility accounts, 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 Meza that Council affirm on its first reading an Ordinance to amend and re-enact Front Royal Town Code Chapter 134-71 pertaining to utility account payments and termination of service, in an effort to decrease the Town's bad debt on utility accounts, as presented.

Councilman Meza noted that this change had been reviewed and discussed many times and the Town's effort has been to balance the establishment of new utility accts and the default of utility accounts. He explained that the Town would like to reduce the bad debt because it comes out of pocket of other tax payers. Councilman Meza noted that having more collateral equals less default and perhaps it will allow the Town to recoup some of what is left on the accounts.

Councilman Tewalt asked if the change contains wording that requires LLC sign paperwork to bind them to the account. Mr. Wilson noted that the wording was enclosed, adding that each LLC will have a be a personal guaranty on every account.

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)

ROLL CALL

COUNCIL APPROVAL – An Ordinance Amendment to Chapter 4-19 Pertaining to Order of Business/Placement and Approval of Items on the Agenda *(2nd Reading)*

Summary: Council is requested to adopt on its second and final 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.

Councilman Holloway moved, seconded by Councilman Tewalt, that Council adopt on its second and final 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.

Mayor Tederick explained that this change was important as it eliminated the Mayor having the sole source to place items on the agenda. He voiced his thanks for Council's support.

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 Gillispie moved, seconded by Councilman Thompson that Council convene and go into Closed Session Town Council convene and go into Closed Meeting for the following purposes pertaining to EDA-related and other issues concerning the financing of the new Police Department headquarters, and the Afton Inn Property:

(1) The 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 Town would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia.

(2) Consultation with legal counsel employed or retained by Town Council regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711. A. 8. of the Code of Virginia.

(3) Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of Town Council, pursuant to Section 2.2- 3711. A. 29. of the Code of Virginia.

AND

(B) He further moved that Town Council convene and go into Closed Meeting for the following purposes: Discussion and consideration of performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of Town Council, pursuant to Section 2.2-3711. A. 1. 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 Session

Councilman Gillispie and Councilman Tewalt moved, seconded by that Council 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 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)

Councilman Tewalt moved, seconded by Councilman Holloway, to adjourn the meeting.

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)

There being no further business, the Mayor declared the meeting adjourned at 8:27 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council



**TOWN COUNCIL
WORK SESSION MINUTES
Monday, August 26, 2019
after Regular Meeting
Warren County Government Center**

1. Route 522 Corridor Water Reliability Study by CHA

SUMMARY: CHA will cover the following items in their Power Point Presentation to Town Council. The Overview of the completed (PER) Preliminary Engineering Report, Brief explanation of recommended route, a project cost overview and a plan to fund the project and a project plan of action moving forward.

Steve Steele, of CHA, presented the following report to Council:

Route 522 Corridor Reliability Project

HISTORY:

- ◆ 2011 Contract with Dominion Power Signed
- ◆ 2013 Pennoni Hydraulic Study Recommended Morgan Ford Route - Waterline costs estimated at \$92/LF
- ◆ 2014 Contract Water Rates in Effect
 - Guard Hill PS upgrades completed
- ◆ 2017 CHA Reliability Study
 - Recommended Parallel Waterline
- ◆ 2019 Feasibility Study:
 - Purpose: Decide on a constructible, cost effective redundant route
- ◆ 2019 PER
 - Purpose: Obtain VDH Approval to Design / Pursue VRA Funding

RECOMMENDATION & COST ESTIMATE:

Recommendation:

- Electric Utility Route with Section 2

Costs:

- Electric Utility Route: \$9.8 Million
- Section 2: \$2.0 Million
- Total Project Costs: \$11.8 Million

Council Discussion:

Tewalt asked about Be liable if pumping station if we put a Cause the Town to not utilize the WWTP land

Napier noted that he would check to ensure the Town has right to utilize the land at the WWTP

Mr. Steele stated that the Town if Dominion will continue to use the water they are using, or more. Dominion plans to expand, Mr. Steele noted. If Dominion comes to the Town tomorrow and asks for double water than what they are using then the Town must provide that

Mr. Steele explained that the Town has built enough revenue and the Dominion relationship leverage in order to have zero impact to the rate payers

Mayor Tederick noted that the Town has \$275,000 revenue due to Dominion's new rate increase. Mr. Steele noted that Dominion is going to front load the Town with funding of 3.5 million to begin with

Councilman Meza noted that the usage is the only variable. Mayor Tederick – the Town owes redundancy to the customer to have redundancy

Councilman Tewalt asked if it was legal to have Dominion drill any wells; Mr. Steele noted that he felt that they had to purchase water through the Town though the Town Attorney can check into that to confirm.

To answer Mayor Tederick's questions, Mr. Wilson described how revenue bonds work in order to reduce costs and he noted the benefits as well. Mayor Tederick thanked Mr. Steele for his report, noting that it was very informative. He then asked Mr. Steele about the \$288,000 Inspection Cost listed/Clerk of the Works and he asked of the Owners Representative. He noted that he would not have authorization to give direction to shut down the project as Owners Representative.

Mayor Tederick asked about value engineering; Mr. Steele stated that it would be about reducing cost and then as the project progressed. Mayor Tederick noted that value engineering and owners representative were important. Mr. Steele noted that value engineering works well with vertical projects, but with pipe in the ground, it is quite different.

2. Council Discussion

none

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.