TOWN COUNCIL
WORK SESSION MINTUES
Monday, November 4, 2019, 7 p.m.
Town Hall Council Chambers

1. Republic Services Presentation
SUMMARY: The Public Works Director will provide a presentation of installing safety improvements along Kerfoot Avenue and the cost associated with this proposed project. This presentation will show the addition of two raised crosswalks along Kerfoot Avenue at the Soccer Complex to reduce traffic speeds and make crossing the street safer for pedestrians. This presentation also recommends making the intersection of Salem Avenue and Kerfoot Avenue a four way stop to help slow the traffic down on this section of Kerfoot Avenue. There will be a cost break down showing the price of these items as well as adding curb and gutter and sidewalk along the soccer field side of Kerfoot Avenue. The presentation will show information regarding the existing power poles, fencing and trees that would have to be relocated for the installation of sidewalk.

Council Discussion: John Ryman, Nathan Geldner, and Charles Stephenson, of Republic, was introduced by Councilman Gillispie to advise residents of what is expected. Republic described how the "China sword" has cut the rest of the world out of the recycling system that it used to belong to. Councilman Gillispie asked if caps could be left on the bottles and tape could remain on the cardboard boxes. Republic noted that the main factor was that plastics would need to be clean, empty and dry, noting that if small labels are on bottles it was not a huge factor and caps were not a large matter at this time, though eventually it may be an issue. They explained that small labels are not an issue on cardboard boxes, though long strands of tape that is exposed with the sticky part is an issue, noting that it causes failure in the processing equipment.

Republic noted that metal cans with small labels are okay though they could never take contaminated pizza boxes. They explained that the Republic website shows what is recycling and what is acceptable. Council and Republic discussed the changes to actively lobby to change the processes for recycling in the region.

2. Safety Plan for Kerfoot Avenue – *Director of Public Works*
SUMMARY: The Public Works Director will provide a presentation of installing safety improvements along Kerfoot Avenue and the cost associated with this proposed project. This presentation will show the addition of two raised crosswalks along Kerfoot Avenue at the Soccer Complex to reduce traffic speeds and make crossing the street safer for pedestrians. This presentation also recommends making the intersection of Salem Avenue and Kerfoot Avenue a four way stop to help slow the traffic down on this section of Kerfoot Avenue. There will be a cost break down showing the price of these items as well as adding curb and gutter and sidewalk along the soccer field side of Kerfoot Avenue. The presentation will show information regarding the existing power poles, fencing and trees that would have to be relocated for the installation of sidewalk.

Mr. Boyer presented the following to Council:

KERFOOT AVENUE SAFETY IMPROVEMENTS

Raised Crosswalks

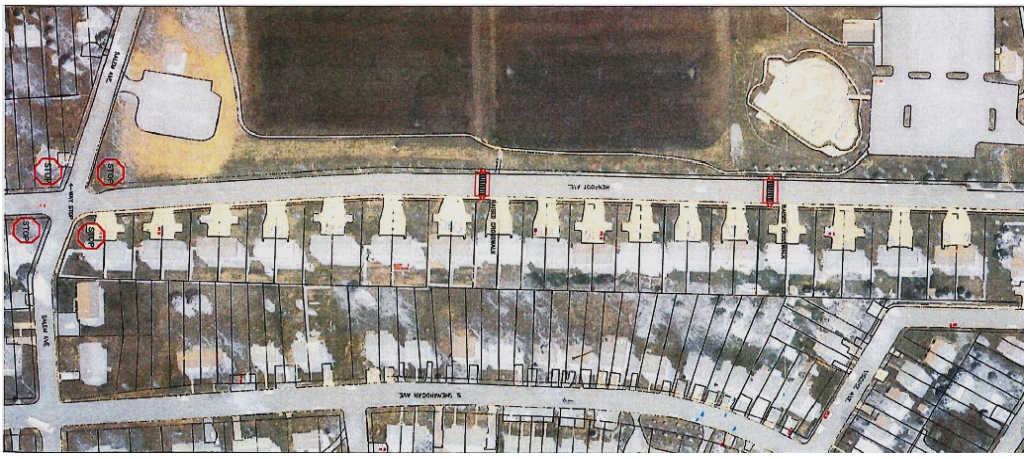
All Concrete with ADA pads and thermoplastic crosswalk; including existing sidewalk repairs ($4,378.80 each crosswalk)	**$8,757.60**
4-Way Stop at Salem Avenue & Kerfoot Avenue pedestrian Signs	**$417.75**
TOTAL PROJECT COST- 2 crosswalks and signage	**$9,175.35**

Sidewalk, Curb & Gutter Installation

Schedule of Work (Weather Permitting)

3 days to install each raised crosswalk	**6 Days**
2 days each handicap ramp and tying back into existing curb and gutter	4 Days
1 day for thermo per ramp	2 Days
TOTAL WORKING DAYS TO COMPLETE PROJECT	12 Days

- Kerfoot Avenue would need to be closed for approximately 12 weekdays while completing this work.
- Public Works Director has spoken with Aaron Mitchell, Warren County Transportation Director and he said this would not cause any issues for them with the bus traffic.



Sidewalk, Curb & Gutter Cost Break Down

Installation of 1400' Sidewalk	**$44,100**
Installation of 1400' Curb & Gutter	**$49,000**
TOTAL PROJECT COST-	**$93,000**

Issues/Concerns

- Power Poles (9) would need to be relocated

These have Rappahannock Electric lines on them and will be expensive to relocate them (if possible)

- Fencing would need to be moved back

Belongs to Warren County, not Town

- Drainage Issues-Water Currently drains across the road towards the Soccer Fields

If curb and gutter was installed Town would need to install a drain to catch the water on that side of road

Recommendations

- Install the raised crosswalks and asphalt walking paths from the crosswalk to the stairs at both entrances to the soccer complex.
- Add a 4-Way stop at Salem Avenue and Kerfoot Avenue

Council Discussion: Council discussed matters related to going over the crosswalks during snowplowing. Mr. Boyer noted that there are 64 parking spaces on that road. Mr. Holloway noted how full the parking spots are on Saturday during soccer seasons. Council discussed how dangerous it is with the parking on the roadway.

Mr. Waltz noted that the raised crosswalks and the stop signs could be installed as soon as possible. He stated that the speed sign could be placed as well, and a sign for speed as people come into Town from the bridges.

3. Review of Blighted Structures – *Town Attorney*

SUMMARY: Town Councilman Gary Gillispie brought to the attention of staff the ordinance used by the County of Loudoun and Town of Leesburg, a copy of which is attached, to abate (remedy) "spot blight". It appears this is a successful program in those jurisdictions. Under this program as used by Loudoun and Leesburg, and in accordance with State Code, "blighted property" is individual property which endangers the public's health, safety, or welfare because a structure or improvement violates minimum health and safety standards. "Spot blight" means an individual structure or improvement that is blighted. Under this ordinance, and in accordance with State Code, the Town Manager, or his designee, will make a preliminary determination of blighted property. Notice is given to

the property owner. The owner shall have 30 days to respond in writing with a spot blight abatement plan prepared by the owner to address (fix) the blighted property within a reasonable time thereafter. If the owner does not respond within the 30 day period with a plan acceptable to the Town, the Town Manager or his designee shall prepare a spot abatement plan acceptable to the Town, and shall request Town Council to pass an ordinance to declare that the property constitutes a nuisance. Following a public hearing, Town Council can declare the individual blighted property to constitute a nuisance. Upon adoption of the ordinance, the Town Manager or his designee may cause the blighted structure or improvement to be abated (fixed), razed (torn down), or removed, or even condemned (by eminent domain) in accordance with the spot blight abatement plan. Any costs incurred by the Town for the removal or abatement shall be a lien on the blighted property, shall be recorded in the land records, and shall be treated as a tax lien, and if not paid by the owner, the property may be sold to satisfy the lien. This spot blight abatement program is authorized by Va. Code § 36-49.1:1., attached.

This is a somewhat similar program to that currently authorized by Town Code 9-303, attached, which is allowed by Va. Code § 15. 2-906. However, proceeding under the Town ordinance requires the determination of blight to be made by the Building Official, and does not allow condemnation. The Loudoun County/Leesburg program (spot blight abatement program) allows the determination to be made by the Town Manager or his designee and Town Council, and also allows for condemnation of the blighted property, where Town Council might deem that appropriate.

BUDGET/FUNDING: Unknown, but anticipated costs of advertisements of public hearing, and staff costs to inspect properties and prepare spot blight abatement plans.

STAFF RECOMMENDATION: Staff recommends identifying a blighted property and then attempting a spot abatement of the property on a trial basis.

Council Discussion: Mr. Gillispie noted that the there are many ways to address the derelict building issue and he would like this addressed without adding more "government" to the Town. Mr. Napier stated that this ordinance would have the Town Manager or the designee would identify a spot blighted property and Staff would address the matter of blight within a reasonable time period with the owner (30 days with an acceptable plan). He stated that the downside would be minimal, as it is treated like unpaid property taxes.

Council noted the property owner's rights would be respected and an ordinance would be created to spell out the matter. Mr. Meza noted that there are specific definitions spelling these descriptions out. Mr. Tewalt noted that the Town can pursue this; Mr. Napier noted that it was within the State Code if the structure is noted as endangering the health and safety of the community it can be addressed. Mr. Meza asked if there was a rundown structure on a prominent corner of Town, could the Town Manager identify it as a blighted structure, then it could be a public safety issue. Mr. Napier stated that was the process. Mr. Gillispie stated that buildings with rats and vermin and vagrant people entering the structure then it gives the Town more "teeth" to address the meeting.

Councilman Tewalt asked about voting to have the prior ordinance removed, rather than two ordinance to address the same issue. Mr. Waltz stated that this came out of the goal session of

Council and this is to go with the current ordinance in place. Mr. Tewalt stated that this seems simpler to him. Mr. Waltz stated that he has full confidence in Mr. Napier and Mr. Sonnett in order to pursue the matter if this ordinance was passed. Mr. Sealock noted that dollars can be re-allocated from the budget to address the matter if the current $40,000 was not enough. Mr. Tewalt stated that the $40,000 for property maintenance was a separate issue.

4. UFAC Terms Expire
SUMMARY: Cary Hulse and David B. Means terms expire on the Urban Forestry Advisory Commission (UFAC) December 20, 2019. UFAC has 4-year terms. Cary Hulse would like to be considered for re-appointment. David Means has not advised staff of his intention.

Council Discussion: Ms. Berry noted that Mr. Hulse indicated that he would like to serve and she had not heard back from Mr. Means. Council noted that they would like to advertise for the positions.

5. Discussion Pertaining to the Memorandum of Agreement (MOA)/Amendment to the Voluntary Settlement Agreement with Warren County Pertaining to the Area known as Crooked Run West
SUMMARY: Per 2009 litigation, Council approved a Resolution on March 8, 2010 suspending collection of the Meals and Lodging Tax component of the PILOT contracts from commercial businesses in the Route 522 Corridor. Negotiations ensued between the Town and County to develop a funding agreement to offset the revenue for the Town. On August 10, 2015 a Memorandum of Agreement (MOA) was approved as a result of the negotiations with Warren County committing to annual appropriations of the meals and lodging taxes collected in the Route 522 Corridor. Crooked Run West is identified in #9 of the MOA.

On April 11, 2018 the Town and County approved an Amendment to the Voluntary Settlement Agreement regarding the Compromise for PILOT Meals and Lodging Taxes. Attachments includes minutes of 2010, 2015 and 2018, Resolutions, MOA and Amendment.

Council Discussion: Councilman Tewalt noted that policy needs to remain as is, he added that Warren County has not even brought the matter forward and if they do not approve it, then the matter is a dead issue. Councilman Holloway noted that the County would not change zoning without knowing if the water was available. Mr. Tewalt stated that the Town was almost at a restrictive water usage and they should not consider providing more water to other residential areas. Mr. Holloway noted that it has been provided for Blue Ridge Shadows been provided water already and the door has been opened.

Mr. Meza noted that those residents are paying for the expansion of the infrastructure. Mr. Tewalt stated that the costs are not going to pay for the Water and Wastewater Treatment Plant and it was not fair to expand the water everyone is paying for the differences. Mr. Meza and Mr. Tewalt disagreed on whether to expand residential water to the Corridor and who pays for the water. Mr. Holloway noted that he was not for supplying residential areas of Crooked Run West, noting that it should be commercial.

Mayor Tederick stated that the sewer capacity issue was the main point. He noted that they need the denial in order to supply the developers with an answer. Mrs. Thompson stated that the Council needs to state "we are not interested" in supplying water.

Mr. Napier noted that there is "no majority Council support" for water/sewer in the Corridor and Council should direct the Town Manager to send a letter to the developer. Mr. Meza noted that it seems that this is not something that Council has an appetite for.

Mrs. Thompson stated that at VML there is a lobbied aspect for providing funding for mandated sewer and water plant upgrades. Mr. Sealock noted that the I&I issues should be addressed with say $5 million, rather than $3 million annually. Mr. Waltz stated that the $3 million this year for example is for flow testing and then the Town needs to look towards "Phase II" which is a $21 million price tag for the Town's I&I matters of over 12 MGD for a basin in the Wastewater Treatment Plant area to address the overflow issues.

Mr. Waltz stated that DEQ is rewriting the Town's consent order and the Town is in negotiations with them to focus in on the basins and the sewer issues in the community.

Council chose to place the Crooked Run West matter on the next agenda.

6.Discussion Pertaining to the Town's Water Policy *(Town Code Chapter 134-1.C.)*
SUMMARY: The Town's Water Policy was added to the Town Code on June 25, 2012. On December 10, 2012 it was amended to include the Crooked Run West Area.

Town Code Chapter 134 (C)
C. EXTENSION POLICY BEYOND TOWN LIMITS: To better serve the social and economic needs and the common good of Front Royal and Warren County, the Town Council of Front Royal has formulated these policies and procedures for the extension of water and sewer service to Warren County.

The Town has evaluated our resources and anticipated growth within the Town to determine the anticipated excess volume available for extension into Warren County for residential, commercial, or industrial use. This volume will be determined annually based upon conditions within the Town and County. Excess volume shall be defined as the current and projected volume required by the Town subtracted from the current permitted plant capacities.

1. The contact person for the Town is the Town Manager. Any request for water and/or sewer services must be made in writing to the Town accompanied by a joint request from the property owner and the County for the property to be boundary adjusted into the Town's corporate limits or justification to simply provide utility extension. Such request must be made prior to a rezoning or any other action by the County.
2. The Town Council will decide on a case-by-case basis whether to provide water and sewer to the proposed property(ies) as well as whether a boundary adjustment is appropriate.
3. Following a boundary adjustment, the Town will consider the appropriate zoning classification of the property to be boundary adjusted and will complete a rezoning of the property to the classification deemed appropriate through the standard zoning process. Boundary adjusted property(ies) shall be considered as part of the water volume allocated by

the Town to the County.
4. In any case of rezoning by the Town, the Town Council will consider proffers deemed necessary to mitigate the impact of the development on County services, as well as what proffers are necessary for the Town. These decisions shall be made before the Town's rezoning of the property(ies) is completed.
5. The Town may elect to provide water and/or sewer services without a boundary adjustment where the Town Council determines it would not be feasible or appropriate to provide other Town services to the property.
6. Extension of utility service shall require development, submittal, and review of site development plans demonstrating the proposed utility locations, proposed usage, appropriate modeling demonstrating no impact to existing users, and construction standard complying with Town standards.
7. Design and construction standards for all utility extensions shall comply with the current standards and specifications adopted by the Town.
8. The Town presently has no intention of extending water and sewer lines into the unincorporated portion of the County at the Town's expense.
9. The Town presently has no desire to sell water for resale through a master meter to third parties.
10. Given the Town's Inflow and Infiltration (I&I) issues associated with the sanitary sewer system, the Town has no desire to accept outside water sources into the Town's sewer system. Future considerations to outside water sources will be evaluated as the I&I issues are addressed.
11. This Policy can be reviewed and updated by Town Council as necessary, but at a minimum annually.

Council Discussion: Discussed on the last item with #6.

7.Open Discussion
Mr. Tewalt asked about the

Mr. Tewalt asked why the new contract was
an unnamed LLC which
why didn't we receive a copy before we voted
Meza noted that there were copies on the table and it was emailed out to the Town.

Certain paragraphs were referenced,
Why an LLC – not directly an employee

It looks illegal
reminds the Town
ridiculous that

Councilman Tewalt asked about transparency
People have asked what the LLC is
Under that capacity
Sealock noted that

Before Napier signed that agreement
No advice regarding tax and business matters

Napier – transfers his rights to LLC – does not change
Absolve his personal responsible
His rights and responsibilities remain just as
Not illegal, changes nothing
Tax implications – does not advise
Cannot obtain the LLC name – Mr. Tewalt asked?

LLC – Tederick noted that provision was happy to ask him
Tax planning purposes
Entity – accountant suggested it
Paying own benefits or health insurance, saving the town about $4,000 per month
LLC is just an option
Made out in his name
Signed out
Tewalt is the only one that has an issue with it

LLC name is not in the contract
Meza – it is an option to be an LLC
Does not matter

8.CLOSED MEETING – Personnel and EDA Lawsuit
Motion to Go Into Closed Meeting
Councilman Gillispie moved, seconded by Councilman Meza, that Council convene and go into Closed Meeting for the following purpose:
(1) Discussion, and consideration of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of Town Council, including an exit interview of Town Manager and what Town Council would be considering in a future Town Manager, pursuant to Section 2.2-3711. A. 1. of the Code of Virginia.
~~*(2) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, namely, the Town's lawsuit against the Economic Development Authority, where such consultation or briefing in Open Meeting would adversely affect the negotiating or litigating posture of the public body; "probable litigation" meaning litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party; pursuant to Section 2.2-3711. A. 7. 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 Meza, 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

PRESENT: Mayor Tederick, Councilman Tewalt, Councilman Meza, Councilman Holloway, Councilman Thompson, Councilman Gillispie, Vice Mayor Sealock, Town Manager Waltz, Town Attorney Napier, Clerk of Council Berry, Director of Planning Camp, Director of Finance Wilson, Police Chief Magalis, Director of Environmental Services Boyer, Community Development Director Hart, IT Director Jones, members of the public and members of the press.