

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on November 12, 2019, in the Warren County Government Center's Board Meeting Room. Vice Mayor Sealock 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: Councilman Eugene R. Tewalt
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 Matthew A. Tederick
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 Councilman Meza, that Council approve the Regular Council Meeting minutes of October 28, 2019 as presented.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Joe Silek, of 43 Chester Street, noted that no further action needed to take place on the rezoning request for Crooked Run West at this time, as the request is being withdrawn and will not move forward. Mr. Silek stated that there was no request for Town water and sewer at this time, though they may request the utilities in the future.

Linda Allen, of 15 Massie Street, noted that the Town has a chapter in the ordinances pertaining to subdivisions, section 148, and Town Council could only have voted no on the proposed Crooked Run West proposal. She asked Council to review that section of the Code.

Ms. Allen further suggested that Council take note of local projects when they come forward and collusion matters that may arise, with family and friend connections. She stated that the Town faces serious expenses with regard to water and wastewater services, at least \$61 million, and that does not include the costs of Crooked Run West or taking on new projects.

Ms. Allen noted that paying the interim Town Manager through an LLC seems to be an issue. She stated that as the interim Town Manager is a contractor, with specific services noted, then paying the interim salary with services and conditions paid in a timely manner, the interim Town Manager's duties should be limited to some degree. Ms. Allen noted that the contractor should not have the authority to hire and fire employees. She stated that this contractor was briefly the Town Mayor with a small paid amount, and stated then that he wanted to quickly get back to his own businesses. She added that now that the large salary of Town Manager is available, now he has decided to stay. Ms. Allen noted that this contractor cannot know the

personnel sufficiently in his brief tenure enough to write evaluations of employees. She asked Council to limit the services of the interim Town Manager pertaining to personnel. She noted that she took exception Councilman Meza's comments last week, and she clarified that she did not say that Council were crooks or acted like crooks.

Janice Hart, of 1120 Ashby Street, noted that the recent election showed that the community had turned out for change and it appears that the community is ready for transparency and accountability. She stated that she was at the polls that day and voters made comments that they were eager to see transparency and accountability in all areas. Mrs. Hart stated that she wanted to address Council regarding the terms of the employment contract for interim Town Manager Tederick and she questioned why the Town was paying an LLC, and not an employee.

Mrs. Hart noted that the terms of the contract may be good for a contractor though she was told that the paragraph had been removed; but the final signed contract still has the LLC paragraph included. She opined that history is repeating itself, as just over three years ago a single councilmember took a verbal beating from the rest of Council when they refused to listen that the Town was overpaying the EDA.

Mrs. Hart stated that the Mayor-elect has questioned issues relating to the interim Town Manager, and the Town could have easily obtained a VML approved and experienced Town Manager to be put in place. She noted that she has great concerns that an unnamed LLC will be paid and matters were handled in such secrecy. Mrs. Hart stated that she was not attacking a person, but questioned: has the Town hired an LLC, or an individual? She asked why the paragraph regarding the LLC was still in the signed contract when she was told it was removed from the document.

Mrs. Hart noted that the recent letter to the editor that appeared in the Royal Examiner may have an answer to some questions, and she added that it was clear that the town was going down the same path as the County of Warren.

Councilman Holloway asked if Mr. Napier could explain if the interim Town Manager's contract is illegal or slightly illegal.

Mr. Napier stated that under the Town Code, State Code and the Town Charter, and according to VML, there was no requirement to have the Town Manager as a Town employee or a contractor in the Town Manager position. He added that Mr. Tederick can convey or not convey his paycheck to whomever he chooses, though should it be to an LLC it would not absolve Mr. Tederick of his responsibilities to the Town or the Council. Mr. Napier pointed out that the Town Manager is still obligated just as if he is a regular employee or not.

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

I'd like to first say a few words about the importance of public service. Mr. Mayor elect and Council members, you stood up, put your hat into the ring- did the hard work of campaigning and got elected to office. Now in office you are required to develop that tough alligator skin to absorb criticism from all sides. There is honor and respect in that. The people of the town play an important role and those

who speak up publicly and demand accountability are serving the best interests of our public trust. There is also honor and respect in that.

Why have so many of us made repeat appearances before you over the past year? The theme has not been subtle: We want transparency over processes that will affect us directly, we are wary of the possibility of back room deals that do not promote the interests of the town, and we demand due diligence in hiring practices for town administrators. Just to summarize some of the points brought forward tonight:

We're having a vote on the Town providing water to Crooked Run West development in the county, that matter has been solved and she noted that their voices in that matter seemed to have mattered.

The town put in place an interim town manager, Mr. Tederick, but no evidence has been disclosed from a resume or fact sheet that his skill set matches the requirements of the job. Since Council chose not to utilize the normal state resources for this type of transition, we recommend they supervise this position closely, and not allow sudden administrative staffing changes. I urge you to listen to the voices of the town. Over the past months and years, our town and county has been through some rough sailing. There should be collective lessons learned, and a serious effort to work together.

Paul Gabbert, of 1221 Valley View Drive, noted that placing Mr. Tederick as interim Town Manager with an LLC listing in the contract was the wrong choice. He stated that that notation brings fear and anger within the community and the Town Council should have known that. Mr. Gabbert noted that the recent election shows how much the public wants change, adding that the public is tired of closed meetings and temporary individuals put in positions without full vetting. He stated that the Town Council does not listen to matters that the community would like, for example, have the new hospital put in place without a maternity ward.

Mr. Gabbert stated that throughout the community the key statement he hears is that everyone would like to remove County Administrator Doug Stanley and the entire Town Council. He noted that was the actual mood of the people. Mr. Gabbert stated that all he hears from Council is, "we have done nothing wrong," though Council should listen and they may hear that the people feel that you have done something wrong. He added that the majority of the people feel that Council is in the wrong.

Mr. Gabbert noted that Council needs to ask "what do the people want" and "what do the people say" and look more into the community to determine what people want, as there is intense lack of trust. He added that if Council would be willing to look and listen things would be better. Mr. Gabbert stated that Councilman Meza noted that he could not figure out why everyone was against the Council, and Mr. Gabbert offered to take Mr. Meza's seat on Council. Mr. Gabbert added that Council should be mindful that the Town needs commercial, not residential in the Corridor.

Bruce Rappaport, 300 W. Main Street, noted that Mr. Silek changed his topic of speaking, though he would add that Doug Stanley spoke of bringing workforce housing to the Corridor for school teachers. He suggested that Mr. Silek's developer bring that workforce housing into the corporate limits of the Town. Mr. Rappaport stated that the meals and lodging portion of the PILOT fees needs to be addressed, as it is about \$750,000 and the Town only obtains about \$250,000 of that amount. He noted that before Dupont, the Town spent about \$50 million in

the Corridor. Mr. Rappaport stated that if the Town needs to annex portions of the Corridor then they need to do so. He added that Council needs to return to the County and work out a better deal.

David Means, of 210 W. 1st Street, stated that many have been acting similar to those on the EDA and some are bullying issues through the Town. He noted that it is hard to believe that bullying a position through is taking place, when you the community has just had bullying take place for the previous few years. He opined that it was a huge risk that this would take place, especially with matters still taking place at the EDA. Mr. Means stated that he truly hoped that interim Town Manager Tederick was not on the Grand Jury that indicted for former Mayor Hollis Tharpe. He noted that connection would paint a very deep and dark picture for the Town and was not nice. Mr. Means expressed that he was very upset with Town Council and he added that Councilman Sealock should have been the one to step up to take the reigns of responsibility previously when Mr. Tharpe stepped down.

Gary Kushner, of 1106 Fetchett Road, noted that the Crooked Run West matter was on the agenda and he asked if the agenda would be amended to remove the vote. He stated that supposedly the application for Crooked Run West was pulled a couple days into the month, though it is now the 12th of the month. He questioned why the public was public was not notified and he inquired about how the process flowed and he noted that the matter was confusing.

Mr. Kushner clarified that the Town Council did not hire an individual, but rather a company. He stated that the Town's purchasing guidelines should be clarified, as for these contract services for the position, as it is a contract with a company.

Mr. Tederick noted that the Town was working on water line upgrades along Steele Street, Highview Avenue, and Scott Street and the road sections will be closed at times. He stated that lane closures at Forest Hill Drive and Duck Street continue for sewer line work will be taking place throughout November.

Mr. Tederick noted that the STOPS campaign for crosswalk safety continues with the installation of flashing pedestrian signs that have been installed along South and Hill Street. He noted that four way stop signs were installed at 18th Street at Belmont, Kerfoot, and Salem Avenue.

Councilman Meza complimented Ms. Vasquez on her eloquent and articulate speaking and noted that he appreciated her recommendations and suggestions. He stated that the Town needed to speak about the Corridor agreement as Mr. Rappaport noted. Mr. Meza stated that in defense of Vice Mayor Sealock, Mr. Sealock actually volunteered to stay on as interim Mayor position, though due to mostly legal reasons, Mr. Sealock was advised that he could not stay in the Mayor position unless he gave up his Councilman seat and Council was in support of him remaining as a Councilman.

Councilman Meza complimented Ms. Vasquez on her eloquent and articulate speaking and noted that he appreciated her recommendations and suggestions. He stated that the Town needed to speak about the Corridor agreement as Mr. Rappaport noted. Mr. Meza stated that in

defense of Vice Mayor Sealock, Mr. Sealock had actually volunteered to stay in interim Mayor position, though due to mostly legal reasons, Mr. Sealock was advised that he could not stay in the Mayor position unless he gave up his Councilman seat and Council was support of him remaining as a Councilman.

Councilman Meza noted that he was glad to hear that Mr. Gabbert will be running for Council, he added that the elected seat is a lot of hard work and he is glad that others are stepping forward.

Mr. Meza noted that to speak to the recent topic of whether words matter, he stated that context matters, and implying that Council is dishonest and criminal was not acceptable. He noted that having Mr. Tederick step forward for the interim Town Manager position was the logical choice. He noted that it was a 5-1 vote to have Mr. Tederick as interim Town Manager and he is the person that Council chose to continue moving forward and not lose a step with the pace that Council has set. Mr. Meza stated that the public has concerns with transparency and he understands that concern, noting that Council needs to be over transparent at times. He added that Mr. Tederick has saved the Town have \$50,000 annually in the position, and he brings objectivity to the Town Manager post. Mr. Meza reiterated that Mr. Tederick is the logical choice for the position and added that the Town is immediately moving to an outside agency to select a permanent person for the post by hiring an outside firm to choose the next Town Manager.

Councilman Meza noted that he had a prepared statement regarding Crooked Run
I asked for this vote tonight so that each Council member goes on record with their stance regarding extending water and sewer utilities to the corridor and their willingness to evaluate our MOU with the County. It should be no surprise at this point that I am the only dissenting view. But my vote in the affirmative tonight is not necessarily because I think the Crooked Run mixed residential and commercial project is the perfect use of the currently commercial zoned land, but rather because I would like to show support and my wiliness to work with those who bring forth creative solution to help our community grow. Let me emphasis, the Town of Front Royal and Warren County are our community!

There have been a lot of arguments made against this project, such as:

- "We do not have enough water capacity for any more homes"
- "Our sewer system has too many problems and can't handle additional volume"
- "The intersection on 522 is not wide enough to support an increase in traffic"
- "We do this for one, we will have to do it for all request"
- "Our schools are overfilled and can't handle any more children"
- "More homes or apartments raise taxes, not spread cost"

I could offer some counterarguments to each of these, but let me just point out... if we accepted any one of these points as our reality, then by that logic we will not approve any development of any projects going forward whether in the Town or County. This is what concerns me the most and this is the message I think we are broadcasting to people outside of our community.

Where are our solutions? Where are the recommendations for compromise or help in bringing vision to fruition? Speak with any developer, construction company, or business that has worked in the Town\County in the last year and ask about their experience in working through the municipalities. I guarantee we make it especially difficult. In the case of the Crooked Run project, we say the County has to approve the zoning before the Town will discuss extending water to the corridor; but the County says the Town has to approve the water extension prior to any rezoning... and neither the Town nor the County will discuss modifying the MOU to accommodate this project until the aforementioned has been resolved. All the while there is an underlying implication that "surly, this developer is trying to pull something over on us and lying about water consumption in order to make a profit." Has it come to this... if someone has the audacity to try to maximize the profit on their investment they must be criminals.

We want revenue to improve our water\sewer infrastructure; we want money to improve our schools; we want more affordable choices in our living selection; and we don't want to pay for any of this through tax increases. Ladies and gentlemen, I see investors and companies willing to offer both housing and commercial development as a way to solve some of these issues. Smart growth is important, but I think we are stuck in a "chicken and egg scenario." Which comes first, commercial development for a Town that is growing by only a handful of new homes a year or a population density that supports the business plan of investors willing to take a chance on Front Royal. Either way, I think if we continue throwing up barriers, demonstrating closed mindedness to ever changing market demands, and signally to those outside our community that we know best on where to locate, what the market will support, or how to fund projects, we will continue to stagnate our local economy and hurt our ability to let Front Royal thrive.

I don't pretend to have all the answers or know the best structure for the Crooked Run commercial development, but I did promise those who elected me in 2016 that I would be fair and open-minded to every project or proposal brought before the Town. I know the approval of the Crooked Run project will not be passed tonight. However, I did want my vote to signal my commitment in working with those willing to continue growing Front Royal's economy and my willingness to overcome the statement bias of "that is how it has always been done" or "we can't do it because we made a policy stating so." Thank you for your time and letting me communicate in a way that meets expectations of transparency.

Councilman Thompson noted that in reference to the Crooked Run West project, she would have voted no if the matter had come to a vote this evening.

Mrs. Thompson stated that for the public to note that Mr. Tederick had bullied his way into the position was inaccurate, as Mr. Gillispie had brought Mr. Tederick into the discussion pertaining to the interim Town Manager position. She added that she almost cannot go to the grocery store because of the distrust in the community. Mrs. Thompson stated that while pointing out negative concerns from citizens, the Town should also shine light on what is going right in the community. She stated that there were many South Street improvements and Kerfoot Avenue aspects being planned for safety, and those improvements were greatly needed

and important. Mrs. Thompson noted that the Town needed an interim Town Manager that could step into the role as Mr. Tederick has done.

Mayor-Elect Tewalt thanked all Veterans for their service. He noted that freedom is not cheap.

Mayor-Elect Tewalt noted that he contacted the County registrar's office and he could not take the oath of office at this time. He thanked the Vice Mayor for speaking at the Veteran's Day event and chairing the meeting this evening.

Vice Mayor Sealock stated that the Town Attorney worked to ensure that the Town had the hiring process in place for transparency and moving forward for the previous Mayor's position. He noted that the Town Manager RFP would be discussed during the worksession publicly and the Council would also review aspects of replacing the Councilman that would take Mr. Tewalt's position.

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

Councilman Meza moved, seconded by Councilman Holloway, that Council remove Item #10 – CROOKED RUN WEST.

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

No – N/A

Abstain – N/A

Absent – N/A

(To REMOVE FROM THE AGENDA)

CONSENT AGENDA ITEMS – (ROLL CALL VOTE REQUIRED)

A. COUNCIL APPROVAL – Purchase of Police Vehicles

B. COUNCIL APPROVAL – Utility Services to Replace Sanitary Sewer Pipeline

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

Mayor-Elect Tewalt stated that the Council is about to vote to spend over \$1 million and this is the first phase of I&I. He added that this vote also funded the purchase of three police vehicles as well, to be clear.

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

No – N/A

Abstain – N/A

Absent – N/A

BY ROLL CALL

PUBLIC HEARING – An Ordinance to Amend and Re-enact Town Code Section 180-185 to Renew a Franchise Agreement for Public Passenger Bus Service (1st Reading)

Summary: Council is requested to affirm on its first reading an ordinance to amend and re-enact Town Code Section 180-185 to renew a Franchise Agreement for Public

Passenger Bus Service (aka Front Royal Trolley Service), as presented. Upon final approval the Franchise will be for a five (5) year term.

Note: The Franchise Agreement was first adopted in 2004 and has been renewed every five years since.

Vice Mayor Sealock opened the public hearing.

Mr. Rappaport, of 300 W. Main Street, noted that he was unaware that there would be a public hearing on the item. He noted that for transparency purposed the matter should be advertised. Council and Staff indicted that the item was advertised as required. Mr. Rappaport asked for data regarding the use of the bus and whether the public is aware of the data pertaining to the bus use.

Councilman Thompson moved, seconded by Councilman Gillispie, that Town Council affirm on its first reading an ordinance to amend and re-enact Town Code Section 180-185 to renew a Franchise Agreement for Public Passenger Bus Service, as presented.

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

Councilman Meza noted that this is a great program that is a small local match and he is pleased to continue the franchise. He stated that there is a need for the program and the ridership

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

No – N/A

Abstain – N/A

Absent – N/A

PUBLIC HEARING – Special Use Permit to Allow a Daycare at 460 Commerce Avenue – The Embassy Deliverance & Worship Center

Summary: Council is requested to approve a Special Use Permit submitted by The Embassy Deliverance & Worship Center, to allow a daycare to operate within the existing building at 460 S Commerce Avenue. The daycare is proposed to operate under the business name “A Parents Heart”. Property is identified by Tax Map #20A10, Section 1, Lot 4D3. It is currently zoned C-1 District, which only allows a daycare. The Planning Commission recommended approval of this application with four conditions.

1. This Special Use Permit is only valid for the purpose of authorizing a daycare facility at 460 E Commerce Avenue. This permit shall be void if the proposed daycare does not obtain approval from the Department of Social Services. Furthermore, all requirements of the Department of Social Services shall be complied with at all times.
2. Town Council, or other designated representative, may inspect the property at any reasonable time to ensure compliance with local regulations, including, but not limited to, the conditions placed on this special use permit.
3. Upon inspection of the property, if it is found that the property is not in compliance with local regulations, including but not limited to, the conditions of this special use permit, the Town may revoke this special use permit after notice to the applicant and public hearing.

4. The applicant will follow the loading and unloading plan submitted with their application on September 11, 2019

Vice Mayor Sealock opened the public hearing. As no one came forward to speak, the public hearing was closed.

Councilman Gillispie moved, seconded by Councilman Thompson, that Council approve a Special Use Permit to The Embassy Deliverance & Worship Center, to allow a daycare to operate within 460 S Commerce Avenue under the business name "A Parents Heart". (Tax Map #20A10, Section 1, Lot 4D3), contingent upon four conditions recommended by the Planning Commission and listed in the Staff Report.

Councilman Thompson noted that her cousin is actually working to develop the daycare center, though she and the Town Attorney agree that there is no conflict of interest. Councilman Meza stated that it is such a process to go through the Planning issues and permitting matters to begin a business. He thanked the applicant for their hard work and enduring the process and he wished them well in their endeavors.

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

No – N/A

Abstain – N/A

Absent – N/A

BY ROLL CALL

~~CLOSED MEETING – EDA Lawsuit~~ - removed from the agenda

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

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

No – N/A

Abstain – N/A

Absent – N/A

There being no further business, the Vice Mayor declared the meeting adjourned at 8:14 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council



**TOWN COUNCIL
WORK SESSION MINTUES
Monday, November 12, 2019, 7 p.m.
Warren County Government Center**

1. Town Manager Position RFP

Mr. Tederick noted that Wilson and Scott did well organizing the RFP

Scott stated that they Statement of needs on page two

Solicit

Interview the Mayor, Town Council, and Department Heads

Public participation plan

For Council to approve their comments and

Developing a position profile

Recruitment efforts

Answering

Working with Council to select finalists and

Agreement

Guarantee that should TM be let go or resign within 24 months they will conduct another search without charge

Joe was excellent

December 4th is an ambitious date

It is an excellent RFP

24 month date – is that a standard clause

Mr. Wilson noted that these are negotiable, though these are suggestions

Meza stated that they could suggest preferable or negotiable for some points

Vice Mayor Tewalt noted that Council would like to expedite the matter

Council voiced their agreement

Tewalt asked for an update of the TM's job description

Tederick noted that from now until December 4th

The search firm will ask whether they would like to compile what type of TM the Council would like

Vice Mayor asked if three members of the public could look at the job description and give their input

Mr. Meza noted that the public participation is built into the process

2. Filling Council Vacancy from Tewalt's Mayor position

Vice Mayor Sealock noted that Council has already received resumes at this point.

Mayor-elect Tewalt noted that the 45 days begins when Mr. Tewalt takes his oath

Mr. Napier stated that he also has to notify the Circuit Court for a special election even though it is technically not needed. He stated that Council has 45 days to fill the position of the Court will fill the position.

PRESENT: Mayor-Elect Tewalt, Councilman Meza, Councilman Holloway, Councilman Thompson, Councilman Gillispie, Vice Mayor Sealock, Interim Town Manager Tederick, Town Attorney Napier, Clerk of Council Berry, Director of Finance Wilson, Purchasing Agent Scott, members of the public and members of the press.