TOWN COUNCIL WORK SESSION

Monday, November 18, 2019

Immediately following the Dept of Corrections Public Hearing that begins at 6:00pm Warren County Government Center

1. **<u>HEPTAD Request for Extension of Master Plan for Swan Estates Subdivision</u>** – *Director of Planning & Zoning*

<u>Town Attorney Napier recused himself</u>

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.

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.

BUDGET/FUNDING:

No budget change is necessary. Construction costs are the responsibility of the developer. Upon completion of the proposed public infrastructure, the Town would maintain this infrastructure (utilities / streets).

STAFF RECOMMENDATION:

Schedule the request for approval of a 1-year extension at an upcoming Town Council Meeting. A public hearing is not required.

Mr. Tewalt asked how many times it could be renewed. Mr. Camp noted that it could be renewed indefinitely. Mr. Tewalt stated that that it should go on the consent agenda. Mr. Tederick stated that they are negotiating with a retail developer for the area as well.

2. **<u>CDBG Update</u>** – *Director of Planning & Zoning*

SUMMARY: Mr. Camp provided a presentation and a summary and on the status update of the various project activities part of the Town's Community Development Block Grant (CDBG).

The project activities include the following:
A. Façade Improvement Program
B. Shenandoah Royal Greenway
C. Streetscape Improvement Design
D. Parking and Alley Improvement Design
E. Wayfinding Signage
F. Branding & Marketing

STAFF RECOMMENDATION: This agenda item is for information purposes only. No action is required by Town Council.

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Council discussed the issues with trouble obtaining contractors. Mr. Tederick noted that they were diligently working on matters.

3. <u>Carryover Purchase Orders</u> – *Director of Finance*
SUMMARY: Council is requested to approve a budget amendment to carry forward unpaid balances on purchase orders not completed at the end of June 2019 for fiscal year 2020. A list of purchase orders and a list of projects has been included for Council to review.

BUDGET/FUNDING: Funding will be offset from the appropriate fund balance reserves for each fund indicated, the revenue for these projects have been connected in previous budget cycle.

General Fund $ 796,160.21
Special Projects 1,640,719.22
Electric Fund 540,077.52
Sewer Fund 4,302,633.43
Water Fund 2,917,420.97
Solid Waste Fund 247,739.29
Street Fund 879,277.02
TOTAL $11,324,027.66

STAFF RECOMMENDATION: Staff recommends Council move forward with a public hearing on this item, an increase of greater than 1% of the original budget requires a public hearing. Staff furthers would recommendation of approval of these funds.

Council voiced support of the matter and thanked Staff for the way the amounts as they were clearly presented.

4. <u>Deposits & Personal Guaranty Requirement on Utility Accounts</u> – *Director of Finance*
SUMMARY: During September 2019, Town Council approved a revision to Town Code 134-71 Utility Accounts Deposits, Payments, and Termination of Service. A commercial user is

requesting to add or change language under the deposit section that would allow deposits to be based on load requirements as opposed to the former tenant operation. The user is also requesting to change or remove language regarding the requirement for a personal guaranty for a publicly owned company due to no ability to provide a personal guarantee without a legal and liability challenge.

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Staff recommends to maintain the deposit requirement and to consider removing the personal guaranty requirement from Town Code 134-71.

Mr. Napier noted that a publicly owned company would definitely have an issue finding an individual to sign. He stated that LLC's would be affected by the change, if they no longer have a personal guaranty. Mayor-elect Tewalt voiced support of leaving the LLC, and removing the others.

Mr. Wilson noted that major corporations does not want to sign their names as a personal guaranty. He noted that they have expressed that it is a legal hurdle for them to sign. He stressed to Council that on some utility deposits for the personal guaranty amounts are as large as $20,000-30,000 and no other municipality that requires this clause on their accounts.

Mr. Wilson recommended removing the personal guaranty completely. He noted that the deposit requirement will alleviate most of the problems for the Town. Councilman Meza stated that if the personal guaranty is creating a hardship that perhaps the Town should rethink the requirement. Mrs. Thompson voiced her support of removing the guaranty.

Mayor-elect Tewalt noted his support of a changed ordinance. Mr. Tederick stated that an ordinance would be brought back to Council without the guaranty. Council noted that they are willing to work with the ongoing businesses regarding any issues.

5. <u>Request to Waive Christmas Tree License Tax for Rivermont Baptist Church</u> – *Interim TMgr*
Council voiced support of moving forward with the waiver for 2019; consent agenda.

6. <u>Update Goals for FY19-20</u> – *Interim Town Manager*
Town Hall – Gillispie will now serve as lead for Council

A. Consultant for Health Care Services
B. Afton Inn Redevelopment – Sealock will now serve as lead for Council
Mr. Tederick noted that Mr. Napier will draft a simple one-page document authorizing the Town to winterizing the Afton Inn. He added that Public Works will handle the installation of plywood painted with murals. Mr. Napier stated that he will ensure that the work will not nullify the current agreement.
C. Public Relations and Communications Plan and Strategy
Mr. Tederick stated that Mr. Sealock recommended Todd Jones to address the public relations and social media aspect for the Town. Mr. Jones stated that he has worked in television broadcasting for many years and made thousands of television commercials, with extensive experience in broadcasting. He then gave a summary to Council on what he would like to provide for the Town.

Mayor-elect Tewalt stated that he would prefer to have a Town Hall meeting every month rather than every 90 days. Mr. Tederick stated that it would take several months to spearhead the Public Information Officer position and perhaps it would be outsourced when the new town manager came on board.

D. EDA Reform Committee

Mr. Tederick noted that conversations regarding the EDA should perhaps wait until the new Board of Supervisors begin in 2020; the Town Council agreed.

7. BAR Resignation

Council chose to advertise for the position.

Mr. Sealock arrived at 7 p.m.

8. Open Discussion

Mr. Sealock noted that they did the job descriptions of the Town Manager two years ago and he asked Mr. Tederick to make copies of the draft job description to provide to Council in finding the new Town Manager.

9. CLOSED MEETING – EDA and Personnel

Motion to Go Into Closed Meeting

Councilman Meza moved, seconded by Councilman Gillispie, that Council convene and go into Closed Meeting for the following purposes 1) regarding an unexpected invoice the Town has received from the Economic Development Authority: (A)Discussion or consideration of the investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711. A. 6. of the Code of Virginia and (B) Consultation with legal counsel employed or retained by a public body 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; ***and****, 2) for 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, Meza, Sealock, Tewalt and Thompson
No – N/A
Abstain – N/A
Absent – Holloway

Motion to Certify Closed Meeting at its Conclusion

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

PRESENT: Mayor-Elect Tewalt, Councilman Meza, Councilman Thompson, Councilman Gillispie, Vice Mayor Sealock *(arrived at 7 p.m.)*, 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.

ABSENT: Councilman Holloway