

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on December 9, 2019, in the Warren County Government Center's Board Meeting Room. Mayor Tewalt 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 Eugene R. Tewalt
Councilman Gary L. Gillispie
Councilman Chris W. Holloway
Councilman Jacob L. Meza
Councilman Eugene R. Tewalt
Councilman Letasha T. Thompson
Vice Mayor William A. Sealock
Town Attorney Douglas W. Napier
Interim 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.)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Bonnie Gabbert, of 1221 Valley View Drive, noted that lately many issues before Council seemed to be rushed through. She stated that when the water project in Crooked Run came forward, the Interim Mayor Tederick at the time noted that he did not want to wait for the study. Mrs. Gabbert reminded Council that when the tap fees were discussed, that issue as well, was proposed for a rush decision also by some on Council and Mr. Tederick. She expressed concern that Council is not taking the time to research the ramifications of the budget, the Staff, and the citizens before making a decision for the community.

Mrs. Gabbert explained that the Town Code states that Town will provide the tap from the main line to the property, though the Town wants to lower the tap fees. She noted that the Town wants to lower the tap fees and also provide the service for installing the taps and she was unsure how the Town can justify those decisions. Mrs. Gabbert noted that a study should be done to look into how the tap fee process could work; she opined that the consultant is unnecessary and Town Staff can handle the research.

Mrs. Gabbert noted that there was a Town Code section relating to the Town Manager posting a bond and the Town Charter also says that the Town Treasurer will post a bond. She noted that the Town Manager has not posted a bond. She stated that the bond gives an added layer of protection for fraud and it is in the Town Code and in the Town Charter.

Mrs. Gabbert opined that a separate EDA for the Town is unnecessary. She also expressed that it was a neglect of duty for Council to not follow through with the bond matter regarding the Town Manager. She stated that matters were not appearing good to the community.

Paul Gabbert, of 1221 Valley View Drive, welcomed Mayor Tewalt to his seat. He voiced his concerns with the tap fee matter. He noted that Councilman Holloway should represent the citizens and the citizens should not have the fees reduced in order to cover expenses for

contractors. Mr. Gabbert opined that the statement that tap fees keep residential building from continuing is untrue.

Mr. Gabbert asked Council to move forward with tearing down the Afton Inn down. He added that the current EDA is insolvent and it will go bankrupt. He stated that there is the possibility that Warren County is going bankrupt is possible as well. He noted that the County has a \$20 million lawsuit against a defendant with the EDA. He stated that the Town Manager and the Council cannot see the downfall on the Town, though they need to look into the future. Mr. Gabbert stated that the Town having an EDA is not a good choice, as there was too much turmoil and money at stake.

Mr. Gabbert stated that there were continued concerns regarding Mr. Tederick. He noted that the law firm assisting with the EDA matter is in the same building as his 1839 Capital LLC and this is a conflict of interest. He noted that Mr. Tederick stated that he did not list LLC's that did not generate income, though according to the website they are a private equity firm, with a track record of success and complex high growth, that has a team that leverages global investments. Mr. Gabbert noted that according to their website it appears that they have made money. Mr. Gabbert noted that he attempted to speak to Mr. Tederick about the LLC and his employment contract, and the Town Manager jumped in his face.

Linda Allen, area resident, noted the following:

Our Horticulturist, Ann Rose, is retiring at the end of December without wanting any fanfare for the occasion. However, she warrants recognition publicly for the years she has contributed to the beauty of Front Royal.

With a last name of Rose, I cannot resist using the colors of Roses as a way to describe her a little bit. Here we go. If you find orange a high energy color, Ann is a lady who went to work to work, work, work with serious attention to every flower in every planting the town owned. Salmon roses represent enthusiasm and with the kind of intense attention she paid to the plants, she has been an enthusiastic worker. Cream roses may be equated with thoughtfulness. See the plantings in how they varied in heights, shapes and shades of color, clearly, she was thoughtful in design for the maximum effect on our senses. Yet she also paid attention to cost.

In the seasons that I spent in the stores and on the street for a variety of reasons, the flowers were admired and appreciated more often than other topics. When I first noticed her working on the plantings, she was deeply engrossed with the watering and weeding yet she sensed to me as a nice person. And, I would wish that we would converse and somehow, she could make me as smart as she was about all the characteristics of flowers already mentioned but about hardiness and how many hours of direct sunlight or indirect light.

She was indeed very pleasant to approach with questions about the names of the plants and where she got them. She has been very good natured over the years—sharing knowledge, gracious in manner. For those features, pink roses are the symbol. Add some white roses for her charm and patience, her smile and laughter.

For giving joyful moments to so many visitors and residents, the yellow rose is the representative. With her talent, competence, conscientiousness to creatively develop plantings that were lush for their abundance, arrangement, and durability, there are green roses.

While peach roses are given the role of a thank you, any single rose sent can convey the same message. There are so many reasons to thank Ann for her work, the bouquet would be large and full of peach roses.

Thank you whoever, whenever for hiring Ann Rose who has been a delight to know and who has given so much pleasure with her work. I wish the Council and Interim Town Manager as much good fortune in hiring the next one as Ann has been and is as a town employee and resident.

Mr. Tederick noted that:

- The Town Business Offices will be closed December 24 & 25th for Christmas Eve and Christmas Day and he noted the changes for the refuse/recycling rescheduling dates;
- The Kerfoot Avenue crosswalk installations were modified slightly for the holidays and the weather;
- The Town is accepting resumes for the vacancy on Council please review the information on the Town's website for full information;
- Thanks should be given to the downtown area for the work there, including the LOVE sign and the gazebo area as well;
- 2020 will be a great year for the Town, with many goals before the community, budgeting for I&I problems, paving projects coming forward, the CDBG that is taking place, and he recognized several employees.

Mr. Tederick and Mayor Tewalt recognized Dewayne Mauck, of the Town's Energy Services Department; and Tori Pugh of the Finance Department, James Thomas, and Ryan Silvius of the Public Works Department for their dedicated service to the community and ongoing efforts to do their best work. He presented them with Pride In Performance plaques from the Town.

Mr. Tederick wished Council and the community a Merry Christmas.

Councilman Meza noted that Council agreed with Mr. Gabbert that matters were moving too quickly regarding tap fees and some ramifications were not being understood. He stated that thanks to Councilman Holloway the Town Code was fully reviewed, and it was clarified that that the Town should be installing the water and sewer taps. He noted that the study is expensive; however, it is a study that is put forth every 3-5 years to ensure the Town fees are in line. Mr. Meza commented that Council is taking the tap fee issue at a slower pace.

Councilman Meza noted that he had not heard of the bond issue and he will be sure that the Town will check into matters and will address the issue. He stated that he agrees with Mr. Gabbert regarding the Afton Inn, stating that if the building cannot come to a quick resolution, then it should come down.

Mr. Meza voiced his defense of Mr. Tederick, as the Town needs legal advice and will seek recommendations. Mr. Meza stated that he actually made several recommendations as well, as that is how good firms are brought forth. He added that several national firms were researched with really high billable hours, and Mr. Tederick recommended the firm and it was a better rate. He stated that Town Attorney Napier interviewed suggested firm, and vetted them, and then Council decided to move forward with the law firm.

Councilman Meza stated that regarding the LLC affiliations, Council is open to hearing the accusations and then Council can research them. He noted that the Town Attorney has vetted Mr. Tederick's disclosure form. He stated that Council is not closed minded to statements from the public regarding the LLC affiliations. Mr. Meza thanked the Town Manager for his professional demeanor that has been demonstrated. He stated that Mr. Tederick has gone above and beyond and he is in a thankless position.

Councilman Gillispie asked if Staff could look at extending the Town Trolley an extra hour Monday – Friday, and earlier runs over the weekend. Staff stated that they have been discussion this with the trolley company and will be following up.

Councilman Gillispie noted that there seems to be a lot of confusion about recycling on social media. He asked the Town Manager to send out a revised brochure of what is acceptable for recycling.

Councilman Holloway thanked Mr. Meza for his comments, adding that the Town is attempting to reduce costs. He stated that a former Town employee stopped the tap installation without Council approval in 2009. Mr. Holloway explained that is why the Town is attempting to reduce the cost for the builder or homeowner. He noted that the study that comes back should let the Town know what should be charge for the taps.

Mr. Holloway stated that he was on Council in 2009 and he would have never voted on that change and come to find out it was not voted on by Council, but rather it was an administrative change done at the Staff level.

Mayor Tewalt recognized Ann Rose, for her dedication for service as the Town's Horticulturist and congratulated her on her retirement. The Town Council thanked her for service to the community.

Mayor Tewalt thanked the Chamber of Commerce for putting on the Christmas parade and he wished the community a Merry Christmas as well.

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

CONSENT AGENDA ITEMS – (ROLL CALL VOTE REQUIRED)

- A. COUNCIL APPROVAL – Write Off for Bad Debt for 4th Quarter of 2019
- B. COUNCIL APPROVAL – Bid – Portable Changeable Message Sign
- C. COUNCIL APPROVAL – Bid – Pickup, Hauling, Disposal of Biosolids
- D. COUNCIL APPROVAL – Bid – Bucket Truck for Energy Services
- E. COUNCIL APPROVAL – Bid – Concrete for Calendar Year 2020
- F. COUNCIL APPROVAL – Bid – Installation of Curb and Gutter
- G. COUNCIL APPOINTMENT – Board of Architectural Review – Runyan

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

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

Absent – N/A

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

BY ROLL CALL

PUBLIC HEARING – Amendment to Budget for Outstanding Purchase Orders (1st R)

Summary: Council is requested to affirm on its first reading an amendment to the FY2019-2020 Budget in the amount of \$11,182,627.66 for a list of outstanding purchase orders that need to be carried forward to the FY2019-2020 budget cycle to complete unfinished projects.

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 the previous budget cycle.

General Fund \$ 796,160.21
Special Projects 1,499,319.22
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 \$11,182,627.66

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

Councilman Meza moved, seconded by Councilman Holloway, that Council affirm on its first reading an amendment to the FY2019-2020 Budget in the amount of \$11,182,627.66 for outstanding purchase orders to be carried forward to the FY2019-2020 budget cycle to complete unfinished projects, as presented.

Councilman Meza noted that this is a carry over from each project from the last budget year, and Council is happy to answer questions on any item.

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

No – N/A

Abstain – N/A

Absent – N/A

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

BY ROLL CALL

PUBLIC HEARING – Ordinance Amendment to Town Code Section 134-71(A)(1)(e) pertaining to Personal Guaranty for Business Entities (1st Reading)

Summary: On September 9, 2019 Council adopted an amendment to 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. During this time, it has come to the attention of staff that some commercial users have no ability to provide a personal guarantee without a legal liability challenge. It was also identified that commercial users were not included in the Town's acceptable credit history waiver of a utility deposit. Therefore, Council is requested to affirm on its first reading an ordinance to remove Town Code Section 134-71(A)(1)(e) pertaining to personal guaranty for business

entities in its entirety and to remove the word “residential” in Service Location Deposit Waiver to allow commercial service locations to be included in the waiver of deposits, as presented.

Mayor Tewalt opened the public hearing.

Paul Gabbert, of 1221 Valley View Drive, asked if would allow businesses to open without a deposit.

Per Mr. Wilson, a deposit would be required though if they have good credit, the business could have their deposit waived.

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

Vice Mayor Sealock moved, seconded by Councilman Gillispie, that Council affirm on its first reading an ordinance to remove Town Code Section 134-71(A)(1)(e) pertaining to personal guaranty for business entities in its entirety and to remove the word “residential” in Service Location Deposit Waiver to allow commercial service locations to be included in the waiver of deposits, as presented.

Councilman Meza noted that in an effort to help reduce the bad debt, Council realized it became overly burdensome on some businesses and this is Council’s attempt to rectify the manner. In response to Council’s question, Mr. Tederick noted that the Town collects all but 3/10 of 1% of the bad debt.

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

BY ROLL CALL

COUNCIL APPROVAL – An Ordinance to Vacate an Alley Between 303 and 311

Brown Avenue – Donnie Atkins *(2nd Reading)*

Summary: Council is requested to adopt an ordinance for the vacation of a 12.5’ x 107’ unimproved alley located between 303 and 311 Brown Avenue as requested from Donnie Atkins, 303 Brown Avenue. The approval is contingent upon utility easements and a Hold Harmless Agreement if a proposed fence is installed.

Councilman Holloway moved, seconded by Councilman Thompson, that Council adopt an ordinance to vacate an unimproved alley that is 12.5’ x 107’ located between 303 and 311 Brown Avenue, contingent upon required utility easements and a signed Hold Harmless Agreement if a fence is installed.

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

BY ROLL CALL

COUNCIL APPROVAL – Liaison Committee Meeting Items

Summary: Council is requested to approve the following items to be added to the Liaison Committee Meeting Agenda scheduled for January 16, 2020

1. Review Liaison Committee Mission Statement and Policies
2. Boundary Adjustment Request from Chris Ramsey
3. Blighted and Derelict Structures Program
4. Data Center
5. Working Together Regarding the EDA Civil Suit
6. Resolution to General Assembly to Allow Town to Establish its own EDA Separate from Existing EDA
7. Update on Happy Creek Road Project

Councilman Thompson moved, seconded by Councilman Sealock, that Council approve the following items to be added to the Liaison Committee Meeting Agenda for January 16, 2020 1. Review Liaison Committee Mission Statement and Policies; 2. Boundary Adjustment Request from Chris Ramsey; 3. Blighted and Derelict Structures Program; 4. Data Center; 5. Working Together Regarding the EDA Civil Suit; 6. Resolution to General Assembly to Allow Town to Establish its own EDA Separate from Existing EDA; 7. Update on Happy Creek Road Project.

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

BY ROLL CALL

COUNCIL APPROVAL: Comprehensive Water and Sewer Utility Rate Study

Summary: Council is requested to approve Stantec Consulting Services, Inc. to conduct a Comprehensive Water and Sewer Utility Rate Study in the amount of \$45,000.

Councilman Holloway moved, seconded by Councilman Thompson, that Council move that Council Stantec Consulting Services, Inc. to conduct a Comprehensive Water and Sewer Utility Cost of Service Fee and Rate Study in the amount of \$45,000.

Councilman Meza asked if the \$45,000 was paid from the general or enterprise fund; Mr. Tederick noted that it came from the enterprise funds.

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

BY ROLL CALL

COUNCIL APPROVAL Resolution to Request General Assembly to Allow the Town to Establish its own EDA Separate from Existing EDA

Summary: Council is requested to approve a resolution requesting the General Assembly to allow the Town of Front Royal to establish its own Economic Development Authority (EDA) separate and independent from the existing EDA. Upon approval Council requests that the Town Attorney send the Resolution to the appropriate individuals

Councilman Meza moved, seconded by Councilman Gillispie, that Council approve a resolution requesting the General Assembly to allow the Town of Front Royal to establish its own Economic Development Authority (EDA) separate and independent from the existing EDA and to have the Town Attorney send it to the appropriate individuals upon approval.

Councilman Meza noted that this was to request the ability, should the Town choose to do so. He stated that the current EDA was ineffective and would be difficult to move forward in the coming year if not further. He added that if the Town missed the deadline now, then they could not move forward until July 2021.

Councilman Gillispie stated that just because the Town is obtaining permission it does not mean that the Town is going to move forward with the process. He noted that the Town gave up their interest in the current EDA years ago. He stated that the current EDA is insolvent and it is time to throw in the towel and look at other options for the community

Councilman Meza noted that he has no interest in the duplication of costs.

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

BY ROLL CALL

Councilman Meza moved, seconded by Councilman Holloway, that Council adjourn the meeting.

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

There being no further business, the Mayor declared the meeting adjourned at 8:00 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council