

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on January 13, 2020, 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 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

ABSENT: Councilman Chris W. Holloway

(The above listed members represent the full body of Council as authorized in the Town Charter.)

Councilman Gillispie moved, seconded by Vice Mayor Sealock that Council Regular Council Meeting minutes of November 25, 2019, December 9, 2019 and Special Meeting Minutes of January 6, 2020.

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

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Melody Hotek, of 1221 Valley View Drive, noted that she was the President of Front Royal Warren County Tree Stewards and she was pleased that the Town was recognizing David Means for his service to the community. Ms. Hotek stated that Mr. Means has given tirelessly over the years to the Urban Forestry Advisory Board and the Tree Stewards are also thankful for the way Mr. Means has donated his efforts to the public. Ms. Hotek added that Mr. Means is extremely passionate about trees and the community and the Town has been very lucky to have David as well as Ann Rose, the Town’s retiring Horticulturist, who has been as equally involved in the Town’s beautification. She stated that David and Ann have worked closely with the Town Boards and for the community and she wishes them both success as they move forward.

Chris Ramsey, 400 Fulton Lane, noted that there seemed to a conflict between Town policy and Town Code which revolves around everyday terms that have implications and consequences. He stated that the terms are: water and sewer tap fees and water and sewer access fees, and this was not new territory for the Town. Mr. Ramsey explained that with the recent changes undertaken, there are consequences. He stated that 25 years ago when building a home in Front Royal, the tap fees were paid and the Town installed the taps. He noted that if the lot happened to be located where the taps were already installed as required by Code, the applicant was given a credit for the work which had already been completed. Mr. Ramsey explained that it was not

precisely equitable, though it was a token towards those costs. He further noted that the practice was changed as it was costing the Town more to make the taps than the fees that were being collected. He stated that the Town has continued to collect the fees which have been labeled tap fees in error, as they are actually access/availability fees.

Mr. Ramsey reiterated that if tap fees are paid for; He expects tap fees, as do most individuals. He noted that the community feels that they have been misled and instead of changing the form to access fees, the Town will begin installing the taps and this will be at the expense of those that actually understand the process. Mr. Ramsey explained that the previous system charged everyone equally for access to the water system, the Town is now running the lines to individual properties at the expense of the rest of the Town users. He added that he understands the difference between tap fees and access fees, and he asked if Council would acknowledge the difference and rectify the inequality that has come to the surface. Mr. Ramsey stated that it was unfair for the Town to install taps for free for some and charge others. He asked Town Attorney Napier if the policy was sustainable if the matter was challenged.

John Jaroma, of 28 Ashlawn Court, noted that he recently moved her last year and during snow events on Leach Run Parkway, the snow on the sidewalks was not shoveled. He expressed concern that the students were in danger while walking to and from school. Mr. Jaroma stated that he feared for ice melting and refreezing the next day and during the night. He noted that he would assume there is an ordinance to remove snow when it is in front of homes and businesses, and it should be enforced.

Mr. Jaroma stated that stop signs are being ran throughout the community as well, and he had issue with those running red lights and stop signs. He noted that along Colonial Drive it seemed to be a major issue.

Linda Allen, of 15 Massie Avenue, stated that:

There are three points I want to cover this evening. The first point is a thank you. The second point is a fact offered to prevent a misconception about the past role of the EDA in town development. The third point is an invitation to a program that will be held at Samuels Public Library on economic development.

All three points are related to economic development in essence and the cooperation needed from all of us if we are to succeed in resolving our separate issues as well as our joint difficulties. Both the town and EDA are or will struggle with expensive projects. For the town, one example is I & I projects; another large cost will be fixing the wastewater plant. The EDA will struggle to stay afloat financially and we directly do influence that situation. The town will also struggle to enhance economic growth which costs money, too, among the negative issues we must address and pay for.

First, thank you, Mayor Tewalt, for visiting the EDA meeting. I believe that granting worth and respect to the EDA is significant and necessary. Every time I hear the word lawyer connected to the town and EDA joint issue of the police station, I think of the sign about the brothers in the Civil War on opposite sides—driven apart. We likewise have a community in which we are known to each other and the method for problem solving has turned to lawyers which means that we can be driven apart, good will destroyed when we can use our words directly with one another to

negotiate settlements. That may produce economic growth which affects the tax rates we pay if we don't have economic development.

Second, most of the businesses in downtown Front Royal and even in the surrounding area of the town come about by means other than the EDA. Therefore, the town having a separate EDA is not necessary for commercial/industrial/business development. I am not using names to illustrate this fact because I did not have time to get permission to explain some projects with the names of the persons used in those independent projects. In this effort to thrive and prosper together, we are all ambassadors for the repute of our town which means that every one of us has a role in presenting our town to its best advantage and aiding the effort to sell desirable properties.

The third point is an invitation to participate in economic development be that ever so casual and by having fun sharing ideas on February 6, at the Samuels Public Library, 6 p.m. to 7:45 p.m. in a program called You are the Town/County Planner: What Goes in Our Available Spaces? Two expert planners will be on hand; Doug Parsons is expected to come as is Frank Lagasse with his analysis of our downtown Front Royal situation. We want the public, property owners, shop keepers, and investors to come. It will have background information available about actual properties that are highly marketable. Given that Town Council has to make decisions about economic development, we want you to come share your hopes and knowledge in a joint enterprise that can produce viable results.

Mr. Tederick noted that:

- The Town's Purchasing Agent, Mrs. Scott, received the Certified Professional Buyer acknowledgement; and the Town's Risk Manager, Laura McIntosh, received her BA in Human Resources, and he congratulated both employees;
- There are water line breaks on Christmas Eve, Christmas Day, and other holidays, and he would like to recognize the Public Works employees that worked on Christmas morning and thank them for their service and dedication to the Town, including Robert Boyer, Tony Rogers, Allen Pack, James Thomas, Ryan Silvius, Chris Riley, Brent Hankins, Garrett Mathews, Matthew Winters, Bobby Williams and Karl Greeley;
- The Town will hold three downtown meetings regarding the Village Commons area changes on January 16, January 30, and February 13 at the Warren County Community Center and he invited citizens and business owners to attend; and
- The Town Business Offices will be closed Monday, January 20th for Martin Luther King, Jr. Day.

Mayor Tewalt extended his thanks to the Town employees for their work and dedication. Mr. Gillispie voiced his appreciation to the Town crews that give so much to the community.

Mrs. Thompson stated that there is a rumor circulating that the Village Commons meetings are in regard to deciding between Family Fun Day and the Wine Festival, and that was not the case.

Mayor Tewalt recognized of David B. Means for his many years of service on Urban Forestry Advisory Commission and presented him with a plaque for his dedication.

Mayor Tewalt announced items he would like to see take place in the coming year. He voiced support for meeting with the Board of Supervisors to work together for the community, as we are all members of the County of Warren. He noted that he would be asking Council to repair

matters within the Town regarding I&I, and he would be asking Council to set aside \$3 million for the repairs for I&I.

Mayor Tewalt noted that he would like to work towards repairs of streets and bridges. He stated that he would like an enhanced tourism department, to continue to work with the Town’s Tourism Director and the Tourism Advisory Board. Mayor Tewalt voiced support of setting up an economic Development Committee to strengthen the community and our businesses. He noted that he would like to enhance North and South Royal Avenue, as well as Commerce Avenue in order to be more presentable to our citizens and our tourists as they enter the Town.

Mayor Tewalt stated that he would like the community safer for pedestrians that walk in the community. He noted that he would like to work with developers to establish a retirement community for those 55 or older. Mayor Tewalt noted that setting up a third Thursday of the month Town Hall meeting was important and he would like that to begin in February. He stated that it was important to bring on a new Town Manager as soon as possible.

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

Ms. Berry advised Council of the three changes to the agenda, including a typo on Consent item 7B, which stated County and should reflect “Town”; number 11 that now includes the winterization of the Afton Inn; and agenda number 12 that includes the scope of services for Health Insurance Consultant Services which was just received.

CONSENT AGENDA ITEMS

A. COUNCIL APPROVAL – Budget Amendment for Broadcast Communication

Hardware Approve a FY20 budget amendment to allocate \$51,426 from PEG (Public, Educational, Government) Access Channel fees from two franchise agreement renewals for the purchase of hardware for broadcast communication systems.

B. COUNCIL APPROVAL – Happy Creek Road Phase II Preliminary Engineering

Consultant Approve Rummel, Klepper & Kahl, LLP (RK&K) as the consultants to perform the preliminary engineering improvements to Happy Creek Road beginning at the end of Phase I improvements and continuing to the Warren County Line (Phase 2 and 3) in the amount of \$68,587.20, and to complete the VDOT Smart Scale Funding application for this project.

C. COUNCIL APPROVAL – Audit and Finance Committee – Meza and Gillispie

Appoint Councilman Meza and Councilman Gillispie to the Audit and Finance Committee along with the Mayor, Town Manager, Finance Director and the Town’s Auditor, said terms to expire December 31, 2020.

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

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

BY ROLL CALL

COUNCIL APPROVAL – Amendment to Budget for Outstanding Purchase Orders

(2nd Reading)

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

Councilman Meza moved, seconded by Councilman Thompson that Council adopt on its second and final 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 FY2020-2021 budget cycle to complete unfinished projects, as presented.

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

BY ROLL CALL

COUNCIL APPROVAL – Ordinance Amendment to Town Code Section 134-71(A)(1)(e) pertaining to Personal Guaranty for Business Entities *(2nd 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 adopt on its second and final 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.

Since the Public Hearing on December 9, 2019 Section 134-71(A)(4)(a) and (b) was identified by Staff as also requiring change to the Interest and Refunds for commercial users so they have the ability to be refunded deposits if they have good credit after one year, as presented.

Councilman Thompson moved, seconded by Councilman Meza, that Council adopt on its second and final 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 and 134-71(A)(4)(a) and (b) to allow commercial users the ability to be refunded deposits if they have good credit after one year, as presented.

Councilman Meza noted that this change still allows for letters of credit to ensure that payment will proceed for commercial and residential users.

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

BY ROLL CALL

COUNCIL APPROVAL: Downtown Revitalization Area Engineering/Landscape Architecture Services

Summary: Council is requested to approve a contract for engineering and landscape architecture services with EPR, P.C. in the amount of \$70,000 to prepare a conceptual parking, streetscape and property acquisition plan for the Downtown Revitalization Area with funds allocated from the Community Development Block Grant (CDBG).

Budget/Funding: Parking Study – 9130-R47984 – CDBG Public Improvement - \$70,000

Councilman Gillispie moved, seconded by Councilman Thompson, that Council approve a contract for engineering and landscape architecture services with EPR, P.C. in the amount of \$70,000 to prepare a conceptual parking, streetscape and property acquisition plan for the Downtown Revitalization Area with funds allocated from the Community Development Block Grant (CDBG).

Councilman Meza stated that this funding was from the grant and not from taxpayers.

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

BY ROLL CALL

COUNCIL APPROVAL – Budget Amendment for Executive Search Firm, Health Insurance Consultant and Future Funding for Happy Creek Road Property Acquisition and Winterization of the Afton Inn

Summary: Council is requested to approve a budget amendment in the amount of \$101,000 to allocate \$21,000 for the Health Insurance Consultant, \$25,000 for Executive Search Firm and \$40,000 for possible future acquisition of property for Happy Creek Road Phase 2. Meals Tax and Sales Tax are tracking above FY20 budgeted amounts. It

is anticipated that revenue received during FY20 will accommodate the proposed budget amendment.

Budget/Funding: Funding for these projects can be obtained by utilizing additional funds collected in FY20 Meals Tax Revenue Line Item by \$43,000, the Sales Tax Line Item \$43,000 and transferring \$40,000 from these revenues to the Community Development Fund for Happy Creek Road Phase 2.

- 1000-3121101 General Fund Meals Tax Revenue - \$50,500
- 1000-3120101 General Fund Sales Tax Revenue - \$50,500
- 1202-43002 Human Resources Professional Services - \$21,000
- 1202-43002 Human Resources Professional Services - \$25,000
- 4302-43002 Buildings & Grounds Professional Services - \$15,000
- 9790-49015 General Fund Transfer to Community Development Fund - \$40,000
- 1800-3510105 Community Dev. Fund Transfer from General Fund - \$40,000
- 1800-47518 Community Dev. Fund Happy Creek - \$40,000

Councilman Meza moved, seconded by Councilman Gillispie that Council approve a budget amendment in the amount of \$101,000 to allocate \$21,000 for the Health Insurance Consultant, \$25,000 for Executive Search Firm, \$40,000 for possible future acquisition of property for Happy Creek Road Phase 2 and \$15,000 for winterization of the Afton Inn by utilizing additional funds collected in FY20 Meals Tax Revenue Line Item by \$50,500, the Sales Tax Line Item \$50,500 and transferring \$40,000 from these revenues to the Community Development Fund for Happy Creek Road Phase 2.

Councilman Meza asked for some clarification on the line item for Afton Inn winterization. Mr. Tederick stated that the action is the preparation of the change that should Council decide to move on the items then the budget is prepped with funds for those items. He added that there is no decision on the Afton Inn for winterization; though the funds are available.

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

COUNCIL APPROVAL - Health Insurance Consultant Services

Summary: Council is requested to approve the award of health insurance consulting services to Gallagher in the amount of \$40,000 with an optional \$2,500 portal.

Councilman Gillispie moved, seconded by Councilman Meza that Council move that approve the award of health insurance consulting services to Gallagher in the amount of \$40,000 with an optional \$2,500 portal.

Councilman Meza noted that he was excited to move forward with this evaluation for the Town employee health insurance. He stated that Council has made some attempts at this and this firm will do an in-depth evaluation and suggest changes for the possible future. He stated that the Town has little control for the future and it allows the Town to work towards a stable plan for the Town’s employees and benefits.

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

BY ROLL CALL

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

Vote: Yes – Gillispie, Meza, Sealock and Thompson
No – N/A
Abstain – N/A
Absent – Holloway
(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 7:43 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council