

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on September 10, 2018, in the Warren County Government Center’s Board Meeting Room. Mayor Tharpe asked 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 Hollis L. Tharpe
Councilman John P. Connolly
Councilman Gary L. Gillispie
Councilman Jacob L. Meza
Councilman Christopher S. Morrison
Councilman William A. Sealock
Vice Mayor Eugene R. Tewalt
Town Attorney Douglas W. Napier
Town Manager Joseph E. Waltz
Clerk of Council Jennifer E. Berry, CMC

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

Councilman Gillispie moved, seconded by Councilman Connolly to approve the Regular Council Meeting minutes of August 27, 2018; and the Special Council Meeting minutes of September 4, 2018 as presented.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC

Mayor Tharpe noted that before the public spoke, he wanted to clarify that at last week’s worksession, Council discussed the use of the gazebo area and no specific action was taken. He added that Council was looking into finding a balance of how to best use the site and what is best for all parties. He stated that the Town is in the very early stages and there will be many meetings to review possible changes. Mayor Tharpe added that Family fun Day was never discussed

Amber Morris, of 3574 Howellsville Road, opined that Council should vote in favor of the property maintenance change. She noted that the people’s voice should be heard and the interest of the Town should be listened to. Ms. Morris stated that currently no ordinance was on the books related to the Virginia maintenance Code and she hoped Council would be in favor of changing that stance, specifically option C. She explained that without property maintenance being enforced, it drove down the value of property and it drove down the value of property. She added that it was important to maintain the image of the Town. Ms. Morris noted that she was not requesting a rental inspection program, but rather a property maintenance Code and hopefully Warren County would follow. She stated that the City of Winchester has a very successful property maintenance program in their locality.

Melanie Salins, of 95 Murrays Drive, noted that when slumlords cause trouble for her property [I am here to ask you to vote for option C of the proposed maintenance code. I say that as a libertarian who prefers minimal government involvement, and as a landlord. So, it should](#)

mean something when I say to you that option B does not do enough. This town has become a sanctuary city for slum lords.

So, how do I, as a libertarian, reconcile wanting to see option C pass? I believe in the non-aggression principle. So, when a slum lord allows his property to become a drug den, I see it as an act of aggression towards me, because my property value will subsequently fall. When the slum lord next door allows his property to fall into a state of dangerous disrepair, again, I am being aggressed against. My home owners insurance rate will subsequently be raised. My house may burn when his catches fire. The vermin from his building will surely also enter my yard.

We have been in the market to buy more rental property for at least 2 years now. We would like to purchase in Front Royal, but the lack of enforcement of basic Virginia state code has been a major deterrent. We keep our rental property in top condition and keep quality tenants. We have found properties in town that we have been interested in purchasing—properties that we would have renovated and subsequently raised the property value of, and paid more in property taxes on—properties we would have filled with quality, tax paying, law abiding, citizens. But quite frankly we were scared off by the open air drug market right across the street. Or feared that pieces of the neighboring home may come crashing down onto our property at any time. So instead of people like us purchasing property in town and raising the standard UPWARD, we instead see the trickle down effect heading in the other direction. Front Royal attracts slum lords because we lack enforcement of basic Virginia state code. This problem will continue to get worse, without voting in option C.

I value a government who remembers that their job is to represent the **citizens**. I'm sure you recognize that there are other laws in place to protect citizens from criminals—laws that prohibit Ponzi schemes, predatory lending, scammers, etc. Enforcing existing Virginia state code is merely doing the bare minimum to protect local citizens. We do NOT want our local government to fight against perceived threats like "Family Fun Day" and other events at the gazebo. We want our local government to fight against slum lords, drug dens, and the deteriorating buildings they occupy.

In closing, I would like to say that if the cost of this program is an excuse to not vote for it, I would like to remind you that you walked away from hundreds of thousands of dollars, that you could have collected from management fees for Valley Health's bonds. Which by the way, that deal was highly unusual, and the EDA refuses to answer me as to HOW they accepted such a bum deal. I have called surrounding localities EDA's to find out how they handled hospital bonds, and they literally LAUGHED when they read the deal you guys all agreed to accept.

Mike Salins, of 95 Murrays Drive, stated that option C for property maintenance was the way to go and when he is called to handle property matters at his rental property he handles their issues, regardless of the time of day. He added that the understanding is that as a landlord he chooses to care for his tenants, and it is his hope that others would do the same. He added that crime and drug issues are lowering property values, as structures are not properly being taken care of. He voiced concern with any back door deals taking place in the community.

Anne Marie Malone, 303 Skyline Place, noted that she has had several rental properties in place and they have been unsafe with mold, flooding, rain in the home, etc. She noted that their landlord has been aggressive and the County has been very unhelpful. Ms. Malone noted that they want to stay in their area and the trust in the structures and the government though without a property maintenance program it would be difficult to obtain assistance with problem landlords.

Bryan Malone, 303 Skyline Place, stated that option C seemed to be the only way to put everything on the landlords to address the needs of the community.

Rick Steele, of 1424 Locust Street, noted that in 1948 Main Street was very vibrant and important to the community. He stated that there were a variety of businesses downtown and everyone got along well. Mr. Steele noted that the use of the gazebo area by Mr. Huck was beneficial and was needed by the Town of Front Royal. He expressed hope of the Family Fun Day remaining.

Joe Andrews, of 735 Megeath Farm Lane, stated that the property maintenance Code should include commercial and industrial properties. He noted that option C would be preferred and common sense should be applied. Mr. Andrews stated that Jackson Furniture is in terrible disarray and should be preserved. He noted that the gazebo was to remain for the uses that are in place each year. He added that closing the parking was necessary for safety of children. Mr. Andrews stated that Main Street can be used for other uses and perhaps choose to close it into a walking mall seasonly.

Elaine Farris Jarvis, of 205 Windy Way, stated that as a Board member of Habitat for Humanity, she could attest that poor housing at times, leads to drug use, poor performance in school, and other problems. She stated that free speech for assembly on Main Street for those that are protesting was a given right that must be upheld.

William Huck, of 409 E. Main Street, noted that he would like to sit down and speak with Council about the gazebo area. He stated that the property maintenance Code matter only has one choice and though they have done preventative maintenance matters, the animal infestation and the derelict building issues remain.

An area resident spoke, noting that many with Habitat for Humanity voiced support for adequate homes because of the many bed bug infestations in the schools. She noted that the bug infestations can be serious.

Town Manager, Joseph Waltz, noted that the Town has begun their pre-storm work for Hurricane Florence.

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

Councilman Gillispie noted the following into the record:

I would like to make a statement about the report in the Northern Virginia Daily on Thursday, September 6, 2018 in regard to our work session on Tuesday, September 4, 2018. I was quoted as saying "churches use the gazebo area for demonstrations." This was interpreted by me and some other citizens as the same as protests. I would like to make a public acknowledgement that that quote was not correct. What I said in the worksession was, "churches use the gazebo area for different events and limiting the gazebo would be a slippery slope."

Councilman Sealock stated that he spent five hours on Main Street Friday talking to many to determine the needs and wants, and the Town is not against shutting down Family Fun Day. He added that no one is denying freedom of speech for the protestors either. Mr. Sealock added that work is being done to find a solution.

Vice Mayor Tewalt noted that he apparently made the initial comment that caused the issue surrounding Family Fun Day. He stated that he had no intention of causing such a situation and the individual that placed the matter on Facebook was wrong. Mr. Tewalt noted that those that needed clarification on his intent should have come to him on the matter rather than spreading wrong information into the community and causing an uproar. He reiterated his hope that in the future if there was an issue that people would speak to one another with courtesy on matters of importance.

Mayor Tharpe encouraged the community to check their storm drains in preparation for Hurricane Florence and the heavy rains it may bring.

Councilman Connolly moved, seconded by Councilman Morrison that Council add #12 – Proclamation for Assisted Living Week to the agenda.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt
 No – N/A
 Abstain – N/A
 Absent – N/A
 (Mayor Tharpe did not vote as there was no tie to require his vote)
 (By Roll Call)

CONSENT AGENDA ITEMS – NONE

COUNCIL APPROVAL – FY2019-2020 Budget Calendar

Summary: Council is requested to approve the FY2019-2020 budget calendar as presented.

Vice Mayor Tewalt moved, seconded by Councilman Sealock that Council approve the FY2019-2020 budget calendar as presented.

Fiscal Year 2019-2020 Budget Calendar

- Sept 25, 2018 Finance Department distributes FY20 Budget forms to Departments (FY18 Figures provided will not be final/audited figures)
- Sept 28 2018 Departments requests for 5 year CIP due to Finance with justifications
- Oct 5, 2018 CIP related to properties sent to Planning Commission for Review
- Oct 8th-12th Review CIP with Departments
- Oct 31, 2018 FY20 Departmental spending requests due back to Finance
- Nov 12-16, 2018 Town Manager preliminary review spending with Departments
- Dec 14, 2018 Mid-year FY19 Budget transfers due from departments
- Jan 7, 2019 Work Session – review of capital projects & other possible major items that may be included in FY20 proposed budget
- Jan 22, 2019 Revenue Forecast Review
- Feb 1, 2019 Town Manager's Recommended Budget to Town Council
- Feb 4, 2019 Work Session. Revenues & General Fund Expenditures Review

- Feb 19, 2019 Work Session – Review Enterprise Fund Expenditures and discuss tax rates to advertise for Real and Personal Property
- Feb 20, 2019 Advertisement submitted for annual tax rate for Real and Personal Property – rate has to be set prior to April 1
- March 4, 2019 Additional Budget Work Session (If requested)
- Mar 11, 2019 Public Hearing & First Reading of Town Tax rates for both Real Estate and Personal Property
- Mar 25, 2019 Second and Final Reading of Town Tax rates for both Real Estate and Personal Property
- April 2, 2019 Advertisement submitted for Annual Appropriation Ordinance
- April 22, 2019 Public Hearing & First Reading of Appropriations Ordinance and Rate Ordinances
- May 6, 2019 Budget Work Session (If requested)
- May 13, 2019 Second and Final Reading of Appropriation Ordinance and Rate Ordinances

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt
 No – N/A
 Abstain – N/A
 Absent – N/A
 (Mayor Tharpe did not vote as there was no tie to require his vote)
 (By Roll Call)

COUNCIL APPROVAL – Budget Amendment to Accept DMV Grants

Summary: Council is requested to approve a budget amendment in the total amount of \$12,300 (\$3,850 + \$8,450) to accept two Division of Motor Vehicle (DMV) Grants passed through the National Highway Traffic Safety Administration (NHTSA) to be used for Alcohol Selective Enforcement and Speed Selective Enforcement in the Police Department. Both are 50% matching grants from the Town in the total amount of \$6,150 (\$1,925 + \$4,225).

Budget/Funding: 1000-3310012 – Community Policing -\$12,300 – Alcohol Selective Enforcement & Speed Selective Enforcement
 3102-41002 – Police Patrol Overtime - \$12,300 – Alcohol Selective Enforcement & Speed Selective Enforcement

Councilman Sealock moved, seconded by Vice Mayor Tewalt that Council approve a budget amendment in the total amount of \$12,300 (\$3,850 + \$8,450) to accept two Division of Motor Vehicle (DMV) Grants passed through the National Highway Traffic Safety Administration (NHTSA) to be used for Alcohol Selective Enforcement and Speed Selective Enforcement in the Police Department.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt
 No – N/A
 Abstain – N/A
 Absent – N/A
 (Mayor Tharpe did not vote as there was no tie to require his vote)
 (By Roll Call)

COUNCIL APPROVAL – Property Maintenance Code Enforcement Option

Summary: On January 8, 2018 Council voted NO unanimously to amend and re-enact Chapter 9 of the Front Royal Municipal Code to adopt a Property Maintenance Code and to Establish a Rental Inspection District. On June 4, 2018 Council asked for a discussion on addressing blighted and derelict structures in Town. A few more work sessions followed in which Council was given four options (A – D) by staff to consider. Tonight, Council is requested to approve Property Maintenance Enforcement Option B or Option C and authorize staff to advertise for public hearing on the selected Option.

OPTION B: Adopt Sections 104, 105, and 106 of the Property Maintenance Code only as presented.

OPTION C: Adopt the Property Maintenance Code in full without a Rental Inspection Program as presented.

Councilman Meza moved, seconded by Councilman Morrison that Council approve Property Maintenance Enforcement Option C, to Adopt the Property Maintenance Code in full without a Rental Inspection Program and authorize the advertisement of a public hearing on the amendment of the Town Code as presented.

Councilman Meza noted that this matter has gone on with discussion for many years, with Council speaking of various ways to address blighted buildings in the community. He stated that the matter went to Richmond and Delegate Collins obtained the approval and advocated for the Town in order to grant Front Royal the authority to proceed with these options. Mr. Meza stated the options have been greatly considered and much discussion has ensued on the matter. Councilman Meza stated that Council has discussed in detail whether the Town has the appetite to enforce rental inspection and property maintenance and the associated costs. He noted that every member of Council is clearly concerned with spending money for such a program.

Mr. Meza explained that option C would allow for the adoption of the property maintenance Code, in full, without putting a rental inspection program in place. He noted that was an important distinction because it was an important first step in the enforcement program that would not compel the Town to hire staff to enforce the program, but rather would allow the Town to address maintenance issues on a complaint basis; he noted that it was just a baby step. Mr. Meza opined that it would alleviate Council's fears of adopting a program without cost and is the most reasonable and least aggressive options.

Councilman Sealock noted that Council chose to unanimously change the Town Charter and he said that he was for stepping into a program. He stated that someone would have to be implementing the program and when there were Code issues there will be legal fees that will come forward; everything that the Town implements has a cost. Mr. Sealock noted that the reserve funds of Council were recently taken away and he would like to know the full cost of the program implementation.

Councilman Morrison noted that to be clear, this is not about property maintenance or rich versus poor. He stated it was a generational issue and related to taking ownership and having respect. He stated he wants people to be proud of Front Royal and have renters to have dignity, and for the Town to not just caring what the tourists think – but rather the Town care what the citizens think as well. Mr. Morrison spoke of sharing a part-time building official with Strasburg

perhaps, using Police Officers for nuisance calls, and for Council to keep in mind that when property values go up, Town taxes increase as well.

Councilman Connolly noted that he has been swayed for option C, though he does not agree with anything Councilman Morrison just said. He noted that the health and well-being of the community is one of the best to use as justification for enforcement. Councilman Connolly urged Council to consider option C, noting that option B made little sense.

Councilman Gillispie noted that he would also be in support of option C tonight, adding that option B does very little.

Vice Mayor Tewalt noted that he petitioned the State repeatedly to give the Town the same rights of others to address blighted structures and up until Delegate Collins gave the Town the ability. He expressed concern with jumping forward with no one to enforce the issues. He stated that the Town needs to examine dilapidated buildings and re-examine the property maintenance code matter (option B), as option C is not enforceable and the funding is not available.

Councilman Gillispie noted that the matter is not going to be a quick fix, and the Town can not go into structures built many years ago and require them to be held to today's standards.

Councilman Sealock stated that you must crawl before you walk; and he wants to walk into the matter with clear eyes. Councilman Meza noted that it is important to clarify that the Town Council has had plenty of time and a vast amount of information to review for some time. Councilman Connolly noted that Councilman Hrbek referred the matter to Planning Commission about three years ago, noting that Council has discussed this for many, many years.

Vote: Yes – Connolly, Gillispie, Meza and Morrison
No – Sealock and Tewalt
Abstain – N/A
Absent – N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call; for Option C)

COUNCIL APPROVAL – Budget Amendment and Purchase Radio Communications System for Police Department

Summary: Council is requested to approve a budget amendment in the amount of \$545,000 for the purchase of a radio communications system from Motorola Solutions for the Police Department. Council is further requested to direct Town Staff to gather information regarding the possibility of an external or internal loan to fund the project.

Budget/Funding: 1000-3510110 General Fund Appropriated Funds Forward \$545,000
3102-47003 Police Patrol Communications Equipment \$545,000

Councilman Gillispie moved, seconded by Councilman Sealock, that Council approve a budget amendment in the amount of \$545,000 for the purchase of a radio communications system from Motorola Solutions for the Police

Department. He further move that Council direct Town Staff to gather information regarding the possibility of an external or internal loan to fund the project.

Councilman Morrison noted that he spoke with the Town Manager days ago and the summary would now be given. Mr. Waltz stated that this vote was for the approval of General Fund surplus and it was for the radio system at the new Police Department. He further stated that it was critical with the progress being made at the new structure, and he added that Staff has been directed to gather information about an internal or external loan. Mr. Waltz noted that loan information would return to Council at worksession in October or early November.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

COUNCIL APPROVAL – PROCLAMATION for National Assisted Living Week

Councilman Connolly moved, seconded by Vice Mayor Tewalt, that Council approve a proclamation declaring September 9-15, 2018, National Assisted Living Week in the Town of Front Royal.

Vote: Yes – Connolly, Gillispie, Meza, Morrison, Sealock and Tewalt
No – N/A
Abstain – N/A
Absent – N/A
(Mayor Tharpe did not vote as there was no tie to require his vote)
(By Roll Call)

2018 National Assisted Living Week | "Capture the Moment"

WHEREAS, residents of assisted living communities are active members of the larger community, offering their knowledge, life experiences and involvement; their past contributions continue to be a vital part of **Front Royal's** rich history; and their ongoing participation deepens our **Town's** identity;

WHEREAS, assisted living is a critical long-term care service for older adults and individuals with disabilities that fosters choice, dignity, and independence; assisted living communities are committed to excellence, innovation and the advancement of person-centered care;

WHEREAS, in 1995, the National Center for Assisted Living established National Assisted Living Week® to honor the contributions of assisted living communities in providing long term care to America's seniors and individuals with disabilities;



WHEREAS, this year's theme of National Assisted Living Week® is "Capture the Moment," which hopes to inspire assisted living residents to enjoy the present while celebrating the past;

WHEREAS, "Capture the Moment" is also meant to encourage assisted living staff to focus on the little, everyday interactions with residents to continue delivering high-quality, person-centered care;

WHEREAS, during this special week, assisted living communities across the country are encouraged to organize activities and events which celebrate the deep connections between the dedicated staff members and residents;

NOW, THEREFORE, I, **Mayor Hollis L. Tharpe**, do hereby proclaim the week of September 9-15, 2018, as Assisted Living Week in the **Town of Front Royal**. I urge all citizens to volunteer in an assisted living community, to visit friends and loved ones who reside at these communities, and to learn more about how assisted living services benefit **Front Royal & Warren County**.

There being no further business, the Mayor declared the meeting adjourned at 8:07 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council