

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on October 9, 2018, in the Warren County Government Center’s Board Meeting Room. Mayor Tharpe 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, MMC

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

Councilman Gillispie moved, seconded by Vice Mayor Tewalt to approve the Regular Council Meeting minutes of September 24, 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

Melanie Salins, of 95 Murrays Drive, presented the following to Council:
 I wanted to take a moment to talk about the Valley Health bond issue from a couple months ago, because it appears many don’t understand it.

Valley Health saved millions of dollars by funding the new hospital through tax exempt bonds. But it’s the details of this bond deal that need clarifying. What is a municipal bond anyway? Our EDA is essentially serving as the money manager for Valley Health—the bonds are sold to investors. Front Royal is **NOT** the one loaning this money. **BUT, money managers get paid.** You know this if you have a 401k or a mortgage. No one is willing to manage your accounts for free.

Our EDA has a standard fee they charge for bonds. It is 1/8th of 1% paid annually. Valley Health requested \$60 million in bonds. This calculates out to a management fee owed to our town in the amount of \$75,000 a year. The expected bond repayment schedule is 30 years.

BUT, our EDA accepted a deal to waive the yearly fees, in exchange for a one time payout of \$240k. (That is fees for only 3.2 years.) It doesn’t take a mathematician to figure out that we walked away from a **LOT** of money in this deal.

The Royal Examiner ran an article about this deal on June 28th. In the article they say that Dan Siegel pointed to a similar deal accepted in Goochland county VA—eluding that this

type of a deal is in some way normal. I am here to tell you that this deal was NOT in fact normal. I spent this summer contacting other local EDA's in Virginia and I can't find another one who has ever struck a deal like this. I was repeatedly asked if I was mistaken and may be misunderstood the deal—I was told “this is how an EDA makes money—why would we waive standard fees?”. One EDA actually LAUGHED at the deal we accepted.

Prince William County didn't waive any of their fees for the new NOVANT hospital built in Haymarket, nor did they waive fees for the many renovations and expansions of Prince William hospital in Manassas. Actually, their EDA director said that he has held that position since 1992 and has never heard of such a deal being struck for the construction of a hospital. Loudoun doesn't waive fees. Winchester doesn't waive fees....and obviously they've done business with Valley Health many times. My point here is that this deal is very unusual and cost our town a LOT of money. At a time where the budget is of concern, and I hear our local government looking for ways to afford everything we need without raising taxes, I am forced to wonder why we felt so generous to just give money away? Especially for a hospital system that is doing NO favors for our town—taking away the birth center and the ICU.

I hope that this matter concerns each and every one of you! Especially those of you who voted for this bond deal to pass! But now I ask you—will you investigate this? I've tried reaching out to Jennifer McDonald in over a dozen emails this summer, asking to speak to the members of the EDA responsible for creating this deal, and I've gotten nowhere. So, I'm asking you—WHO oversees the EDA? Can YOU reach out to the EDA with questions about this deal?

David Silek, of 165 Hickerson Hollow Road, applauded the comments of Mrs. Salins and added that he felt her characterization of the EDA is current. He stated that the IDA/EDA comes to the Town for approval of large projects such as the Valley Health new hospital location, and the Town should ask questions and inquire about striking a new deal with the EDA.

Mr. Silek stated that regarding the Chester Street parking issue, there are structures that sit on the entire lot and there is no place for off street parking there, so if the use changes, there is nowhere for parking. He added that for the buildings to be commercial, they need waivers for off street parking in order to have them be occupied by thriving businesses. He noted that pertaining to the fence matter, Main Street businesses do not have the right to the rear access of the property of others via the rear of another business.

Darryl Merchant, of 110 Kerfoot Avenue, reminded Council that this coming Saturday will be the Chimney Memorial ribbon cutting, noting that it is off of Criser Road along Happy Creek Trail. He noted that since then nearly \$13,000 has been raised to have the chimney be constructed by Richard Morris and August 11th was the groundbreaking. Mr. Merchant thanked Mr. Waltz and Town Staff for their help during the project and he expressed his thanks to Warren County as well.

Town Manager, Joseph Waltz noted that Saturday will be the Annual Festival of Leaves from 9-6 p.m. in the downtown area.

Vice Mayor Tewalt noted that Mr. Waltz should get in touch with Mrs. Salins regarding the EDA bond matter.

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

CONSENT AGENDA ITEMS – (NONE)

PUBLIC HEARING – Ordinance Amendment to Repeal Chapter 9-1 and Re-Enact in its place “Buildings and Maintenance Codes” and Amend Chapter 145 by Relocating Chapter 9-2 (1st Reading)

Summary: Council is requested to affirm on its first reading an Ordinance to Repeal Chapter 9-1 *“Removal, Repair, etc. of Certain Buildings and Structures”* and Re-Enact in its place *“Buildings and Maintenance Codes”* and Amend Chapter 145 *“Structures, Dangerous”* by Relocating Chapter 9-2 *“Removal, Repair Etc. of Buildings and Other Structures Harboring Illegal Drug Use”* to 145-4, as presented. If approved, Chapter 9-1 would be amended in its entirety, replacing it with: Article 1: Building Code Regulations, providing for the administration and enforcement of the mandatory provisions of the Uniform Statewide Building Code including Part 1 (Construction Code) and Part II (Rehabilitation Code); Article 2: Maintenance Code Regulations, adopting optional provisions of the Uniform Statewide Building Code including the Part III (Virginia Maintenance Code) without a rental inspection program; and Article 3: General, containing general administration and enforcement provisions of Chapter 9. This amendment reserves the Town’s right to establish a Town Building Department and a Local Board of Building Code Appeals (LBBCA); and designates the County of Warren to administer the building code, as previously established by an agreement in 1983, until such time that the Town may establish a building department. Chapter 9 would be further amended by relocating Article 9-2 *“Removal, Repair Etc. of Buildings and Other Structures Harboring Illegal Drug Use”* to Chapter 145-4.

Note: At the September 10, 2018 regular meeting, Council approved Property Maintenance Code Enforcement Option C and authorized the advertisement of a Public Hearing to amend the Town Code.

Mayor Tharpe opened the public hearing.

Letasha Thompson, of 203 Jamestown Road, stated her concerns with disrepairs and the poor landlord performance and encouraged Council to pass the ordinance. She stated that some have stated that it is not an issue being rich or poor, though she opined that it actually is. She encouraged Council to pass a rental program to protect individuals from slumlords and address property maintenance issues. She expressed thanks to Councilman Morrison for his ongoing work with the matter and his willingness to address the needs of the community.

Melanie Salins, of 95 Murrays Drive, read the following statement into the record:

I read the charter of Front Royal today. The issue is addressed in Chapter V. “powers of council”. The ninth paragraph gives you the right to compel abatement of nuisance properties—at the expense of the person causing them. And the Twenty-seventh paragraph grants council additional powers to remedy blighted buildings.

The Charter also gives duties to the counsel with regard to the fire department. It makes specific reference to unsafe buildings and trash. I support the brave men and women who volunteer to protect us all from fires—the least we can do is ensure they are not further endangered by unstable and collapsing buildings that are prone to fire.

I keep hearing we can't afford the property maintenance ordinance, but it seems to me it is your DUTY to uphold these laws. Would you find it acceptable to not fulfill other duties to uphold other laws? What if we started turning a blind eye to theft and drug dealing too? How do you pick and choose which laws are worthy of your enforcement when you took an oath to uphold all of them? Not to mention, the expense will be placed on the property owner. And as I pointed out earlier, the EDA gave away \$75k each year by waiving fees. Find that money if you need money.

The 14th paragraph says you will “suppress houses of ill-fame”. I would say drug houses and hotels are “ill fame”. This directly relates to the opiate epidemic plaguing the area. This maintenance ordinance directly addresses those slum lords who are INVITING drug dealers into our town. As a land lord, MY lease specifically addresses drug dealing by laying out specific clauses for immediate termination due to drug activity. But it appears some slum lords in this town have no care or concern about what takes place inside their properties. They prefer the rent paid in **cash** and then turn a blind eye. They have no guilt, or shame, about their role in the drug game, and what it's costing our town and the tax payers.

The Twenty-fifth paragraph says. To do all things whatsoever necessary and expedient, to pass all ordinances.... Key word here is EXPEDIENT. Last meeting, there was a lot of talk about ponds and learning to walk before we run. But our charter requires you to be EXPEDIENT, and this has NOT been expedient.

I recently had the opportunity to walk around Front Royal and speak to local business owners and residents about property maintenance. The hard-working people are fed up! These are your constituents—your votes are supposed to represent what THEY want. Landlords are refusing to make repairs for the businesses renting from them. Some of these repairs—like broken sewer pipes—endanger the health and safety of the general public. Successful businesses make our town successful, so we should want to support these local businesses. One landlord was quoted as saying “I rent you 4 walls.” Meaning, that as long as those 4 walls are standing, his job is done. WHY does the landlord think it's not his job to maintain his property? Because our local government is failing to make him meet his responsibilities. Your constituents are asking you—make these property owners fulfill their responsibilities. You need to cast your vote in favor of a maintenance code because your constituents want you to.

David Silek, of 165 Hickerson Hollow Road, stated that no one likes to live next to poorly tended to properties and the availability of the nuisance law would be helpful. He encouraged the Council to fix up “craphole” places that are constantly involved in drug infested places. Mr. Silek noted that the Town Council is responsible for the safety of the first responders by not cleaning up the terrible places.

William Huck, of 409 E. Main Street, stated that if the Town can use the nuisance law then they should use it, and over a 1,000 new homes will be built and the Council should clean the Town up and the citizens are saying they will not take the derelict structures. He stated that he has a problem structure next to his and they are on every street corner in the community and something needs to be done and he encouraged Council to pass the ordinance through and stop

fighting the matter. Mr. Huck added that there were health issues and the issues multiplied and no one in the community wanted the problems.

Stevi Hubbard, of 1169 Elm Street and Director of Habitat for Humanity, asked about the section in the proposed ordinance regarding the “illegal drug use/buildings.” Mr. Napier stated that it would broaden the ordinance; Ms. Hubbard noted that it seemed to restrict the ordinance. Mr. Napier stated that she seemed to misunderstand the wording. Ms. Hubbard stated that those in poor housing have sleep disturbances and other health issues and those with drug problems lived in poor housing most of their lives. She noted that safe and adequate housing is paramount to every community.

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

Councilman Connolly moved, seconded by Councilman Morrison that affirm on its first reading an Ordinance to Repeal Chapter 9-1 “Removal, Repair, etc. of Certain Buildings and Structures” and Re-Enact in its place “Buildings and Maintenance Codes” and Amend Chapter 145 “Structures, Dangerous” by Relocating Chapter 9-2 “Removal, Repair Etc. of Buildings and Other Structures Harboring Illegal Drug Use” as 145-4 as presented.

Vice Mayor Tewalt noted that he is in favor of the ordinance to address the dilapidated building matter but not the property maintenance portion, and he expressed concern with the notation stating that it would not have any cost. He added that the Town is making the ordinance so broad and he would like to only move forward with funding in place to address covering costs of the matter.

Councilman Sealock noted that the cost showing “zero” is inaccurate and to pass an ordinance with no money behind it would equal no enforcement. He stated that they have been working on the matter for many years but they only received approval to move forward with the matter legally since July 1st. Mr. Sealock added that when the Town moves on an issue, they have to have funding in place to make it happen. He stated that the Town is going to pass it with no dollars attached to fund the program.

Councilman Connolly thanked the speakers at this meeting and at the last. He noted that the responses have been insightful and matters have been reviewed and read into deeply. Mr. Connolly stated that even landlords have been positive towards the property maintenance code.

Councilman Morrison stated that the program is necessary, money or not. He noted that recall that when he was on Council the Town put aside funding for the program and now was the time to begin.

Vote: Yes – Connolly, Gillispie, Meza, Morrison and Sealock
 No – Tewalt
 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 World Polio Day

Summary: Council is requested to approve a Proclamation proclaiming Wednesday, October 24, 2018 as World Polio Day in the Town of Front Royal, as presented.

Councilman Gillispie moved, seconded by Vice Mayor Tewalt that Council approve a Proclamation proclaiming Wednesday, October 24, 2018 as World Polio Day in the Town of Front Royal, 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)

WORLD POLIO DAY PROCLAMATION



ROTARY INTERNATIONAL PROCLAMATION



WHEREAS, Rotary International, founded on February 23, 1905 in Chicago, Illinois USA, is the world’s first and one of the largest non-profit service organizations; and

WHEREAS, there are over 1.2 million Rotary club members comprised of professional and business leaders in over 35,000 clubs in 200 countries and geographic areas; and

WHEREAS, the Rotary motto “Service Above Self” inspires members to provide humanitarian service, encourage high ethical standards, & promote good will and peace in the world; and

WHEREAS, Rotary in 1985 launched PolioPlus and spearheaded the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF & the Bill & Melinda Gates Foundation to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, to date, Rotary has contributed more than US\$1.8 billion and countless volunteer hours to the protection of more than two and a half billion children in 122 countries; and

WHEREAS, Rotary is currently working to raise an additional \$50 million per year, which would be further leveraged for maximum impact by an additional \$100 million annually from the Gates Foundation.

WHEREAS, these efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents; and

WHEREAS, in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$8 billion to the effort; and

WHEREAS, there are over 140 Rotarians in two clubs in Front Royal & Warren County sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities, and abroad.

Therefore, the Front Royal Town Council do hereby proclaim **Wednesday, October 24, 2018** as **World Polio Day** in Front Royal and encourage all citizens to join myself and Rotary International in the fight for a polio-free world.

APPROVED:  ATTEST:

Hollis L. Tharpe
Honorable Mayor

Jennifer E. Berry
Clerk of Council

COUNCIL APPROVAL – Reconsider Decision Pertaining to Waiver of Curb and Gutter at 419/423 Luray Avenue – Susan Wines

Summary: Council is requested to reconsider their decision pertaining to the waiver of Curb and Gutter at 419/423 Luray Avenue from owner of the two properties, Susan Wines. On August 27, 2018, Council *approved the waiver of curb and gutter at 419 & 423 Luray Avenue as requested for a period of five (5) years following the completion of construction with respect to each one of the homes on each lot, or upon the offer of sale of each home to another party, other than the current owners; and, that the current owners execute a written contract and recordable form suitable to the Town Attorney suitable to the terms hereof to the Town with respect to each lot and home as a condition of this waiver, otherwise this waiver could be null and void. Council amended the motion to include the filing of a lien at the courthouse (rather than a “recordable contract”) on both lots for the installation of the curb & gutter.* Mrs. Wines is currently requesting that the recorded contract/lien be placed on her current resident at 16 E. 17th Street so she can sell 419/423 Luray Avenue. The Town Attorney has concurred that by mutual agreement of all the owners of 16 E. 17th Street, Council can substitute 16 E 17th Street as security for the cost of the curb and gutter work at 419/423 Luray Avenue and not use the Luray Avenue as the security for the work.

Note: Staff has given an estimate of approximately \$8,600 to complete the curb/gutter work in-house at 419/423 Luray Avenue. Mrs. Wines has been notified of this information.

Councilman Connolly moved, seconded by Councilman Gillispie, that Council rescind their decision made on August 27, 2018, pertaining to the waiver of Curb and Gutter at 419/423 Luray Avenue from owner of the two properties, Susan Wines. He further move that Council approve a mutual agreement between all the owners of the property located at 16 E. 17th Street and the Town of Front Royal, stating that the property owners enter into a promissory note to pay a sum for the cost of the curb and gutter work to be installed at 419/423 Luray Avenue, secured by a Deed of Trust (mortgage) lien on the 16 E. 17th Street property for which is due and payable in (5) years either monthly or annually, contingent upon the property owners ensuring, in writing, that if a mortgage currently exists on the 16 E 17th Street property that there would be no issues if a second Deed of Trust is issued on the property.

Councilman Connolly noted that with a lien on the property the construction loan could not process through, which was not Council’s intent – to stall the project. Vice Mayor Tewalt voiced his disagreement with going against the Town’s ordinance as presented.

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

There being no further business, the Mayor declared the meeting adjourned 7:44 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council