

The regular meeting of the Town Council of the Town of Front Royal, Virginia was held on February 13, 2012, in the Warren County Government Center’s Board Meeting Room. Mayor Darr 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 Timothy W. Darr  
Councilman Thomas E. Conkey  
Councilman Carson C. Lauder, Jr.  
Councilman N. Shae Parker  
Councilman Thomas H. Sayre  
Councilman Hollis L. Tharpe  
Town Manager Steven M. Burke, P.E.  
Town Attorney Douglas W. Napier  
Clerk of Council Jennifer E. Berry, CMC

**ABSENT:** Vice Mayor Chris W. Holloway

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

*Councilman Parker moved, seconded by Councilman Tharpe, that Council approve the Regular Council Meeting minutes of January 23, 2012 with Mr. Sayre’s suggested changes noted below.*

- Add “and” right before “an unconstitutional and unjust granting” on page 1;
- Religious institutions “be compelled,” instead of “will be compelled” on page 2.

Vote: Yes – Conkey, Lauder, Parker, Tharpe and Sayre  
No – N/A  
Abstain – N/A  
Absent – Holloway  
(Mayor Darr did not vote as there was no tie to require his vote)

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**RECEIPT OF PETITIONS OR CORRESPONDENCE FROM THE PUBLIC**

Timothy Ratigan, of 341 Church Street, explained that he was an employee of a Catholic organization protesting the Obama Administration’s Health & Human Services mandate that forces individuals and organizations to violate their religious principles. He stated that even after they had offered an accommodation, he opined that it was unacceptable. Mr. Ratigan stated that First Amendment rights were being violated and the mandate was unconstitutional. He noted that if the Federal Government could violate constitutional rights of one religious sect, then perhaps they would do the same to other groups. Mr. Ratigan voiced that God given rights were being taken away. He stated that most understand that there was very little that the local Council could do with regard to Federal mandates, though perhaps a resolution could be sent to Washington.

Gene McGuirk, of 252 Chestnut Hill Drive, stated that the new Health & Human Services mandate was a violation of the First Amendment, which prevents the government from prohibiting the free exercise of religion, including practice in their everyday living. Mr. McGuirk stated that allowing individuals to live by the teachings of his or her own church was valuable and the new mandate was an attempt to force Americans to violate their consciences, most of which were formed by the teachings of their religions. Mr. McGuirk stated that the mandate

was not just an issue for Catholics, nor was it just Catholics complaining. He stated that some exceptions were granted, though other religious institutions, such as colleges and charities were not exempted at first. He voiced his concern with some organizations offering products and services that may violate their consciences, and he reviewed examples of individuals that also were in protest to the Obama Administration's mandates.

**REPORT OF THE MAYOR, COUNCIL & STAFF**

Mr. Burke:

- Announced that the water line contractors may begin installing water lines on 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> Streets soon and asked that signs and flaggers be obeyed for the safety at all;
- Stated that the Tree Replacement Program would be held this Friday, February 17<sup>th</sup> at the Visitor's Center and encouraged all to attend;
- Noted that the next Monday, February 20<sup>th</sup> was a Town holiday, President's Day and reported the adjustments in the refuse and recycling collection schedule;
- Congratulated Capt. Werner on his graduation from the University of Louisville Southern Police Institute Command Officer's Development Course, which is an advanced training opportunity for command officers; and
- Announced that Janice Hart has received national accreditation as a Crime Prevention Specialist.

Councilman Parker noted that several Town and County representatives were in attendance at Local Government Day in Richmond recently. He stated that they met with three delegates and a senator to share the Town's concerns regarding upcoming legislation. Mr. Parker added that he now could see the benefits of having three delegates rather than two, though at first he had not been in favor of the change. He noted that two representatives from the Northern Shenandoah Valley Regional Commission (NSVRC) attended as well.

Councilman Parker requested that potential Town Charter changes be reviewed during an upcoming worksession. He asked that each Council packet contain a copy of the Charter this week.

Councilman Sayre explained that he also attended Local Government Day and they had discussed a bill that had previously passed the House and said bill refers to back taxes to 2009. He noted that the bill would state that the Town's prior elections would need to be paid for by the Town. Mr. Sayre stated that he hoped the Town's delegates and Senator Obenshain would assist the Town on the matter. He voiced his support of having elections in November.

Councilman Sayre noted that he met the Mayor of Blacksburg and they had moved their election to November in odd years. He stated that Mr. Napier had spoken with Senator Obenshain regarding eminent domain. Town Attorney Napier explained that he and Senator Mark Obenshain had discussed matters relating to eminent domain and the payment by local governments and possible damages due to loss profits of property owners. Mr. Napier assured Council that after discussing the matter with Senator Obenshain, it was his understanding that the bill would actually be much more reasonable.

Councilman Sayre noted that Councilman Conkey had previously stated that he was unsure what local governments could do regarding oversimplified scare tactics, referring to his (Mr. Sayre's) comments about the Health & Human Services mandate to have religious organizations ~~to~~ violate their consciences. Mr. Sayre stated that Mr. Conkey had noted that he could not comprehend the Federal Government to compel religious organizations to distribute anything. Mr. Sayre then read an example relating to the selection of ministers, which he felt was similar to his initial concern regarding President Obama.

Councilman Conkey clarified that he did not mention selecting ministers. Mr. Conkey stated his weariness with the federal politics being weighed at the local level, as the Town has enough matters to handle at this time. Councilman Conkey stated that he did not feel the Council should waste time attempting to address a matter that they had no control over.

Councilman Conkey stated that, with all due respect to Catholics in the community that believe deeply that President Obama is doing something that is inappropriate, he would not address the matter.

Councilman Conkey voiced his support of the Town Charter review and amendments, specifically that the names placed on the ballot are by petition only and the elections in the Town remain non-partisan as well. He referred to a couple of attacks recently on the election process.

Councilman Conkey noted that the Town had been speaking with the County regarding the Route 522 Corridor and the County had thrown roadblocks into the discussion process. Mr. Conkey opined that they needed to make a decision as to whether to boundary adjust or annex property into the Town, adding that it was up to the County to provide a viable reason why the County will not favor a boundary adjustment. Mr. Conkey added that a friendly boundary adjustment will not cost the tax payers any money or cost the County any revenue, though should the County opt to go the annexation route, then the Town and the County would have to pay huge legal fees. He stated that those that have invested heavily into the water and wastewater plants in the community deserve the chance to share in the prosperity that said plants created for the community. Mr. Conkey stated that the County boundary adjust or prepare for annexation.

Mayor Darr noted that he attended the Bucks for Brogan event held last Saturday and it was exceptionally well done. He thanked the community and their overwhelming support to the Brogan family, adding that every citizen should be proud of the town we live in.

Mayor Darr noted that he and Councilman Tharpe, along with their wives, attended the NAACP event recently in honor of Black History Month at Mt. Vernon Baptist Church. He thanked those that organized the event, noting that it was a great evening for all.

Mayor Darr read the plaques given to the Town and the Police Department on behalf of Steve and Maggie Sill, the organizers of Christkindlmarkt. Mr. Sill also presented a check to the Police Foundation as well. The Town Council voiced their appreciation to the Sills for their efforts for the entire community.

Steve Sill, organizer of the Christkindlmarkt event, noted that success of their event was due greatly to the Town Staff and specifically Mr. Burke and the Police Department as well. He

noted that he was pleased to provide some of proceeds from Christkindlmarkt to the Police Foundation.

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

*Councilman Parker moved, seconded by Councilman Conkey, that Council postpone discussion on the Consent Item #7A - Resolution for VIPs until the next regular Council meeting.*

Vote: Yes – Conkey, Lauder, Parker, Tharpe and Sayre  
No – N/A  
Abstain – N/A  
Absent – Holloway  
(Mayor Darr did not vote as there was no tie to require his vote)

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**CONSENT AGENDA:**

- A. ~~COUNCIL APPROVAL – Resolution Including Volunteers in Police Services (V.I.P.S) as Employees for Insurance Purposes~~
- B. COUNCIL APPROVAL – Proclamation for “disability Awareness Week” – Access Independence, Inc.
- C. COUNCIL APPROVAL – Proclamation/Endorsement for “Youth Art Month” – Warren County Public Schools & Blue Ridge Arts Council (BRAC)
- D. COUNCIL APPROVAL – Local Government Challenge Grant Application from Virginia Commission for the Arts (VCA) for Blue Ridge Arts Council (BRAC)
- E. **Pulled for General Vote & Discussion** – Proclamation Recognizing the Blue Ridge Arts Council’s (BRAC) 25<sup>th</sup> Anniversary
- F. COUNCIL APPROVAL – Budget Amendment for Appalachian Trail Conservancy Grant
- G. COUNCIL APPROVAL – Letter of Support for Southeast Rural Community Assistance Project, Inc. (Southeast RCAP) for HOME Application

*Councilman Parker moved, seconded by Councilman Tharpe, that Council discuss and present the 25<sup>th</sup> Anniversary Proclamation to the Blue Ridge Arts Council located on the Consent Agenda Item as a regular matter for vote.*

Vote: Yes – Conkey, Lauder, Parker, Tharpe and Sayre  
No – N/A  
Abstain – N/A  
Absent – Holloway  
(Mayor Darr did not vote as there was no tie to require his vote)

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*Councilman Conkey moved, seconded by Councilman Tharpe, that Council approve the Consent Agenda sans Items A & E.*

Vote: Yes – Conkey, Lauder, Parker, Tharpe and Sayre  
No – N/A  
Abstain – N/A  
Absent – Holloway  
(Mayor Darr did not vote as there was no tie to require his vote)  
(By Roll Call)

∞ PROCLAMATION: disAbility Awareness Week ∞

**disABILITY AWARENESS WEEK**

**WHEREAS**, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

**WHEREAS**, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment and

**WHEREAS**, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

**WHEREAS**, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

**WHEREAS**, family, friends and neighbors play a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of Virginians with disabilities; and

**WHEREAS**, millions of people in the United States have disabilities, and with the increasing age of our population, Virginians and Americans must learn more about the special needs and abilities of this growing population; and

**WHEREAS**, agencies and organizations throughout Virginia participate in disability awareness programs during “*disAbility Awareness Week*” to enhance public understanding of and appreciation for the limitations and abilities of people living with disabilities;

**NOW, THEREFORE**, I Timothy W. Darr, Mayor of the Town of Front Royal and members of the Front Royal Town Council, do hereby proclaim the week of APRIL 14 – April 20, 2012, as “*disABILITY AWARENESS WEEK*”, and I call this observance to the attention of all our citizens, and I urge all residents to honor this occasion.

∞ PROCLAMATION: YOUTH ART MONTH ∞

**YOUTH ART MONTH**

**WHEREAS**, art education contributes powerful educational benefits to all elementary, middle and secondary students including the following;

- \* art education develops students’ creative-problem-solving and critical thinking abilities;
- \* art education teaches sensitivity to beauty, order, and other expressive qualities;
- \* art education gives students a deeper understanding of multi-cultural values and beliefs;

- \* art education reinforces and brings to life what students learn in other subjects; and
- \* art education interrelates student learning in art production, art history, art criticism, and aesthetics, and

**WHEREAS**, our national leaders have acknowledged the necessity of including arts experiences in all student’s education; and,

**THEREFORE, BE IT RESOLVED** that support should be given to art teachers as they attempt to strengthen art education in their schools and communities; and,

**NOW THEREFORE**, it is proclaimed that March be observed as **“YOUTH ART MONTH”**.

All citizens are urged to take interest in and give full support to quality school art programs for children and youth.

**NOW THEREFORE**, I Timothy W. Darr and members of the Town Council, do hereby proclaim March 2012 as **“YOUTH ART MONTH”**.

∞ ENDORSEMENT: YOUTH ART MONTH ∞

**YOUTH ART MONTH  
ENDORSEMENT**

**WHEREAS**, art education contributes powerful educational benefits to all elementary, middle and secondary students including the following;

- \* art education develops students’ creative-problem-solving and critical thinking abilities;
- \* art education teaches sensitivity to beauty, order, and other expressive qualities;
- \*art education gives students a deeper understanding of multi-cultural values and beliefs;
- \* art education reinforces and brings to life what students learn in other subjects; and
- \* art education interrelates student learning in art production, art history, art criticism, and aesthetics, and

**WHEREAS**, our national leaders have acknowledged the necessity of including arts experiences in all student’s education; and,

**WHEREAS MARCH** is officially recognized as “YOUTH ART MONTH”, I, on behalf of the Front Royal Town Council, endorse the Observance of Youth Art Month and encourage the support of quality school art programs for children and youth.

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**COUNCIL APPROVAL** – Proclamation Recognizing the Blue Ridge Arts Council’s (BRAC) 25<sup>th</sup> Anniversary

*Councilman Parker moved, seconded by Councilman Tharpe, that Council approve a proclamation proclaiming the 25<sup>th</sup> Anniversary of BRAC in the Town of Front Royal.*

Councilman Parker thought they deserved full recognition for their work they have invested into the community after their 25 years in Front Royal.

Councilman Sayre noted that BRAC was a rich additive to the community. He stated that the BRAC location was always filled with children and artists exhibiting their work as well. Mr. Sayre thanked Ms. Crump for her efforts.

Councilman Conkey stated that they became involved with BRAC many years earlier and there were certain things that defined a community and the arts program in this community was very well done. He congratulated BRAC for their ongoing superb outreach to the citizenry.

Mayor Darr read the proclamation for BRAC’s 25<sup>th</sup> Anniversary in the Front Royal community and presented Ms. Crump with the plaque honoring their work.

Vote: Yes – Conkey, Lauder, Parker, Tharpe and Sayre  
No – N/A  
Abstain – N/A  
Absent – Holloway  
(Mayor Darr did not vote as there was no tie to require his vote)  
(By Roll Call)

☞ PROCLAMATION: Blue Ridge Arts 25<sup>th</sup> Anniversary ☞

***Blue Ridge Arts Council  
Celebrating 25 Years of Service***

**WHEREAS**, the Blue Ridge Arts Council is a non-profit organization licensed by the Virginia State Corporation Commission with a 15-member community based board; and

**WHEREAS**, the mission of the Blue Ridge Arts Council is to provide a broad base of support for the visual and performing arts, in all segments of the community, by increasing awareness, interest, knowledge and participation; and

**WHEREAS**, the Blue Ridge Arts Council has been incorporated since 1987 and has continuously brought innovative, high quality arts programs, activities and events to the community and known as a “a cultural mainstay in the community; and,

**WHEREAS**, in 2012, the Blue Ridge Arts Council will proudly celebrate 25 years of service to the community;

**NOW, THEREFORE**, the Mayor and Town Council of the Town of Front Royal, hereby proclaim and congratulate the Blue Ridge Arts Council for 25 years of service to the Town of Front Royal.

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**PUBLIC HEARING: Setting of Real Estate and Personal Property Taxes for FY 2012-2013 (1<sup>st</sup> Reading)**

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

*Councilman Parker moved, seconded by Councilman Conkey that Council affirm on its first reading the real estate tax rate at 11 cents per \$100 assessed value, and the personal property tax rate at 64 cents per \$100 for FY 2012-2013.*

Councilman Parker noted that the Town was waiting to hear the County’s response regarding the assumption of the library funding. He stated his intent to recommend a reduction in the personal property tax rate at the next meeting.

In response to questions from Councilman Sayre, Mrs. Breeden stated that the used vehicle information from the County would not be received until mid-March. She added that the real estate assessments would most likely hold firm as there was not any reassessment.

Vote: Yes – Conkey, Lauder, Parker, Sayre and Tharpe  
No – N/A  
Abstain – N/A  
Absent – Holloway  
(Mayor Darr did not vote as there was no tie to require his vote)  
(BY ROLL CALL)

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**COUNCIL APPROVAL: An Ordinance to Enact Town Code Section 4-27(C) to Regulate Social Media (2<sup>nd</sup> Reading)**

*Councilman Parker moved, seconded by Councilman Tharpe, that Council adopt on its second reading an Ordinance to Enact Front Royal Town Code 4-27(C) to Regulate Social Media.*

Vote: Yes – Conkey, Lauder, Parker, Sayre and Tharpe  
No – N/A  
Abstain – N/A  
Absent – Holloway  
(Mayor Darr did not vote as there was no tie to require his vote)  
(BY ROLL CALL)

**⌘ ORDINANCE: Regulating Social Media ⌘**

**An Ordinance To Enact Town Code 4-27 (C) Social Media**

**WHEREAS**, the Town establish communication with our citizens utilizing the current internet based methods, and;

**WHEREAS**, the Town recognizes that communication utilizing internet methods involves a number of potential issues.

**NOW THEREFORE, BE IT ENACTED** by the Town Council of the Town of Front Royal, Virginia, that Chapter 4-27.C of the Front Royal Town Code is hereby enacted as follows:

**4-27(C) Social Media**

The Town Manager shall oversee all communication commonly referred to as “Social Media” given the following regulations:

1. The Town’s Facebook, Twitter, or other “Social Media” communications are operated by the Town under the direction of the Town Manager.
2. The Town reserves the right, at the sole discretion of the Town Manager, to change, modify, add, or delete comments, photos, or videos at any time. The following is a list of justifications for deletion of comments, photos, or videos by the Town Manager or designee, but is not exhaustive:
  - a. Comments, photos, or videos associated with unlawful activity
  - b. Comments, photos, or videos that contain offensive or vulgar language
  - c. Comments, photos, or videos that contain personal attacks on staff, Town Council, or members of the public
  - d. Comments, photos, or videos that contain political endorsements of any kind
  - e. Comments, photos, or videos that contain commercial solicitation or advertisement
3. The Town has the right to reproduce any pictures or videos to this site in any of its publications or websites or any other media outlets.
4. The Town shall not share information gathered through its “Social Media” with third parties for promotional purposes.
5. The views, postings, or opinions expressed through “Social Media” do not necessarily reflect those of the Town of Front Royal.

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**COUNCIL APPROVAL: An Ordinance to Enact Town Code Section 142-20 to Regulate Town Banner Poles (2<sup>nd</sup> Reading)**

*Councilman Parker moved, seconded by Councilman Tharpe, that Council affirm on its first reading an ordinance to enact Front Royal Town Code 142-20 to regulate Town Banner Poles.*

Councilman Parker asked if further information had been gathered regarding his request to relocate the John Marshall Highway poles. Mr. Burke stated that the crews continued to evaluation locations, though at this point they are unable to determine another suitable site.

Councilman Sayre noted that he was still not certain that they would need five days within the ordinance in order to contact the Town office for banner scheduling, adding that he would be in favor of three days perhaps. Mr. Burke noted that it was within the Town’s best interest to afford ample opportunity to the organizations.

Councilman Parker noted that he was having issue with understanding why Mr. Sayre was not in favor of giving the organizations more time to request their dates. Councilman Sayre noted that he had spoken with the Chamber, for example, and they had noted that 24 hours was adequate.

Councilman Conkey voiced that reducing the timeframe to three days as Mr. Sayre's suggested would be harder on the organizations.

Mr. Burke stated that the poles now allow two banners to be displayed, and they have had no issues with conflicting banner requests. He noted that the Town Staff recommends allowing five days rather than 24 hours would allot them more time to contact the Town.

Vote: Yes – Conkey, Lauder, Parker, Sayre and Tharpe  
No – N/A  
Abstain – N/A  
Absent – Holloway  
(Mayor Darr did not vote as there was no tie to require his vote)  
(BY ROLL CALL)

⌘ **ORDINANCE: Banner Poles** ⌘  
**An Ordinance To Enact Front Royal  
Town Code 142-20 Town Banner Poles**

**WHEREAS**, the Town has installed utility poles intended to display banner message along our arterial roads, and;

**WHEREAS**, the Town desires to establish regulations for use of such banner displays.

**NOW THEREFORE, BE IT ENACTED** by the Town Council of the Town of Front Royal, Virginia, that Chapter 142-20 of the Front Royal Town Code is hereby enacted as follows:

**142-20            Town Banner Poles**

The Town has installed banner poles at various locations on arterial roads to inform citizens and visitors of civic events. Reservation of space to display a banner shall be regulated as follow.

6.     Applications to display banners shall be submitted to the Town Manager and shall include the following information:

1.     Name of Requesting Organization
2.     Contact Name
3.     Contact Phone Number
4.     Requested Dates for display
5.     Banner Message and Description of Display

- 7. Applications shall be accepted beginning January 1 for placement in that year.
- 8. Priority of display shall be granted to the Chamber of Commerce Wine & Craft Festival and to the Warren County Heritage Society Festival of Leaves subject to request being received within the first five (5) business days of January. Similar priority shall be granted to organization requests for events conducted at the same time period for at least five (5) consecutive years.
- 9. Display shall be for up to fourteen (14) calendar days. Extensions of up to fourteen (14) calendar days may be requested thirty (30) days prior to the approved date for display if no other display requests have been approved.
- 10. Banners size shall be a maximum of thirty (30) feet long by three (3) feet tall. Organizations requesting banner display shall be responsible to ensure banner can be connected to the existing hardware installed by the Town.
- 11. Banners shall be constructed of heavy-duty canvas, plastic tarpaulin material, or netting. Metal grommets shall be imbedded near each of the four corners and along the top and bottom edges. The top and bottom edges shall have at least six grommets. Wind-relief flaps or other wind pressure release options shall be evenly distributed throughout the banner.
- 12. In the event that display date requests conflict, the Town Manager or designee shall determine resolution of conflict. Display requests determined by the Town Manager or designee can be appealed to Town Council a minimum of forty-five (45) days prior to the requested date for display.

**CLOSED MEETING – 1) Consultation with Legal Counsel and 2) Personnel Matters**

*Councilman Parker moved, seconded by Councilman Tharpe, that Council convene and go into Closed Meeting for the purpose of 1) specific legal matters requiring the provision of legal advice by counsel, pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia; and, 2) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of a public body, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia.*

Vote: Yes – Conkey, Lauder, Parker, Sayre and Tharpe  
 No – N/A  
 Abstain – N/A  
 Absent – Holloway  
 (Mayor Darr did not vote as there was no tie to require his vote)

*Councilman Parker moved, seconded by Councilman Tharpe, that 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 during 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 – Conkey, Darr, Lauder, Parker, Sayre and Tharpe  
No – N/A  
Abstain – N/A  
Absent – Holloway

(BY ROLL CALL)

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There being no further business, the Mayor declared the meeting adjourned at 8:12 p.m.

APPROVED:

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Jennifer E. Berry  
Clerk of Council