

The SPECIAL meeting of the Town Council of the Town of Front Royal, Virginia was held on Monday, November 17, 2008, in the Town Hall Third Floor Conference Room, commencing at 8:01 p.m.

PRESENT: Mayor Eugene R. Tewart
Vice Mayor Bret W. Hrbek
Councilman Thomas H. Sayre
Councilman Carson C. Lauder, Jr.
Councilman Thomas E. Conkey
Councilman Chris W. Holloway
Councilman N. Shae Parker
Town Manager J. Michael Graham
Town Attorney Thomas R. Robinett
Clerk of Council Jennifer E. Berry

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

In response to questions from the Council, Town Attorney Robinett explained that the vote to go into a Special Meeting did not have to be unanimous, but rather simple majority; as every member of Council was present.

Vice Mayor Hrbek moved that Council convene a Special Meeting at the present time to discuss the Council's appointment of Councilman N. Shae Parker.

Councilman Conkey noted that if Council would not be moving forward with a matter, they would be stating publicly that they would not be doing anything. He opined that such a statement would cause problems to arise. Mr. Conkey stated that the door would then be opened to the problem.

Councilman Conkey explained that the Council seemed to feel that they had not appointed Mr. Parker in error, though the Attorney General may think that the Council had. He stated that the current Special Meeting would be placing Council's position into the public record; said position that Council would not be acting on the issue. Mr. Conkey stated that he would not vote for calling the Special Meeting.

Councilman Sayre stated that those who vote in the negative could not bring the matter back to the table at a later meeting. Mr. Robinett agreed that Mr. Sayre was accurate.

Vice Mayor Hrbek noted that Council had not voted whether to go into the Special Meeting as of yet. He explained that the upcoming vote would be whether to convene the Special Meeting. Mr. Hrbek voiced his support of convening the Special Meeting in order to bring closure to the appointed versus elected position regarding Mr. Parker. He stated that Council did not create the commotion, but rather Delegate Athey had.

Vote: Yes –Holloway, Hrbek and Sayre
No – Conkey and Lauder
Abstain – Parker

Absent – N/A
(Mayor Tewalt did not vote as there was no tie to require his vote)
(To Convene A Special Meeting)

Vice Mayor Hrbek moved that Council authorize the Town Attorney to go to the Circuit Court to appoint N. Shae Parker as a member of the Town Council.

Vice Mayor Hrbek noted that he made the motion in the positive, though he would be voting against the matter. He stated that the Council did not create the problem at hand as they had acted within their appropriate legal framework and timeframe in Mr. Parker's appointment. Vice Mayor Hrbek commented that by going to the Circuit Court the Council would be essentially acknowledging that they had acted in error. Councilman Holloway expressed his concurrence with the opinion of Mr. Hrbek.

Councilman Conkey voiced his disagreement with Mr. Hrbek. He noted that he would prefer to see the matter fully resolved. Mr. Conkey stated that the Council should be pro-active by approaching the Circuit Court on the appointment of Mr. Parker. He explained that the Town could then be assured of Mr. Parker's position with the Town.

Councilman Lauder reiterated Council's trust of Mr. Parker, adding that they appointed him and he works well with the Council. Mr. Lauder stated that Council did not need anyone attempting to remove Mr. Parker, as he had earned his position with the Council.

Councilman Parker noted that as the vote pertained to him directly, he would abstain from the matter.

Vote: Yes – Conkey and Lauder
No – Holloway, Hrbek and Sayre
Abstain – Parker
Absent – N/A
(Mayor Tewalt 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 at 8:11 p.m.

APPROVED:

Jennifer E. Berry
Clerk of Council